

All Personnel

DRUG & ALCOHOL-FREE WORKPLACE

The Governing Board believes that the maintenance of drug and alcohol-free workplaces is essential to school and District operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in Title 21 United States Code 812 before, during, or after school hours at school or in any other District workplace.

The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. 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 Chula Vista Elementary School District, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace.

Definitions:

- a. "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.
 - b. "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/her physical or mental abilities are impaired to the extent that such person is not able to perform his/her job duties without impairment.
2. Establish a drug and alcohol-free awareness program to inform employees about:
 - a. The dangers of drug and alcohol abuse in the workplace.
 - b. The District policy of maintaining drug and alcohol-free workplaces.
 - c. Any available drug and alcohol counseling, rehabilitation, and employee-assistance programs.
 - d. The penalties that may be imposed on employees for drug and alcohol abuse violations.

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3. 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.
4. Will initiate disciplinary action within 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.
5. Shall make a good faith effort to continue maintaining a drug and alcohol-free workplace through implementation of Board Policy.

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.

In taking disciplinary action, the Board shall require termination when termination is required by law. When termination is not required by law, the Board and/or designee shall either take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate in and complete a drug and/or alcohol assistance or rehabilitation program approved by a federal, state, or local health law enforcement or other appropriate agency. If termination is recommended, it must be approved by the Board. The Board's and/or designee's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements, and District policies and practices.

(cf. 4117.4 - Dismissal)

(cf. 4218 – Dismissal/Suspension/Disciplinary Action)

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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

THE DRUG-FREE WORKPLACE ACT OF 1988

Public Law 100-690, 5151-5160

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1989

H.R. 3614

UNITED STATES CODE, TITLE 21

202 schedules I-V

812 Controlled Substances Act

CODE OF FEDERAL REGULATIONS, TITLE 21

13001.1-1300.15 Definitions relating to controlled substances

Policy

Adopted: 08/18/98

Revised: 10/01/02

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California