

TITLE: Drug and Alcohol-Free Workplace	
Approved by: <u> <i>Rob Gregor</i> </u> <i>Rob Gregor, Superintendent of Schools</i>	Series: Personnel Version: 2 Effective Date: 2/6/2026 Previous Policy Date: Unknown Revised By: Committee Policy Number: SP 4020

The County Superintendent 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, 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 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.

The County Superintendent or designee shall:

1. Notify employees of the county’s prohibition against drug use and the actions that will be taken for violation of such prohibition. The notification shall also state that an employee shall abide by the terms of this policy and shall notify the county, within five days of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 8103)

2. Establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 8103)
 - a. The dangers of drug abuse in the workplace
 - b. The County Office’s policy of maintaining a drug-free workplace
 - c. Available drug counseling, rehabilitation, and employee assistance programs
 - d. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace.

3. 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)
4. Initiate disciplinary action within 30 days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement, and county office policy and practices.

In accordance with law and the county’s collective bargaining agreements, the County 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.

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.

State	Description
Ed. Code 44011	<u>Controlled substance offense</u>
Ed. Code 44425	<u>Conviction of a sex or narcotic offense</u>
Ed. Code 44836	<u>Employment of certificated persons convicted of sex offense or controlled substance offense</u>
Ed. Code 44940	<u>Compulsory leave of absence for certificated persons</u>
Ed. Code 44940.5	<u>Procedures when employees are placed on compulsory leave of absence</u>
Ed. Code 45123	<u>Employment after conviction of controlled substance offense</u>
Ed. Code 45304	<u>Compulsory leave of absence for classified persons</u>
Gov. Code 8350-8357	<u>Drug-free workplace</u>
Federal	Description
20 USC 7111-7117	<u>Safe and Drug Free Schools and Communities Act</u>
21 CFR 1308.01-1308.49	<u>Schedule of controlled substances</u>
21 USC 812	<u>Schedule of controlled substances</u>
41 USC 8101-8106	<u>Drug-Free Workplace Act</u>
Management Resources	Description

Management Resources**Description**

Court Decision	Cahoon v. Governing Board of Ventura USD (2009) 171 Cal.App.4th 381
Court Decision	Ross v. RagingWire Telecommunications, Inc. (2008) 42 Cal.4th 920
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	California Department of Health Care Services
Website	U.S. Department of Labor
Cross References	

Code**Description**

3513.4	Drug And Alcohol Free Schools
4032	Reasonable Accommodation
4112	Appointment And Conditions Of Employment
4112.41	Employee Drug Testing
4112.41	Employee Drug Testing
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4159	Employee Assistance Programs
4212	Appointment And Conditions Of Employment
4212.41	Employee Drug Testing
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4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications

Code	Description
4212.9-E(1)	<u>Employee Notifications</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4219.21	<u>Professional Standards</u>
4219.21-E(1)	<u>Professional Standards</u>
4259	<u>Employee Assistance Programs</u>
4312.41	<u>Employee Drug Testing</u>
4312.41	<u>Employee Drug Testing</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4312.9	<u>Employee Notifications</u>
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4319.21	<u>Professional Standards</u>
4319.21-E(1)	<u>Professional Standards</u>
4359	<u>Employee Assistance Programs</u>