

Ware County School Board of Education Policy
Drug-Free Workplace

Descriptor Code:GAMA

The Board of Education declares that the manufacture, distribution, sale or possession of controlled substances, marijuana and other dangerous drugs in an unlawful manner or being at work under the influence of alcohol, controlled substances, marijuana or other dangerous drugs is a serious threat to the public health, safety and welfare. With this in mind, the Board declares that its work force must be absolutely free of any person who would knowingly manufacture, distribute, sell or possess a controlled substance, marijuana or a dangerous drug in an unlawful manner. This prohibition specifically includes, but is not limited to, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol in the employee's workplace. This prohibition also includes, but is not limited to, an employee being under the influence of alcohol or controlled substances while on duty.

Any employee who suffers a work-related injury in which it may be reasonably suspected that alcohol or drugs may have played a part shall take a drug test as soon as possible after the accident. Refusal to take such a drug test may result in disciplinary actions up to and including termination of employment. Refusal to take a drug test may also result in the denial of benefits, including but not limited to, workers' compensation benefits.

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.

As a condition of employment, each employee must abide by the terms of this policy and must notify the Board within five days after any arrest on any drug-related criminal charge and further notify the Board within five days of any conviction of a drug-related offense.

A copy of this policy shall be disseminated to all employees either directly or through employee handbooks.

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.

For purposes of this policy, "conviction" refers to any final conviction in a court of competent jurisdiction, specifically including

acceptance of a plea of guilty, nolo contendere, or any plea entered under the First Offenders Act of Georgia or any comparable state or federal legislation.

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.

Ware County Schools

Date Adopted: 10/9/2007

Last Revised: 9/15/2009

NOTE: The State of Georgia has moved the Georgia Code. This new environment no longer allows us to link directly to the Georgia Code. For example [enter 20-02-0211](#) in the search window and the Georgia Code will appear.

Georgia Code Description

O.C.G.A. 45-23-0006 Drug-free Public Work Force Act of 1990-Additional or more stringent sanctions authorized

O.C.G.A. 45-23-0008 Drug-free Public Work Force Act of 1990-Administrative Procedures

O.C.G.A. 45-23-0007 Drug-free Public Work Force Act of 1990-Continuance of employment for drug user; requirements and procedure

O.C.G.A. 45-23-0002 Drug-free Public Work Force Act of 1990-Legislative finding and declaration

O.C.G.A. 45-23-0003 Drug-free Public Work Force Act of 1990-Definitions

O.C.G.A. 45-23-0004 Drug-free Public Work Force Act of 1990-Suspension or termination of public employee convicted of drug offense

O.C.G.A. 45-23-0005 Drug-free Public Work Force Act of 1990-Ineligibility for public employment of person convicted of drug offense

O.C.G.A. 26-05-0001 Drug Abuse Treatment and Education Act-Short Title

O.C.G.A. 20-02-0011 State Board of Education - budget, supervision of DOE, funding

O.C.G.A. 20-02-1121 Bus drivers subject to random alcohol/drug testing

O.C.G.A. 20-02-0940 Grounds/procedure for terminating or suspending contract of employment (Fair Dismissal law)

Rule 160-5-3-.15 Alcohol and Controlled Substances Testing

US Code Description

41 USC 702 Requirements for federal grant recipients

41 USC 703 Employee Sanctions and Remedies

21 USC 812 Schedules of controlled substances

41 USC 701 Drug-free workplace requirements for Federal contractors

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**I acknowledge the receipt of the attached Ware
County Board of Education Policy (GAMA) on
Alcohol and Drug Abuse.**

Date

Employee's Signature

Employee's Name (Printed)