

ALL PERSONNEL

Drug and Alcohol-Free Workplace

The 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.

No employee shall unlawfully manufacture, distribute, dispense, possess, or use any alcohol, drug, or any controlled substance in the workplace.

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 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 stature 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 alcohol-free awareness program to inform employees about:
 - a. The dangers of drug and alcohol abuse in the workplace;
 - b. The SJCOE 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 (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 thirty (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 laws, the appropriate employment contract, the applicable collective bargaining agreement, and SJCOE 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 or designee shall take disciplinary action, up to, and including termination, 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 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 SJCOE policies and practices.

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

- cf:*
- 4032 Reasonable Accommodation
 - 4112 Conditions of Initial Employment
 - 4117.4 Dismissal
 - 4118/4218 Dismissal/Suspension/Disciplinary Action
 - 4159 Employee Assistance Programs

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 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

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

- 8101-8106 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

- 1308.01-1308.49 Schedule of controlled substances

(11/10)