



TITLE: Drug, Alcohol and Tobacco-Free Workplace

NUMBER: BUL-3630.1

ISSUER: James Morris, Chief Operating Officer
Office of the Chief Operating Officer

DATE: December 24, 2009

ROUTING
Local District
Superintendents
Site Administrators
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, 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.

MAJOR CHANGES: This bulletin replaces BUL-3630, “Implementing Zero-Tolerance Policies for Drug, Alcohol and Tobacco-Free Workplaces,” dated March 28, 2007, issued by the Office of the Chief Operating Officer. The updated content reflects changes in federal and state laws and regulations affecting this subject matter. This bulletin updates the contact information.

PURPOSE: Bulletin 3630.1 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, the Safe and Drug-Free Schools and Communities Act and the No Child Left Behind Act of 2001, the District must meet certain drug-free workplace requirements in order to receive deferral funds or grants. The NCLB Act also requires the District, in part, to adopt, develop and fully implement policies and programs that ensure safe schools which are drug-free; eliminate drug



abuse on school sites and at school-sponsored activity locations; enforce school discipline codes related to the use, possession, distribution and sale of substances; and implement collaborative programs to prevent and/or reduce the onset of drug abuse through education and early intervention activities reaching the families of students. 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-and alcohol-free.

II. Drug-and Alcohol-Free Policy for Employees

It is the policy of the District to maintain a drug-and alcohol-free workplace and thereby prohibit the unlawful manufacture, sale, distribution, dispensing, possession, or use of illicit drugs and alcohol by employees in all workplaces.

Federal regulations require employees to abide by this policy as a condition of employment and further require that newly hired employees will receive a 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.

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 Employee Relations/Services Section, Human Resources Division, at 213-241-6591.

Employees convicted of a criminal drug offense for illegal drug or alcohol activity in the workplace will be subject to appropriate administrative action or discipline, including, but not limited to, written reprimand, suspension, dismissal from employment and/or the requirement for satisfactory participation in the completion of a drug and alcohol abuse assistance or rehabilitation program. Any administrative or disciplinary actions shall be taken within thirty (30) days after notice of conviction to the Employee Relations/Services Section, Human Resources Division, at (213) 241-6591, and shall be in accordance with Board Policies, Federal and State law, Personnel Commission Rules and Regulations, and applicable collective bargaining agreements.



III. Drug and Alcohol Free Procedures for Employees

To meet the requirements of the Drug-Free Workplace Act and the Safe and Drug-Free Schools and Communities Act the District will:

1. Ensure that supervising personnel require that all employees be informed of the drug-and alcohol-free workplace policy by requiring the posting of 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 the Notice as part of their processing for employment. Employee acknowledgement of receipt of this Notice shall be filed in the employee’s personnel folder.
2. 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.
3. Take appropriate actions against employees convicted of a criminal drug or alcohol statute for a violation occurring in the workplace within thirty (30) days of knowledge of the conviction.
4. Provide certification 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.
5. Inform 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. 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 (866) 312-3077 twenty-four hours a day, seven days a week and one of the District provided health insurance plans, as appropriate.



IV. Enforcement of Drug-and Alcohol-Free Policy for Employees

Compliance with and enforcement of this policy is the responsibility of the principal or the immediate supervisor. Violation of the District's policy, by any employee, will result in appropriate administrative or disciplinary action, including, but not limited to, written reprimand, suspension, dismissal from employment and/or the requirement for satisfactory participation in and completion of a drug- and alcohol-abuse assistance or rehabilitation program. For assistance call the Employee Relations/Services Section, Human Resources Division at (213) 241-6591.

V. TOBACCO-FREE SCHOOLS AND WORKPLACES

A. Tobacco-Free Policy at Schools and Workplaces

California laws require school districts to adopt and fully implement tobacco-free schools policies and offer tobacco use prevention education and awareness programs or lose tobacco elimination funds and jeopardize other state funding. Specifically, District policy states:

Smoking and the use of all tobacco products shall be prohibited on all District property including District owned, leased or contracted 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 NCLB Act, the District implemented the Tobacco-Free Workplace policy on January 1, 1995.

B. Tobacco-Free Procedures at Schools and Workplaces

Supervisory personnel are 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 "Stop Smoking Classes," 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 is prohibited. 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 the policy and enforcement procedures, including the following:
 - a. Letters to parents
 - b. News Releases
 - c. Poster campaigns
 - d. PA announcements
 - e. Announcements at meetings
 - f. Announcements at athletic events
 - g. Announcements on KLCS

To ensure that new and current staff, students parents, and community members are fully aware of the above, schools should incorporate these means of communication as an integral part of the school site zero-tolerance policy.

C. Enforcement of Tobacco-Free Policy at Schools and Workplaces

Compliance with and enforcement of this policy is the responsibility of the principal or immediate supervisor. Violations of the District's policy will result in appropriate administrative action.

- AUTHORITIES:**
1. California Education Code sections 44011, 44425, 44836, 44940, 45304, 45123, 48900, *et seq.*
 2. California Health and Safety Code Section 104420
 3. California Health and Safety Code Section 104350
 4. California Labor Code Section 6404.5
 5. Commercial Motor Vehicle Safety Act (49 USC § 31301 *et seq.*)
 6. Drug-free Workplace Act of 1988 (41 USC § 701 *et seq.*)



7. Federal Motor Carrier Safety Administration, Department of Transportation; Controlled Substances and Alcohol Use and Testing (49 CFR § 382 et seq.)
8. No Child Left Behind Act of 2001, Title IV, Part A, Safe and Drug-Free Schools and Communities (Sections 4001-4130.)
9. No Child Left Behind Act of 2001, Title IV, Part C, Environmental Tobacco Smoke (Sections 4301-4304)
10. Safe and Drug-Free Schools and Communities Act (20 USC § 7101 et seq.) 10.49 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:

Local District Operations Coordinators for the posting requirement of Attachments A and B of Bulletin 3630.1 in all schools and offices.

Ira Berman, Director, Employee Relations/Services Section, Human Resources Division at (213) 241-6591 for the reporting requirement of any criminal drug or alcohol-statute convictions for drug and alcohol-related activity occurring in the workplace and any violations of the District's Drug, Alcohol-and Tobacco-Free workplace policies for employees.



Please Post

ATTACHMENT A

**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, the Drug-Free School and Communities Act and the NCLB Act Title IV, Part A, Safe and Drug-Free Schools and Communities.

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. Violation of Paragraph 1 by an employee will result in appropriate administrative or disciplinary action including, but not limited to, written reprimand, suspension, dismissal from employment, and/or the requirement for satisfactory participation and completion of a drug and alcohol abuse assistance or rehabilitation program;
3. Employees are required to notify the Employee Relations/Services Section, Human Resources Division at (213) 241-6591, or any criminal drug and alcohol statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
4. Within thirty (30) days of receiving the notice required by Paragraph 3, the District shall take appropriate administrative or disciplinary action, as specified in Paragraph 2.

For further information on the District's drug-free and alcohol-free workplace policy, see Bulletin 3630.1, Office of the Chief Operating Officer.

DO NOT REMOVE



Please Post

ATTACHMENT B

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 shall be prohibited on all District property, including District owned, leased, or contracted for [NCLB Act Section 4303] 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 will result in appropriate administrative or disciplinary action including, but not limited to, a counseling interview, verbal warning, written reprimand, suspension, or dismissal from employment.

For further information on the District's tobacco-free workplace policy, see Bulletin 3630.1, Office of the Chief Operating Officer.

DO NOT REMOVE