

Board Policy

Descriptor Code: GAM

Date: November 1, 1994

Revised: August 4, 2004

DRUG FREE WORKPLACE

The Pickens County Board of Education is concerned with the wellbeing of all employees of the Pickens County Board of Education. The board recognizes that a drug-free workforce encourages productivity and promotes the accomplishment of the Board's missions and goals. In accordance with the federal Drug-Free Schools and Communities Act Amendments of 1989 and Drug-Free Workplace Act of 1988, and the state Drug-Free Public Work Force Act of 1990, the Pickens County Board of Education hereby declares that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, marijuana or dangerous drug is prohibited for all Pickens County Board of Education employees at any time.

In addition, the beverage alcohol is included in this policy in regard to the workplace. The Board prohibits the unlawful possession, use, manufacture, distribution or sale of alcohol in the workplace or while on duty.

For purposes of this policy, the following definitions shall apply. A controlled substance is defined as those drugs or substances listed in Schedules I through V of the federal and state Controlled Substance Acts, including but not limited to, marijuana, cocaine, heroin, opiates, and amphetamines. Not included are controlled substances used in accordance with a valid prescription. The workplace is defined as a geographic location at which an employee performs work pursuant to his or her employment with the Pickens County Board of Education, including any travel while in travel status. A dangerous drug is defined as any drug, other than drug listed in any schedule of Article 2 of O.C.G.C., Title 16, Chapter 13, which may be dispensed only with prescription. Conviction means a finding of guilt or imposition of sentence or both by any judicial body charges with the responsibility to determine violations of the federal or state criminal drug statutes, specifically including a plea of guilty, nolo contendere, or any plea entered under the First Offenders Act of Georgia or any comparable state or federal legislation. A criminal drug statute is defined as a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance, marijuana, alcohol or dangerous drug.

In the workplace, for purposes of the Drug-Free Schools and Communities Act Amendments of 1989, referrals for prosecution shall be made for employees who unlawfully manufacture, distribute, dispense, possess or use a controlled substance, marijuana or dangerous drug; or unlawfully possess, use, manufacture, distribute or sell beverage alcohol.

Each employee shall be given a copy of this policy. As a condition of employment, employees will abide by the terms of this policy and shall notify the Pickens County Board of Education in writing of any criminal drug statute or alcohol conviction not later than five (5) days after such conviction.

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 shall be subject to disciplinary action. At a minimum, such an employee shall be suspended for a period of not less than two months and shall 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 board. 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 or possession of a controlled substance, marijuana or a dangerous drug shall be terminated from his or her employment and shall be ineligible for employment for a period of five years from the most recent date of conviction.

If, prior to an arrest 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 of Title 26 of the Official Code of Georgia and approved by the Board, the employee shall be entitled to maintain his or her employment for up to one year as long as the employee follows the treatment plan. During this period, the employee shall not be separated from employment solely on the basis of the employee's drug dependence, but the employee's work activities may be 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 section shall be admissible in any civil, administrative or criminal proceeding as evidence against the public employee. The rights granted by this policy shall be available to an employee only once during a five year period and are intended to be and shall be interpreted as being the same as those minimum rights granted pursuant to the Georgia Drug-Free Work Force Act and any subsequent amendments thereof.

The Board of Education shall not consider for employment any applicant who has been convicted for the first time of any drug offense as described above for a three month period from the date of conviction nor shall the Board of Education consider any applicant for employment who has been convicted for the second time of any drug offense as described above for a five year period from the most recent date of conviction.

Within thirty (30) days of notification by the employee or otherwise receiving actual notice of such conviction, the Board or Superintendent as appropriate shall, with respect to any employee so convicted:

1. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; and/or
2. Require such employee to participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.

No certified employee or employee with a contract for a definite term shall 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 Annotated ¶ 20-2-940 through 947. This policy is not intended and shall not be interpreted as prohibiting the school system from taking appropriate disciplinary action against any employee where there exists evidence that an employee uses, distributes or sells illegal drugs 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 system may not use the statement of any employee to the superintendent requesting treatment as described in this policy.

The Superintendent shall develop a drug- and alcohol-free awareness program to inform employees of the following:

- The dangers of illicit drug and alcohol abuse.
- Local board policy GAM (Staff Rights and Responsibilities: Drug-Free Workforce) concerning the maintenance of a drug- and alcohol-free workplace and any penalties to be imposed upon employees for unlawful drug and alcohol activities.
- Any available drug counseling, rehabilitation and employee assistance program.

A biennial review of the drug-free awareness program will be made to determine its effectiveness and implement changes to the program if needed, and ensure that sanctions are consistently enforced.

Entities contracting with the Pickens County Board of Education shall, as a condition of the contract, assure a drug- and alcohol-free workplace.

This is to certify that I have received a copy and read Board Policy GAM: Drug- and Alcohol-Free Workforce. As a condition of employment, I will adhere by the terms of this policy and shall notify the Superintendent of any criminal drug conviction not later than five (5) calendar days after such conviction. This also includes a conviction for an alcohol violation occurring in the workplace.

(print name)

(signature)

(date)