

EMPLOYMENT LAW

Q:

How does Washington's legalization of marijuana impact my zero-tolerance drug policy?

A:

Last year, voters in Washington passed an initiative to legalize recreational use and possession of marijuana in that state. Workplaces in the greater Portland area may be impacted to the extent employees from Washington come to work in Oregon under the influence. The good news for employers is that the new law does not require employers to modify their drug policies, in part, because marijuana remains illegal under federal law. Under the current state of the law, employers are free to enforce policies which prohibit the use or possession of marijuana in the workplace, including application of zero-tolerance policies which provide for the termination of employees who test positive. Nevertheless, employers may want to update their drug policies and communicate to employees that marijuana is still prohibited.

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