Board Policy GAMA: Drug-Free Workplace Status: ADOPTED

Original Adopted Date: 12/04/2014 | Last Revised Date: 06/17/2021 | Last Reviewed Date: 06/17/2021

The Board of Public Education for Bibb County ("Board") declares that the manufacture, distribution, sale or possession of controlled substances, marijuana and other dangerous drugs in an unlawful manner or being at work under the influence of alcohol, controlled substances, marijuana or other dangerous drugs is a serious threat to the public health, safety and welfare. With this in mind, the Board declares that its ~~work force~~workforce must be absolutely free of any person who would knowingly manufacture, distribute, sell or possess a controlled substance, marijuana or a dangerous drug in an unlawful manner. This prohibition specifically includes, but is not limited to, unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol in the employee's workplace. The prohibition also includes, but is not limited to, an employee being under the influence of alcohol or controlled substances while on duty.

The Board hereby notifies all employees that during the course of their employment, or as a condition of employment, the employee may be tested for misuse of alcohol and/or use of controlled substances. Such tests shall include but are not limited to preemployment and/or pre-duty testing for employees in safety-sensitive positions pursuant to Board Policy GCRA, and in certain situations may require post-accident testing, reasonable suspicion testing, random testing, controlled substance testing, and follow-up testing. The Superintendent or designee is authorized to prepare a regulation regarding these testing procedures.

A. Definitions

1. "Alcohol" means beer, wine, spirits, ethyl alcohol, and other low molecular weight alcohols from whatever source or by whatever means produced.

~~1.~~2. "Controlled Substance" means a drug, substance, or immediate precursor in Schedules I through V of the Official Code of Georgia ~~Code~~ Sections 16-13-25 through 16-13-29 and Schedules I through V of 21 C.F.R. Part 1308, including but not limited to marijuana, cocaine, heroin, opiates, and amphetamines. ~~The Board further includes alcoholic beverages to be included in this definition. This definition does not include substances used with a valid prescription issued by a physician, dentist, or other agent licensed to prescribe legal drugs.~~

~~2.~~3. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence or both by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes. A criminal drug statute is defined as a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, use, possession or being under the influence of any controlled substance or alcohol.

~~3.~~4. "District" means the Bibb County School District.

~~4.~~5. "Employee" means all individuals employed by the Board, including but not limited to administrators, bus drivers, coaches, custodians, maintenance workers, teachers, and technology personnel.

~~5.~~6. "Immediate Precursor" means a substance which the State Board of Pharmacy has found to be and by rule identified as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

~~6.~~7. "Illegal Drug" ~~means~~ shall include marijuana as defined in paragraph (16) of Code Section 16-13-21, a controlled substance as defined in paragraph (4) of Code Section 16-13-21, a dangerous drug as defined in Code Section 16-13-71, or any other controlled substance or dangerous drug that persons are prohibited by state or federal law from using. The term "illegal drugs" does not include any legal controlled substance being used pursuant to a valid medical prescription or as otherwise authorized by state or federal law.~~any controlled substance as defined in O.C.G.A. § 16- 13-21 and all dangerous drugs as defined in O.C.G.A. § 16-13-71~~.

~~7.~~8. "Workplace" means all school property and vehicles owned, leased, or used by the ~~Board~~District, and any geographic location at which an employee performs work pursuant to his/her employment with the District, including any travel while in work travel status. ~~The workplace also includes any employee's travel related to his~~

~~or her employment .~~

B. Prohibited Activities

1. No employee shall use, possess, manufacture, distribute, sell, or be under the influence of any controlled substance, illegal drug, or alcohol while on duty, at any school-related event, or on any property owned or operated by the Board.

2. Employees on duty shall not use or take prescription drugs above the prescribed physician's recommended level and shall not use them for purposes other than their intended and prescribed purposes.

3. Employees shall not distribute or dispense drugs and/or prescription drugs while on duty, except as permitted by Board Policy JGCD Medication.

4. Employees shall not report to work or perform any duties for the District while impaired by medication, even if the medication has been administered/consumed as prescribed by a physician.

Any violation of these prohibited activities will result in disciplinary action, up to and including termination of employment.

~~B.~~C. Employees Convicted of Criminal Offenses

Any employee who is convicted for the first time, under the laws of this state, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance, marijuana or a dangerous drug will be subject to disciplinary action as provided by law. At a minimum, such an employee will be suspended for a period of not less than two (2) months and will be required to complete, at his or her own expense, a drug abuse treatment and education program licensed under Chapter 5 of Title 26 of the Official Code of Georgia and approved by the B~~b~~oard. At a maximum, such an employee may be terminated from ~~his~~ employment with the school system. Any employee who is convicted for a second or subsequent time under the laws of this state, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale possession of a

controlled substance, marijuana or a dangerous drug will be terminated from his or her employment and will be ineligible for employment with the District for a period of five years from the most recent date of conviction.

As a condition of employment, each employee must abide by the terms of this policy and must notify the Board within five (5) days of any conviction of a drug-related offense.

C.D. Continuance of Employment

If prior to an arrest or policy violation for an offense involving a controlled substance, marijuana or a dangerous drug, an employee notifies the Superintendent or the Superintendent's designee that the employee illegally uses a controlled substance, marijuana or a dangerous drug and is receiving or agrees to receive treatment under a drug abuse treatment and education program licensed under Chapter 5 Title 26 of the Official Code of Georgia and approved by the Board, the employee will be entitled to maintain his or her employment for up to one (1) year as long as the employee follows the treatment plan.

During this periodperiod, the employee will not be separated from employment solely on the basis of the employee's drug dependence, but the employee's work activities may be restricted restructured if practicable to protect persons or property. No statement made by an employee to the Superintendent or the Superintendent's designee in order to comply with this code sectionpolicy will be admissible in any civil, administrativeadministrative, or criminal proceeding as evidence against the public employee. The rights granted by this policy will be available to any employee only once during a five (5) year period and are intended to be and will be interpreted as being the same as those minimum rights granted to the Georgia Drug-Free Work Force Act and any subsequent amendments thereofdo not apply to any employee who has refused to be tested or who has tested positive for a controlled substance, marijuana or a dangerous drug.
As a condition of employment, each employee must abide by the terms of this policy and must notify the Board within five (5) days of any conviction of a drug-related offense. A copy of this policy will be disseminated to all employees either directly or through employee handbooks.

This policy is not intended and will not be interpreted as prohibiting the District from taking appropriate disciplinary action against any employee who has violated the Prohibited Activities identified above in this policy, or where there exists evidence that an employee manufactures, distributes or sells controlled substances even though the employee has not been convicted of any criminal offense.

E. Other Employment Considerations

The Board of Education will not consider for employment any applicantion who has been convicted for the first time of any drug offense as described above for a three (3) month period from the date of conviction nor will the

Board consider any applicant for employment who has been convicted for the second time of any drug offense as described above for a five (5) year period from the most recent date of conviction.

For purpose of this policy, "conviction" refers to any final conviction in a court of competent jurisdiction, specifically including acceptance of a plea of guilty, nolo contendere, or any plea entered under the First Offenders Act of Georgia or any comparable state or federal legislation.

No certified employee or employee with a contract for a definite term will be subject to suspension or termination pursuant to this policy except in compliance with the provisions of the Fair Dismissal Act of Georgia, Official Code of Georgia AnnotatedO.C.G.A. §§ 20-2-940 through 947.

This policy is not intended and will not be interpreted as prohibiting the school systemDistrict from taking appropriate disciplinary action against any employee where there exists evidence that an employee uses, distributes or sells illegal drugscontrolled substances even though the employee has not been convicted of any criminal offense or where there exists evidence that an employee is under the influence of alcohol while on duty, except that the school systemDistrict may not use the statement of any employee to the Superintendent requesting treatment as described in this policy.

The District will provide such staff professional development as required by state or federal law to inform employees of the dangers of drug abuse, the availability of employee assistance and drug counseling and treatment,

penalties imposed for drug abuse violations occurring in the workplace, and the terms of this policy. A copy of this policy will be disseminated to all employees either directly or through employee handbooks.
