

SERENITY BEHAVIORAL HEALTH SYSTEMS

SUBJECT: DRUG-FREE WORK PLACE PROGRAM
POLICY NUMBER: HR-28.01
EFFECTIVE DATE: July 1997
SUPERSEDES: N/A
LAST REVISION DATE: July 2009

POLICY:

It is the policy of Serenity Behavioral Health Systems (SBHS), in accordance with the Federal Drug-Free Work Place Act and the Georgia Drug-Free Public Work Force Act, to maintain a drug-free work place. SBHS will make a good faith effort to ensure that a drug-free work place is maintained and will continue a drug-free awareness program.

GENERAL PROVISIONS:

- II. No one who is under the influence of illegal drugs, inhalants, or alcohol may enter, work, or remain on SBHS's work premises, operate SBHS's vehicles (whether owned or leased), or represent SBHS in any capacity. The unauthorized use of legally obtained drugs (including drugs prescribed by a health care professional) that may adversely affect job performance or safety is also prohibited. An employee using legally obtained drugs must notify his/her supervisor and obtain prior authorization before operating SBHS vehicle, or reporting to work if use of the drug(s) could impair the employee's ability to perform his/her job safely.
- III. All employees must be informed of SBHS's Drug and Alcohol Free Workplace Program and related policies and procedures. An employee's refusal to be tested as required under this policy, failure to appear for a scheduled test, or disruptive behavior during testing will be subject to disciplinary action, up to and including termination of employment.

REPORTING DRUG-RELATED ARRESTS & CONVICTIONS:

- I. Employees are required to notify their supervisors or Human Resource Manager of any criminal drug arrests or convictions within five (5) calendar days of the date of occurrence. A determination of appropriate action will be made on a case-by-case basis by the Chief Executive Officer after consultation with the Human Resource Manager.
- II. Employees who fail to report criminal drug arrests or convictions are subject to disciplinary action, up to and including separation from employment.
- III. Information regarding arrests and/or convictions is confidential and should be shared only on a "need to know" basis.

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FEDERAL DRUG-FREE WORK PLACE ACT:

- I. SBHS prohibits the manufacture, distribution, dispensation, possession, or use of alcohol, illegal drugs, unauthorized drugs, inhalants, or other controlled substances during an employee's working hours or while SBHS premises or worksites. Employees violating the policy are subject to disciplinary action, up to and including termination of employment.

NOTE: Controlled substances are identified in the US Code: Title 21, Section 812.

- II. Selected applicants or employees sign a document containing this information on the SBHS Drug-Free Work Place Notice. The signed notices are maintained in employees' official personnel files.
- III. Employees who engage in unlawful/illegal drug-related activity are subject to disciplinary action up to and including separation from employment. See SBHS Human Resource/Personnel Policy HR-28.02 – Alcohol and Drug Testing Programs, for specific drug-related information.

VIOLATIONS IN THE WORK PLACE:

- I. Any conviction for a drug-related offense that occurred in the work place must be immediately reported to the Human Resource Manager through lines of authority.

NOTE: Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of a sentence by any judicial body.

- II. The Human Resource Manager or supervisor is to immediately contact the Chief Executive Officer to discuss appropriate action.
 - A. The Federal grantor must be notified of any convictions for drug related offenses committed in the work place by employees who work in program areas funded by Federal grants or contracts. This notification must be provided within ten (10) calendar days of becoming aware of the conviction.
 - B. Within thirty (30) calendar days of becoming aware of a conviction that must be reported to a Federal grantor, the following must occur:
 1. Appropriate disciplinary action must be taken against the employee, up to and including separation from employment.
 2. If the employee remains employed, the employee must be required to satisfactorily participate in an approved drug abuse treatment and education program.

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EMPLOYEE ASSISTANCE:

Employees are encouraged to seek assistance for drug-related problems. Employees should contact their supervisors or human resource/personnel office for available drug counseling, rehabilitation or employee assistance program.

GEORGIA DRUG-FREE PUBLIC WORK FORCE ACT:

The Georgia Drug-Free Public Work Force Act was passed in 1990. This Act declares that illegal drug activity is a serious threat to public health, safety and welfare. The Georgia General Assembly has, therefore, declared that the public work force must be free of any person who would knowingly commit criminal drug offenses.

CRIMINAL DRUG OFFENSES:

The following guidelines have been established by SBHS as the minimum sanctions to be imposed on applicants and employees convicted of a criminal drug offense(s).

NOTE: "For purposes of the Georgia Drug-Free Public Work Force Act, "conviction" does not include treatment under the Georgia First Offender Act or a plea of nolo contendere.

I. SANCTIONS FOR APPLICANTS:

- A. Any person convicted of a criminal drug offense for the first time is not eligible for employment with SBHS for a minimum of two years from the date of conviction.
- B. Any person convicted of a second or subsequent criminal drug offense (since July 1, 1990) is not eligible for employment with SBHS for a period of five years from the most recent date of conviction.

II. SANCTIONS FOR EMPLOYEES:

- A. When official notification or relevant documentation is received which shows that an employee has been convicted of a criminal drug offense for the first time, the employee may be immediately separated from employment if it is determined appropriate.
- B. If it is determined that an employee convicted of a criminal drug offense for the first time will be retained, at a minimum, the employee must be immediately suspended without pay, effective the date of notice.

NOTE: Prior to suspensions without pay, an employee may be directed to drug testing due to reasonable suspicion. Each situation should be reviewed on a case-by-case basis by the Chief Executive Officer or in his absence the Medical Director or Clinical Director. (See SBHS Policy HR-28.02 for specific information and directions regarding reasonable suspicion testing.)

1. The suspension without pay must be for a period of at least two months or until a drug abuse treatment and education program has been successfully completed, whichever is longer.
 2. While on suspension without pay, the employee cannot be employed by any State employer.
 3. The employee must successfully complete an approved drug abuse treatment and education program at the employee's expense and submit certification of the successful completion.
 4. Employees who do not successfully complete the required drug abuse treatment and education program are to be immediately separated from employment.
- C. When official notification or relevant documentation is received that shows that an employee has been convicted for a second or subsequent criminal drug offense (since July 1, 1990), the employee must be separated from employment if it has been fewer than five (5) years since the most recent date of conviction.
1. The separation must be immediate on the effective the date of notice.
 2. The employee must also be disqualified from any State employment for a period of five (5) years from the most recent date of conviction.

IV. APPEAL:

- A. Classified employees may appeal either a suspension without pay or a separation from employment to the State Personnel Board. Any appeal must be filed with the Office of State Administrative Hearings within ten (10) calendar days of receipt of the notice of adverse action, or the effective date of the action, whichever is later.
- B. Unclassified employees are at-will employees, and cannot appeal a suspension without pay or a separation from employment.

PERSONAL USE OF ILLEGAL DRUGS:

I. NOTIFICATION

Employees who notify their supervisor, Human Resource Manager or Chief Executive Officer of personal use of illegal drugs will not be separated from employment solely on the basis of the admitted drug use for up to one (1) year if the following conditions are met.

- A. The notification of illegal drug use must be submitted in writing to the supervisor, Human Resource Manager or Chief Executive Officer prior to an arrest for a criminal drug offense and prior to being notified of required drug testing.
- B. The notification must indicate that the employee is receiving or agrees to receive treatment under an approved drug abuse treatment and education program at the employee's expense.

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- C. The employee must provide to the supervisor, Human Resource Manager or Chief Executive Officer monthly documentation from the treatment provider that shows that the employee's attendance and progress in the treatment plan are satisfactory.

II. FAMILY MEDICAL LEAVE:

Since treatment for substance abuse is considered a serious health condition, any absence from work to participate in a drug abuse treatment and education program will be charged to available Family Medical Leave.

III. OTHER PROVISIONS:

- A. The opportunity to maintain employment while in treatment is available to each employee only once in a five (5) year period.
- B. While participating in a drug abuse treatment and education program, employees' work duties may be modified, if practical, to protect persons or property.
- C. Statements made by employees to supervisors or other authorized officials to comply with this policy are not admissible as evidence against them in any civil, administrative or criminal proceeding.
- D. Employees who notify their supervisor, Human Resource Manager or Chief Executive Officer (if the supervisor is unavailable) of personal use of an illegal drug(s), will not be protected from the mandatory sanctions that must be imposed if convicted of an illegal drug offense.

REFERENCES:

- I. Federal Drug-Free Work Place Act (US Code: Title 41, Ch. 10, @ 701 – 707) Schedules of Controlled Substances (US Code: Title 21, Section 812)
- II. Rules of the State Personnel Board, Rule 21
- III. SBHS Policy HR-28.2 – Alcohol and Drug Testing Programs
- IV. SBHS Employee Handbook

ATTACHMENTS:

- I. [SBHS Drug Free Work Place Notice](#)
- II. [Pre-Employment Drug Screen Letter Form 300](#)
- III. [SBHS Drug Free Work Place Acknowledgement Form 346](#)

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APPROVAL SECTION:

Chief Executive Officer

Date

Committee Chairperson

Date

RESCISSION SECTION:

Chief Executive Officer

Date

REVIEW SECTION:

Committee Chairperson

Date

Committee Chairperson

Date

Committee Chairperson

Date