

# Santa Barbara Unified School District

## Board Policy

All Personnel

BP 4020

### 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)*

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance or alcohol on district property.

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For the purposes of this policy, *on duty* means when an employee is acting pursuant to their official duties or as a volunteer, during both instructional and non-instructional time in the classroom or workplace, at extra-curricular or co-curricular activities, while transporting students or otherwise supervising them, or at other times. *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 Practices**

The Superintendent or designee shall establish drug-free awareness practices to inform employees about: (Government Code 8355; 41 USC 701)

1. The dangers of drug abuse in the workplace
2. The district's policy of maintaining a drug-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
<u>UNITED STATES CODE, TITLE 20</u>	
7111-7117	Safe and Drug Free Schools and Communities Act

#### UNITED STATES CODE, TITLE 21

812	Schedule of controlled substances
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#### UNITED STATES CODE, TITLE 41

701-707	Drug-Free Workplace Act
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#### CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49	Schedule of controlled substances
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#### COURT DECISIONS

<u>Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381</u>
<u>Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920</u>

### *Management Resources:*

#### WEB SITES

California Department of Alcohol and Drug Programs: <a href="http://www.adp.ca.gov">http://www.adp.ca.gov</a>
California Department of Education: <a href="http://www.cde.ca.gov">http://www.cde.ca.gov</a>
U.S. Department of Labor: <a href="http://www.dol.gov">http://www.dol.gov</a>

SANTA BARBARA UNIFIED SCHOOL DISTRICT

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