

# **OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY**

*Series 4000*

*Personnel*

*BP 4020(a)*

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## **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. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)*

No employee shall 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 non-instructional 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 prohibitions 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 agencies 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 may 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.

*(cf. 4112/4212 – Appointment and Conditions of Employment)*

*(cf. 4117.4 - Dismissal)*

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*(cf. 4118 - Suspension/Disciplinary Action)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

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 workplace
2. The district policy of maintaining drug-free workplaces
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

**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.4<sup>th</sup> 381

Ross v. Raging Wire Telecommunications, Inc., (2008) 42 Cal.4<sup>th</sup> 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>

Adopted: 1-21-92

Amended: 5-2-95, 9-17-02, 4-12-11