

# Board Policy

## Employee Drug Testing

BP 4312.41 4112.41,4212.41

### Personnel

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:

#### Position Safety-Sensitive Duties

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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

**Policy**

**Adopted:** November 13, 2012

**FORTUNA UNION HIGH SCHOOL DISTRICT  
Fortuna, California**