

CHAPTER 6.00 – HUMAN RESOURCES

DRUG-FREE WORKPLACE

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It is the policy of the Board that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace is prohibited. Employees shall not possess, use, transfer, sell, deliver, nor be “under the influence” of narcotics, drugs, alcohol, controlled substances or use chemical substances which can affect psychological functioning of the employee. Employees shall not possess paraphernalia specific to the use of chemical substances. This policy shall apply on all system school properties, in school buildings, in school buses or during any school-sponsored extra-curricular activities.

Employees violating this policy will be subject to disciplinary action by school officials, including termination of employment, and may be subject to legal action by local, state and federal officers.

Alternately, the Board may require the employee to successfully complete a substance abuse program sponsored by an approved private or governmental institution. The cost of completing such a program shall be the responsibility of the employee.

The specifics of the policy are as follows

- I. The system schools do not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance while on the job or on the school system premises will be subject to disciplinary action, including termination of employment.
- II. The term “controlled substance” means any drug listed in 21 USC Section 812 and other federal regulations. Generally these are drugs that have a high potential for abuse. Such drugs include, but are not limited to heroin, marijuana, cocaine (including crack) and PCP. They also include “legal drugs” which are not prescribed by a licensed physician.
- III. Each employee is required by the Drug-free Workplace Act of 1988 to inform the Superintendent within five (5) days after he/she is convicted for a violation of any federal or state criminal drug statute. A conviction means a finding of guilt (including a plea of *nolo contendere*) or the imposition of a sentence by a judge or jury in any federal or state court.
- IV. If the employee is paid with funds from a grant, the Superintendent must notify the U. S. Department agency by which the grant was made within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such conviction.

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- V. If an employee is convicted of violating any criminal drug statute while in the workplace, he/she will be subject to disciplinary action, including termination of employment. Alternatively, the school system may require the employee to successfully complete a drug abuse program sponsored by an approved private or governmental institution.
- VI. As a condition of employment on any federal government grant, the Act requires all employees to abide by this policy.
- VII. Employees who use prescription drugs authorized for their use by a licensed physician do not violate this policy.
- VIII. “Under the influence” is defined as manifesting signs of chemical use/misuse such as staggering, odor of chemicals on breath or person, or unusual inappropriate behavior.
- IX. Employees who are involved in accidents while on the job or those who system officials have probably cause to believe are under the influence of alcohol or drugs while on the job, may be required to be tested for such use. Tests will include, but not be limited to, blood and/or other body fluid tests. The cost of conducting such tests shall be the responsibility of the system. Refusal of an employee to allow such a test to be conducted shall be grounds for disciplinary action, including termination of employment.

STATUTORY AUTHORITY:

**CODE OF ALABAMA
16-1-30**

LAW(S) IMPLEMENTED:

**CODE OF ALABAMA
16-11-9, 16-12-3**

ALABAMA ADMINISTRATIVE PROCEDURE ACT: _____

HISTORY:

**ADOPTED: October 18, 2006
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