

**CLOVIS UNIFIED
SCHOOL DISTRICT**

PERSONNEL

General

DRUG AND ALCOHOL-FREE WORKPLACE

PURPOSE: To establish guidelines for a drug- and alcohol-free workplace.

- A. It is the policy of the Board to maintain a drug- and alcohol-free workplace by prohibiting the unlawful manufacture, distribution, dispensing, possession, sale or use, or be under the influence of any alcoholic beverage, drug or controlled substance, defined in the Controlled Substances Act and Code of Federal Regulations by an employee before, during, or after work hours at the employee's workplace or in any other District workplace. (Government Code 8355; 41 USC 8103)

District workplace is defined as any place where District work is performed, 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 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.

- B. Compliance with this policy shall be a condition of employment and it is the responsibility of every employee to abide by this policy.
- C. Employees found to be in violation of this policy will be subject to:
1. Disciplinary action up to and including dismissal from District service; and/or
 2. Required satisfactory participation in a substance abuse assistance or rehabilitation program approved for such purposes by federal, state or local health, law enforcement or other appropriate agency.
- D. Any employee convicted of a criminal drug or alcohol statute violation occurring in the workplace must, as a condition of employment, notify the District no later than five days after such conviction.

For the purposes of this policy, "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.

Upon receiving notice from an employee or otherwise, of a conviction for a violation occurring in the workplace, the District shall;

1. Within 10 days, notify the appropriate federal agency overseeing any grant or contract received by the District.

**CLOVIS UNIFIED
SCHOOL DISTRICT**

2. Within 30 days, take the action(s) specified in paragraph C.
- E. The Superintendent or designee shall establish and maintain a drug-free and alcohol-free awareness program to inform employees about:
1. The dangers of drug and/or alcohol abuse in the workplace.
 2. The District's policy of maintaining a drug- and alcohol-free workplace.
 3. The availability of drug and/or alcohol counseling, rehabilitation, and employee assistance programs.
 4. The penalties that may be imposed upon employees for drug and alcohol abuse violations occurring in the workplace.
- F. The Superintendent or designee will provide each existing and newly hired employee with a copy of this policy and educational material as specified in paragraph E above.
- G. The Superintendent or designee shall make a good faith effort to maintain a drug- and alcohol-free workplace through the implementation of this policy.

Staff Conduct – Narcotic and Drug Use

The Board considers it good cause for initiation of dismissal procedures and the Superintendent or designee may initiate such procedures when it is established to the Superintendent or designee's satisfaction that an employee, certificated or classified, has used, sold, or been in possession of narcotics or other hallucinogenic drugs or ingested any hazardous substance as defined in section 108125(a) of the Health and Safety Code.

The Board considers it good cause for initiation of dismissal procedures and the Superintendent or designee may initiate such procedures when it is established to the Superintendent's or designee's satisfaction that an employee, certificated or classified, has advocated any student to violate any law related to the possession or use of narcotics, or other hallucinogenic drugs or substances or advocated any student to inhale or breathe the fumes of, or ingest any hazardous substance as defined in section 108125(a) of the Health and Safety Code.

The Board directs that all employees, certificated or classified, shall report immediately any student or other person who is suspected of violating any law relating to narcotics, hallucinogenic drugs or substances, or has inhaled or breathed the fumes of or ingested any hazardous substance as defined in section 108125(a) of the Health and Safety Code on school premises. The employee shall report suspected violation to the principal or designee of that school site, who in turn shall bring the matter to the immediate attention of the Superintendent or designee. In the event the principal or designee of a school site is not available, the employee concerned will report immediately and directly to the Superintendent or designee.

CLOVIS UNIFIED SCHOOL DISTRICT

Adopted: 09/12/1990

Amended: 05/13/1992, 04/27/2005, 11/14/2007, 10/21/2020 (BP 6309 renumbered as BP 4020;
all contents of BP 6303 moved)

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

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

8101-8106 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381

Ross v. Raging Wire Telecommunications, Inc., (2008) 42 Cal.4th 920

Doc# 42312-7 (09/2020, 11/2010)