

GCRA(1)-R Drug Screening

8/22/19

RATIONALE/OBJECTIVE:

The Cobb County School District (District) seeks to provide a safe learning environment for students by maintaining a safe working environment for employees. This is particularly true of those positions which require unimpaired judgment, physical dexterity and reflex actions, as well as the unimpaired senses of sight and hearing of employees.

RULE:**A. STATEMENT OF PURPOSE:**

As a part of the District's continuing effort to provide an environment for students and employees which promotes health and safety, the District:

1. Prohibits the unauthorized use, abuse, possession, or sale of controlled substances or alcohol by employees that drive a District-owned vehicle or are engaged in safety-sensitive functions (see Section E. below);
2. Implements a controlled substance and alcohol testing program for all employees that drive a District-owned vehicle or are engaged in safety-sensitive functions;
3. Prohibits any employee that drives a District-owned vehicle or are engaged in a safety-sensitive function from having measurable alcohol (see Section E. below) in his/her system.
4. Provides training, education and other assistance to employees to help them understand their responsibilities in achieving an environment free of alcohol and controlled substances (Administrative Rule GAMA-R [Drug-Free Workplace]).

B. IMPLEMENTATION:

1. In order to implement this Rule, the District adopts in their entirety the regulations contained in Procedures for Transportation Workplace Drug and Alcohol Testing Program found in the Code of Federal Regulations (Federal Regulations) at 49 C.F.R. § 40.1, *et seq.* and the Federal Motor Carrier Safety Regulations at 49 C.F.R. § 382.101, *et seq.* The alcohol and controlled substances testing program mandated by the District shall be conducted using the requirements contained in the Federal Regulations.
2. All employees who drive District-owned vehicles or who are engaged in a safety-sensitive function are subject to being tested for alcohol or drug usage.

C. PENALTIES:

1. Violation of this Rule shall result in disciplinary action which may include suspension or termination (Administrative Rule GBK-R [Professional Personnel Suspension]; Administrative Rule GAGC-R [Employee Ethics]).

2. Prohibited Conduct:

Any employee that drives a District-owned vehicle or is engaged in a safety-sensitive function who violates the prohibitions contained in the Federal Regulations shall be immediately terminated. These prohibitions are as follows:

a. ALCOHOL CONCENTRATION:

No employee that drives a District-owned vehicle or is engaged in a safety-sensitive function shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater.

b. ALCOHOL POSSESSION:

No employee that drives a District-owned vehicle or is engaged in a safety-sensitive function shall be on duty or operate a District vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.

- c. **ON-DUTY USE:**
No employee that drives a District-owned vehicle or is engaged in a safety-sensitive function shall use alcohol while driving a District vehicle or engage in a safety-sensitive function.
- d. **PRE-DUTY USE:**
No employee that drives a District-owned vehicle or is engaged in a safety-sensitive function shall drive a District vehicle or engage in a safety-sensitive function within four hours after using alcohol.
- e. **USE FOLLOWING AN ACCIDENT:**
No employee that drives a District-owned vehicle or that engages in a safety-sensitive function who is required to take a post-accident alcohol test under § 382.303 of this part shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- f. **REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCES TEST:**
No employee that drives a District-owned vehicle or is engaged in a safety-sensitive function shall refuse to submit to a post-accident alcohol or controlled substances test required under § 382.303, a random alcohol or controlled substances test required under § 382.305, a reasonable suspicion alcohol or controlled substances test required under § 382.307, or a follow-up alcohol or controlled substances test required under § 382.311.
- g. **CONTROLLED SUBSTANCES USE:**
 - (1) No employee that drives a District-owned vehicle or is engaged in a safety-sensitive function shall report for duty or remain on duty when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee ability to safely drive a District-owned vehicle or is engage in a safety-sensitive function;
 - (2) No employer having actual knowledge that an employee has used a controlled substance shall permit the employee to drive a District-owned vehicle or is engage in a safety-sensitive function;
 - (3) Employees that drive a District-owned vehicle or are engaged in a safety-sensitive function are to inform their supervisor of any prescribed medication use.
- h. **CONTROLLED SUBSTANCES TESTING:**
 - (1) No employee that drives a District-owned vehicle or is engaged in a safety-sensitive function shall report for duty, remain on duty or drive a District-owned vehicle or is engage in a safety-sensitive function, if the employee tests positive for controlled substances.
 - (2) Records must be kept for five (5) years for individuals who have an alcohol concentration of 0.02 or greater and one (1) years for those individuals who have test results of less than .02 (49 C.F.R. § 40.333).

3. **Suspension:**

Any employee that drives a District-owned vehicle or is engaged in a safety-sensitive function who, pursuant to the testing provisions of the Federal Regulations, is found to have an alcohol concentration (as that term is defined in the Federal Regulations) of 0.02 or greater but less than 0.04 shall be immediately suspended for twenty-four (24) hours.

4. **Termination:**

- a. Any employee that drives a District-owned vehicle or is engaged in a safety-sensitive function who, pursuant to the testing provisions of the Federal Regulations, is found to have an alcohol concentration (as that term is defined in the Federal Regulations) of 0.04 or greater shall be immediately terminated;
- b. Any employee that drives a District-owned vehicle or is engaged in a safety-sensitive function who refuses to submit to any test required by the Federal Regulations shall be immediately terminated.

D. REFERRAL, EVALUATION AND TREATMENT:

Any employee that drives a District-owned vehicle or is engaged in a safety-sensitive function who violates the above shall be referred to Human Resources. The cost of this evaluation shall be borne by the employee.

E. DEFINITIONS:

1. Safety-Sensitive Function:

An "employee engaged in a safety-sensitive function" is District employee who holds a Commercial Driver's License ("CDL") and who also operates or has reason to move a school bus or other commercial motor vehicle, drives any District-owned vehicle, or is employed as a campus officer.

2. Measurable Alcohol:

"Measurable alcohol" means an alcohol concentration in a volume of breath of at least 0.02 grams of alcohol per 210 liters of breath.

Adopted: 10/27/94

Reclassified an Administrative Rule: 9/1/04

Revised: 2/10/10

Revised and re-coded: 7/19/12 (Previously coded as Administrative Rule GBECA)

Revised: 8/22/19

Legal Reference:

O.C.G.A. 20-2-1120

Drug testing of bus drivers; definition of

O.C.G.A. 20-2-1121

Bus drivers subject to random alcohol/drug testing

O.C.G.A. 20-2-1122

Penalties for violation or refusal to submit to alcohol/drug test

Rule 160-5-3-.15

Alcohol and Controlled Substances Testing

49 CFR Part 40

Procedures for Transportation Workplace Drug and Alcohol Testing Programs

49 USC 31135

Duties of Employers and Employees

49 CFR Part 382

Controlled Substances and Alcohol Use and Testing