

## Employee Drug Testing

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.

*(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:

<u>Position</u>	<u>Safety-Sensitive Duties</u>
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Bus drivers	Driving students home to school
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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. /4212.4/4312.4 - Health Examinations)*

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

### *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*