

CLASSIFICATION: All Personnel**ADOPTED: 8/2/89****REVISED: 4/20/11****SUBJECT: Drug- and Alcohol-Free Workplace****PAGE: 1 of 2**

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol in any workplace or facility of the County Superintendent of Schools is strictly forbidden. The County Superintendent of Schools establishes the measures presented below to maintain a drug- and alcohol-free workplace in compliance with state and federal laws. (See Exhibit 1 for definitions of terms used in this administrative regulation.)

1. All employees of the County Superintendent of Schools while employed on the job:
 - A. Are prohibited from the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol in any workplace or facility of the County Superintendent of Schools.
 - B. Shall not be impaired due to the use of drugs or alcohol.
 - C. Shall not possess an open container of alcohol or consume alcohol.
2. All employees will abide by these prohibitions as a condition of employment. Upon employment, each employee shall be informed that the County Superintendent of Schools maintains a drug- and alcohol-free workplace and shall sign and receive a copy of a Drug- and Alcohol-Free Workplace Employee Notice form certifying his/her understanding of these requirements.
3. All employees will be informed of the dangers of drug and alcohol abuse in any workplace or facility operated by the County Superintendent of Schools. The County Superintendent of Schools will also regularly inform employees of available substance abuse counseling, rehabilitation, and employee assistance programs.
4. Any employee who is convicted of a violation of a criminal drug statute or who is found to be in violation of this administrative regulation shall, after due process, be subject to disciplinary action up to and including dismissal, and/or required to satisfactorily complete an approved drug abuse assistance or rehabilitation program selected jointly by the County Superintendent of Schools and the employee.

SAN DIEGO COUNTY OFFICE OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 4001**

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5. All employees must notify the County Superintendent of Schools in writing within five calendar days of a conviction for a violation of a criminal drug statute occurring in any workplace or facility of the County Superintendent of Schools. A conviction includes any finding of guilt including a no contest plea, or imposition of sentence. Appropriate personnel action shall be taken within 30 calendar days of receiving notification.
 6. The Executive Director, Human Resources, shall notify the federal agency that manages the San Diego County Office of Education's contracts and grants within 10 calendar days of receiving notification that an employee has been convicted of a drug offense that occurred in any workplace or facility of the County Superintendent of Schools.

Board Policy No.: 4001

Derivation: Former Administrative regulation 4600 Drug-Free Workplace Adopted 8/2/89, Amended 10/24/91. Amended, Renamed, and Renumbered 4001 6/14/95. Amended 4/20/11.

Legal Reference: Education Code
44011, 44425, 44836, 44940, 44940.5, 45123, 45304
Government Code
8350 - 8357 *Drug-Free Workplace Act of 1990*
Health and Safety Code
11000 - 11651 *California Uniform Controlled Substances Act*
United States Code, Title 20
7101 - 7117 *Safe and Drug Free Schools and Communities Act*
United States Code, Title 21
801 et seq. *Controlled Substances Act*
United States Code Title 41
701 - 707 *Drug-Free Workplace Act*
Code of Federal Regulations, Title 21
1308.01 - 1308.15 *Schedule of Controlled Substances*
Code of Federal Regulations, Title 34
84.100 - 84.115, 84.500 - 84.670

DEFINITION OF TERMS

For purposes of this administrative regulation the following terms shall have the following meanings:

1. "Alcohol" means any alcohol or alcoholic beverage as defined in California Business and Professions Code sections 23003 and 23004.
2. "Controlled Substance" means any drug, narcotic or immediate precursor specified or referenced in any provision of the California Uniform Controlled Substance Act (Division 10 of the California Health and Safety Code) that may subject an individual to criminal penalties.
3. "Employed on the Job" means the span of time between the time the employee reports for his/her work shift through the time the employee ends duty for the same shift. Lunch periods and nonwork periods away from the workplace are excluded.
4. "Impaired" means that the quality or quantity of an employee's performance on the job is significantly less than should be expected or accepted, or less than usual, standard, or average as judged against the past job performance of an individual employee.
5. "Illegal Drug" means any controlled substance, drug, narcotic, or immediate precursor specified or referenced in any provision of the California Uniform Controlled Substance Act (division 10 of the California Health and Safety Code) that may subject an individual to criminal penalties, or a legal drug that has not been legally obtained or is not being used in a manner, combination, or quantity for which it was manufactured, prescribed, or intended.
6. "Workplace or Facility of the County Superintendent of Schools" includes all County Board of Education-owned or leased real property, buildings, schools, workplaces, parking lots, and County Superintendent of Schools-owned vehicles.