



Oxnard Union High School District

**SECTION 4000
PERSONNEL**

**BOARD POLICY
BP 4020**

DRUG and ALCOHOL FREE WORKPLACE

The Governing Board believes that the maintenance of drug-and alcohol-free workplaces is essential to staff and student safety and to help ensure the 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)

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 while on duty, at any school district property, or at a school-related activity or event (Government Code 8355; 41 USC 8103). 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 the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 8103)

An employee shall abide by the terms of this policy and 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 8103)

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 8103)

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. In accordance with Education Code 44830.1, this prohibition may be waived for certificated employees who produce a Certificate of Rehabilitation pursuant to section 4852.01 of the Penal Code.

A classified employee may be reemployed after conviction of such an offense if the Board determines, from the evidence presented, that the person has been rehabilitated for at least five years.

Any violation of this policy by an employee of the Oxnard Union High School District shall result in disciplinary action up to and including termination. Such disciplinary action shall be consistent with state and federal law, the appropriate employment contract, applicable collective bargaining agreement, and district policy and practices. The Board may also 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.

(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)

Individuals who are not district employees but perform work at the district for its benefit (e.g., independent contractors, temporary employees provided by agencies, volunteers, etc.) are required to comply with this policy. Such individuals who violate this prohibition shall be subject to progressive discipline up to and including being barred from future work or activities.

The Superintendent or designee shall establish a drug- and alcohol-free awareness program to inform employees about: (Government Code 8355; 41 USC 8103)

Drug-Free Awareness Program

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.
(cf. 4159/4259/4359 - Employee Assistance Programs)
4. The penalties that may be imposed on employees for drug and alcohol abuse violations occurring in the workplace.

Legal References:

EDUCATION CODE

- 44011 Controlled substance offense
- 44425 Conviction of controlled substance offenses as grounds for revocation of credential
- 44830.1 Felons: certificated positions; criminal records summary; fingerprints; confidentiality
- 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

- 1308.01-308.49 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>