

Maintaining a Drug and Alcohol Free Workplace

The Yolo County Superintendent of Schools ("Superintendent") directs that the Yolo County Office of Education ("YCOE") shall be maintained as a drug-free environment in accordance with the Drug-Free Workplace Act of 1988 and that the Director, Human Resources, with the cooperation of department administrators, shall ensure that the YCOE is maintained as a drug- and alcohol-free workplace.

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 the Controlled Substances Act and Code of Federal Regulations before, during or after work hours on the premises of any YCOE operated job site or at any work related function. Violators are subject to disciplinary action.

The Superintendent or designee shall publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which they receive for a violation occurring in the workplace. (Government Code 8355; 41 USC 701.)

Within 10 days of receiving notice from an employee of such conviction as described above, the Superintendent or designee shall notify the appropriate federal agency. (41 USC 701.)

The Superintendent or designee shall establish a drug and alcohol awareness program to inform employees about: (Government Code 8355.)

1. The dangers of drug and alcohol abuse in the workplace
2. The YCOE's policy of maintaining a drug and alcohol free workplace
3. Any available drug and alcohol counseling, rehabilitation, and employee assistance program
4. The penalties that may be imposed on employees for drug and alcohol abuse violations

The superintendent's policy regarding substance abuse is the same whether alcohol, illegal drugs, prescription drugs or controlled substances are involved.

Activities/Events

The superintendent directs that all activities/events held on public school property and sponsored by the YCOE shall be drug- and alcohol-free and that no employee shall engage in the distribution

or use of alcohol, drugs or controlled substances while attending any activities or event sponsored by the YCOE.

This policy is implemented because the impairment of any employee due to her/his use of drugs and/or alcohol may result in the risk of injury to other employees, the impaired employee or third parties, such as students, clients or business guests.

Penalties

The YCOE 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, their 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 a conviction. (Education Code 44836, 45123.)

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

Legal References:

Collective Bargaining Agreements

Drug-Free Schools and Community Act of 1986 and Amendments 1989

Drug-Free Workplace Act of 1988

Education Code, 44009, 44049, 44425, 44435, 44932, 44940, 45106, 45123, 48900, 48900.5, 48902, 48909, 76034, 87009, 87405, 88006, 88022, 88123, 89535

Government Code, 8355

United States Code, Title 41, 701-707

Health and Safety Code, 11032

Merit Rules

ADOPTED: 12/13/93

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