

PACIFIC GROVE UNIFIED SCHOOL DISTRICT
555 SINEX AVENUE
PACIFIC GROVE, CA93950
MEMORANDUM

TO: All Employees

FROM: Billie Mankey, Director II, Human Resource

SUBJECT: Drug-Free Work Place Act of 1988

On January 31, 1989 the Department of Education published a new regulation implementing the Drug-Free Work Place Act of 1988. In order for the District to be awarded a federal grant after March 18, 1989 we must provide a drug-free work place.

Therefore, all employees in the District are hereby notified of the following:

It is unlawful to manufacture, distribute, dispense, possess or use a controlled substance at the work site. Action will be taken against employees for violation of such prohibition in accordance with the California Education Code. Appropriate action may include termination or requiring such employee to participate satisfactorily in a drug abuse rehabilitation or assistance program that is approved for such purposes by a Federal, State, law enforcement, local health or other appropriate agency.

Each school/work site will hold a drug-free awareness program each year about:

1. The dangers of drug abuse in the work place;
2. The action to be taken against employees who violate the prohibitions of the program;
3. The availability of drug counseling, rehabilitation and employee assistance programs; and
4. The penalties that may be imposed upon employees for violations of drug abuse occurring in the work place.

As a condition of employment the employee will be given notice of the Drug-Free Work Place Act and abide with the regulation.

The employer will notify the federal agency within ten (10) days after receiving notice from an employee receiving a drug status conviction for a violation occurring in the work place.

The employer will take action within thirty (30) days against any employee receiving a criminal drug status conviction for a violation occurring in the work place.

Pacific Grove Unified School District

All Personnel

Policy #4020

DRUG AND ALCOHOL-FREE WORKPLACE

The Governing Board believes that the maintenance of drug- and alcohol-free workplaces is essential to school and District operations.

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 District workplace. These prohibitions apply before, during and after school hours. A school District workplace is any place where school District work is performed, any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under District jurisdiction; or during any period of time when an employee is supervising students on behalf of the District or otherwise engaged in District business.

The Superintendent or designee shall notify employees of these prohibitions. (Government Code 8355; 41 USC 702)

An employee shall abide by the terms of this policy and notify the District, within five days, of any criminal drug or alcohol statute conviction that he/she receives for a violation occurring in the workplace. (41 USC 702)

The 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 701)

The Board 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)

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

The Board 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 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 District policy of maintaining drug and alcohol-free workplaces
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

Pacific Grove Unified School District

All Personnel

Policy #4020

DRUG AND ALCOHOL-FREE WORKPLACE

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