



RULES OF THE STATE PERSONNEL BOARD

478-1-.21A Self-Disclosure of Substance Abuse

(1) Self-Disclosure of Problem Use of Alcohol or Illegal Drugs:

An employee who notifies the appointing authority of an alcohol or illegal drug problem shall not be dismissed from employment because of the self-disclosure provided:

- (a) The notification is made prior to arrest for an offense involving alcohol, if the employee is disclosing an alcohol problem, and prior to arrest for an offense involving a controlled substance, marijuana, or a dangerous drug, if the employee is disclosing an illegal drug problem;
- (b) For employees regulated by the Federal Motor Carrier Safety Administration (FMCSA), the disclosure is made prior to reporting for duty to perform safety-sensitive transportation functions;
- (c) The employee has not refused ordered substance abuse testing or tested positive for illegal drug use or alcohol. If an employee is ordered to appear for substance abuse testing, then self-discloses a substance abuse problem, the employee is not excused from the ordered testing. The employee must successfully complete the testing process and have a negative result before becoming eligible for the protection outlined in this Section;
- (d) The notification is made in writing to an appropriate official designated by the appointing authority and states the employee is receiving or agrees to receive treatment under a properly licensed substance abuse treatment and education program;
- (e) The employee follows the treatment plan which will be at the employee's expense;
- (f) The employee provides certification of satisfactory completion of the recommended treatment program; and,
- (g) The employee successfully completes return-to-duty substance abuse testing and receives a negative result before returning to work.

(2) Return-to-Duty Agreement and Follow-Up Testing:

- (a) The appointing authority may require the employee to sign a return-to-duty agreement as a condition of employment and be subject to unannounced follow-up testing for illegal drugs and/or alcohol, whichever is applicable to the disclosed substance abuse problem, for up to five (5) years.

Rules of the State Personnel Board

- (b) The requirement for follow-up testing will be based on the employer's determination that the employee could pose a direct threat in the absence of testing and will be based on an objective, individualized assessment of the employee and the employee's position.
- (c) The duration and frequency of the testing must be linked to specific safety concerns.

(3) Dismissal:

The employee's failure to complete any requirement within the treatment and education program, failure to comply with the return-to-duty agreement, positive test or test refusal, will result in immediate dismissal and any applicable employment disqualification for a testing violation.

(4) Entitlement:

This entitlement shall be available no more than once in a five (5)-year period.

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)

Federal Law Reference:

49 C.F.R. §§ 382.121, Federal Motor Carrier Safety Administration - Controlled Substances and Alcohol Use and Testing