

Workers can still be fired for using legal marijuana

In July 2015, recreational marijuana use will become legal in Oregon for adults 21 and over. But there's a hitch: Adults can use marijuana, but employers can still fire them for doing it.

Ballot Measure 91, which legalized recreational marijuana, specifically left untouched private prohibition by employers or landlords. Nonunion employers can impose whatever workplace drug policies they want. Union employers must negotiate drug policies with the union. But under federal law, employers in transportation and employers that have federal contracts have no choice: They must have workplace drug policies. And under that federal regulatory regime, marijuana continues

to be one of five tested-for drugs (along with amphetamines, cocaine, opiates and PCP).

Paul Loney, a Portland attorney who specializes in marijuana law, says workers need to know their employer's policy. Some conduct random drug tests, while others test only after an accident or on suspicion of intoxication. And when a test comes back positive, some discipline or fire an employee, while others send them for counseling or treatment.

In hazardous working environments, it's reasonable for employers to want workers to be sober. The problem is, the standard-issue drug tests don't actually show intoxication, Loney says:

"They don't test for impairment; they test for metabolites."

U.S. Rep. Earl Blumenauer (D-Oregon), one of the biggest advocates of reforming federal marijuana law, says employees subject to workplace drug policies shouldn't risk sanctions in the workplace. But he thinks federal marijuana prohibition will be history by 2020. By then, most states will have more relaxed policies, and the federal government will reclassify marijuana to bring government policy more in line with common sense.

"Right now, according to the federal government, marijuana is more dangerous than methamphetamine or cocaine," Blumenauer told the Labor

Press. "That's crazy."

Since 1972, marijuana has been classified — along with heroin and LSD — as a Schedule I Controlled Substance, meaning that it has a "high potential for abuse" and possesses "no currently accepted medical use in treatment in the United States."

Blumenauer has urged the Obama

Administration to use its legal authority to reclassify marijuana, but so far, the president has refused.

"It's well known that marijuana is less dangerous than tobacco," Blumenauer said, "and it's used by about 20 million people every month in America. Prohibition has failed, just like alcohol prohibition failed."

Quote of the Month

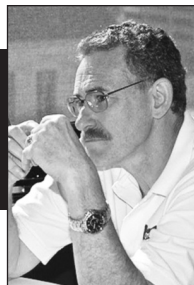
"The real story of the election's campaign finance chapter was not which side had more resources, but that such a large chunk of the cost was paid

for by a small group of ultra-wealthy donors using outside groups to bury voters with an avalanche of spending."

RUSS CHOMA
CENTER FOR RESPONSIVE POLITICS
Nov. 5, 2014

Who's On Our Side?

By Tom Chamberlain



On the afternoon of Nov. 4, I began to follow election returns from across the United States. The news wasn't good.

The Blue Tide that swept across America in 2008 on President Obama's coattails was ebbing. Democrats who had won Senate seats in Republican states lost big. Throughout the night, swing states such as Colorado elected Republicans. All in all, eight U.S. Senate seats flipped from blue to red, as did 13 U.S. House of Representative seats and three governorships.

These results aren't surprising when you start to evaluate the 2014 election. America's governing bodies — from the U.S. Senate to state legislatures — became more conservative because working people didn't go to the polls. After eight years of President Bush's profit-at-any-cost agenda, six years of Congressional stagnation, and the rise of corporate domination of the political process, working people stayed home.

They didn't go to the polls because they felt their vote didn't matter. They were turned off by the millions of dollars spent on negative advertising. Only 36.3 percent of eligible voters made it to the polls nationwide.

While America was becoming more conservative, in a small corner of the Pacific Northwest, a state became more progressive. The most noticeable difference? 69.5 percent of registered voters participated in the 2014 election in Oregon.

Why is that?

Some say it is because we vote by mail. But Colorado and Washington are vote-by-mail states, and their voter turnout was just slightly

above the national average.

Some say that ballot measures drove voter turnout. Five states had minimum wage on the ballot, and Alaska, Arkansas, Illinois, Nebraska and South Dakota all exceeded the national turnout. But none came near Oregon's turnout numbers.

Why is it that Oregon has moved progressively left since the mid-1990s when Republicans controlled both chambers and Democrat John Kitzhaber was governor? Was it the migration of tech jobs into Washington County, once a Republican stronghold that now votes consistently progressive? Is there something else turning outlying parts of our purple state blue?

I believe Oregon's success is a combination of factors that includes vote by mail, takes into account Washington County turning blue, and acknowledges the content of our ballot measures.

But it's more than that.

What separates Oregon from the rest of the country is that we have learned to fight together.

Billionaires bought the airwaves to fight GMOs, push the top-two primary, and support Monica Wehby and Dennis Richardson. This is not strange territory for Oregon. We always seem to be in someone's electoral gun sights. Tax reform, restrictions on marriage, limiting workers' rights, all have been on the Oregon ballot with mixed results.

Oregon is a cheap media market and attracts all manner of millionaire crackpots. This constant election year attack has forged a strong alliance within Oregon's progressive community. We know that while it may not be our fight this year, it could be our fight next year.

Environmentalists, immigrant rights, choice and basic rights activists, unions and working people — we've all banded together to share resources, develop strategies, and fight an ongoing onslaught of conservative ballot measures.

The 2014 election cycle was Oregon at its best, carrying the message door to door, on the phone, in the workplace and through the mail. Our combined efforts made a difference.

Since 2010, the Oregon AFL-CIO has not contributed to candidates but, instead, invested in our infrastructure. We've created the largest ground game in the state — complete with call sectors, weekly canvasses, worksite programs, and Working America.

This year we hired on-the-ground staff in Bend, Medford, Corvallis and Eugene to establish our program across the state, and it paid off. Thirty percent of our calls and walks were done outside the Portland area. Sara Gelsler and Alan Bates won hard-fought State Senate elections in Corvallis and Medford — two regions where our ground game was on the move.

We as a progressive movement should be proud of what we have accomplished. But we should also remember that we won because we kept our egos in check. We won because we fought together. We won because we realize the future of our state and our nation rests in the hands of the people, not corporations and billionaires.

Tom Chamberlain is president of the Oregon AFL-CIO.

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