

All Personnel

DRUG AND ALCOHOL – FREE WORKPLACE
NOTICE TO EMPLOYEES

YOU ARE HEREBY NOTIFIED that it is a violation of Board Policy for any employee at a school district workplace to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations.

"School district workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under District jurisdiction; or during any period of time when an employee is supervising students on behalf of the District or otherwise engaged in district business.

"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.

"Under the Influence" shall mean a person is under the influence of drugs or alcohol when as a result of ingesting drugs or alcohol his or her physical or mental abilities are impaired to the extent that such person is not able to perform his or her job duties without impairment.

As a condition of your continued employment with the Chula Vista Elementary School District, you will comply with the Chula Vista Elementary School District's policy on Drug and Alcohol – Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

The Superintendent or designee may, in a manner consistent with the law and with prior District practice, order an employee to undergo a drug or alcohol test if the District has a reasonable suspicion that the employee is under the influence of drugs or alcohol while on duty. A "reasonable suspicion" is defined as a reasonable and articulable belief of probable drug or alcohol use, based on direct observation of specific, contemporaneous physical, behavioral or performance indicators.

Pursuant to the federal Omnibus Transportation Employee Testing Act of 1991, employees who are required to possess a commercial driver's license as a condition of employment shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

(cf. 4212.42/4312.42 - Controlled Substances and Alcohol Testing Program)

DRUG AND ALCOHOL – FREE WORKPLACE NOTICE TO EMPLOYEES (continued)

Pursuant to California Education Code 44836 and 45123, the Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited.

Pursuant to Education Code 45123, the Chula Vista Elementary School District may employ for classified service a person who has been convicted of a controlled substance offense only if it determines, from evidence presented, that the person has been rehabilitated for at least five years. The Board shall determine the type and manner of presentation of the evidence, and the Board's determination as to whether or not the person has been rehabilitated is final.

Pursuant to Education Code 44425, whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been convicted of a controlled substance offense as defined in Education Code 44011, the commission shall forthwith suspend the credential. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (Education Code 44425)

Pursuant to Education Code 44940, the Chula Vista Elementary School District must immediately place on compulsory leave of absence any certificated employee charged with involvement in the sale, use, or exchange to minors of certain controlled substances.

Pursuant to Education Code 44940, the Chula Vista Elementary School District may immediately place on compulsory leave of absence any certificated employee charged with certain controlled substance offenses.

The Chula Vista Elementary School District has a confidential employee assistance program available. Employees may contact Human Resources/Risk Management to obtain information.

(Employee Name - Please Print)

(Employee Signature)

(Date)

Regulation
Reviewed: 08/18/98
Reviewed: 10/02/01

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California