

**TEMECULA VALLEY CHARTER TVCS
Board Policy**

5000 Personnel

5007 Drug Free Workplace - Employees

Board Action: APPROVED

Effective Date: 11-2-2015

TVCS will comply with all federal and state regulations regarding drug and alcohol use while employees are on the job. This policy covers all TVCS employees and violation of TVCS'S policy related to drug use is grounds for immediate termination. The TVCS is concerned about the use of alcohol, illegal drugs and controlled substances as it affects the workplace, TVCS community and students. Use of these substances whether on or off the job can adversely affect an employee's work performance, efficiency, safety, and health and therefore seriously impair the employee's value to TVCS and its students. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and students and exposes TVCS to the risks of property loss or damage or injury to other persons.

The use of prescription, or over the counter drugs, may also affect an employee's job performance and seriously impair the employee's value to TVCS. Any employee who is using prescription or over the counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately.

It is therefore against TVCS'S policies to:

- Drive a company vehicle, or a vehicle designated for TVCS business, while under the influence of alcohol or an illegal or controlled substance;
- Sell or purchase an illegal or controlled substance while on the job, on TVCS'S property, or in the presence of students;
- Possess or use alcohol or an illegal or controlled substance while on the job, on TVCS property, or in the presence of students, other than prescription medicine disclosed to and authorized by a supervisor;
- Be under the influence of alcohol or an illegal or controlled substance while on the job, or on TVCS'S property, other than prescription medicine disclosed to and authorized by a supervisor.

Violation of these rules and standards of conduct will not be tolerated and will result in disciplinary action, up to and including termination of employment. TVCS may also bring the matter to the attention of appropriate law enforcement authorities.

In order to enforce this policy, TVCS reserves the right to conduct searches of TVCS'S property, and to implement other measures necessary to deter and detect violation of this policy.

An employee's conviction on a charge of illegal sale or possession of any controlled substance while off of TVCS'S property will not be tolerated because such conduct, even though off duty, reflects adversely on TVCS; such conduct warrants early termination without notice or payment in lieu of notice.

Employees of TVCS who have been involved in an accident or other incident resulting in a fatality or serious injury on TVCS'S property or while operating TVCS'S vehicle or conducting TVCS business, will be required to take a drug and/or alcohol test. Anyone refusing to submit to such testing will be subject to immediate termination of employment for insubordination.

The Administration reserves its right to require all applicants to be tested for drug or alcohol use. Where there is a reasonable suspicion of drug or alcohol use which impacts on an employee's performance or behavior on the job, the Administration reserves the right to require the employee to be examined by a physician (paid for by the TVCS), to undergo testing for drug or alcohol use, and to consent to have the results of the examination and test results released to the Administration.

Reasonable suspicion of drug or alcohol use on the job may be based on factors such as: observable phenomena such as direct observation of drug use or possession or the physical symptoms of being under the influence of a drug, a pattern of abnormal conduct or erratic behavior, arrest or conviction of a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking, information provided, information provided by either by reliable and credible sources or independently corroborated, frequent absenteeism and other attendance problems or poor or erratic work performance. Where an employee tests positive on a drug or alcohol test, the employee may, at the TVCS's sole discretion, be terminated or be required to undergo drug or alcohol rehabilitation or medical treatment as a condition of continued employment. The Administration will reasonably accommodate any employee who voluntarily chooses to undergo rehabilitation or medical treatment and will assist in the cost of such treatment to the extent, if any, it is covered by the insurance provided by the TVCS.

An employee who has tested positive or has admitted drug use and has not been terminated will be required to demonstrate that he or she has become drug-free before being allowed to return to work. Random testing of such an employee will be a condition for continued employment.

If an employee who is reasonably suspected of drug or alcohol use on the job refuses to see or be examined by a physician, to take a drug test, to authorize release of a report from the doctor or to undergo rehabilitation or medical treatment, the employee will be subject to immediate discipline, including, but not limited to, immediate suspension or discharge. In addition, the employee will be subject to immediate discipline for misconduct.

Where discipline short of discharge is invoked, the Administration retains the right to hire a permanent replacement for any employee who has been suspended or who is off the job due to drug or alcohol use or violation of this policy.

If, after having refused rehabilitation or treatment, the employee's poor performance or misbehavior on the job persists, the employee will not be offered another opportunity for treatment or rehabilitation before disciplinary action is taken. Before any disciplinary action is taken against the employee who has tested positive on a drug test, an opportunity for retesting will be given.