

The Cherokee County Board of Education is committed to providing a safe work environment and to fostering the well-being and health of its employees. This commitment is jeopardized when any School District employee illegally or improperly uses illegal and/or illicit drugs on or off the job; comes to work under the influence; possesses, distributes or sells illegal and/or illicit drugs in the workplace; or abuses alcoholic beverages to an extent that tends to affect workplace performance. The School District recognizes that a drug-free workplace encourages employee productivity and promotes the accomplishment of its missions and goals. Therefore, the following Policy is established:

I. POLICY STATEMENTS

1. It is a violation of School Board Policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy any illegal drug, or to otherwise engage in the illegal use of drugs on or off the job. It is a violation of School Board Policy for any employee to report to work under the influence of, or while possessing in his or her body, blood, or urine, illegal drugs in any detectable amount.
2. It is a violation of School Board Policy for any employee to report to work under the influence of any prescribed medication that has been used and /or ingested contrary to medical advice or label instructions.
3. It is a violation of School Board Policy for any employee to report to work under the influence of, or impaired by any detectable amount of alcoholic beverages.
4. It is a violation of School Board Policy for any employee to improperly use, possess, sell, trade, offer for sale or offer to buy any prescribed medication. Provided however, that nothing in this Policy is construed to preclude the appropriate use of legally prescribed medications.
5. It is a violation of School Board Policy for any employee to refuse to submit to a substance abuse test, based upon reasonable suspicion; as part of a fitness-for-duty examination; or as otherwise directed by a person in authority and in accordance with this Policy.
6. Any and all employees of the School District will have the affirmative duty to immediately report any violation of this Policy to the Cherokee School Police.
7. In accordance with School Board Policy GAMC, any employee who is arrested, charged, indicted, bound over by or to a grand jury, convicted, exonerated, enters a plea, or who is nolle prosecuted for any crime or criminal offense in violation of a criminal drug statute in the State of Georgia or any other state in the United States, whether the crime or criminal offense is a felony or misdemeanor, is required to report each and all of these events, occasions, or developments to the Superintendent of Schools or appropriate designee as soon as reasonably practical, but no later than five (5) calendar days after its occurrence. This also includes any arrest or conviction outside of the United States. Driving Under the Influence (DUI) is not exempt from the requirement and must be reported.

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8. A violation of this Policy will subject an employee to disciplinary action which may include, but is not limited to, reprimand, suspension from duty without pay, demotion, job reassignment or restructure, and/or termination.
9. A violation of this Policy will subject an employee to referral for criminal prosecution as circumstances dictate.
10. An internal investigation may be authorized by the Superintendent of Schools. Notification of employee misconduct will be submitted to the Georgia Professional Standards Commission (PSC) or other agency when appropriate.
11. At the School District's discretion, employees who violate this Policy may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

The School District adheres to the provisions of the "Drug Free Workplace Act of 1988."

II. EMPLOYEE EDUCATION

The Superintendent will develop a drug-free awareness program to inform employees of the dangers of drug and alcohol abuse, the availability of employee assistance and drug rehabilitation, and the terms of this Policy.

III. EMPLOYEE ASSISTANCE PROGRAM

The School District offers an Employee Assistance Program (EAP) benefit for employees and their dependents. The EAP provides confidential assessment, referral and short-term counseling to employees and their dependents for personal problem resolution. The EAP can be accessed by an employee through self-referral or referral by a supervisor. If a referral for treatment outside the EAP is necessary, the costs of such outside services will be the responsibility of the employee. These costs may be covered by the employee's medical insurance. Community-based services will be accessed for the employee as available.

Any employee who seeks assistance from or refers himself or herself to the EAP, prior to being involved in any drug or alcohol related incident and/or prior to being notified of an upcoming drug and/or alcohol test, will not be subject to termination, discipline or other adverse employment related action solely on the basis of such self-referral. Participation in the EAP will not affect an employee's career advancement or employment. Participation in the EAP will not protect an employee from disciplinary action that is based upon substandard job performance.

An employee, who has taken advantage of confidential self-referral to the EAP with or without the knowledge of the School District, will not be excused from required drug and alcohol testing

in compliance with this Policy even when the self-referral of the employee occurred prior to the testing in question. No employee will be permitted to use voluntary self-referral to the EAP to avoid otherwise legitimate disciplinary action against said employee by the School District.

IV. EMPLOYEE DRUG TESTING

It is a condition of employment for employees to submit to substance abuse testing under the following circumstances:

- A. When there is reasonable suspicion to believe that an employee is using illegal drugs or abusing alcohol in the workplace.

“Reasonable suspicion” is based on a belief that an employee is using or has used drugs or alcohol in violation of School Board Policy; drawn from specific objective and describable facts and reasonable inferences; and drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:

1. Observation of actions while at work such as substance abuse or the physical symptoms of being impaired due to substance abuse;
2. Abnormal conduct or erratic behavior of the employee while at work or a significant deterioration in the employee’s work performance;
3. A report of substance abuse provided by a reliable and credible source;
4. Information that an individual has tampered with any substance abuse test during his or her employment with the current employer;
5. Information that an employee has caused or contributed to an accident or injury while at work; or
6. Information that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer’s premises or while operating the employer’s vehicle, machinery, or equipment.

- B. When an employee is involved in an accident while on School District business that results in an injury and/or damage to District property and/or loss of work time. For purposes of this Policy “loss of work time” will mean any period of time during which an employee stops performing normal job duties due to injury and/or property damage.

An employee must submit to a substance abuse test at a School District-designated testing location immediately, and no later than 24 hours, following a work-related accident or injury. An exception may be granted only if an employee experiences extenuating circumstances (i.e., emergency room visit, hospitalization/admission) due directly to the work-related accident or injury. All exceptions will be reviewed for validity. Once emergency treatment is obtained, the employee is required to follow protocol of reporting to a designated facility for substance abuse testing.

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- C. When a substance abuse test is conducted as part of a scheduled employee fitness-for-duty medical examination that is part of the School District's established guidelines or that is scheduled for all members of an employment classification or group.
- D. As part of a follow-up program to treatment for drug abuse 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 will not be given to the employee.

An employee with a confirmed positive test result may, at said employee's option and expense, have a second confirmation test made on the same specimen. An employee will not be allowed to submit another specimen for testing. Both the initial screen test and the first confirmation test will be at School District expense.

Employees will not tamper with specimens of bodily fluid collected pursuant to this Policy. Any tampering will result in employee discipline. For purposes of this Policy, tampering includes, but is not be limited to: 1) substitution of fluid 2) adulteration either internally or externally of the fluid 3) any other action which is intended to provide false results of drug or alcohol use or abuse.

V. ALCOHOL ABUSE

An employee who is under the influence of alcoholic beverages at any time while on School District business or at any time during the hours between the beginning and ending of the employee's work day, and whether on School District property or not, will be guilty of misconduct and is subject to discipline up to and including termination.

An employee will be determined to be under the influence of alcoholic beverages if the employee's normal faculties are impaired due to the consumption of alcohol, or if the employee has a detectable blood alcohol level. For purposes of this Policy a detectable blood alcohol level will be .02% alcohol concentration or greater in the blood, breath or urine.

If an employee is called into work during non-scheduled hours on an emergency basis, the employee must inform the supervisor or manager of any recent off-duty consumption of alcoholic beverages, legally prescribed or over-the-counter medication that may cause impairment. Under such circumstances an employee may not begin working if said employee's performance would be impaired. Under such circumstances, the use of alcoholic beverages or medication does not violate this Policy.

VI. NOTICE REGARDING USE OF CBD OIL PRODUCTS

The Food and Drug Administration (FDA) does not currently certify levels of tetrahydrocannabinol (THC), the primary psychoactive component of marijuana, in Cannabidiol (CBD) products. There is no Federal oversight to ensure that labels are accurate.

Therefore, CBD products may be misleading because the products could contain higher levels of THC than what the product label states.

It is a violation of School Board Policy GAM: Drug Free Workplace, for employees to use illegal drugs, including marijuana, for any reason. CBD use is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result, even if an employee claims they only used a CBD product.

Employees should exercise caution when considering the use of CBD products.

VII. OPPORTUNITY TO CONTEST OR EXPLAIN TEST RESULTS

Employees who have a positive confirmed test result may explain or contest the result to the School District, through the Division of Human Resources, within five (5) working days of receiving notice from the School District of the positive test result.

VIII. CONFIDENTIALITY

The confidentiality of any information received by the School District through referrals to or participation in the EAP, and of any treatment for addictive disorders or diseases, and records of drug and alcohol screening test results, will be maintained, except as otherwise provided by law. Said information will be maintained in files separate and distinct from employee personnel files.

IX. DRUG AND ALCOHOL TESTING FOR APPLICANTS AND EMPLOYEES WHO MUST HOLD A COMMERCIAL DRIVER'S LICENSE

In accordance with School Board Policy GCRA(1), U.S. Department of Transportation ("DOT"), Federal Motor Carrier Safety Administration's, anti-alcohol and controlled substances policies and regulations will apply to an employee of the School District who holds a Commercial Driver's License ("CDL"), and who operates or has reason to move a school bus or other commercial motor vehicle (as that term is defined by Federal regulations). To the extent that any provision in this Policy conflicts with or is superseded by the U.S. DOT, Federal Motor Carrier Safety Administration's policies and regulations, the regulations promulgated thereunder, will control.

X. COMPLIANCE WITH THE AMERICANS WITH DISABILITY ACT

Pursuant to the provisions of the Americans with Disabilities Act ("ADA"), an employee may not be discriminated against on the basis of medical history related to either drugs or alcohol; however, the School District will take into proper account any evidence of an employee's current abuse of such substances, violation of this Policy, or any history of criminal activity involving such use.

BOARD POLICY
Drug-free Workplace Staff Rights and Responsibilities

Descriptor Code: GAM

The Superintendent will establish guidelines as necessary for the administration of the Drug-free Workplace Staff Rights and Responsibilities Policy.

ADOPTED: **August 2, 2001**
REVISED: **July 15, 2021**

Cherokee County Board of Education