

ALL PERSONNEL

Drug and Alcohol-Free Workplace

The maintenance of drug and alcohol-free workplaces is essential to school and County Office operations.

Employees shall be notified of illegal and prohibited drug and alcohol activities and actions. 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 or state criminal drug or alcohol statutes.

A drug alcohol-free awareness program shall inform employees about:

1. The dangers of drug and alcohol abuse in the workplace;
2. The County Office of Education policy of maintaining drug and alcohol-free workplaces;
3. Any available drug and alcohol counseling, rehabilitation, and employee assistance program; and
4. The penalties that may be imposed on employees for drug and alcohol abuse violations.

The appropriate federal granting or contracting agencies shall be notified within ten (10) days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.

Disciplinary action shall be initiated 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 law, the appropriate employment contract, the applicable collective bargaining agreement, and district policy and practices.

Disciplinary action shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements, and district policies and practices.

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

Legal References: See following page

Legal Reference:

41 USC § 701 et seq. Drug Free Workplace Act of 1988

20 USC § 7201 et seq. Drug Free Schools and Communities Act of 1986

21 USC § 801 et seq. Controlled Substances Act

Public Law 107-110 (HRI) No Child Left Behind Act of 2001

21 CFR § 1300.01 et seq. Controlled Substances

EDUCATION CODE

44011 Controlled substance offense

44065 Issuance of and functions requiring credentials

44425 Conviction of controlled substance offenses as grounds
for revocation by commission

44836 Employment of persons convicted of controlled substance offenses

44940 Leave of absence; certificated employee charged with mandatory or
optional leave of absence

44940.5 Compulsory leave of absence; procedures

45123 Employment after conviction of controlled substance offense

45304 Suspension for reasonable cause, filing of charges; employee
charged with mandatory or optional leave of absence offense