
Type: Regulation
Descriptor Code: GAMA-R(1)
Title: **Drug-Free Workplace**
Status: ADOPTED



Definitions

The following definitions shall be used to interpret Policy **GAMA** and these regulations:

1. "Amphetamine" means any of those central nervous system stimulants identified in O.C.G.A. §§ 16-13-25 through 16-13-29, including but not limited to commonly prescribed ADD/ADHD medications such as Adderall, Vyvanse, Ritalin, and Concerta.
2. "Controlled substance" means any drug, substance, or immediate precursor included in the definition of "controlled substance" in O.C.G.A. § 16-13-21 (4).
3. "Conviction" or "convicted" means a finding of guilt (including a plea of nolo contendere or plea under the First Offender Act or similar law) 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.
4. "Dangerous drug" means any drug or substance defined as such under O.C.G.A. § 16-13-71.
5. "Drugs" means a controlled substance, dangerous drug, and/or marijuana.
6. "Drug screening test" or "drug test" means any chemical, biological, or physical analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.
7. "Marijuana" means any substance described in O.C.G.A. § 16-13-21 (16).
8. "Narcotic" means any drug or other substance(s), by whatever official name, common or street name, chemical name, or brand name designated, as identified in 21 C.F.R. § 1300.01 (30), including but not limited to commonly prescribed pain medications such as Vicodin, OxyContin, Percocet, and Demerol.
9. "Safety-sensitive position" means any position, including a supervisory or management position, in which the ordinary course of job performance carries a concrete risk of significant property damage, personal injury, or death.

Safety-sensitive positions include the following:

- a. School bus drivers (both regular and substitute) and school bus mechanics;
- b. School District Police Officers and security personnel;
- c. All personnel whose regular or supplemental duties require a Commercial Driver's License (CDL) or regular operation of a District vehicle or other heavy machinery;
- d. School nurses; and
- e. Non-licensed school personnel who have been designated to administer medications to students, including trained diabetes personnel.

10. "Schedule I controlled substance" means any drug or other substance(s), by whatever official name, common or street name, chemical name, or brand name designated, as identified in 21 C.F.R. § 1308.11.
11. "Schedule II controlled substance" means any drug or other substance(s), by whatever official name, common or street name, chemical name, or brand name designated, as identified in 21 C.F.R. § 1308.12.
12. "Specimen" means any tissue, hair, or product of the human body (e.g. urine or blood) capable of revealing the presence of drugs or their metabolites.

Lawfully Obtained Medications

1. School bus drivers who use a Schedule I controlled substance shall not be considered physically qualified to drive a school bus or perform any safety-sensitive functions.
2. School bus drivers who use an amphetamine, a narcotic, or any other habit-forming drug (e.g., any Schedule II controlled substance) shall not be considered physically qualified to drive a school bus or perform any safety-sensitive functions unless the substance or drug is prescribed by a licensed medical practitioner who:
 - a. is familiar with the driver's medical history and assigned duties;
 - b. provides a written statement to the School District certifying that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a school bus.

Random Testing Procedures for School Bus Drivers Only

1. Not less than 50 percent of school bus drivers shall be tested annually in one or more random tests for evidence of the use of illegal drugs.
2. Random testing procedures for school bus drivers shall comply with applicable Department of Transportation testing procedures.
3. The School District may also conduct pre-employment, reasonable suspicion, and post-accident drug and alcohol testing of school bus drivers in accordance with the general testing procedures for non-DOT regulated employees.

General Testing Procedures for Non-DOT Regulated Employees

Except as provided above, all specimen collection and drug and alcohol testing shall be performed in accordance with the following procedures:

1. All specimens shall be collected by a qualified person with due regard to the privacy of the individual providing the sample and in manner reasonably calculated to prevent substitution or contamination of the sample. Individuals will report separately for testing and may provide urine samples in private without direct monitoring, except where there is reason to believe the individual will adulterate the sample.
2. Specimen collection, storage, and transportation to the certified/licensed testing laboratory shall be performed in a manner which shall reasonably preclude specimen contamination or adulteration and shall use chain-of-custody procedures to ensure proper record-keeping, handling, labeling, and identification of all specimens to be tested.
3. Each initial and confirmation test, not including the taking or collecting of a specimen to be tested, shall be conducted by a certified/licensed laboratory. The laboratory shall have:
 - a. written procedures to ensure chain-of-custody;

- b. established internal quality controls to check the performance and calibration of testing equipment;
 - c. adequate security measures to preclude adulteration of specimens and drug test results; and
 - d. confidentiality protections.
4. Even if the initial drug screening is negative, the School District may seek a confirmation test in its sole discretion and at its expense. Confirmation tests may use gas chromatography/mass spectrometry (GC/MS) or an equivalent, or may use a more accurate scientifically accepted method as such technology becomes available in cost-effective form.
5. All laboratory test results shall be reviewed by a qualified medical review officer and verified as negative, cancelled, positive, or refusal to test because of alteration, substitution, or failure to produce a specimen. The medical review officer shall review every positive result to determine if there is an alternative medical explanation for the result.
6. Within 5 business days after receipt of verified test results, the School District shall inform the employee or conditional hire of the those results.

Substances For Which Employees May Be Tested

1. Employees will be tested for any controlled substance (or metabolite thereof) as defined above. ~~The drugs (or metabolite thereof) for which employees will be tested include the following:~~
 - Marijuana
 - Amphetamines/Methamphetamines
 - Benzodiazepines
 - Opiates/Narcotics
 - Phencyclidine (PCP)
 - Cocaine
2. Any applicant or employee who undergoes any test for alcohol and the results indicate a blood alcohol concentration of 0.04g/dL per hour or more shall be considered to be in violation of this policy which shall subject the applicant and employee to all the terms and conditions of this policy.
3. Specimens may also be tested for evidence of contamination or adulteration. Such tests may include, but are not limited to, tests for temperature, specific gravity, pH, oxidizing adulterants, and creatinine.

Confidentiality of Test Results

Individual test results and medical information about employees will not be released to third-parties without the employee's written consent; provided, however, results may be released and relied upon by the School District or the Board of Education in any administrative or court action brought by the employee involving the drug test or any discipline proceeding resulting from a violation of this policy. The results of a drug or alcohol test shall not be released until the results are verified by a qualified person. These confidentiality provisions are subject to and may be superseded by requirements of the Georgia Open Meetings Act, Georgia Open Records Act, and other state or federal laws or regulations.

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