

All Personnel

BP 4112.41(a)

4212.41

EMPLOYEE DRUG TESTING

4312.41

The Board of Trustees 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.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

(cf. 5131.61 - Drug Testing)

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. The following positions are safety-sensitive and are subject to the district's program:

Position

Safety-Sensitive Duties

Bus Drivers

Drive children on school bus

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.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

Legal Reference: (see next page)

BP 4112.41(b)
4212.41
4312.41

EMPLOYEE DRUG TESTING (continued)

Legal Reference:

EDUCATION CODE

44011 *Controlled substance offense*
44455 *Conviction for 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 for controlled substance offense*
45304 *Compulsory leave of absence for classified persons*
44839 *Medical certificate; periodic medical examination*
45122 *Physical examinations*

GOVERNMENT CODE

8350-8357 *Drug-free workplace*
12940 *Unlawful employment practices*

CODE OF REGULATIONS, TITLE 5

5504 *Medical certification procedures*

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) *Right to Safe Schools*

UNITED STATES CODE, TITLE 20

7101-7184 *Safe and Drug-Free Schools and Communities Act*

UNITED STATES CODE, TITLE 41

701-707 *Drug-Free Workplace Act*

COURT DECISIONS

Lanier v. City of Woodburn, (2008, 9th Circuit) 518 F.3d 1147
Knox County Education Association v. Knox County Board of Education, (1998, 6th Circuit) 158 F.3d 361
Loder v. City of Glendale, (1997) 14 Cal. 4th 846
Vernonia School District 47J v. Acton, (1995) 115 S.Ct. 2386
International Brotherhood of Teamsters v. Department of Transportation, (1991) 932 F.2d 1292
Skinner v. Railway Labor Executives' Assn., (1989) 489 U.S. 602
National Treasury Employees Union v. Von Raab, (1989) 489 U.S. 456