

# Santa Barbara Unified School District

## Board Policy

All Personnel

BP 4020

### DRUG AND ALCOHOL-FREE WORKPLACE

The Governing Board believes that the maintenance of a drug- and alcohol-free workplace is essential to staff and student safety and to help ensure a productive and safe work and learning environment.

*(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)*

*(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)*

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance while on duty, on district property, or at a school-related activity or event. (Government Code 8355; 41 USC 701)

In addition, an employee shall not use or be under the influence of any alcoholic beverage or controlled substance, as defined in 21 USC 812, while on duty, on district property, or at a district-related activity or event.

The Superintendent or designee shall notify employees of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 701)

An employee shall abide by the terms of this policy and shall notify the district, within five days, of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 701)

The Superintendent or designee shall notify the appropriate federal granting or contracting agency within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

In accordance with law and the district's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local health or law enforcement agency or other appropriate agency.

*(cf. 4112 - Appointment and Conditions of Employment)*

*(cf. 4117.4 - Dismissal)*

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 4212 - Appointment and Conditions of Employment)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 701)

1. The dangers of drug abuse in the workplace

2. The district's policy of maintaining a drug-free workplace
3. Available drug counseling, rehabilitation, and employee assistance programs

*(cf. 4159/4259/4359 - Employee Assistance Programs)*

4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace

*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
- 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*

COURT DECISIONS

- Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381*
- Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920*

*Management Resources:*

WEB SITES

- California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>*
- California Department of Education: <http://www.cde.ca.gov>*
- U.S. Department of Labor: <http://www.dol.gov>*

Policy:            SANTA BARBARA UNIFIED SCHOOL DISTRICT  
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