

**Multnomah Education
Service District**

Code: **GBCBA**
Adopted: 12/7/83; 5/15/90
Readopted: 9/20/94; 10/18/05
Orig. Code(s): 3281; 3890; 4800

Alcohol/Controlled Substance Use

The manufacture, delivery, possession or use of a controlled substance, drug paraphernalia, alcohol or alcohol paraphernalia by any employee, except as authorized by Oregon Revised Statutes, is prohibited at any time, including non-school hours, at any MESD work site. In enforcing this prohibition, MESD officials may only make a search or seizure related to a violation of this policy which is permitted by law. An employee who violates this rule is subject to disciplinary action, including suspension and discharge.

The authorized use of a controlled substance by an employee at any MESD work site is not prohibited. The authorized use of a controlled substance by an employee at any MESD work site is subject to remedial action by MESD where such use negatively affects job performance or creates a risk of injury to any person.

Remedial action should be corrective, not disciplinary, in nature, although suspension may be included in the action and discharge may result where an employee fails to comply with the action or correct the effect on job performance or risk of injury.

Definitions:

1. "Alcohol" means any alcoholic beverage containing more than one-half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by a human being.
2. "Authorized" means (1) that a person who manufactures or delivers a controlled substance must be registered with the State Board of Pharmacy or (2) that a person who possesses or uses a controlled substance must have a prescription that allows such possession or use.
3. "Controlled substance" means a drug or its immediate precursor as described in Oregon Revised Statutes.
4. "Deliver" or "delivery" means the actual, constructive or attempted transfer, other than by administering or dispensing, from one person to another of a controlled substance, or alcohol, whether or not there is an agency relationship.
5. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, or alcohol, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

6. “Possession” means to physically possess or otherwise to exercise dominion or control over a controlled substance or alcohol.
7. “Remedial action” is a response which attempts to eliminate the negative effect on job performance or the risk of injury.
8. “Use” means to consume by ingestion, injection, inhalation or any other means, in whole or in part, a controlled substance or alcohol, including being under the influence of either.
9. “Work site” means any building, structure, vehicle or property (including parking lots), or part thereof, owned or possessed by MESD or any other location at which an employee is to perform work for MESD. “Any other location” includes the place of a MESD-sponsored or MESD-approved activity, and the employee’s own vehicle when used to transport students or fellow employees to and from an activity sponsored or approved by MESD and when used to transport fellow employees to and from different work sites following initial arrival at work.

END OF POLICY

Legal Reference(s):

[ORS Chapter 475](#)

[ORS 657.176](#)

[ORS 659.840](#)

[ORS 659A.300](#)

[OAR 581-024-0245](#)

[OAR 581-053-0015](#)

[OAR 581-053-0545\(4\)\(c\)\(R\)-\(T\)](#)

[OAR 581-053-0550\(5\)\(q\)-\(s\)](#)

[OAR 584-020-0040](#)

[OAR 839-006-0200 to -0265](#)

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).