

Wood County Board of Developmental Disabilities

POLICY

Policy #: 01-ALL-ALL-0047
Effective Date: 10-10-89
Person Responsible: Human Resources Coordinator

Subject: Drug Free Workplace
Last Revision: 12-18-2023

Approvals/Date: Brent Chasen 12/18/23 Superintendent, WCBDD
Martha Wojcik 12/18/23 Board President, WCBDD

The following definitions will apply:
Controlled Substance - Including but not limited to any narcotic drug, cocaine, or any of its derivatives, hallucinogenic drug, amphetamine, barbiturate, marijuana and alcohol, or any other substance defined as such in Chapters 3719 and/or 2925 of the Ohio Revised Code and specifically ORC. 3719.01 (D), 3719.40 and 3719.41 as may be amended from time to time.
Conviction - For the purposes of this policy, when any person has been found guilty of a misdemeanor or felony violation in any alcohol or drug related area, whether or not they appear in a court.
Crime - Includes both misdemeanors and felonies in violation of any federal, state, or local laws.
Drug - In this context, any controlled substance and alcohol.
Extended Workplace - Any site or location of a Board approved activity which is not directly owned/operated by Board but where services are rendered by employees/volunteers, i.e., parks, consumer's living facilities, recreational facilities, public buildings, etc.
Notice/Publish - The statements as contained in this policy, and the related procedure, shall serve as "notice" and "publication" to all employees and volunteers and duly notifies same that the workplaces, shall be drug and alcohol free, and all controlled substances identified by law are prohibited.
Obligation of Reporting - "If an employee becomes aware in the course of the employee's employment of a violation by a fellow employee of any state or federal statute, any ordinance or regulation of a political subdivision, or any work rule or company policy of the employee's employer and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety, a felony, or an improper solicitation for a contribution, the employee orally shall notify the employee's supervisor or other responsible officer of the employee's employer of the violation and subsequently shall file with that supervisor or officer a written report that provides sufficient detail to identify and describe the violation".
Marijuana -including medical or adult use cannabis

It shall be the policy of the Wood County Board of Developmental Disabilities to prohibit the unlawful manufacture, distribution, dispensation, possession, or use of controlled substance in the workplace, extended workplace, or location of every Board approved activity. The employees and volunteers shall be subject to the "Fit for Duty" 01-ALL-ALL-0048 requirements at all times. In addition, all employees shall be subject to the Corrective Action Guidelines pertinent to offenses of this nature and the specified action that will be taken against employees for violation of such prohibitions. A Drug Free Awareness Program shall be established to inform employees about: 1) The dangers of drug abuse in the workplace; 2) The Board policy of maintaining a drug free workplace; 3) Any available drug counseling, rehabilitation, and employee assistance programs; and 4) The penalties that may be imposed upon employees for drug abuse.

The Board has a zero-tolerance policy for employees who are under the influence of illegal drugs and/or alcohol while at work. For purposes of this policy, employees who use medical marijuana pursuant to a medical marijuana card under ORC chapter 3796 or who use, possess, or distribute adult use cannabis in compliance with ORC Chapter 3780 are not exempt from this policy in any way. The use of marijuana in any form, with or without a card or compliance with Ohio law, will be treated the same as the use of all other controlled substances, illegal drugs, or the abuse of legal drugs.

The Board is not required to permit or accommodate an employee's use, possession, or distribution of either medical marijuana or adult use cannabis. The Board is permitted by law to refuse to hire, discharge, discipline, or otherwise take an adverse employment action against an individual with respect to hire, tenure, terms, conditions, or privileges of employment with the Board because of that individual's use, possession, or distribution of either medical marijuana or adult use cannabis. An employee's use, possession or distribution of adult

use cannabis in the Board's buildings and on the Board's grounds is prohibited, and employees are not permitted to use medical marijuana or adult use cannabis while on lunch or other breaks.

The Board shall satisfy mandates to "publish" and/or "give notice" to all employees by disseminating this policy/procedure to all staff, new hires and volunteers. With the "publication" of this policy/procedure a condition of employment is hereby activated and set in force, i.e., as a condition of employment each employee (and volunteer) must agree to: 1) Abide by terms of this policy and related procedure in all respects; 2) Notify the employer of any personal criminal drug or alcohol statute conviction for a violation occurring in the workplace or outside the workplace no later than five (5) days after such conviction, and; 3) Abide by ORC 4113.52 (A)(3) (see definitions - Obligation of Reporting).

With the adoption of this policy, the Board shall comply with the laws and notify federal contracting agencies or grant sources within ten (10) days after receiving notice from the convicted employee; or otherwise receiving notice of the conviction, providing employee convicted is engaged in performance of a federal grant.

Any employee violating this policy is subject to discipline, up to and including removal. As an alternative to disciplinary action, or in conjunction with disciplinary action, the Appointing Authority may require the employee who violates the terms of this policy to satisfactorily participate in a drug/alcohol rehabilitation program, approved by the Board, at the employee's expense. If the employee fails to satisfactorily participate in such a program, the employee shall be non-renewed or terminated at the discretion of the Board and/or Appointing Authority in accordance with prescribed administrative regulations and procedures.

This policy places an obligation of reporting on all employees and requires employees who are aware of a fellow employee's conviction of controlled substance inside the workplace to so notify the employer. If an employee fails to adhere to this obligation, he/she shall be subject to disciplinary action in the same manner as if the individual were guilty of committing the act themselves. Obligation of reporting convictions is also applicable for all volunteers.

For any and all incidents/concerns relevant to drug/chemical use/abuse within the program, confidentiality of all matters will be kept. However, any legal documentation of conviction, in house disciplinary actions/investigation shall be an integral part of an employees' permanent, personnel record, as established and maintained per policy 01-ALL-ALL-0024 and procedures 02-ALL-ALL-0139 and 02-ALL-ALL-0054.

References: Drug Free Workplace Act of 1988, Section 4804  
Anti-Drug Abuse Act of 1988  
Federal Drug Free Act of 1989, 54 CFR. 4946 (1989)  
Ohio Revised Code 5126.05 (A)  
Office of Wood County Prosecuting Attorney 87-126 and 89-094  
Ohio Revised Code 4113.52 (A)(3)  
Black's Legal Dictionary

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