

DRUG AND ALCOHOL-FREE WORKPLACE

The Governing Board believes that the maintenance of a drug- and alcohol-free workplaces is essential to staff and student safety and to help ensure a productive and safe work and learning environment..

An employee shall not unlawfully manufacture, distribute, dispense, possess, use any controlled substance in the workplace. (Government Code 8355; 41 USC 8103)

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, on duty means while an employee is on duty during both instructional and noninstructional time in the classroom or workplace, at extracurricular or cocurricular activities, or while transporting students or otherwise supervising them. Under the influence means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.

A school district workplace is any place where school district work is performed, any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

The Superintendent or designee shall notify employees of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 8103)

An employee shall abide by the terms of this policy and shall notify the district, within five days, of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 8103)

The Superintendent or designee shall notify the appropriate federal granting or contracting agency within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 8103)

In accordance with law and the district's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local public health or law enforcement agency or other appropriate agency.

Drug-Free Awareness Program

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 8103)

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1. The dangers of drug abuse in the workplace
2. The district's policy of maintaining a drug-free workplace
3. Available drug counseling, rehabilitation, and employee assistance programs
4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace

Legal Reference:

EDUCATION CODE

- § 44011 Controlled substance offense
§ 44425 Conviction of sex or narcotic offense
§ 44836 Employment of certificated persons convicted of controlled substance offenses
§ 44940 Compulsory leave of absence for certificated persons
§ 44940.5 Procedures when employees are placed on compulsory leave of absence
§ 45123 Employment after conviction of controlled substance offense
§ 45304 Compulsory leave of absence for classified persons

CALIFORNIA GOVERNMENT CODE

- §§ 8350-8357 Drug-Free Workplace

UNITED STATES CODE, TITLE 20

- §§ 7111- 7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

- § 812 Schedule of controlled substances

CODE OF FEDERAL REGULATIONS, TITLE 21

- §§ 1308.01-1308.49 Schedule of controlled substances

UNITED STATES CODE, TITLE 41

- §§ 8101-8106 Drug Free Workplace Act

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NOTICE TO EMPLOYEES**

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee at a school district workplace to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in 21 U.S.C. § 812 et seq.

"School district workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function such as a field trip or athletic event, where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

As a condition of your continued employment with the district, you will comply with the district's policy on Drug and Alcohol-Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

In taking disciplinary action, the Board shall require termination when termination is required by law. When termination is not required by law, the Board shall either take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate and complete a drug assistance or rehabilitation program approved by federal, state or local health, law enforcement or other appropriate agency. The Board's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements, and district policies and practices.

Pursuant to California Education Code §§ 44836 and 45123, the Board may not employ or retain in employment persons in public school service who have been convicted of any controlled substance offense as defined in California Education Code § 44011. If a person's conviction for a controlled substance offense as defined in Section 44011 is reversed and the person is acquitted of the offense in a new trial or the charges against him or her are dismissed, this section does not prohibit his or her employment thereafter.

Pursuant to California Education Code § 45123, the district may employ for classified service a person who has been convicted of a controlled substance offense if the governing board determines, from the evidence presented, that the person has been rehabilitated for at least five years. The Board shall determine the type and manner of presentation of the evidence, and the Board's determination as to whether or not the person has been rehabilitated is final.

Pursuant to California Education Code § 44425, whenever the holder of any credential issued by the State Board of Education or the Commission on Teacher Credentialing has been convicted of a controlled substance offense as defined in California Education Code § 44011, the commission

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shall immediately suspend the credential. Pursuant to California Education Code § 44065, the district may not employ noncertificated persons in positions requiring a certificate. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him or her are dismissed, the commission immediately shall terminate the suspension of the credential. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (California Education Code § 44425)

Pursuant to California Education Code §§ 44940 and 45304, the district must immediately place on compulsory leave of absence any employee charged with an offense involving aiding or abetting the unlawful sale, use or exchange to minors of certain-controlled substances.

Pursuant to California Education Code §§ 44940 and 45304, the district may immediately place on compulsory leave of absence any employee charged with certain controlled substance offenses.

A list of drug and alcohol counseling, rehabilitation, and/or assistance programs are available in the Human Resources Department.