



# RULES OF THE STATE PERSONNEL BOARD

## 478-1.-21F Return-to-Duty Drug and Alcohol Testing of Non–Federally Regulated Employees

### **(1) Applicability:**

- (a) Any individual who will be allowed to return to work after self-disclosing a substance abuse problem must successfully complete alcohol and/or drug testing, whichever is applicable, and obtain a negative result before returning to work.
- (b) When an individual is allowed to return to work following a positive alcohol confirmation test result of 0.02 or higher in a random or reasonable suspicion test, the appointing authority may require a negative return-to-duty test before allowing the employee to return to work.

### **(2) Directive to Report:**

The appointing authority is to provide the employee a written directive specifying where to report immediately for substance abuse testing.

### **(3) Rejected or Unsuitable Sample:**

When a return-to-duty drug testing sample is rejected or determined to be unsuitable for testing by the testing laboratory, the appointing authority will direct the employee to appear for retesting because a negative result is needed before the employee can return to work.

### **(4) Consequences of Positive Drug Testing Result or Refusal:**

- (a) An employee whose drug test result is reported by the Medical Review Officer (MRO) as positive, adulterated, or substituted, or who otherwise refuses a return-to-duty drug test will be immediately dismissed and disqualified from future State employment for a period of two (2) years from the date of testing or refusal, whichever is later.
- (b) If the employee has dual employment with another State agency/entity, the appointing authority that ordered testing is to notify the Department of Administrative Services (DOAS). DOAS will notify the other agency/entity of the disqualification from employment. The other agency/entity will dismiss the employee.

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## (5) Consequences for Positive Alcohol Result or Refusal:

- (a) An employee whose test indicates an alcohol concentration of 0.02 or greater will be given an alcohol confirmation test not less than 15 minutes nor more than 20 minutes after the original screening test.
- (b) Upon receiving a positive alcohol confirmation test result from the testing facility, the appointing authority will not return the employee to work and must dismiss the employee.
- (c) An employee who refuses alcohol testing will be immediately dismissed and disqualified from future State employment for a period of two (2) years from the date of refusal.
  - 1. If the employee has dual employment with another State agency/entity, the appointing authority that ordered testing is to notify the Department of Administrative Services (DOAS).
  - 2. DOAS will notify the other agency/entity of the applicable disqualification from employment. The other agency/entity will dismiss the employee.

### **Authority:**

O.C.G.A. §§ 45-20-3, 45-20-3.1, and 45-20-4 (duties and functions of the State Personnel Board and Department of Administrative Services related to the Rules of the State Personnel Board)

Other State Law References:

O.C.G.A. §§ 45-23-1, et seq. (Georgia Drug-free Public Work Force Act of 1990)