

DRUG FREE WORK FORCE

The Columbia County Board of Education is concerned with the well being of all employees of the school system. The Board recognizes that a drug-free workplace encourages employee productivity and promotes the accomplishment of the Board's missions and goals. In accordance with the Georgia's Drug-Free Public Work Force Act of 1990, the Board of Education hereby declares that the unlawful manufacture, distribution, sale and possession of controlled substances or other dangerous drugs and ALCOHOL are prohibited in the workplace for all school system employees. In addition, no employees shall possess, consume or be under the influence of any intoxicating beverages while on school property and/or in performance of official duties as an employee of the Columbia County School System.

For purposes of this policy, the following definitions shall apply:

1. "Controlled substance" means any drug, substance, or immediate precursor included in the definition of the term "controlled substance" in paragraph (4) of Code Section 16-13-21;
2. "Convicted" or "conviction" refers to a final conviction in a court of competent jurisdiction, the acceptance of a plea of guilty, or the plea of nolo contendere;
3. "Dangerous drug" means any drug or substance defined as such under Code Section 16-13-71;
4. "Marijuana" means any substance described in paragraph (16) of Code Section 16-13-21;
5. "Public employee" means any person employed on a full-time, part-time, temporary, or intermittent basis and shall also include all officials, or administrators of any school system;
6. "Public employer" means any public school system that receives any funds from the State of Georgia; agency thereof;
7. "Public employment" means employment by any public employer.

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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 Columbia County Board of Education of any criminal drug statute conviction or a plea of nolo contendere not later than five days after such conviction. Anyone violating the reporting requirement of this policy shall be deemed to have committed an act of insubordination and be subject to the appropriate personnel action. The Columbia County Board of Education shall notify the appropriate state or federal agencies within 10 days after receiving notice of the conviction from the employee or otherwise after receiving the actual notice of such conviction.

Within 30 days of notification by the employee or otherwise receiving actual notice of such conviction, the School Board shall respond in the following manner:

- A. Any public employee who is convicted for the first time, under the laws of this state, the United States, or any state, of any criminal offense involving the manufacture, distribution, sale, or possession of a controlled substance, marijuana, or a dangerous drug shall be suspended from his or her public employment for a period of not less than two months. Any such employee shall be required as a condition of completion of suspension to complete a drug abuse treatment and education program licensed under Chapter 5 of Title 26 and approved by the Board of Education.

Any person with one previous drug-related conviction is ineligible for any public employment for a period of three months from the date of conviction.

- B. Any public 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 ALCOHOL OR a controlled substance, marijuana, or a dangerous drug shall be terminated from his or her public employment and shall be ineligible for other public employment for a period of five years from the most recent date of conviction.

Any person with a second or subsequent previous drug-related conviction is ineligible for any public employment for a period of five years from the most recent date of conviction.

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- C. Any public employee who violates the terms of this policy dealing with the possession, consumption, or being under the influence of any intoxicating beverages shall be dealt with on the basis of the position of the employee, the past record of the employee, the nature of the offense, and the willingness of the employee to correct the abuse.

The suspension, expulsion and ineligibility sanctions prescribed in this chapter, O.C.G.A. 45-23-1 et seq., are intended as minimum sanctions, and nothing in this chapter shall be construed to prohibit the Board from establishing and implementing additional or more stringent sanctions for criminal offenses and other conduct involving the unlawful manufacture, distribution, sale, or possession of a controlled substance, marijuana, or a dangerous drug.

On or after July 1, 1990, if, prior to an arrest for an offense involving a controlled substance, marijuana, or a dangerous drug, an employee notifies the Board of Education or 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 and approved by the Board of Education, the employee shall be entitled to maintain the employee's 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 a supervisor of the employee or other person 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 Code Section shall be available to an employee only once during a five-year period and shall 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.

An employee who has signed a fourth year contract with the school system, as defined under O.C.G.A. 20-2-942, shall be offered a hearing as provided under the Fair Dismissal Act 20-2-940 et seq.

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

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- The dangers of drug abuse in the workplace.
- State Board of Education Rule(Staff Rights and Responsibilities: Drug-Free Workplace) and any accompanying administrative procedures concerning the maintenance of a drug-free workplace.
- Any available drug counseling, rehabilitation and employee assistance programs.
- Any penalties to be imposed upon employees for drug abuse violations occurring in the workplace.

Entities contracting with the Board of Education shall, as a condition of the contract, assure a drug-free workplace as required under the U.S. Drug-Free Workplace Act of 1988. For contracts, a drug-free workplace means a geographic location at which individuals are directly engaged in the performance of work pursuant to a contract with the Board of Education.

PROCEDURE: NO

ADOPTED: 03/08/94

REVISED: 02/24/98, 10/01/97