Drug and Alcohol-Free Workplace

Adopted: 12/19/1989 **| Last Revised:** 02/04/2025 **| Last Reviewed**: 02/04/2025

The Board of Education believes 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, posses, or use any controlled substance in the workplace.

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 their job.

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.

An employee shall abide by the terms of this policy and shall notify the district, within five days of their conviction for violation in the workplace of any criminal drug statute.

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.

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 health or law enforcement or other appropriate agency.

Drug-Free Awareness Program

The Superintendent or designee shall establish a drug-free awareness program to inform employees about:

1. The dangers of drug and alcohol abuse in the workplace.
2. The district's policy of maintaining drug-free workplaces.
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 Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References:

STATE

EDUCATION CODE

44011 Controlled substance offense

44425 Conviction of a sex or narcotic offense

44836 Employment of certificated persons convicted of sex offense or controlled substance offense

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

GOVERNMENT CODE

8350-8357 Drug-free workplace

FEDERAL

UNITED STATES CODE

20 USC 7111-7117 Safe and Drug Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS

21 CFR 1308.01-1308.49 Schedule of controlled substances

UNITED STATES CODE

21 USC 812 Schedule of controlled substances

41 USC 8101-8106 Drug-Free Workplace Act

MANAGEMENT RESOURCES

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD (2009) 171 Cal.App.4th 381

Ross v. RagingWire Telecommunications, Inc. (2008) 42 Cal.4th 920

WEBSITES

CSBA District and County Office of Education Legal Services https://legalservices.csba.org/#

California Department of Education http://www.cde.ca.gov/

California Department of Health Care Services http://www.dhcs.ca.gov/

U.S. Department of Labor http://www.dol.gov/

Policy Adopted:	12/19/1989
Revised:	04/21/1989
Revised:	11/19/2002
Revised:	11/04/2003
Revised:	08/02/2011
Revised:	02/04/2025 (technical)