

ACTION TO SHARE

LOS ANGELES UNIFIED SCHOOL DISTRICT
Office of the Chief Operating Officer

DISTRIBUTION: All Schools and Offices

SUBJECT: BULLETIN NO. X-1
IMPLEMENTING ZERO-TOLERANCE
POLICIES FOR DRUG-, ALCOHOL- AND
TOBACCO-FREE WORKPLACES

DATE: November 8, 2002

OFFICE: Office of the Chief Operating Officer

APPROVED: TOM BOYSEN, Chief Operating Officer

ROUTING
Local District Superintendents
Administrators
All Employees

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

Willie Crittendon, Administrator, School Operations and Safety, at (213) 241-6040 for the posting requirement of Attachments A and B of Bulletin X-1 in all schools and offices.

Bernie Goldstein, 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.

This bulletin replaces Bulletin No. P-11, "Implementing Zero-Tolerance Policies for Drug-, Alcohol- and Tobacco-Free Schools and Workplaces," dated September 13, 1996, issued by the Office of the Deputy Superintendent. The bulletin has been re-numbered and the content updated to reflect changes in federal and state laws and regulations affecting this subject matter. Sections of the bulletin that applied to students have been deleted and updated to appear in a new Bulletin No. Z-73, entitled Preventive Measures and Mandatory Procedures for Students Who Violate Laws Regarding Drugs, Alcohol, and Tobacco, dated November 1, 2002, from the Office of Student Health and Human Services.

Bulletin X-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.

I. INTRODUCTION

Substance abuse, including tobacco, alcohol, intoxicants, narcotics, and other dangerous drugs, both legal and illegal, remains a pervasive problem in our society. Ample evidence of the continued devastating effects of substance abuse and its concomitants, crime and violence, on the health and productivity of the nation's people, not only in the workplace but also as a threat to the fabric of our communities and society, demands a concerted effort that joins District administration and staff with law enforcement and federal, state, and local health and substance abuse prevention agencies in a

I. INTRODUCTION (Cont'd)

renewed, long-range, unified and sustained effort to address this critical problem.

II. DRUG- AND ALCOHOL-FREE SCHOOLS AND WORKPLACES

Under the Workplace Act of 1988 which became effective on March 18, 1989, the Drug-Free Schools and Communities Act of 1989, and the Title IV safe and Drug-Free Schools and Communities Act of 1989, and the Title IV Safe and Drug-Free Schools and Communities Act (SDFSCA) of 1994, the District must meet certain drug-free workplace requirements as a condition to receive federal funds or grants. The provisions of Title IV SDFSCA also require the District, in part, to adopt 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, 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.

A. Zero-Tolerance 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 any and 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 and does not supersede other existing District policies or practices concerning drug and alcohol use.

Employees are required to report any criminal drug or alcohol statute conviction for drug-and alcohol-related activity 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, termination 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 of notice of conviction to the Employee Relations/Services Section, Human Resources Division, at (213) 241-6591, and shall be in accordance with Board policies, the California Education Code, Personnel Commission Rules and Regulations, and/or applicable collective bargaining agreements.

II. DRUG- AND ALCOHOL-FREE SCHOOLS AND WORKPLACES (Cont'd.)

B. Zero- Tolerance Drug- and Alcohol Free Procedures for Employees

All supervising personnel must inform individuals and staff about this drug- and alcohol-free workplace policy. Please prominently post Attachment A and direct employees to read it. Ensure that the posting remains in place

To meet the requirements of the Drug-Free Workplace Act and the Safe and Drug-Free Schools and Communities Act (SDFSCA), the District will.

1. Continue to 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 area of personal problems, 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) 955-2873 twenty-four hours a day, seven days a week, and the District-sponsored health insurance plans, as appropriate. Effective January 1, 2003, the Employee Assistance Program through the Mental Health Network (MHN) will be replaced by United Behavioral Health (UBH) which can be reached toll-free at (866) 313-3077 twenty-four hours a day, seven days a week.

C. 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

II. DRUG- AND ALCOHOL-FREE SCHOOLS AND WORKPLACES (Cont'd.)

in appropriate administrative or disciplinary action, including, but not limited to, written reprimand, suspension, termination, 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.

III. TOBACCO-FREE SCHOOLS AND WORKPLACES

A. Zero-Tolerance Tobacco-Free Policy at Schools and Workplaces

The public health problem of tobacco use and the effects of tobacco smoke exposure among children and youth is addressed by California Assembly Bill 816 (1994). This law requires 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 or leased 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 Federal legislation (Title IV), the District implemented the Tobacco-Free Workplace policy on January 1, 1995.)

B. Zero-Tolerance Tobacco-Free Procedures at Schools and Workplaces

This bulletin is a reminder that all 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. Announcement 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:

III. TOBACCO-FREE SCHOOLS AND WORKPLACES (Cont'd.)

- a. Letters to parents
- b. News Releases
- c. Poster campaigns
- d. PA announcements
- e. Announcement at meetings
- f. Announcement at athletic events
- g. Announcement 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. Persistent violation of the District's policy will result in the application of the District's progressive discipline procedures.

Employees

- a. First Offense
Counseling interviews (present employee with policy)
- b. Second Offense
Verbal warning
- c. Third Offense
Written reprimand (to personnel file)

Note: Information on tobacco use prevention and cessation clinics is to be made available at each level in the disciplinary procedures.

D. District/Community Resources

The following agencies can provide tobacco use prevention information and/or cessation activities:

Los Angeles County Department of Health Services (Public Health-Tobacco Control Program)	(213) 351-7890
American Cancer Society (Fresh Start Program)	(818) 905-7766
American Lung Association (Freedom From Smoking)	(323) 935-5864
LAUSD Health Care Plans (See Individual Plan)	(213) 241-4262
LAUSD Tobacco Use Prevention Education Program	(213) 633-7810

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