

DRUG AND ALCOHOL-FREE WORKPLACE

The County Board of Education and County Superintendent believe 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 school or in any other County Office workplace.

The County 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 and 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;
 - c. Any available drug and alcohol counseling, rehabilitation and employee assistance program; 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 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 of Education policy and practices.
5. Make a good faith effort to continue maintaining a drug and alcohol-free workplace through implementation of County Board policy.

In taking disciplinary action, the County Superintendent shall require termination when termination is required by law. When termination is not required by law, the County Superintendent shall either take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate 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’s decision shall be made in accordance with relevant state and federal laws, employment practices, collective bargaining agreements, and County Office policies and practices.

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 REGULATIONS

1300.1-1300.15

EDUCATION CODE

44011 *Controlled substance offense*

44065 *Issuance of credentials*

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 CODE

8350-8357 *Drug-free workplace*