San Bernardino County Superintendent of Schools
Policy 4020

DRUG AND ALCOHOL-FREE WORKPLACE

San Bernardino County Superintendent of Schools believes that maintaining a drug- and alcohol-free workplace is essential to school and office operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance, as defined in the Controlled Substances Act and applicable federal regulations, before, during, or after school or office hours at school or in any other County Office workplace.

The County Superintendent of Schools or designee shall:

1. Publish and distribute to or share with each employee a written notice of the above prohibitions. The notice shall specify the actions that may be taken against employees who violate these prohibitions. The notice shall also state that, as a condition of employment, the employee will abide by the terms of this policy and notify the County Superintendent of Schools within five calendar days of any criminal drug or alcohol statute conviction received for a violation occurring in the workplace.

   For purposes of this policy, "conviction" means a finding of guilt, including a plea of *nolo contendere*, the imposition of sentence, or both, by a judicial body charged with determining violations of federal or state criminal drug or alcohol statutes.

2. Maintain an ongoing drug- and alcohol-free awareness program to inform employees about:

   a. The dangers of drug and alcohol abuse in the workplace.
   b. The County Superintendent of Schools policy of maintaining a drug- and alcohol-free workplace.
   c. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs.
   d. The penalties that may be imposed on employees for drug and alcohol abuse violations.

3. Notify the appropriate state and federal granting or contracting agencies within ten calendar days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.

4. Initiate disciplinary action within thirty calendar 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 applicable employment contract, the applicable collective bargaining agreement, and County Office policies and procedures.

5. Make a good faith effort to continue maintaining a drug- and alcohol-free workplace through implementation of this County Superintendent of Schools policy.

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

Approved: September 15, 1994
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