

GAMA-R Drug-Free Workplace

5/24/19

RATIONALE/OBJECTIVE:

The Cobb County School District (District) is concerned with the well-being of all employees. The District recognizes that a drug-free workplace and work force encourages employee productivity and promotes the accomplishment of the school system's missions and goals. As part of the Board's continuing effort to provide an environment for students and employees which promotes health and safety, the Board hereby prohibits the unauthorized use, abuse, possession or sale of controlled substances and/or alcohol by District employees on school premises or at any school-related activities.

RULE:**A. DEFINITIONS:****1. Controlled Substance:**

A controlled substance is defined as those drugs or substances listed in schedules I through V of the federal Controlled Substance Act, 21 U.S.S. § 812, or as defined in O.C.G.A. § 16-13-21, including but not limited to marijuana, cocaine, heroin, opiates and amphetamines.

2. Conviction:

Conviction means a finding of guilt (including a plea of nolo contendere if the offense occurred at the workplace) or imposition of sentence or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

3. Criminal Drug Statute:

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.

4. Workplace:

The workplace is defined as a geographic location at which an employee performs work pursuant to his/her employment with the District, including any travel while in travel status.

B. GENERAL PROVISIONS:**1. Prohibition:**

In accordance with the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 702 to 707, and the above stated concern, the Cobb County Board of Education (Board) has declared that the unlawful and/or unauthorized manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace for all District employees. In addition, in accordance with the Drug-Free Public Work Force Act of 1990, and O.C.G.A. §§ 45-23-1 to 45-23-9, the District will take appropriate personnel action against any employee arrested and/or convicted of any criminal drug offense.

2. Application:

- a. The District considers an employee who is under the influence of (legal intoxication is not required), possesses, uses or consumes an alcoholic beverage on District property or while in the performance of his/her official duties to be covered by this Rule.
- b. **Exception:** Not included are substances used in accordance with a valid prescription.
- c. **Testing:** All employees are subject to controlled substance and/or alcohol testing based on reasonable suspicion. Failure to submit to a required controlled substance and/or alcohol test will be considered insubordination and will result in disciplinary action up to and including the recommendation for termination of employment.

C. NOTIFICATION:

1. Employee Self-Reporting:

a. Use:

- (1) If an employee notifies the District that he/she is:
 - (a) Illegally using a controlled substance (defined above); and
 - (b) Receiving, or agrees to receive, treatment under a drug abuse treatment and education program under Chapter 5 of Title 26 of the Official Code of Georgia Annotated and approved by the Board; the employee will be allowed to maintain his/her job for a one-year period as long as he/she follows an approved drug treatment program.
- (2) The District reserves the right to restructure the employee's work activities to protect persons or property.
- (3) This provision ([1][b] above) is available to an employee only once during a five-year period and does not apply if the employee has refused to be tested or has tested positive for alcohol and/or any controlled substance (Administrative Rule GCRA(1)-R [Drug Screening]).
- (4) **Prior Notification Required:**
This provision ([1][b] above) is available only to employees who provide the notification described in section (1) above prior to an arrest for an offense involving a controlled substance (defined above). This provision is also not available to employees that provide this notification after being found to be under the influence of illegal drugs, controlled substances, or alcohol while at work or at a school related function.

b. Conviction:

As a condition of employment, employees will abide by the terms of this Rule and shall notify the District of any arrest or conviction as required in Administrative Rule GAGC-R (Employee Ethics).

2. Federal Notification:

The District shall notify the appropriate federal agency granting funding to the District within ten days after receiving notice of the conviction from the employee or otherwise after receiving the actual notice of such conviction regarding a violation occurring in the workplace.

D. DISCIPLINARY ACTION:

Also see Administrative Rule GBK-R (Discipline, Suspension, and Dismissal of Staff).

1. First Offense:

Within 30 days of notification by the employee or otherwise receiving actual notice of a controlled substance offense conviction, the District shall, with respect to any employee so convicted:

- a. Take appropriate personnel action against the employee, and such action shall range from a minimum of suspension from employment for a period of two (2) months to termination;
- b. Require an employee who is suspended to participate satisfactorily in a drug abuse treatment and education program licensed under Chapter 5 of Title 26 of the Official Code of Georgia Annotated and approved by the Board.

2. Second Offense:

Any employee who has a second conviction for a controlled substance offense shall be terminated.

E. DRUG-FREE AWARENESS PROGRAM:

The Human Resources Division has developed and maintains a drug-free awareness program to inform District employees of the following:

1. The dangers of drug abuse in the workplace;
2. This Rule and any accompanying administrative procedures concerning the maintenance of a drug-free workplace and a drug-free work force;
3. Any available drug counseling, rehabilitation and employee assistance programs; and
4. Any penalties to be imposed upon employees for drug abuse violations occurring in the workplace and elsewhere.

Adopted: 5/25/89
Revised: 6/27/91; 8/9/95; 3/28/96; 2/22/01
Reclassified an Administrative Rule: 9/1/04
Revised: 1/13/10, 09/14/11
Revised and recoded: 7/19/12 (Previously coded as Administrative Rule GBEC)
Revised: 5/24/19

Legal Reference:

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
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