

## Drug-Free Workplace

The Governing Board believes that the maintenance of drug and alcohol-free work places 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 701)

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 Superintendent or designee shall notify employees of the district's prohibition against drug and alcohol use and the actions that will be taken for a violation of such prohibition. An employee will abide by the terms of this policy and notify the district, within five days, of his/her conviction for a violation in the work place of any criminal drug statute. (Government Code 8355; 41 USC 701)

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 701)

1. The dangers of drug abuse in the work place
2. The district's policy of maintaining drug and alcohol-free workplace
3. Any 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

The Superintendent or designee shall notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the work place. (41 USC 701)

In accordance with law and districts collective bargaining agreements, the 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 health, law enforcement agency or other appropriate agency.

(cf. 4112 – Appointment and Conditions of Employment)

(cf. 4117.4 - Dismissal)

(cf. 4118 – Suspension/Disciplinary Action)

(cf. 4112 – Appointment and Conditions of Employment)

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

Legal Reference:

#### EDUCATION CODE

44011 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 CODE

8350-8357 Drug-free workplace

#### UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

#### UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

#### UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

#### CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 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 SITES

California 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>

Policy FRESNO UNIFIED SCHOOL DISTRICT

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