Regulation GAMA-R(1): Drug-Free Workplace - Drug and Alcohol Testing Status: ADOPTED

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The Board of Public Education for Bibb County ("Board") ~~Board of Education~~ is ~~dedicated~~ committed to providing a safe and healthy environment for its students and employees and to ensuring that all employees ~~are in compliance~~comply with Policy GAMA.

The Board will not tolerate the unauthorized use, manufacture, distribution, sale or possession of controlled substances, ~~marijuana,~~ and other dangerous drugs in the workplace, or being at work under the influence of alcohol, controlled substances, ~~marijuana,~~ or other dangerous drugs. ~~use, abuse, possession or sale of alcohol or controlled substances by its employees and shall require a~~All employees are required to submit to ~~an~~ alcohol and drug screening for the following reasons:

A. Post-Accident Testing

The District will require post-accident alcohol and/or controlled-substance testing when authorized or required by applicable law and this policy. An employee may be subject to testing when: (1) the employee caused or contributed to an on-the-job injury that results in lost work time; (2) the employee was performing a safety-sensitive function and testing is required under applicable federal or state transportation law, including 49 C.F.R. § 382.303; (3) specific, contemporaneous, and articulable facts establish reasonable suspicion that alcohol or controlled-substance use may have contributed to the workplace accident; or (4) another applicable law expressly requires testing. ~~In the event of any type of accident/injury involving an employee that is seeking treatment, directly or indirectly, the employee shall be tested for alcohol and controlled substance use after the accident.~~

~~Employees who are subject to post-accident testing shall remain readily available for such testing. Otherwise, the employee is considered to have refused to submit to testing and employment shall be recommended for termination.~~

Nothing in this policy shall delay or interfere with emergency medical treatment, require an employee to remain at an unsafe location, or penalize an employee for reporting a work-related injury or illness. An employee directed to test shall, after receiving notice and when medically able, remain reasonably available and cooperate with authorized testing. An employee who, without adequate justification, expressly refuses testing or fails to cooperate after notice and a reasonable opportunity to comply may be treated as having refused testing and may be subject to discipline in accordance with applicable law and Board policy. No adverse action shall be based solely on an employee's report of an accident, injury, or illness.~~Nothing in this policy shall be constructed to require the delay of necessary medical attention for injured people following an accident, or to prevent an employee from leaving the scene of an accident due to safety concerns or for a period of time necessary to obtain assistance in responding to the accident.~~

B. Reasonable Suspicion Testing

Reasonable suspicion shall be cause for an employee to be required to undergo testing for use of alcohol or ~~abuse or~~ controlled substances in violation of Policy GAMA. Employees who are notified that they are subject to a reasonable suspicion test shall proceed to the testing site immediately, unless a valid extenuating circumstance ~~exists~~, as determined at the discretion of the Superintendent or designee.

C. Random Testing

~~The Board hereby notifies all employees who drive a safety-sensitive vehicle during the course of their employment, that as a condition of employment, the employee shall be tested for misuse of alcohol and/or use of controlled substances.~~

~~Random testing for alcohol and/or controlled substances for all employees in safety-sensitive position is covered by Board Policy GCRA~~Board Policy GCRA covers random testing for alcohol and/or controlled substances for all employees in safety-sensitive position. ~~shall be unannounced and conducted for all employees who operate a Board-owned vehicle and/or machinery in accordance with state and federal law and local policy.~~

D. Pre-Employment Testing

~~Every applicant selected for employment with the Board, for any full-time, part-time, temporary, substitute, seasonal, or other paid position, shall be required, after receiving a conditional offer of employment and before beginning work, to submit to a test for controlled substances and other prohibited drugs.~~ Prior to the first time an employee drives a ~~safety-sensitive~~bus, commercial, or other District vehicle within the scope of their employment, that is owned, leased, or used by the Board, the employee may be required to undergo testing for alcohol and controlled substances.

Any pre-employment substance abuse or alcohol test, or other medical examination shall be administered only after a conditional offer and in accordance with the Americans with Disabilities Act and other applicable law.

E. Follow-up Alcohol and Controlled Substance Testing

The Board reserves the right to conduct follow-up alcohol and controlled substance testing ~~against~~for any employees returning to work if the employee had previously tested positive for alcohol and/or controlled substance use. The Board may also conduct follow-up testing when an employee has entered a rehabilitation program because of a positive confirmed test result. The frequency of such testing will be a minimum of at least once a year for a two-year period after completion of the rehabilitation program. Advance notice of testing date will not be given to the employee.

F. Penalties

Employees who refuse to submit to a drug or alcohol test or who have positive test results may be recommended for termination of employment. Employees who have positive controlled substances test results may be recommended for substance abuse treatment and suspension, or termination of employment in accordance with law.