

MIDDLETOWN UNIFIED SCHOOL DISTRICT

Policy 4020: Drug And Alcohol-Free Workplace

Original Adopted Date 1/17/2024

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.

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance in the workplace. (Government Code 8355; 41 USC 8103)

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, on duty means while an employee is on duty during both instructional and noninstructional time in the classroom or workplace, at extracurricular or cocurricular activities, or while transporting students or otherwise supervising them. Under the influence means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.

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 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 8103)

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 8103)

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 public health or law enforcement agency or other appropriate agency.

Drug-Free Awareness Program

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

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

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

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 44011

Ed. Code 44425

Ed. Code 44836

Ed. Code 44940

Ed. Code 44940.5

Ed. Code 45123

Ed. Code 45304

Gov. Code 8350-8357

Description

[Controlled substance offense](#)

[Conviction of a sex or narcotic offense](#)

[Employment of certificated persons convicted of controlled substance offenses](#)

[Compulsory leave of absence for certificated persons](#)

[Procedures when employees are placed on compulsory leave of absence](#)

[Employment after conviction of controlled substance offense](#)

[Compulsory leave of absence for classified persons](#)

[Drug-free workplace](#)

Federal

20 USC 7111-7117

21 CFR 1308.01-1308.49

21 USC 812

41 USC 8101-8106

Description

Safe and Drug Free Schools and Communities Act

Schedule of controlled substances

Schedule of controlled substances

Drug-Free Workplace Act

Management Resources

Court Decision

Description

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381

Court Decision

Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[California Department of Education](#)

Website

[California Department of Health Care Services](#)

Website

[U.S. Department of Labor](#)

Cross References**Code**

3513.4

Description

[Drug And Alcohol Free Schools](#)

4032

[Reasonable Accommodation](#)

4112

[Appointment And Conditions Of Employment](#)

4112.41	Employee Drug Testing
4112.41	Employee Drug Testing
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4159	Employee Assistance Programs
4212	Appointment And Conditions Of Employment
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4259	Employee Assistance Programs
4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4359	Employee Assistance Programs