



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

TITLE: Drug, Alcohol and Tobacco-Free Workplace

NUMBER: BUL-6488.2

ISSUER: Zsuzsanna Vincze, Interim Administrator of Operations
Division of District Operations

David Holmquist, General Counsel
Office of the General Counsel

DATE: July 8, 2020

ROUTING
All Schools and Offices
All Employees

POLICY: The policy of the District is to maintain a drug, alcohol, and tobacco-free workplace and prohibit the manufacture, sale, distribution, dispensing, possession, or use of illicit drugs, electronic devices such as electronic cigarettes and alcohol by employees at all workplaces.

It is also the policy of the District to prohibit smoking and the use of all tobacco products, such as cigarettes and paraphernalia, 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 at any school-sponsored event. The policy prohibits employees from appearing for work under the influence of a prohibited substance. 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.

MAJOR CHANGES: This bulletin replaces BUL-6488.1, “Drug, Alcohol and Tobacco-Free Workplace,” dated September 19, 2016, issued by the Division of District Operations and the Office of the General Counsel. The updated content reflects changes in organizational structure and includes the possession of electronic devices, such as, electronic nicotine delivery systems and cannabis.

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 employee’s workplace.¹

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.)



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

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, alcohol, and tobacco-free.

The District shall notify federal agencies with whom contracts are held or from whom grants are received within 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

This bulletin applies to all employees of the District. 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, possession of 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 at work or at 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 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 functions, 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 of alcohol or a controlled substance," 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 positive for alcohol or a controlled substance.

Employees are required to report any criminal drug or alcohol statute conviction for a violation occurring in the workplace no later than five (5)



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

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. SUPERVISOR 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 at work, 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. Supervisors are expected to encourage employees and family members who need assistance in these areas to use 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 the “Notice to all Employees: Tobacco-Free Schools” (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” as part of their processing for employment.

Schools and offices shall be provided with metal signs depicting the prohibitive use of tobacco, including, but not limited to, cigarettes, e-cigarettes, vaping devices, electronic nicotine delivery systems, cigars, pipes, hookahs, e-hookahs, hookah pens, and paraphernalia, on all District property. A sample of this signage is included in Attachment C. The metal 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 will be distributed to each school site by the District’s Maintenance and Operations Branch and to non-school workplaces by the Non-Academic Space Planning Department by the end of the 2020-2021 school year.

Schools and offices shall use every means available to clearly notify District



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

personnel, students, parents, and the community at large about this policy and enforcement procedures.

Enforcement of Tobacco-Free Policy at schools, non-school buildings and workplaces is mandatory.

AUTHORITY:

- California Education Code Sections 44011, 44425, 44836, 44940, 45304, 45123, 48900, *et seq.*
- California Health and Safety Code Sections 11362.1, 11362.3, 11362.45, 104350, 104420, 104559
- California Labor Code Section 6404.5
- California Business and Professions Code Sections 22950.5, 22958
- Commercial Motor Vehicle Safety Act (49 U.S.C. §31301 *et seq.*)
- Drug-Free Workplace Act of 1988 (41 U.S.C. §701 *et seq.*)
- Federal Motor Carrier Safety Administration, Department of Transportation, Controlled Substances, and Alcohol Use and Testing (49 C.F.R. §382 *et seq.*)
- Safe and Drug-Free Schools and Communities Act (20 U.S.C. §7101 *et seq.* 49 U.S.C. §31502, 20 U.S.C. §6083)

In the above, U.S.C. is the United States Code and C.F.R. is the Code of Federal Regulations.

RELATED RESOURCES:

Attachment A: Notice to All Employees, Drug-Free and Alcohol-Free Workplace
Attachment B: Notice to All Employees, Tobacco-Free Schools
Attachment C: Sample of the “No Smoking No Vaping Sign”

ASSISTANCE:

For further assistance please contact the following offices, as appropriate:

Local District Operations Coordinators for the posting requirement of Attachments A, B, and C in schools.

Office of the Building Non-Academic Space Planning Department at (213) 241-1320 for posting requirement of Attachments A, B, and C in non-school buildings and workplaces.

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