

VENTURA COUNTY OFFICE OF EDUCATION

ADMINISTRATIVE REGULATION NO. 4020

ADOPTED: 08/24/09

CLASSIFICATION: Personnel

REVISED: 09/19/22

SUBJECT: Drug & Alcohol-Free Workplace

This administrative regulation provides guidelines for the detection and deterrence of drug abuse. It also outlines the responsibilities of supervisors and employees. VCOE will take appropriate action to eliminate any substance abuse (illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the VCOE's reputation. All employees should be aware that violations may result in discipline, up to and including termination.

While use of medically prescribed medications and drugs is not a violation, failure by the employee to notify their supervisor, or the Human Resources department before beginning work when taking medications or drugs which could interfere with the safe and effective performance of duties or operation of equipment can result in discipline, up to and including termination. In the event there is a question regarding an employee's ability to perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.

VCOE reserves the right to search, without employee consent, all areas and property in which VCOE maintains control or joint control with the employee. VCOE may notify the appropriate law enforcement agency that an employee may have illegal drugs in their possession or on a VCOE site.

Refusal to submit immediately to a drug test when requested by VCOE or law enforcement personnel may constitute insubordination and may be grounds for discipline up to and including termination.

Employees reasonably believed to be under the influence of drugs shall be prevented from engaging in further work and shall be detained for a reasonable time until they can be safely transported from the work site.

VCOE is committed to providing reasonable accommodation to those employees whose drug problem classifies them as handicapped under federal and/or state law.

EMPLOYEE RESPONSIBILITIES:

An employee must:

- A. Not have their ability to perform job duties impaired due to the use of illegal drugs or prescription drugs without a prescription.

- B. Not report to work or be subject to duty while their ability to perform job duties is impaired by use of illegal drugs or prescription drugs, with or without a prescription.
- C. Not possess or be under the influence of illegal drugs or prescription drugs, without a prescription, during working hours or while subject to being called to duty, on breaks, during meal periods or at any time while on VCOE property.
- D. Not directly or through a third party sell or provide drugs to any person, including any employee, while either employee or both employees are on duty or subject to being called to duty.
- E. Submit immediately to a drug test when requested by an appropriate VCOE administrator.
- F. Notify their supervisor or the Human Resources department before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of equipment.
- G. Provide within 24 hours of request, verification of a current valid prescription in the employee's name, for any potentially impairing drug or medication identified when a drug test is positive.
- H. Notify their supervisor or the Human Resources department of any criminal drug statute conviction within five (5) days after such conviction.

PROGRAM/DEPARTMENT RESPONSIBILITIES AND GUIDELINES:

- A. Supervisors may request that an employee submit to a drug test when there is a reasonable suspicion that an employee is under the influence of drugs while on the job. "Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

1. Slurred speech
2. Unsteady walking and movement
3. An accident involving VCOE property
4. Physical altercation
5. Verbal altercation
6. Unusual behavior
7. Possession of drugs

8. Sharp mood swings and decreased energy and confidence level
 9. Lack of care and interest in work
 10. Information obtained from a reliable person with direct personal knowledge
- B. Any supervisor requesting an employee to submit to a drug test shall document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.
- C. Any supervisor encountering an employee who refuses an order to submit to a drug test upon request shall remind the employee of the requirements and disciplinary consequences. Where there is reasonable suspicion that the employee is then under the influence of drugs, the supervisor shall detain the employee for a reasonable time until the employee can be safely transported home.
- D. Supervisors shall not physically search the person of employees, nor shall they search the personal possession of employees without the freely given consent of, and in the presence of, the employee.
- E. Supervisors shall notify the appropriate law enforcement agency when they have reasonable suspicion that an employee may have illegal drugs in their possession or in VCOE sites.
- F. Within 10 days of receiving notice of a criminal drug statute conviction as described under item 3865.3 G, if the employee is assigned to a federal project, the supervisor shall notify the grantor of the federal project of the conviction.

DRUG TEST:

The drug test may test for any substance which could impair an employee's ability to effectively and safely perform the functions of their job, including, but not limited to prescription medications, heroin, cocaine, morphine and its derivatives, P.C.P., methadone, barbiturates, amphetamines, marijuana and other cannabinoids. A confirmatory test will be performed after an initial positive result.

RESULT OF DRUG TEST:

- A. Pre-employment:
1. If a pre-employment physical is required, a drug test may be included in the physical.
 2. A positive result from a drug test may result in the applicant not being hired where the applicant's use of drugs could affect requisite job standards, duties or responsibilities.

3. If a drug test is positive at the pre-employment physical, the applicant must provide within 24 hours of request, verification of a valid current prescription for the drug identified in the drug test. If the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

B. During Employment:

1. A positive result from a drug test may result in disciplinary action, up to and including termination.
2. If the drug test is positive, the employee must provide within 24 hours of request, verification of a valid current prescription in the employee's name, for the drug identified in the drug test.

If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified their supervisor of the use of a drug that is likely to impair the employee's ability to safely and effectively perform the job duties, the employee will be subject to disciplinary action, up to and including termination.

3. If a drug test is positive for drugs, the VCOE shall conduct an investigation to gather all facts and determine appropriate action.

CONFIDENTIALITY

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept in the Human Resources department. The reports or test results may be disclosed to VCOE management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may also occur when:

1. The information is compelled by law or by judicial or administrative process.
2. The information has been placed at issue in a formal dispute between the employer and employee.
3. The information is to be used in administering an employee benefit plan.
4. The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.