

VENTURA COUNTY OFFICE OF EDUCATION

SUPERINTENDENT POLICY NO. 4020

ADOPTED: 02/14/96

REVISED: 01/05/09

CLASSIFICATION: Personnel

08/24/09

REPLACED: 09/19/22

SUBJECT: Drug and Alcohol-Free Workplace

The County Superintendent 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 perform their job safely and effectively.

The County Superintendent or designee shall notify employees of the prohibition against drug use and the actions that will be taken for violation of such prohibition. Employees are notified within the annual employee notification process that is carried out by the Human Resources department.

An employee shall abide by the terms of this policy and shall notify VCOE within five days of a conviction for violation of any criminal drug statute.

The County 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 collective bargaining agreements as applicable, the VCOE 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 another appropriate agency.

DRUG FREE AWARENESS PROGRAM

The County Superintendent or designee may establish a drug-free awareness program to inform employees about:

1. The dangers of drug abuse in the workplace
2. The 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

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

- [7111-7117](#) Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

- 812 Schedule of controlled substances

UNITED STATES CODE, TITLE 41

- 8101-8106 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

- [1308.01-1308.49](#) Schedule of controlled substances