

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT

Personnel

DRUG AND ALCOHOL FREE WORKPLACE

BP 4020

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 21 USC 81 at any school district workplace. These prohibitions apply before, during and after school hours. A school district workplace is any place where school 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.

The Superintendent or designee shall notify employees of these prohibitions. (Government Code 8355; 41 USC 702)

An employee shall abide by the terms of this policy and notify the district, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace. (41 USC 702)

The Superintendent or designee 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. (41 USC 701)

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. A plea or verdict of guilty, a finding of guilt by a court in a trial without a jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction. (Education Code 44836, 45123)

The Board may take appropriate disciplinary action, up to and including termination, or require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.

The Superintendent or designee shall establish a drug- and alcohol-free awareness program to inform employees about: (Government Code 8355)

1. The dangers of drug and alcohol abuse in the workplace
2. The district policy of maintaining drug- and alcohol-free workplaces
3. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs
4. The penalties that may be imposed on employees for drug and alcohol abuse violations

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*
UNITED STATES CODE, TITLE 20
7101-7165 *Safe and Drug-Free Schools and Communities*
UNITED STATES CODE, TITLE 21
812 *Schedule of controlled substances*
PUBLIC LAW 107-110
4111-4117 *Safe and Drug Free Schools and Communities Act*
CODE OF FEDERAL REGULATIONS, TITLE 21
1308.01-1308.49 *Schedule of controlled substances*

1964

UNITED STATES CODE, TITLE 42
2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*
UNITED STATES CODE, TITLE 42
2000h-2-2000h-6 *Title IX, 1972 Education Act Amendments*
UNITED STATES CODE, TITLE 42
12101-12213 *Americans With Disabilities Act*
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 *American with Disabilities Act*
CODE OF FEDERAL REGULATIONS, TITLE 34
100.6 *Compliance information*
104.8 *Notice*
106.8 *Designation of responsible employee and adoption of grievance procedures*
106.9 *Dissemination of policy*

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999
Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March, 1999

OFFICE OF CIVIL RIGHTS

Notice of Non-Discrimination, January, 1999

WEB SITES

EEOC: <http://www.eeoc.gov>
OCR: <http://www.ed.gov/offices/OCR>
DFEH: <http://www.dfeh.ca.gov>