MIDDLETOWN UNIFIED SCHOOL DISTRICT

Policy 4212.41: Employee Drug Testing

Original Adopted Date: 1/17/2024

The Governing Board maintains a drug- and alcohol-free workplace. In accordance with law, all employees shall render service without using, possessing, being impaired by, or being under the influence of alcohol or drugs.

Pre-Employment Drug/Alcohol Testing for Safety-Sensitive Positions

Because students and staff have the right to a safe and secure campus where they are free from physical and psychological harm, the Board authorizes the testing of prospective employees in safety-sensitive positions for drug and alcohol use. The following positions are safety-sensitive and are subject to the district's program:

Safety-Sensitive Duties

Transportation of Students

Bus Drivers

Coaches

Drive/Operate Dangerous Equipment:

Maintenance & Custodial Staff

Vocational Education / Shop Teachers (including, but not limited to:

Construction, Automotive, Welding, and Culinary)

Administer/Monitor Medication:

School Nurse

LVN

Health Aide

SH Paraprofessional

Special Education Teacher

Special Education Paraprofessional

School Site Secretary

1:1 Paraprofessional

Once a conditional offer of employment has been made, prospective employees in these identified positions shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions. This screening shall be part of the employee's pre-employment physical examination.

Final selection of a job applicant for a position shall not be made until the applicant has successfully completed the screening.

All testing and medical examinations shall be conducted in accordance with state and federal law, Board policy, and administrative regulation.

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	**Description**
5 CCR 5504	Medical certification procedures
CA Constitution Article 1, Section 28	Right to Safe Schools
Ed. Code 44011	Controlled substance offense
Ed. Code 44455	Conviction for controlled substance offenses as grounds for revocation of credential
Ed. Code 44836	Employment of certificated persons convicted of controlled substance offenses
Ed. Code 44839	Medical certificate; periodic medical examination
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 45122	Physical examinations
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45304	Compulsory leave of absence for classified persons
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 8350-8357	Drug-free workplace

Federal	**Description**
41 USC 701-707	Drug-Free Workplace Act

Management Resources	**Description**
Court Decision	International Brotherhood of Teamsters v. Department of Transportation (1991) 932 F.2d 1292
Court Decision	Knox County Education Association v. Knox County Board of Education, (1998, 6th Circuit) 158 F.3d 361
Court Decision	Lanier v. City of Woodburn, (2008, 9th Circuit) 518 F.3d 1147
Court Decision	Loder v. City of Glendale, (1997) 14 Cal. 4th 846
Court Decision	National Treasury Employees Union v. Von Raab, (1989) 489 U.S. 456

Court Decision	Skinner v. Railway Labor Executives' Assn, (1989) 489 U.S. 602
Court Decision	Vernonia School District 47J v. Acton, (1995) 115 S.Ct. 2386
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3513.4	Drug And Alcohol Free Schools
3515.3	District Police/Security Department
3515.3	District Police/Security Department
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4112	Appointment And Conditions Of Employment
4112.4	Health Examinations
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.6	Personnel Files
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4212	Appointment And Conditions Of Employment
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4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
5131.61	Drug Testing