

ALL PERSONNEL

Drug and Alcohol-Free Workplace

***Note: The following policy complies with the Drug-Free Schools and Communities Act Amendments of 1989 and Government Code 8350-8357, added by SB 1120 (Ch. 1170, Statutes of 1990), as well as the Drug-Free Workplace Act of 1988. Government Code 8350-8357 requires state grant recipients to adopt a program similar to that required of prime grantees under the federal Drug-Free Workplace Act. The Drug-Free Schools and Communities Act covers county offices that receive federal funds either directly or indirectly. It applies to all employees rather than just those involved in a federally assisted project and includes alcohol in addition to "controlled substances."

The County Superintendent of Schools believes that the maintenance of drug and alcohol-free workplaces is essential to school and county 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 Code of Federal Regulations before, during or after school hours at any County Office of Education workplace.

The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace.

For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug or alcohol statutes.

2. Establish a drug and alcohol-free awareness program to inform employees about:
 - a. The dangers of drug and alcohol abuse in the workplace;
 - b. The County Office of Education policy of maintaining drug and alcohol-free workplaces;

Policy Adopted:

- c. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed on employees for drug and alcohol abuse violations.
- 3. Notify the appropriate federal granting or contracting agencies within ten (10) days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.
- 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 taking disciplinary action, the Superintendent shall require termination when termination is required by law. When termination is not required by law, the Superintendent shall either take disciplinary action, up to and including termination, 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, law enforcement or other appropriate agency. The Superintendent's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements, and county office policies and practices.

As used in this policy "drug" and "drugs" refer to controlled substances as defined by State and Federal law.

cf: 4117.4 Dismissal
4118/4218 Dismissal/Suspension/Disciplinary Action
4159 Employee Assistance Programs

Legal Reference:

THE DRUG-FREE WORKPLACE ACT OF 1988

Public Law 100-690, 5151-5160

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1989

H.R. 3614

CONTROLLED SUBSTANCES ACT, 202 Schedules I-V, 21 U.S.C., 812

21 CODE OF FEDERAL REGULATION

1300.1-1300.15

Policy Adopted:

EDUCATION CODE

44011 Controlled substance offense

440065 Issuance of credentials

44425 Conviction of controlled substance offenses as grounds
for revocation of credential

44836 Employment of certificated persons convicted persons

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