

DRUG AND ALCOHOL-FREE WORKPLACE

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.

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

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.

(cf. 4032 - Reasonable Accommodation)

The County Superintendent or designee shall notify employees of the County Office of Education's (SLOCOE) 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 SLOCOE, 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 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 SLOCOE'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.

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4212 - Appointment and Conditions of Employment)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

DRUG AND ALCOHOL-FREE WORKPLACE (continued)**Drug-Free Awareness Program**

The County Superintendent 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 SLOCOE's policy of maintaining a drug-free workplace
3. Available drug counseling, rehabilitation, and employee assistance programs
(*cf. 4159/4259/4359 - Employee Assistance Programs*)
4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace

*Legal Reference:*EDUCATION CODE44011 *Controlled substance offense*44425 *Conviction of controlled substance offenses as grounds for revocation of credential*44836 *Employment of certificated persons convicted of controlled substance offenses*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 CODE8350-8357 *Drug-free workplace*UNITED STATES CODE, TITLE 207111-7117 *Safe and Drug Free Schools and Communities Act*UNITED STATES CODE, TITLE 21812 *Schedule of controlled substances*UNITED STATES CODE, TITLE 418101-8106 *Drug-Free Workplace Act*CODE OF FEDERAL REGULATIONS, TITLE 211308.01-1308.49 *Schedule of controlled substances*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**Management Resources:*WEB SITESCalifornia Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>California Department of Education: <http://www.cde.ca.gov>U.S. Department of Labor: <http://www.dol.gov>