

*Riverside County Office of Education*  
*Board Policy 4020 Drug and Alcohol Free Workplace*

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**PERSONNEL**

**SUBJECT: Drug and Alcohol-Free Workplace**

The County Board of Education and County Superintendent of Schools believe that a drug and alcohol-free workplace is essential to maintaining the safety and efficiency of school and County Office operations, and the health and safety of employees, students, and the public.

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 at any school or County Office of Education workplace. Additionally, Health and Safety Code Section 11362.45 upholds the employers right to maintain a drug free workplace and as such the County Office of Education continues to prohibit the use, consumption, possession, transfer, display, transportation, sale, growth, and being under the influence of marijuana by employees or perspective employees.

These prohibitions apply before, during and after school hours. A County Office of Education workplace is any place where County Office of Education work is performed, any County Office of Education-owned or County Office of Education-approved vehicle used to transport students to and from school/program activities; any off-school/program sites when accommodating a County Office of Education-sponsored or school/program-approved activity or function where students are under County Office of Education jurisdiction; or during any period of time when an employee is supervising students on behalf of the County Office of Education or otherwise engaged in County Office of Education business. (Government Code 8355; 41 USC 8103)

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. Furthermore, employees are prohibited from use, consumption, possession, transfer, display, transportation, sale, or growth of marijuana in the workplace. (Health and Safety Code 11362.1)

Smoking or ingesting marijuana or marijuana products in public or within 1,000 feet of a school or day care center is prohibited. Additionally, possessing marijuana or marijuana products at a K-12 setting or selling or attempting to sell to minors is subject to penalties. (Health and Safety Code 1136.23, 11357, 11359)

For purposes of this policy, on duty means while an employee is on duty during both instructional and non-instructional time in the classroom or workplace, at extracurricular or co-curricular 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 affects the employee's ability to safely and effectively perform his/her job.

The Superintendent or designee shall notify employees of the County Office of Education's prohibition against drug use and the actions that will be taken for violation of such prohibition.

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(Government Code 8355; 41 USC 8103)

An employee shall abide by the terms of this policy and notify the County Office of Education, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace. (Government Code 8355; 41 USC 8103)

The County 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 County Office of Education 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. (Education Code 44836, 45123)

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4212 - Appointment and Conditions of Employment)

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

The County Superintendent 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. The discipline shall be in accordance with Riverside County Office of Education policies on discipline, the Education Code, and applicable collective bargaining agreements.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4117.4 - Dismissal)

(cf. 4212 - Appointment and Conditions of Employment)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

**Drug-Free Awareness Program**

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

1. The dangers of drug and alcohol abuse in the workplace
2. The County Office of Education policy of maintaining drug and alcohol-free workplaces

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3. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs
4. The penalties that may be imposed on employees for drug and alcohol abuse violations

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**

- 7101-7165 Safe and Drug-Free Schools and Communities

**UNITED STATES CODE, TITLE 21**

- 812 Schedule of controlled substances

**PUBLIC LAW 107-110**

- 4111-4117 Safe and Drug Free Schools and Communities Act

**CODE OF FEDERAL REGULATIONS, TITLE 21**

- 1308.01-1308.49 Schedule of controlled substances