

MAINTAINING A DRUG- AND ALCOHOL-FREE WORKPLACE

It is the policy of the Office of Education to maintain a drug-free workplace. No employee shall unlawfully manufacture, distribute, dispense, possess, sell, use, or be under the influence of, a drug or controlled substance as defined in 21 USC 81 at any Office of Education workplace.

These prohibitions apply before, during, and after work hours. An Office of Education workplace is any place where Office of Education work is performed, any Office of Education-owned or -approved vehicle used to transport students to and from school or school activities or conduct Office of Education business; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under Office of Education jurisdiction; or during any period of time when an employee is supervising students on behalf of the Office of Education or otherwise engaged in Office of Education business.

Compliance with this policy shall be a condition of employment. It is the responsibility of every employee to carry out this policy.

Violation of this policy shall subject an employee to:

- a) appropriate personnel action up to and including dismissal, and/or
- b) required satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

Any employee convicted of a criminal drug statute violation occurring in the workplace, shall, within five days after being convicted, notify the Office of Education in writing of the conviction. Within 30 days of receiving such notice, the Office of Education shall take the action(s) specified above.

If any part of the compensation of an employee convicted of a criminal drug or statute violation occurring in the workplace is paid under a grant from the federal government subject to the Drug-Free Workplace Act, the superintendent or designee shall notify the agency making the grant within ten days after receipt of notice from the employee or otherwise receiving actual notice of the conviction.

The superintendent or designee shall establish and maintain a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the Office of Education policy of maintaining a drug-free workplace; the availability of drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug and alcohol abuse violations occurring in the workplace.

All present employees shall receive a copy of this policy and the foregoing information, in writing, as soon as practicable. Newly hired employees shall receive a copy of this policy and the aforementioned information as part of the orientation of newly hired employees.

The Office of Education shall make a good faith effort to maintain a drug-free and alcohol workplace through the implementation of this policy.

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 leaves 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 leaves 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*

Policy

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Humboldt County Office of Education

Eureka, California