

Superintendent Policy 4020: Drug And Alcohol-Free Workplace

Status: ADOPTED

Original Adopted Date: 04/16/2016 | **Last Reviewed Date:** 04/16/2016

The County Superintendent of Schools 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 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.

The Superintendent of Schools or designee shall notify employees of the County Office of Education's (COE'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 COE, within five days, of his/her 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 COE'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 COE'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

Federal References

| | Description |
|------------------------|--|
| 20 USC 7111-7117 | Safe and Drug Free Schools and Communities Act |
| 21 CFR 1308.01-1308.49 | Schedule of controlled substances |
| 21 USC 812 | Schedule of controlled substances |
| 41 USC 8101-8106 | Drug-Free Workplace Act |

Management Resources References

| | Description |
|----------------|--|
| Court Decision | Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920 |
| Court Decision | Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381 |

Website U.S. Department of Labor - <https://simbli.eboardsolutions.com/SU/XtUknOSZrMFBuhJcJc2k9g==>

Website California Department of Health Care Services - <https://simbli.eboardsolutions.com/SU/slshcbdN8s1slshplus8ePOCd4fpQ7Q==>

Website California Department of Education - <https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

State References

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