

Policy 4212.41: Employee Drug Testing

Status: ADOPTED

Original Adopted Date: 10/01/1993 | **Last Revised Date:** 07/01/2008 | **Last Reviewed Date:** 07/01/2008

The Governing Board maintains a drug- and alcohol-free workplace. In accordance with law, all employees shall render service without using, possessing, being impaired by, or being under the influence of alcohol or drugs.

Pre-Employment Drug/Alcohol Testing for Safety-Sensitive Positions

Because students and staff have the right to a safe and secure campus where they are free from physical and psychological harm, the Board authorizes the testing of prospective employees in safety-sensitive positions for drug and alcohol use.

Once a conditional offer of employment has been made, prospective employees in these identified positions shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions. This screening shall be part of the employee's pre-employment physical examination.

Final selection of a job applicant for a position shall not be made until the applicant has successfully completed the screening.

All testing and medical examinations shall be conducted in accordance with state and federal law, Board policy, and administrative regulation.

State	Description
5 CCR 5504	Medical certification procedures
CA Constitution Article 1, Section 28	<u>Right to Safe Schools</u>
Ed. Code 44011	<u>Controlled substance offense</u>
Ed. Code 44455	<u>Conviction for controlled substance offenses as grounds for revocation of credential</u>
Ed. Code 44836	<u>Employment of certificated persons convicted of sex offense or controlled substance offense</u>
Ed. Code 44839	<u>Medical certificate; periodic medical examination</u>
Ed. Code 44940	<u>Compulsory leave of absence for certificated persons</u>
Ed. Code 44940.5	<u>Procedures when employees are placed on compulsory leave of absence</u>
Ed. Code 45122	<u>Physical examinations</u>
Ed. Code 45123	<u>Employment after conviction of controlled substance offense</u>
Ed. Code 45304	<u>Compulsory leave of absence for classified persons</u>
Gov. Code 12940	<u>Unlawful discriminatory employment practices</u>
Gov. Code 8350-8357	<u>Drug-free workplace</u>
Federal	Description
41 USC 701-707	Drug-Free Workplace Act
Management Resources	Description
Court Decision	International Brotherhood of Teamsters v. Department of Transportation (1991) 932 F.2d 1292
Court Decision	Knox County Education Association v. Knox County Board of Education (1998, 6th Circuit) 158 F.3d 361

Court Decision
Court Decision
Court Decision

Lanier v. City of Woodburn (2008, 9th Circuit) 518 F.3d 1147
Loder v. City of Glendale (1997) 14 Cal. 4th 846
National Treasury Employees Union v. Von Raab, (1989) 489
U.S. 456

Court Decision
Court Decision
Website

Skinner v. Railway Labor Executives' Assn, (1989) 489 U.S. 602
Vernonia School District 47J v. Acton, (1995) 115 S.Ct. 2386
CSBA District and County Office of Education Legal Services

Code

Description

0450
0450
3513.4
3515.3
3515.3
4020
4030
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4112
4112.4
4112.42
4112.42
4112.6
4119.21
4119.21-E(1)
4119.23
4212
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4219.21-E(1)
4219.23
4312.4
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4312.42
4312.6
4319.21
4319.21-E(1)
4319.23
5131.61

Comprehensive Safety Plan
Comprehensive Safety Plan
Drug And Alcohol Free Schools
District Police/Security Department
District Police/Security Department
Drug And Alcohol-Free Workplace
Nondiscrimination In Employment
Nondiscrimination In Employment
Reasonable Accommodation
Appointment And Conditions Of Employment
Health Examinations
Drug And Alcohol Testing For School Bus Drivers
Drug And Alcohol Testing For School Bus Drivers
Personnel Files
Professional Standards
Professional Standards
Unauthorized Release Of Confidential/Privileged Information
Appointment And Conditions Of Employment
Health Examinations
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Drug Testing