



LOS ANGELES UNIFIED SCHOOL DISTRICT
Policy Bulletin

TITLE: Drug, Alcohol and Tobacco-Free Workplace

NUMBER: BUL-6488.1

ISSUER: Earl R. Perkins, Associate Superintendent
Division of District Operations

Dave Holmquist, General Counsel
Office of the General Counsel

DATE: September 19, 2016

ROUTING
All Schools and Offices
All Employees

POLICY: The policy of the District is to maintain a drug-and alcohol-free workplace and prohibit the manufacture, sale, distribution, dispensing, possession, or use of illicit drugs and alcohol by employees in all workplaces. It is also the policy of the District to prohibit smoking and the use of all tobacco products such as e-cigarettes and peripherals, at all times, on all District property, District-owned or leased buildings, and in District vehicles, by all persons, including employees, students and visitors at any school or District site or any school-sponsored event. The policy prohibits employees from appearing for work under the influence.

MAJOR CHANGES: This Bulletin replaces BUL-6488.0, “Drug, Alcohol and Tobacco-Free Workplace,” dated April 8, 2015, issued by the Office of Educational Services. The updated content reflects changes in federal and state laws and regulations affecting this subject matter.

PURPOSE: Bulletin BUL-6488.1 informs District personnel of state and federal legislative guidelines and District policy and procedures for implementing zero-tolerance policies for drug-, alcohol-, and tobacco-free workplaces. This Bulletin applies to all employees of the District. In addition, all District employees who may be required to operate a commercial motor vehicle are subject to all U.S. Department of Transportation drug and alcohol testing programs, regulations, and procedures.

GUIDELINES: The following guidelines apply:

I. BACKGROUND

Under the Drug-Free Workplace Act of 1988, and the Safe and Drug-Free Schools and Communities Act, the District must meet certain drug-free workplace and school requirements in order to receive federal contracts, funds or grants. Specifically, employees must be notified that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is



prohibited in the person's workplace.¹

In accordance with the provisions of these legislative mandates, the District hereby notifies its employees of its commitment to promote and maintain a workplace and school environment that is drug-, tobacco-, and alcohol- free.

The District shall notify federal agencies with whom contracts are held or from whom grants are received within ten (10) days of receiving notice that an employee, in a position funded in whole or in part by such contract or grant, has been convicted of a criminal drug statute for a violation occurring in the workplace. In addition, certification will be sent to the federal granting or funding agencies that the District has complied with and will remain in compliance with the requirements of the Drug-Free Workplace Act.

II. EMPLOYEE RESPONSIBILITIES

Federal regulations require employees to abide by this policy as a condition of employment and further require that newly hired employees receive written notice of the District's commitment to a drug and alcohol-free workplace. This policy in no way precludes administrative or disciplinary action by the District for drug-related and alcohol-related violations occurring outside the workplace.

This policy further prohibits marijuana use at work, possessing marijuana on District Property, or being under the influence or effects of marijuana while at work or any District-sponsored event even if it is pursuant to the "California Compassionate Use Act of 1996."

Employees are prohibited from being under the effects of alcohol or any controlled substance while performing their job duties or at work or any District-sponsored event. If there is reasonable suspicion that an employee is under the influence of alcohol or a controlled substance while performing his/her job duties or at work, the District may subject them to a drug and alcohol test. Employees for whom there is reasonable suspicion for drug or alcohol use and who refuse to submit to an alcohol or a controlled substance test will be immediately removed from performing work function, placed on suspension, and subsequently dismissed from District service. Failure to take a reasonable suspicion or other reasonably necessary drug and alcohol test when directed could lead to discipline up to and including dismissal for failing to abide by this Bulletin. Being "under the influence or effects" means that the employee reported for duty and appeared to be under the influence based on the employee's speech, behavior, appearance or other information, and/or tested

¹ A controlled substance is defined as a substance found in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. §812.)



positive for alcohol or a controlled substance. This responsibility also applies to Department of Transportation (DOT) and random drug and alcohol program covered employees.

Employees are required to report any criminal drug or alcohol statute conviction for a violation occurring in the workplace no later than five (5) days after a conviction. Such reports shall be made to the Office of Employee Relations at (213) 241-6591.

Employees convicted of a criminal drug offense for illegal drug or alcohol activity may be subject to appropriate discipline, up to and including dismissal.

III. NOTICE AND EMPLOYEE ASSISTANCE PROGRAM

A copy of “Notice to all Employees: Drug-Free and Alcohol-Free Workplace” (Attachment A) will be posted at every work location in the District, effective the date of this Bulletin. All persons hired after the date of this Bulletin shall be provided a copy of this notice as part of their processing for employment. Employee acknowledgement of receipt of this notice shall be filed in the employee’s personnel folder.

The District provides a confidential employee assistance program to employees who wish assistance or information in matters related to various personal issues, including drug and alcohol abuse. Employees and family members who need assistance in these areas are encouraged to use the District’s Employee Assistance Program which can be reached by calling (800) 285-7717, twenty-four hours a day, seven days a week and/or one of the District provided health insurance plans, as appropriate.

III. SUPERVISORIAL RESPONSIBILITIES

Supervisors will inform all employees of this policy and post a copy of “Notice to all Employees: Drug-Free and Alcohol-Free Workplace” (Attachment A) at every work location in the District, effective the date of this Bulletin. All persons hired after the date of this Bulletin shall be provided a copy of this notice as part of their processing for employment. Employee acknowledgement of receipt of this notice shall be filed in the employee’s personnel folder.

Supervisors also have the responsibility to help implement/enforce this policy. If a supervisor has a reasonable suspicion that an employee is under the influence while working, the supervisor will inform the employee of his/her reasonable suspicion and direct the employee to take a drug and alcohol test as a condition of employment. Failure of a supervisor to implement/enforce this policy may result in discipline for the supervisor.



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In addition, supervisors will inform all employees through awareness materials and other communications about sources of information and assistance concerning problems relating to substance abuse. The District provides a confidential employee assistance program to employees who wish assistance or information in matters related to various personal issues, including drug and alcohol abuse. Supervisors are expected to encourage employees and family members who need assistance in these areas to use the District's Employee Assistance Program which can be reached by calling (800) 285-7717, twenty-four hours a day, seven days a week and/or one of the District provided health insurance plans, as appropriate.

Supervisory personnel are further responsible for informing visitors and staff about this tobacco-free workplace policy by ensuring that Attachment B is prominently posted. All persons hired after the date of this Bulletin shall be provided a copy of the Notice to All Employees-Tobacco-Free Schools (Attachment B) as part of their processing for employment.

1. Announcements shall be made informing staff that "Smoking Seccession," materials, and support groups are available. Employees are encouraged to contact their individual health plans for information.
2. Schools and offices shall be provided signs stating that tobacco use, including, but not limited to, cigarettes, e-cigarettes, vapors (vapes), cigars, pipes, hookahs, ehookahs, hookah pens, and peripherals, is prohibited on all District property and at all District events. These signs are to be prominently displayed at all entrances to school property and in appropriate areas visible to all persons, including employees, students and visitors. Signs have been distributed to the plant managers at each site by the District's Maintenance and Operations Branch.
3. Schools and offices shall use every means available to clearly notify District personnel, students, parents, and the community at large about this policy and enforcement procedures.
4. Enforcement of Tobacco-Free Policy at schools and workplaces is mandatory.

AUTHORITIES:

- California Education Code Sections 44011, 44425, 44836, 44940, 45304, 45123, 48900, *et seq.*
- California Health and Safety Code Sections 104350, 104420, 119405
- California Labor Code Section 6404.5
- Commercial Motor Vehicle Safety Act (49 USC § 31301 *et seq.*)
- Drug-Free Workplace Act of 1988 (41 USC § 701 *et seq.*)



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- Federal Motor Carrier Safety Administration, Department of Transportation; Controlled Substances, and Alcohol Use and Testing (49 FR § 382 et seq.)
- Safe and Drug-Free Schools and Communities Act (20 USC § 7101 et seq.) 49 USC § 31502

In the above, USC is United States Code and CFR is Code of Federal Regulations.

ASSISTANCE: For further assistance please call the following staff, as appropriate:

Operations Coordinators for the posting requirement of Attachments A and B in all schools and offices.

Office of Employee Relations at (213) 241-6591 for the reporting requirement of any criminal drug or alcohol-statute convictions.

Please Post

NOTICE TO ALL EMPLOYEES

DRUG-FREE AND ALCOHOL-FREE WORKPLACE

The federal government has adopted various anti-drug regulations that require employers, including school district to take certain measures to ensure that the workplace is free from illicit drugs and alcohol. These regulations are included in the Drug-Free Workplace Act, and the Drug-Free School and Communities Act.

As required by these acts, the Los Angeles Unified School District hereby notifies its employees as follows:

1. The manufacture, sale, distribution, dispensing, possession, or use of illicit drugs and alcohol is prohibited in any and all District workplaces;
2. Employees are prohibited from being under the influence of alcohol or any controlled substance while in the workplace, performing the duties and responsibilities of their terms of employment, or at a work related event;
3. Violation of Paragraphs 1 and 2 by an employee will result in appropriate administrative or disciplinary action up to and including dismissal;
4. Employees are required to notify the Employee Relations/Services Section, Human Resources Division at (213) 241-6591, of any criminal drug and alcohol statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
5. The District shall take timely appropriate administrative or disciplinary action, as specified in Paragraph 2.
6. Employees and family members who need assistance in these areas are encouraged to use the District's Employee Assistance Program which can be reached by calling (800) 285-7717, twenty-four hours a day, seven days a week and/or one of the District provided health insurance plans, as appropriate.

For further information on the District's drug-free and alcohol-free workplace policy, see Bulletin 6488.1, Division of District Operations.

Please Post

NOTICE TO ALL EMPLOYEES TOBACCO-FREE SCHOOLS

The federal and state governments have adopted various anti-tobacco laws that require schools to have adopted and fully implemented tobacco-free environmental policies.

As required by these laws, the Los Angeles Unified School District hereby notifies its employees as follows:

1. Smoking and the use of all tobacco products, including e-cigarettes and peripherals, shall be prohibited on all District property, including District owned, leased, or contracted for buildings and in District vehicles at all times by all persons, including employees, students, and visitors at any school or District site or attending any school-sponsored events. In accordance with California Assembly Bill 816 (1994), and the Federal Goals law, the District implemented the Tobacco-Free Workplace policy on January 1, 1995.
2. Violation of paragraph one by any employee may result in appropriate administrative or disciplinary action up to and including dismissal. The District has adopted the Ask, Advise, Refer policy for initial tobacco prevention.

For further information on the District's tobacco-free workplace policy, see Bulletin BUL-6488.1, Division of District Operations.

DO NOT REMOVE