

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. 4112.42/4212.42/4312.42 – Drug and Alcohol Testing for School Bus Drivers)

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 Section 802 at any district workplace. These prohibitions apply before, during, and after school hours. A district workplace is 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.

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; Title 41 United States Code, Section702)

(cf. 4112.9/4212.9/4312.9 – Employee Notifications)

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 Section, 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. (Title 41 United States Code, Section702)

The Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code Section 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 (no contest) shall be deemed to be a conviction (Education Code Sections 44836 and 45123).

A classified employee may be reemployed after conviction of such as an offense if the board determines, from the evidence presented, that the person has been rehabilitated for at least five (5) years (Education Code Section 45123).

DRUG AND ALCOHOL-FREE WORKPLACE (continued)

The Board may take disciplinary action up to and including terminations, or require the employee to satisfactorily participate in 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 Section 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, rehabilitations, 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

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

802 Controlled substances

812 Schedule of controlled substances

844 Penalties for possession 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

adopted: May 22, 1991

revised: May 14, 2009

revised: September 21, 2010

revised: April 19, 2018

MURRIETA VALLEY USD

Murrieta, California

**DRUG AND ALCOHOL-FREE WORKPLACE
NOTICE TO EMPLOYEES**

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee at the workplace to unlawfully manufacture, distribute, dispense, possess or use any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance, or be under the influence of any alcoholic beverage as defined in 21 USC 81.

"Workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; and any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under district jurisdiction.

As a condition of your continued employment with the district, you will comply with the district's policy on Drug and Alcohol-Free Workplace and will, any time you are convicted of any criminal drug statute or alcohol violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

Pursuant to California Education Code 44836 and 45123, 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.

Pursuant to Education Code 45123, the district may employ for classified service a person who has been convicted of a controlled substance offense only if it determines, from evidence presented, that the person has been rehabilitated for at least five years. The Board shall determine the type and manner of presentation of the evidence, and the Board's determination as to whether or not the person has been rehabilitated is final.

Pursuant to Education Code 44425, whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been convicted of a controlled substance offense as defined in Education Code 44011, the commission shall forthwith suspend the credential. Pursuant to Education Code 44065, the district may not employ non-certificated persons in positions requiring a certificate. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (Education Code 44425)

Pursuant to Education Code 44940 and 45304, the district must immediately place on compulsory leave of absence any employee charged with involvement in the sale, use or exchange to minors of certain controlled substances.

**DRUG AND ALCOHOL-FREE WORKPLACE
NOTICE TO EMPLOYEES**
(continued)

Pursuant to Education Code 44940 and 45304, the district may immediately place on compulsory leave of absence any employee charged with certain controlled substance offenses.

The following drug counseling, rehabilitation, and/or employee assistance programs are available locally:

Exhibit
approved: May 22, 1991
revised: April 19, 2018

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Murrieta, California