

Regulation 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

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

Applicants shall sign a form consenting to the drug and alcohol testing. The consent form shall authorize release of the test results to the district. To ensure an individual's privacy, the district shall not use test results for any purpose other than those stated in Board policy and administrative regulation, shall maintain the confidentiality of screening records, and shall not disclose such records unless the applicant consents or the Superintendent or designee is presented with a court order requiring the disclosure.

All initial screening tests shall be conducted at the district's expense. If an applicant's initial test is positive, a second test, at the district's expense, shall be administered as soon as possible to confirm the results. Upon obtaining a second positive result, the applicant may seek an independent drug and alcohol screening from a recognized medical laboratory at his/her own expense. Any applicant who fails to provide the district with a negative drug and alcohol screening report within five working days of a confirmed positive result shall be determined to have failed the screening and shall not be employed.

Failure to submit to the process or to complete the process shall preclude the applicant from being hired into the position. Disqualified applicants shall not be prohibited from applying for another job within the district.

| 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

Comprehensive Safety Plan

0450

Comprehensive Safety Plan

3513.4

Drug And Alcohol Free Schools

3515.3

District Police/Security Department

3515.3

District Police/Security Department

4020

Drug And Alcohol-Free Workplace

4030

Nondiscrimination In Employment

4030

Nondiscrimination In Employment

4032

Reasonable Accommodation

4112

Appointment And Conditions Of Employment

4112.4

Health Examinations

4112.42

Drug And Alcohol Testing For School Bus Drivers

4112.42

Drug And Alcohol Testing For School Bus Drivers

4112.6

Personnel Files

4119.21

Professional Standards

4119.21-E(1)

Professional Standards

4119.23

Unauthorized Release Of Confidential/Privileged Information

4212

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5131.61

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