

DRUG- AND ALCOHOL-FREE WORKPLACE - ADMINISTRATIVE REGULATIONS

The Superintendent or the Superintendent's designee shall:

- I. Publish and provide each employee with written notice of this policy. This written notice shall specify the personnel actions which shall be taken against employees who violate this policy (see Appendix A). This written notice shall clearly indicate that, as a condition of employment, each employee must:
 - A. agree to abide by this policy and
 - B. agree to inform the employer within five calendar days of any conviction for violation of a criminal drug or alcohol statute, occurring in the workplace.

For the purposes of this policy, a "conviction" shall include findings of guilt and pleas of guilty or nolo contendere. Conviction shall also include the imposition of a fine, sentence or probation under any federal or state drug or alcohol statutes.

The written notice shall also inform employees that the District is required by law to refer any violations of this policy for prosecution by the appropriate state and federal agencies.

- II. Take appropriate disciplinary action, up to and including recommending dismissal, within 30 days of receiving notice of a conviction, as described above.

In all cases, where state and/or federal law requires dismissal for a particular offense, the Superintendent shall immediately recommend such dismissal to the Board of Trustees.

There is no duty on the part of the District to provide Employee Assistance Program (EAP) agreements for employees who are in violation of this policy, however, EAP agreements may be appropriate in some circumstance. If the Superintendent deems an EAP agreement appropriate, the Superintendent is hereby authorized to enter into Employee Assistance Program (EAP) Agreements with employees who are in violation of this policy. An EAP Agreement shall, at a minimum, require that the employee complete or show satisfactory participation in a drug or alcohol assistance or rehabilitation program approved by a federal, state, or local health, law enforcement or other appropriate agency.

- III. Notify the federal or state granting or contracting service within ten days if any employee has been convicted of a criminal drug or alcohol statute violation which occurred in the workplace.

- IV. Refer any employee to the appropriate state or federal agency for prosecution upon discovery of any violation of this policy.
- V. Establish a drug- and alcohol-free awareness program to inform employees about:
 - A. the dangers of drug abuse in the workplace;
 - B. the District's policy of maintaining a drug- and alcohol-free workplace;
 - C. any available drug or alcohol counseling, rehabilitation, and employee assistance programs, and
 - D. the penalties that may be imposed upon employees for drug and/or alcohol abuse violations.
- VI. Utilize appropriate drug and alcohol testing as part of pre-employment physicals. (This procedure may be implemented at the discretion of the personnel director, but is to be uniformly applied.)
- VII. Make a good faith effort to continue to maintain a drug- and alcohol-free workplace through implementation of the above-described policy.

In reviewing and approving any recommendation made by the Superintendent for disciplinary action against an employee for violation of this policy, the Board of Trustees shall take disciplinary action, up to and including dismissal. The Board of Trustees may consider any EAP Agreement that the employee and the Superintendent have reached. In reaching its final decision, the Board's decision shall be made in accordance with all relevant state and federal laws, any employment contracts, collective bargaining agreements and all other District policies and practices.

The Board of Trustees shall fully cooperate with any state or federal agency investigation of known or suspected violations of criminal drug and/or alcohol statutes. If the Superintendent or Superintendent's designee has made a prosecutorial referral for violation of this policy, the Board shall cooperate with the prosecutorial agency in resolving the matter.

Cross Reference: Policy 5140 - Substance Abuse

Legal Reference:

The Drug-Free Schools and Communities Act, Amendment of 1989

Public Law 89-10, Title V, 5145, as added Public Law
101-226, 22(b)(1), Dec. 12, 1989, 103 Stat. 1939

The Drug-Free Workplace Act of 1988

Public Law 100-690, Title V, 5150-5160

Controlled Substances Act

21 U.S.C. 812, 202 Schedules I-V

Code of Federal Regulations

21 C.F.R. 1300 et. seq.

California Education Code

- 44011 - Controlled substance offense
- 44065 - Issuance of credentials
- 44425 - Conviction of controlled substance offenses as grounds for revocation of credential
- 44836 - Employment of persons convicted of sex offenses or controlled substance offenses
- 44932 - Grounds for dismissal of permanent employees; suspension of employees
- 44940 - Leave of absence; certificated employee charged with mandatory or optional leave of absence offense; suspension of credentials; definitions
- 44940.5 - Compulsory leave of absence; procedures; extension of leave; compensation; bond or security; reports
- 45123 - Employment after conviction of sex offense or controlled substance offender
- 45304 - Suspension for reasonable cause; filing of charges; employee charged with mandatory or optional leave of absence offense

California Government Code

8350-8357 - Drug-Free Workplace Act

California Health and Safety Code

11503-11508 - Controlled Substance Schedules I-V

APPROVED: 5-12-92

DISTRICT SUPERINTENDENT

PLEASANTON UNIFIED SCHOOL DISTRICT

PLEASANTON, CALIFORNIA