

DRUG FREE WORKPLACE POLICY

(U.S. Drug Free Workplace Act of 1988; Governor's Executive Order 89-2)

State agencies, boards, commissions, and institutions must certify that they follow the U.S. Drug Free Workplace Act of 1988. All new hires are required to read ASMSA's drug-free workplace policy and acknowledge in the Workday Learning system review and understanding of said policy.

To promote a healthy, safe, and productive work and learning environment, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance (including being under the influence of a controlled substance), in ASMSA's workplace or while on duty is prohibited. Any employees violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

Any employee who uses, possesses, gives or in any way transfers a controlled substance, or is determined to be under the influence of a controlled substance, while on duty or on ASMSA premises will be subject to discipline up to and including termination.

The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and 21 CFR Section 1308.11-1308.18. Generally, there are drugs which have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and "crack." They also include legal drugs which are not prescribed for the individual using them by a licensed physician.

All employees must report to their supervisor and/or Human Resources, within 24 hours or at the earliest possible opportunity thereafter, any criminal arrests, criminal charges, criminal convictions, or other dispositions, excluding misdemeanor traffic offenses punishable only by fine.

All employees are required to abide by the terms of this policy as a condition of employment. If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the School may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.

ASMSA reserves the right to require employees to submit to a drug test for specific positions and/or suspicion-based testing. Refusal to submit to drug screening, or screening results that indicate abuse of drugs or alcohol, is cause for termination or withdrawal of an offer for employment.

1. Medical Marijuana Statement

The Arkansas Medical Marijuana Amendment of 2016 ("MMA") legalized medical use of marijuana under State law for individuals who have a written certification of a qualifying medical condition from a physician and have registered with the Arkansas Department of Health ("qualifying patients"). Marijuana remains illegal under Federal law. In addition,

there are limits on the use and possession of medical marijuana by qualifying patients under State law.

- a. Notwithstanding any state constitutional or statutory provisions permitting the use of medical marijuana, ASMSA is subject to and will continue to comply with the federal Drug Free Workplace Act of 1988 and Drug Free Schools and Communities Act Amendments of 1989. ASMSA will also comply with applicable state laws and regulations.
- b. Medical marijuana in any form shall not be possessed or used on the ASMSA campus or in ASMSA-owned or leased space, including housing, or at any school-sponsored events or activities.
- c. All employees remain prohibited from possessing, smoking, ingesting, or otherwise engaging in the use of, or being under the influence of, marijuana or other controlled substances on school property, during working hours, or while operating a vehicle or equipment owned or leased by ASMSA. Employees who violate the drug-free workplace policy remain subject to disciplinary action, up to and including termination of employment.
- d. Any employee may be required to submit to drug testing if there is a reasonable suspicion the employee is impaired from marijuana or other substances while on duty.
- e. In the event an employee tests positive for marijuana and is a qualifying patient, the Office of General Counsel will be consulted before action is taken.
- f. ASMSA shall not discriminate against an applicant or employee in hiring, termination, or any condition of employment based on past or present status as a qualifying patient. For specified positions, a pre-employment substance abuse test may be required for employment.