

Wood County Board of Developmental Disabilities

PROCEDURE

Procedure #: 02-ALL-ALL-0287 (HR)
Effective Date: 10-10-89
Person Responsible: Human Resources Coordinator

Subject: Drug Free Workplace
Last Revision: 07-29-2024

Approvals/Date: [Signature] 8/14/24 Superintendent, WCBDD Date
[Signature] 7/29/24 Department Director/Coordinator Date

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 procedure, when any person has been found guilty of a misdemeanor or felony violation in any alcohol or drug related area, whether or not they appeared in 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 Work Place- 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, INDIVIDUAL'S LIVING FACILITIES, recreational facilities, public buildings, etc.
Fit for Duty - The ability to perform tasks as outlined in the job description in a responsible manner.
Notice/Publish - The statements as contained in this procedure (and the related policy) shall serve as "notice" and "publication" to all employees and volunteers and duly notifies same that the work places 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 his 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 his employer and the employee reasonably believes that the violation either 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 or is a felony, the employee orally shall notify his supervisor or other responsible officer of his 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."
Work Place - Is defined to mean the site for the performance of work done in connection with a Federal grant. And, more specifically work place is defined as any facility, building or office which the Wood County Board of DD owns or leases or operates in its daily business functions or operates for the sole purpose of providing services to individuals with developmental disabilities.
Marijuana -including medical or adult use cannabis

- 1. All current and new employees will be given a copy of this Drug Free Work Place procedure.
2. This procedure will be posted in each facility in a conspicuous place and remain as a permanent posting.
3. The work place will be free of evidence of any illegal drug or alcoholic substance. The possession, and/or the suspect use of any drug or alcohol will be immediately subject to corrective action guidelines. The procedure shall be enforced while on Board time and on work place or extended work place premises.
4. If a supervisor believes, based on observable behaviors and/or through investigation determines that the employee is not "fit for duty", the supervisor shall relieve the employee of duties (sign out) and request the person remain on the premises until the employee can be escorted to the testing site, tested and a pre-disciplinary conference with an appropriate manager can be arranged.
5. If the employer, as a result of an investigation, determines the employee is "unfit for duty", the employee will be immediately placed on the appropriate leave. An Unusual Incident Report and Employee Incident Report should be filled out and forwarded to the appropriate persons.
6. If an employee is determined to be in possession of or under the influence of illegal drugs or alcohol during working hours or on board premises the appropriate disciplinary decisions shall be rendered within 30 days from the notification of the incident to appropriate authority.

7. The employee may be mandated to satisfactorily participate in a drug/alcohol rehabilitation program, at the employee's expense. Upon completion the employee must present proof of satisfactory completion of program prior to approval to return to work. If employee fails to present proof of completion within the predetermined time frame, the employee shall be non-renewed or terminated by the appointing authority.
8. All employees are obligated to report to their immediate supervisor, in writing, of any personal criminal drug statute conviction within five days after the conviction.
9. Every employee and volunteer shall notify their immediate supervisor, in writing, of the knowledge of any criminal drug or alcohol statute conviction by any other employee or volunteer of the Board occurring in the work place. The informant shall be immune from corrective action, unless directly involved.
10. The obligation of reporting shall also include reporting, in writing, of any use/abuse or any illegal drug or alcohol when employee reasonably believes such use/abuse occurred in the work place.
11. A drug and alcohol-free awareness program will be a part of ongoing education for the employees.
12. Prescription and non-prescription drugs are not banned from the work place. However, employees are strongly advised to report the usage of medication to your supervisor especially if the employee is operating a Board owned or private vehicle to transport individuals. A supervisor may request more specific information on the involved prescription and request a "fit for duty" slip. This is in accordance with policy 01-ALL-ALL-0048.
13. Any employee who feels their functioning is impaired as a result of a non-prescription or a prescription drug, he/she shall make such fact known to the appropriate Supervisor. The appropriate Supervisor shall determine if the employee is fit-for-duty and shall document his/her decision and place in the Personnel File. If the employee determines they are not fit-for-duty, they may notify their employer that they are sick.
14. 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.

References:

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

Policies: 01-ALL-ALL-0048
01-ALL-ALL-0047
01-ALL-ALL-0051

Forms: 03-ALL-ALL-0455

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