

DRUG AND ALCOHOL ABUSE

SECTION I - STATEMENT OF PURPOSE

The employees of the Board of Education are a valuable resource and their health and safety is therefore a serious concern. The Board will not tolerate any drug or alcohol use which imperils the health and well-being of its employees or threatens its business.

The use of illegal drugs and abuse of other controlled substances, on or off duty, is inconsistent with law abiding behavior expected of all citizens. Employees who use illegal drugs or abuse other controlled substances or alcohol, on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism resulting in the potential for increased cost, delay and risk in the Board's business.

Furthermore, employees have the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs. Employees who abuse alcohol or drugs are a danger to themselves and to other employees. In addition, drug and alcohol abuse inflicts a terrible toll on the nation's productive resources and the health and well-being of American workers and their families.

The Board of Education is therefore committed to maintaining a safe and healthy work place free from the influence of alcohol and drugs. In addition, the Board will vigorously comply with the requirements of the Drug-Free Workplace Act of 1988.

SECTION II - DRUG FREE AWARENESS PROGRAM

To assist employees and their families to understand and to avoid the perils of drug and alcohol abuse, the Board has developed a comprehensive Drug-Free Awareness program. The Board will use that program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The Drug-Free Awareness program will inform employees and their families about: (1) the dangers of alcohol and drug abuse in the workplace; (2) the Board's Alcohol and Drug Abuse Policy; (3) the availability of treatment and counseling for employees who voluntarily seek such assistance; and (4) the sanctions the Board will impose for violations of its Alcohol and Drug Abuse Policy.

SECTION III - SUBSTANCE ABUSE AS A MEDICAL PROBLEM

The Board of Education recognizes that substance abuse is a medical problem which can be successfully treated. Almost all substance abusers deny they have a problem, however, and ordinarily do not seek treatment voluntarily. This denial is the single most significant obstacle to successful treatment.

Recognizing this reality, although the Board encourages voluntary drug and alcohol abuse treatment, it will take strong action against employees who do not seek treatment on their own. This strong action is designed to break through the denial barrier and convince substance abusing employees of the need for treatment.

SECTION IV - ASSISTANCE IN OVERCOMING ALCOHOL OR DRUG ABUSE FOR EMPLOYEES WHO VOLUNTARILY SEEK HELP

Early recognition and treatment of alcohol or drug abuse is important for successful rehabilitation, for economic return to the work force, and for reduced personal, family, and social disruption. The Board encourages the earliest possible diagnosis and treatment for alcohol or drug abuse. The Board supports sound treatment efforts. Whenever feasible, the Board will assist employees in overcoming drug or alcohol abuse. However, the decision to seek diagnosis and accept treatment for alcohol or drug abuse is primarily the individual employee's responsibility.

To assist employees in obtaining early voluntary treatment, the Board has retained the services of an employee assistance program (EAP which is a counseling and referral service for employees with substance abuse problems. The Board also makes available an optional health insurance plan to help pay for treatment. Finally, leave is available under the Family and Medical Leave Act for employees who need time off from work for treatment of substance abuse problems. **To ensure that these benefits are available, however, employees must voluntarily seek help. These benefits may not be available to employees who do not seek help on their own.**

Employees with personal alcohol or drug abuse problems should request the confidential assistance of the EAP. Employees may seek help without the approval or even knowledge of their supervisor. the EAP will refer the employee to the appropriate counseling and treatment services. Employees who voluntarily request EAS assistance in dealing with an alcohol or drug abuse problem **prior to being found in violation of this policy** may do so without jeopardizing their continued employment with the Board if they meet all of the conditions and requirements of the treatment program.

Voluntary requests for assistance from the EAP will not prevent disciplinary action for violation of the Board's Alcohol and Drug Abuse Policy, however. Employees who undergo voluntary counseling or treatment pursuant to a referral by the EAP and who continue to work or return to work after a period of hospitalization must meet all established standards of conduct and job performance.

SECTION V - SUPERVISORY TRAINING

The Superintendent will train its supervisors in (a) identifying and documenting job performance and on-the-job behavior that may reflect the impact of drug and/or alcohol abuse, (b) identifying evidence of on-the-job use of, or impairment by, alcohol or drugs, (c) procedure for referral for testing of employees suspected of violating the Board's Alcohol and Drug Abuse policy, (d) drug testing procedures and technology, (e) procedures for conducting workplace inspections, and (f) procedures for encouraging voluntary referrals to the Board's EAP.

SECTION VI - AUTHORIZED USE OF PRESCRIBED MEDICINE

Employees undergoing prescribed medical treatment with any drug which may alter their behavior or physical or mental ability must report this treatment upon receipt of such prescription to their Supervisor **and** the Department of Personnel, which will determine whether the Board should temporarily change the employee's job assignment during the period of treatment. Employees must keep all prescribed medicine in its original container, which identifies the drug, date of prescription, prescribing doctor and dosage instructions. (Ref. O.C.G.A. ' 16-13-75).

SECTION VII - ARREST OR CONVICTION UNDER CRIMINAL DRUG STATUTE

As soon as reasonable practicable, but in no event any later than five (5) days, employees must notify their principal or immediate supervisor and the Director of Personnel of **any** arrest **or** conviction under any criminal drug statute or ordinance.

SECTION VIII - PROHIBITIONS

Board of Education policy prohibits the following:

1. Use, possession, manufacture, distribution, dispensation or sale of illegal drugs or drug paraphernalia on Board premises or Board business, in Board supplied vehicles, or during working hours;
2. Unauthorized use or possession of a controlled substance on Board premises or Board business, in Board supplied vehicles, or during working hours; manufacture, distribution, dispensation or sale of a controlled substance on Board premises or Board business, in Board supplied vehicles, or during working hours;

3. Unauthorized use, manufacture, distribution, or sale of alcohol at a Board workplace during working hours or while operating a Board vehicle.
4. Being under the influence of an unauthorized controlled substance or illegal drug on Board premises or Board business, in Board supplied vehicles, or during working hours; being “under the influence” of an unauthorized controlled substance or illegal drug is defined as testing positive at a specified ratio of milligrams per liter.
5. Being under the influence of alcohol at a Board workplace during working hours or while operating a Board vehicle being under the influence of alcohol is defined as a blood alcohol content of .04 or higher.
6. Use of alcohol off Board premises that adversely affects the employee’s work performance, his own or others’ safety at work, or the Board’s regard or reputation in the community;
7. Possession, use, manufacture, distribution, dispensation or sale of illegal drugs off Board premises that adversely affects the employee’s work performance, his own or others’ safety at work, or the Board’s regard or reputation in the community;
8. Switching or adulterating any urine sample submitted for testing;
9. Refusing consent to testing or to submit a breath, saliva, urine or blood sample for testing when requested by appropriate Board officials;
10. Refusing to submit to an inspection when requested by Board officials;
11. Failing to adhere to the requirements of any drug or alcohol treatment or counseling program in which the employee is enrolled;
12. Conviction under any criminal drug law;
13. Arrest under any criminal drug law under circumstances which adversely affect the Board’s regard or reputation in the community;
14. Failure to notify the Principal or immediate supervisor **and** Director of Personnel of any arrest or conviction under any criminal drug or alcohol law within five days of the arrest or conviction;
15. Failure to report to the Principal or immediate supervisor **and** the Director of Personnel the use of a prescribed drug which may alter the employee’s behavior or physical or mental ability upon the receipt of such prescription;
16. Failure to keep prescribed medicine in its original container;
17. Refusal to complete a Medical Questionnaire and Consent Form prior to testing;
18. Refusal to complete the Toxicology Chain of Custody Form after submission of a urine or blood specimen.

SECTION IX - DRUG AND ALCOHOL TESTING

Whenever the Board reasonably suspects that an employee’s work performance or on-the-job behavior may have been affected in any way by alcohol or drugs, the Board may require the employee to submit a breath, saliva, urine and/or blood specimen for alcohol and drug testing. An employee who tests positive for alcohol or drugs as a result of such a test will be in violation of this policy.

The Board will randomly test law enforcement employees who are directly involved in drug interdiction or enforcement of related laws and/or who carry firearms. The Board shall also randomly test bus drivers as required by

federal law and regulations and may randomly test other categories of employees who occupy safety sensitive positions such as bus drivers. An employee who tests positive for alcohol or drugs during a random test will be in violation of this policy.

Whenever the Board requires an employee in a law enforcement position or an employee in a safety sensitive position (other than an employee required to have a commercial drivers license) to undergo a physical exam, that examination will include a breath, saliva, urine and/or blood test for alcohol and drugs. An employee who tests positive for alcohol or drugs during such a physical exam will be in violation of this policy.

Whenever the Board has reasonable suspicion to believe that an employee may have contributed to an on-the-job accident involving a fatality, bodily injury, or damage to property, the Board must require the employee to submit a breath, saliva, urine and/or blood specimen for alcohol or drug testing. An employee who tests positive for alcohol or drugs as a result of such a test will be in violation of this policy.

The Board will afford employees subject to testing the opportunity, prior to testing, to list all prescription and non-prescription drugs they have used in the last thirty days and to explain the circumstances surrounding the use of such drugs.

Employees subject to testing must sign, prior to testing, an approved form consenting to the testing and consenting to the release of the test results to the Board's Department of Personnel.

Prior to taking any action, the Board will give all employees who test positive for alcohol or drugs the opportunity to explain the test results.

The Director of Personnel will report all positive alcohol or drug tests to the Superintendent and other administration officials on a need-to-know basis.

SECTION X - INSPECTIONS

Employees may be assigned Board-owned offices, vehicles, lockers, desks, cabinets and cases for the mutual convenience of the Board and its personnel. Employees have no expectation of privacy in any such vehicles, desks, etc. nor in any personal belongings which they may place in such areas.

Whenever the Board of Education reasonably suspects that an employee's work performance or on-the-job behavior may have been affected in any way by alcohol or drugs, the Board may search the employee, the employee's locker, desk or other Board property under the control of the employee.

Whenever the Board reasonably suspects that an employee has sold, purchased, used or possessed alcohol, drugs or drug paraphernalia on Board premises, the Board may inspect the employee, the employee's locker, desk or other Board property under the control of the employee.

Inspections under this policy are limited to investigations into work related misconduct and offenses against the employment relationship. Any searches for law enforcement purposes must comply with all applicable criminal procedure standards.

SECTION XI - CONSEQUENCES FOR VIOLATION OF THIS POLICY

Violation of the Board's Alcohol and Drug Policy may result in severe disciplinary action, including discharge for a first offense, at the Board's sole discretion. The Board will routinely discharge an employee in the following cases:

- When the employee uses, possesses, manufactures, distributes, dispenses, or sells illegal drugs or drug paraphernalia on Board premises or Board business, in Board supplied vehicles, or during working hours;
- When the employee uses or possesses without authorization, manufacturers, distributes, dispenses, or sells a controlled substance on Board premises or Board business, in Board supplied vehicles, or during working hours;

- When the employee stores in a locker, desk, automobile or other repository on Board premises any illegal drug, drug paraphernalia or any controlled substance whose use is unauthorized;
- When the employee is convicted under any criminal drug statute for a violation occurring on or off the job;
- When the employee switches, tampers or adulterates, or attempts such switching, tampering or adulteration, of a urine sample provided for testing;
- When the employee refuses to consent to testing or to submit a breath, saliva, urine or blood sample for testing when requested by management;
- When the employee refuses to submit to an inspection when requested by the Superintendent or his designee;
- When the employee fails to notify the Principal or immediate supervisor and the Director of Personnel of any arrest or conviction under any criminal drug statute within five days of arrest or conviction;
- When the employee refuses to sign a statement agreeing to abide by the Board's Alcohol and Drug Abuse policy;
- When the employee refuses to complete a Medical Questionnaire and Consent Form prior to testing;
- When the employee refuses to complete the Toxicology Chain of Custody Form after submission of a urine or blood specimen.

In addition to any disciplinary action for a positive test for alcohol or drugs, the Board may, in its discretion, through its Department of Personnel refer an employee to the EAP for assessment, counseling, and referral to a treatment program for alcohol or drug abuse. Employees referred to the EAP by the Board as a result of a positive test for alcohol or drugs must immediately cease any alcohol or drug abuse, must subject themselves to periodic unannounced testing for a period of twenty-four months, and must comply with all other conditions of the treatment and counseling program recommended by the EAP. Employees who undergo counseling and treatment for substance abuse and who continue to work must meet all established standards of conduct and job performance.

The Board will promptly terminate any employee who tests positive for alcohol or drugs while undergoing Board-required counseling and treatment for alcohol or drug abuse or who tests positive on a periodic unannounced test for alcohol or drugs during the twenty-four month period following initiation of the rehabilitation program.

SECTION XII - CONDITION OF EMPLOYMENT

Compliance with the Board's substance abuse policy is a condition of employment. Failure or refusal of an employee to cooperate fully, sign any required document, submit to any inspection or test, or follow any prescribed course of substance abuse treatment will be grounds for termination.

SECTION XIII - RESERVATION OF RIGHTS

The Board of Education reserves the right to interpret, change, rescind or depart from this policy in whole or in part.

SECTION XIV - REVIEW OF POLICY

The Board will endeavor to conduct a biennial review of the program to:

- (a) determine its effectiveness and implement changes to the program if needed; and

(b) ensure that the disciplinary sanctions imposed are consistently enforced.

SECTION XV - CONSENT

I have carefully and thoroughly read the Board of Education's Alcohol and Drug Abuse Policy. I agree, without reservation, to follow that policy.

Date: _____

Employee's Signature

Employee's Name (Printed)

Witness

LEGAL REF.: O.C.G.A. ' 45-20-90
20 U.S.C. '3171 et seq.; 34 C.F.R. Part 86

Adopted: November 14, 2006

BALDWIN COUNTY BOARD OF EDUCATION