

**Policy 4312.41: 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. All positions are safety-sensitive and are subject to the district's program:

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.

<b>State</b>	<b>Description</b>
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>
<b>Federal</b>	<b>Description</b>
41 USC 701-707	Drug-Free Workplace Act

**Management Resources**

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	Lanier v. City of Woodburn (2008, 9th Circuit) 518 F.3d 1147
Court Decision	Loder v. City of Glendale (1997) 14 Cal. 4th 846
Court Decision	National Treasury Employees Union v. Von Raab, (1989) 489 U.S. 456
Court Decision	Skinner v. Railway Labor Executives' Assn, (1989) 489 U.S. 602
Court Decision	Vernonia School District 47J v. Acton, (1995) 115 S.Ct. 2386
Website	<u>CSBA District and County Office of Education Legal Services</u>

**Code**

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4030	<u>Nondiscrimination In Employment</u>
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4112.6	<u>Personnel Files</u>
4119.21	<u>Professional Standards</u>
4119.21-E(1)	<u>Professional Standards</u>
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4319.21	<u>Professional Standards</u>
4319.21-E(1)	<u>Professional Standards</u>
4319.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
5131.61	<u>Drug Testing</u>