

TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 3.17

DRUG-FREE WORKPLACE

A. PURPOSE:

This policy is designed to educate and inform all Trumbull County Board of Developmental Disabilities employees of the Board's zero tolerance for the use of alcohol or drugs in the workplace.

B. POLICY:

It is the policy of the Trumbull County Board of Developmental Disabilities to provide a workplace free of alcohol and drugs and to take reasonable measures to ensure that employee alcohol or drug abuse does not exist. The Board realizes that a successful policy may combine education, counseling, assistance and/or discipline up to and including termination.

1. Education and Training:

- a. The Board will publish a statement notifying employees that it is unlawful to manufacture, distribute, dispense, possess, use or work under the influence of a controlled substance in any Board owned/operated location, including vehicles. This statement will place employees on notice that disciplinary action will be taken if the Board discovers an employee to be in violation of this policy.
- b. The Board shall establish a drug-free awareness program and annually inform employees about:
 1. The danger of drug/alcohol abuse in the workplace.
 2. The Board's policy of maintaining a drug-free workplace.
 3. Any available drug and alcohol counseling rehabilitation and employee assistance programs, and
 4. The action which the Board will take against employees for violating this policy.

2. Marijuana (medical or adult use cannabis)

- a. The Board has a zero-tolerance policy for employees who are under the influence of illegal drugs and 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.

- b. The Board is not required to permit or accommodate an employee's use, possession or distribution of either medical marijuana or adult use cannabis.
 - c. 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.
 - d. 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.
3. Conditions
- a. As a condition of employment, each employee shall abide by the terms of the drug-free workplace statement.
 - b. Any employee convicted (for purposes of this policy pleading guilty has the same effect as a conviction) of violating a criminal drug statute, or convicted of violating a drug/alcohol statute that results in a misdemeanor of the first degree and a felony on subsequent offenses shall provide written documentation to the Human Resources department within five (5) days.
 - c. Within (10) days of receiving actual notice that an employee has been convicted of any of the aforementioned, the Board is required by the federal Drug Free Workplace Act to notify the Ohio Department Developmental Disabilities of this fact. Within thirty (30) days of receipt of such notice, the Board shall:
 - 1. Terminate the employee for cause if the conviction is for dispensing, trafficking, distributing, or manufacturing.
 - 2. An employee not subject to termination as specified above, will be required to satisfactorily complete a drug/alcohol abuse assistance program or rehabilitation program of the Board's choosing.
 - a. Failure to satisfactorily complete the program will result in termination for cause of the employee.
 - b. As a further condition of employment, the employee must agree to random drug/alcohol testing for a period of twenty-four (24) months upon their successful completion of the program and return to work.
 - c. Any further convictions will result in termination for cause.
 - d. If the Superintendent, upon the recommendation of the department director and the Director of Human Resources, has reasonable suspicion that any of the qualifying criteria in (1)(a) of this policy has been violated by an employee, the Superintendent can require that such an employee undergo drug/alcohol testing.

1. If the employee refuses such testing, the employee will be immediately terminated for cause.
2. If the employee's test is positive, the employee will be terminated.
 - b. If an employee has an accident while operating a Board insured vehicle, the employee will be required to submit to a drug/alcohol test. Such test will be within two (2) hours, but no later than eight (8) hours, of the accident, the employee will remain in the care, control and custody of their immediate supervisor, and the provisions of (d)(1) and (d)(2) apply. Failure to comply within the required time period will result in termination.
4. Any disciplinary action that results from violation of this policy will be consistent with the disciplinary policies set forth by the Board and as agreed under the collective bargaining agreement.

Adopted: 1/26/98
Revised: 10/30/2000
Revised: 12/21/2009
Revised: 12/12/2023



Superintendent



Board President