



## PERSONNEL – ALL EMPLOYEES

### BOARD POLICY – DRUG AND ALCOHOL-FREE WORKPLACE

BP 4020

The County Board of Education and the County Superintendent of Schools believe that the maintenance of a drug- and alcohol-free workplace 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, or 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 non-instructional time in the classroom or workplace, at extracurricular or co-curricular 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 the employee's job.

The County Superintendent of Schools or designee shall notify employees of the SBCEO'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 SBCEO within five days of their conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 8103)

The County Superintendent of Schools 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 SBCEO's collective bargaining agreements, the County Superintendent of Schools 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 County Superintendent of Schools or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 8103)

1. The dangers of drug abuse in the workplace
2. The SBCEO'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

**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

Ed. Code 44011  
Ed. Code 44425  
Ed. Code 44836

Ed. Code 44940  
Ed. Code 44940.5

Ed. Code 45123  
Ed. Code 45304  
Gov. Code 8350-8357

**Description**

Controlled substance offense  
Conviction of a sex or narcotic offense  
Employment of certificated persons convicted of controlled substance offenses  
Compulsory leave of absence for certificated persons  
Procedures when employees are placed on compulsory leave of absence  
Employment after conviction of controlled substance offense  
Compulsory leave of absence for classified persons  
Drug-free workplace

**Federal**

20 USC 7111-7117  
21 CFR 1308.01-1308.49  
21 USC 812  
41 USC 8101-8106

**Description**

Safe and Drug Free Schools and Communities Act  
Schedule of controlled substances  
Schedule of controlled substances  
Drug-Free Workplace Act

**Management Resources**

Court Decision

Court Decision

Website  
Website  
Website

**Description**

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381  
Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920  
[California Department of Education](#)  
[California Department of Health Care Services](#)  
[U.S. Department of Labor](#)

ADOPTED BY COUNTY BOARD: October, 1989

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