

Pierce USD | BP 4020 Personnel

## **Drug And Alcohol-Free Workplace**

The Governing Board 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.

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4213.42/4312.42 - 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 use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 701)

An employee shall abide by the terms of this policy and shall notify the district, within five days, of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 701)

The Superintendent or designee shall notify the appropriate federal granting or contracting 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)

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 public health or law enforcement agency or other appropriate agency.

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4212 - Appointment and Conditions of Employment)

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

### **Drug Free Awareness Program**

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

1. The dangers of drug and alcohol abuse in the workplace

2. The district policy of maintaining a drug- and alcohol-free workplace
3. 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.

#### 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. Raging Wire 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 PIERCE UNIFIED SCHOOL DISTRICT

adopted: September 10, 2009 Arbuckle, California

revised: January 19, 2012

Pierce USD | BP 4159 Personnel

## Employee Assistance Programs

The Governing Board recognizes that school district employees may have problems which can have detrimental effects upon job performance and student safety. The Board encourages employees to seek help when such problems exist and to take advantage of the resources that are available to assist them.

Employees shall have confidential access to information about the district's employee assistance program. This information shall be available to all employees and their spouses and dependents.

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 5131.62 - Tobacco)

Management and supervisory staff shall be knowledgeable about the district's employee assistance program and may counsel employees about the program, as appropriate.

Participation in the assistance program shall not jeopardize an employee's employment or career advancement, nor will it protect the employee from disciplinary action for substandard job performance.

(cf. 4032 - Reasonable Accommodation)

(cf. 4115 - Evaluation/Supervision)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.1/4261.1 - Personal Illness/Injury Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

(cf. 4215 - Evaluation/Supervision)

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

(cf. 4315 - Evaluation/Supervision)

(cf. 4361.1 - Personal Illness/Injury Leave)

Legal Reference:

### EDUCATION CODE

35160 Authority of governing board

35160.1 Broad authority of school districts

44962 Leaves of absence for certificated employees

44964 Power to grant leaves of absence for accident, illness or quarantine

45190-45209 Resignations and leaves of absence for classified employees

GOVERNMENT CODE

8355 Certification to contracting or granting agency; requisites

HEALTH AND SAFETY CODE

104420 Providing information re: smoking cessation program

UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

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adopted: September 10, 2009 Arbuckle, California