

**Southwest Georgia STEM Charter School
Policy P10: Drug Screening of Employees
Adopted: October 22, 2020**

This policy is established to prevent and eliminate use of illegal drugs at Southwest Georgia S.T.E.M. Charter School and to ensure that all employees understand the important role they have in the education process of the children of this county and the serious negative impact on the physical and mental well-being resulting from the use of illegal drugs. In accordance with Georgia's Drug-Free Public Work Act of 1990, the Board hereby declares that the unlawful manufacture, distribution, sale and possession of illegal drugs, alcohol, or other dangerous drugs are prohibited in the workplace.

For purposes of the policy, the following definitions shall apply:

- A. "Illegal drug" means marijuana as defined in paragraph sixteen (16) of Code Section 16-13-21, as amended; a controlled substance as defined in paragraph (4) of Code Section 16-13-21, as amended, a dangerous drug as defined in O.C.G.A. § 16-13-71, as amended; or any other controlled substance or dangerous drug that person are prohibited from using. The term "illegal drug" shall not include any drug when used pursuant to a valid medical prescription or when used as otherwise authorized by state or federal law.
- B. "Convicted" or "conviction" refers to a final conviction in a court of competent jurisdiction or the acceptance of a plea of guilty;
- C. "Public employee" means any person employed on a full-time, part-time, temporary, or intermittent basis.
- D. "Public employer" means Southwest Georgia S.T.E.M. Charter School."
 - a. "Workplace" means the place where an employee is working which can include but not necessarily be limited to school property, buses, school activities or any other place an employee is performing duties for the employer.

To accomplish this goal of a Drug-Free Workplace, the Southwest Georgia S.T.E.M. Charter School shall implement a program consisting of (1) Standards of Conduct, (2) Disciplinary Sanctions, (3) Drug Testing, and (4) Confidentiality and Assistance.

1. STANDARDS OF CONDUCT

A. The use of or possession of any controlled substance or alcohol while on Southwest Georgia S.T.E.M. Charter School premises or as part of any of its activities is prohibited.

B. The sale, distribution of, or provision of any controlled substance or of alcohol while on Southwest Georgia S.T.E.M. Charter School premises or as part of any of its activities is prohibited.

C. Reporting to work or working while under the influence of or impaired by any controlled substance or by alcohol is prohibited.

D. Controlled substance or alcohol related off-duty conduct that would tend to undermine the reputation, authority or efficiency of the Southwest Georgia S.T.E.M. Charter School is prohibited.

E. An employee convicted of the violation of any criminal drug statute shall report this conviction to the School Leader within five days of the conviction.

2. DISCIPLINARY SANCTIONS

Any employee who violates this policy or these standards of conduct will be subject to constructive disciplinary action taken for the purpose of correcting the offending employee and maintaining discipline and morale among other employees. These sanctions include:

A. Reprimand.

B. Suspension with or without pay

C. Requirement for employee on own initiative and at own expense to enter into an authorized drug/alcohol rehabilitation program, licensed under Chapter 5 of Title 26, and successfully complete the program.

D. Termination. (Any employee convicted of the sale or distribution of a controlled substance or alcohol shall be terminated for the first offense.)

3. DRUG TESTING

A. Drug Screening for Cause

1. If in the opinion of the supervisor, a reasonable suspicion (a reasonable suspicion must be based on objective indications of substance abuse. Some of the more obvious indications of controlled substance abuse include repeated unauthorized absences, repeated illnesses, bloodshot eyes, slurred speech, lethargic behavior, or behavior inappropriate or inconsistent with circumstances) exists that the employee is reporting to work or is working while under the influence of a controlled substance or while impaired from the use of same, the following procedures shall be followed:

a. The supervisor shall arrange, if possible, for at least one other supervisor to observe the conduct of the employee. The observing supervisor shall make a written report of the incident, which report shall include a description of the conduct of the employee upon which such

reasonable suspicion is based, and be submitted immediately to the School Leader.

b. The employee under suspicion will be asked to explain the appearance of being under the influence of a controlled substance. If the employee's explanation is not to the satisfaction of the School Leader, a drug screen test will be ordered. Refusal to submit to such test shall be reason for termination.

2. Accidents. Any employee involved in a work-place related accident under circumstances which in the opinion of such employee's supervisor create a reasonable suspicion that was due in whole or in part, or was contributed to, by the use by such employee of all illegal drug or alcohol shall be required to submit to drug testing as provided in this section. Refusal to submit to such testing shall be a ground for disciplinary action, including termination.

B. Random Drug Testing of Bus Drivers and others in Safety Sensitive Positions

Bus Drivers and employees in safety sensitive positions are subject to random drug testing. Random drug testing may include simultaneous testing of all covered employees, or testing of persons in these positions by use of selected digits of the Social Security number. Random drug testing will be accomplished as and when directed by the School Leader or Governing Board of Education and will conform to all applicable laws. Refusal to submit to drug testing shall be grounds for termination.

C. Rehabilitation

1. If confirmed results of the test for substance abuse indicate the presence of an illegal drug, the employee will be placed on suspension without pay for a period of sixty (60) days. The employee will be required to enter a drug/alcohol rehabilitation program on own initiative and expense. At the end of the suspension period and upon completion of a drug/alcohol rehabilitation program, the employee may return to work. The employee shall present a written statement from the rehabilitation official. Upon returning to work, such employee shall be subject to periodic drug testing for whatever period is deemed necessary. Failure to complete rehabilitation satisfactorily will ordinarily result in termination of employment. A second set of confirmed results of a test for substance abuse will result in termination.

4. CONFIDENTIALITY AND ASSISTANCE

A. Employees are assured that every reasonable effort will be made to protect confidentiality of the findings of drug testing or the investigation of substance abuse.

B. To assist employees, a list of drug and alcohol counseling and rehabilitation agencies has been provided to all schools and department.

C. If, prior to an arrest for an offense involving an illegal drug or alcohol, an employee notifies the Board of Education or designee that the employee illegally uses an illegal drug or alcohol and

is receiving treatment under a drug abuse treatment and education program licensed under Chapter 5 of Title 26, the employee shall be entitled to maintain employment for up to one year as long as the employee follows the treatment plan. If illegal use of an illegal drug or alcohol continues beyond the one year rehabilitation period, then the employee shall be subject to disciplinary action as defined in section 2 of this policy. During this period, the employee shall not be separated from employment solely on the basis of the employee's drug dependence, but employee's work activities may be restructured if practicable to protect persons or property. Pursuant to O.C.G.A. § 45-23-7, no statement made by an employee to a supervisor of the employee or other person in order to comply with this section shall be admissible in any civil, administrative, or criminal proceedings as evidence against the public employee. The right granted by this section shall be available to an employee only one during a five-year period and shall not apply to any employee who has refused to be tested or who has tested positive for an illegal drug or alcohol.

D. Each employee will be given a copy of Policy GAMA.