

Policy 4020: Drug And Alcohol-Free Workplace

The ~~Board of Education~~ **Governing Board** believes that the maintenance of a drug- and alcohol-free workplace is essential to ~~school and district operations.~~¶

~~No~~ staff and student safety and to help ensure a productive and safe work and learning environment.

An employee shall ~~not~~ unlawfully manufacture, distribute, dispense, possess, ~~or use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in 21 USC 81 at any school district workplace. These prohibitions apply before, during and after school hours. A school district workplace is any place where school district work is performed, any school owned or school approved vehicle used to transport students to and from school or school activities; any off school sites when accommodating a school sponsored or school approved activity or function where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.~~¶

~~The Superintendent or designee shall notify employees of these prohibitions. 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 **their his/her** job.

The Superintendent or designee shall notify employees of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 702)8103)

An employee shall abide by the terms of this policy and **shall** notify the district, within five days, of ~~any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace. (his/her conviction for violation in the workplace,~~ of any criminal drug statute. (Government Code 8355; 41 USC 702)8103)

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

~~The Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited. A plea or verdict of guilty, a finding of guilt by a court in a trial without a jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction. (Education Code 44836, 45123)¶~~

~~A classified employee may be reemployed after conviction of such an offense if the Board determines, from the evidence presented, that the person has been rehabilitated for at least five years. (Education Code 45123)¶~~

~~The Board may take appropriate disciplinary action, up to and including termination, or~~8103)

In accordance with law and the district's 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,~~public health or law enforcement agency or other appropriate agency.

Substance Abuse Drug-Free Awareness Program

The Superintendent or designee shall establish a drug- and alcohol-free awareness program to inform employees about: (Government Code 8355; 41 USC 8103)

1. The dangers of drug **and alcohol** abuse in the workplace
2. The ~~district~~district's policy of maintaining **drug- and alcohol-free workplaces**
3. **Any available drug and alcohol** counseling, rehabilitation, and employee assistance programs
4. The penalties that may be imposed on employees for drug **and alcohol abuse violations**