

2.26 Drug-Free Workplace and Educational Environment

1. It is the policy of the San Mateo County Community College District to maintain a drug-free workplace and educational environment for its employees and students in accordance with the requirements of the Federal Drug-Free Workplace Act of 1988 and Drug-Free Schools and Communities Act Amendments of 1989. In addition to this policy, the District continues to maintain its employee and student policies pertaining to the possession and use of alcohol and drugs on District property. Employees and students who are under the influence of an intoxicant while on District property are subject to disciplinary action, pursuant to current policies which regulate employee and student conduct.
2. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled substance in the workplace or educational facilities and on any District property is strictly prohibited. "Controlled substance," as defined in the Act, does not include distilled spirits, wine, malt beverages or tobacco. This policy does not prohibit the lawful use of alcoholic beverages on District property provided that such use strictly adheres to State or other laws which expressly permit its use under specific circumstances and in specified District facilities.
3. As appropriate and permitted by law, the Chancellor is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages on campus. ~~or at fund-raising events held to benefit non-profit corporations.~~ Alcoholic beverages shall not be served on campus except in accordance with these procedures.
- ~~3.4.~~ It is the responsibility of each District employee to adhere to the requirements of the drug-free policy and to notify the Office of Human Resources within five (5) days of any criminal drug statute conviction for violations occurring in the workplace or educational setting.
- ~~4.5.~~ Within ten (10) days after receiving notice from an employee of any criminal drug statute conviction, the Office of Human Resources will notify all Federal agencies from which Federal grants are received, pursuant to requirement of the Act.
- ~~5.6.~~ Within thirty (30) days of receiving notice of such conviction, the Chancellor or designee shall initiate the appropriate personnel action or require the employee to participate in a drug-abuse assistance or rehabilitation program.
- ~~6.7.~~ District employees found to be in violation of this policy by unlawfully manufacturing, distributing, dispensing, possessing or using alcohol or a controlled substance in the workplace, educational facility or on any District property, or by failing to notify the District of criminal drug statute convictions as required, will be subject to disciplinary measures up to and including dismissal, pursuant to established District and collective-bargained policies and procedures.
- ~~7.8.~~ It is the responsibility of each District student to adhere to the regulations of this drug-free policy. Students found to be in violation of this policy by the unlawful manufacturing, distributing, dispensing, possessing or using alcohol or a controlled substance on District property will be subject to disciplinary measures up to, and including expulsion, pursuant to District policy.
- ~~8.9.~~ Notice of the District Drug-Free Workplace and Educational Environment policy will be included in regular student publications and will be made available to employees annually.
- ~~9.10.~~ The District maintains a program of random alcohol and controlled substances testing for all persons who perform safety-sensitive functions such as driving passenger vehicles or operating a vehicle with a weight that is subject to this policy, as defined by the Omnibus Transportation Employee Testing Act of 1991 (hereinafter referred to as "the Omnibus Act"). This policy applies only

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to those District employees who are directly identified by the Vice Chancellor, Human Resources and appropriate administrator as holding and performing functions which have been identified as safety-sensitive and who are considered to be covered by the Federal regulations. These employees include all District employees who hold a commercial driver's license which is necessary to perform job-related duties such as operating a commercial motor vehicle or carrying fifteen (15) or more passengers, including the driver.

~~10~~.11. Employees who are covered by the Omnibus Act will be so notified and receive written information pertaining to it, its testing requirements, and their rights therein.

~~11~~.12. Pursuant to the Omnibus Act, District employees who are affected by this Act are subject to alcohol and controlled substance testing. The presence in the body, possession, use, distribution, dispensing and/or unlawful manufacture or sale of prohibited drugs is not condoned while conducting District business, or while in work areas, or in District vehicles on or off District property. Driving and/or otherwise performing safety-sensitive work while under the influence of alcohol, a controlled substance, or impaired as the result of a legally prescribed medication, are considered "prohibited conduct" for the purpose of this Act.

~~12~~.13. Each driver who has engaged in prohibited conduct (found to be operating under the influence of alcohol or a controlled substance) shall be advised of resources available in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names and locations of substance abuse professionals and counseling and treatment programs. Those employees who are found to be impaired as the result of using a prescription drug will not be permitted to perform safety-sensitive job duties and will be directed to their treating physician to regulate use of their medication.

~~13~~.14. The referral of a driver to an assistance program or substance abuse professional shall not preclude the imposition of disciplinary action. The employee will be accorded all rights and benefits as specified in the Americans with Disabilities Act and other applicable medical and leave laws as appropriate. Disciplinary procedures which may be imposed on the employee will adhere to District and collectively-bargained policies and procedures.

References: Drug Free Schools and Communities Act, 20 U.S. Code Section 1145g ; 34 C.F.R. Sections 86.1 et seq. and 668.46(b); 49 C.R.F. Part 40; Drug Free Workplace Act of 1988, 41 U.S. Code Section 702; **Business and Professions Code Section 25608**

(Revised ~~5/09~~ xx/xx)