

## DRUG-FREE WORKPLACE

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 USD 81 at any school district workplace. These prohibitions apply before, during, and after work hours. A school 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 extra-curricular activities; any off-site location when participating in 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.

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 is 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.

A drug free awareness training program shall be established and maintained to inform employees about:

1. the dangers of drug abuse in the workplace;
2. the District policy of maintaining a drug-free workplace;
3. the availability of drug counseling, rehabilitation, and employee assistance programs; and

**DRUG-FREE WORKPLACE (continued)**

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

All employees shall receive a written notice of this policy and its provisions. Newly hired employees shall receive a written notice of this policy and its provisions as part of their orientation. Training will be presented on an as-needed basis to keep employees informed of pertinent changes in this area.

The District shall make a good faith effort to maintain a drug-free 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 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

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

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Policy

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**CAPISTRANO UNIFIED SCHOOL DISTRICT**

San Juan Capistrano, California