

TERRELL COUNTY BOARD POLICY
Drug Free Workplace

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For the purposes of this policy, the following definitions shall apply. An **illegal drug** is defined as those drugs or substances listed in schedules I through V of the federal Controlled Substance Act, including but not limited to, marijuana, cocaine, heroin, opiates and amphetamines. Not included are substances used in accordance with a valid prescription. The **workplace** is defined as a geographic location at which an employee performs work pursuant to employment with the Board of Education, including any travel while in travel status. **Conviction** means a finding of guilt (including a plea of novo contender) or imposition of sentence or both by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes. 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. Each employee shall be given a copy of this policy.

The Terrell County Board of Education is concerned with the well being of all employees of the school system. The Board recognizes that a drug-free workplace encourages employee productivity and promotes the accomplishment of the Board's missions and goals. The Terrell County Board of Education is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any Terrell County Board of Education employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes or sells drugs in the workplace, or uses or abuses alcohol on the job. Therefore, Terrell County Board of Education has established the following policy:

1. It is a violation of Terrell County Board of Education policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
2. It is a violation of Terrell County Board of Education 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.
3. It is a violation of Terrell County Board of Education policy for any employee to use alcohol during the work day or report to work under the influence of or impaired by alcohol.
4. It is a violation of the Terrell County Board of Education policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for purpose other than as prescribed. (However, nothing in this policy precludes the appropriate use of legally prescribed medications.)
5. Employees must notify the superintendent in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction
6. Violations of this policy are subject to disciplinary action up to and including

termination.

The possession, use, distribution, or being under the influence of illicit drugs or alcohol on property of the Terrell County Board of Education during the work day or at any school activity, whether on or off school property, is prohibited.

EMPLOYEE ASSISTANCE

The Terrell County Schools offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource list, which is located in the lounge at each school.

GENERAL PROCEDURES

An employee reporting to work visibly impaired will be deemed unable to properly perform required duties and will not be allowed to work. If possible, the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will be sent home or to a medical facility – depending on the determination of the observed impairment – and accompanied by the supervisor or another employee if necessary. A drug test may be in order. An impaired employee will not be allowed to drive.

OPPORTUNITY TO CONTEST OR EXPLAIN TEST RESULTS

Employees who have a positive confirmed test result may explain or contest the result to the designee of the school system within five (5) working days after the school system contacts the employee or job applicant and shows him/her the positive test result as it was received from the laboratory in writing.

CONFIDENTIALITY

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law.

EMPLOYEE TESTING

Terrell County of Board of Education has adopted testing practices to identify employees who use illegal drugs on or off the job or who abuse alcohol on the job. It shall be a condition of employment for all 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. “Reasonable suspicion” is based on a belief that an employee is using or has used drugs or alcohol in violation of the employer’s policy drawn from specific objective facts and reasonable inferences 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:

- Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- A report of substance abuse provided by a reliable and credible source;
- Evidence that an individual has tampered with any substance abuse test during his or her employment with the current employer;
- Information that an employee has caused or contributed to an accident while at work; or
- Evidence that an employee has used, possessed, sold, solicited, or transferred drug while working or while on the employer’s premises or while operating the employer’s vehicle, machinery, or equipment.

B. When employees have caused or contributed to an on-the-job injury that resulted in a loss of work which means any period of time during which an employee stops performing the normal duties of employment and/or leaves the place of employment to seek care from a licensed medical provider. The Terrell County Board of Education may also send employees for a substance abuse test if they are involved in on-the-job accidents where personal injury or damage to company property occurs.

C. As part of a follow-up program to treatment for drug abuse when an employee has involuntarily entered a rehabilitation program because of a positive confirmed test result. The frequency of such testing shall be a minimum of at least once a year for a two-year period after completion of the rehabilitation program. Advance notice of testing shall not be given to the employee.

D. When a substance abuse test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the employer’s established policy or that is scheduled routinely for all members of an employment classification or group (i.e., CDL license holders).

Employees with a confirmed positive test result may, at their 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. If the physician, official, or lab personnel have reasonable suspicion to believe that the employee has tampered with the specimen, the employee is subject to disciplinary action up to and including termination.

ALCOHOL ABUSE

An employee who uses or is under the influence of alcoholic beverages at any time while on

Terrell County Board of Education property or at any time during the hours between the beginning and ending of the employee's work day shall be guilty of misconduct and is subject to discipline up to and including termination.

An employee shall be determined to be under the influence of alcohol if the employee's normal faculties are impaired due to the consumption of alcohol, or if the employee has a blood alcohol level .04 or higher. Failure to submit to a substance abuse test also is misconduct and also shall be subject to discipline up to and including termination.

SUPERVISOR'S RESPONSIBILITY

It is the responsibility of the Terrell County Board of Education's supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee has a drug or alcohol problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a drug problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive, and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs, and the abuse of alcohol are incompatible with employment at Terrell County Board of Education.