



RULES OF THE STATE PERSONNEL BOARD

478-1-.21C Random Substance Abuse Testing for High-Risk Positions

(1) Applicability:

Positions that regularly require high-risk work are subject to random drug testing and may be subject to random alcohol testing. An employee whose position is randomly selected for substance abuse testing must neither refuse testing nor receive a positive result as a condition of employment.

- (a) All employees required to be certified under the Georgia Peace Officers Standards and Training Act (P.O.S.T.) and who regularly perform duties where inattention or errors in judgment would have the potential for significant risk of harm to the individual or others are in high-risk positions and subject to random drug testing. An appointing authority may also designate incumbents in high-risk positions for random alcohol testing.
- (b) Non-P.O.S.T. certified employees determined by their appointing authority to be employed in positions designated as regularly requiring high-risk work are subject to random drug testing. An appointing authority may also designate incumbents in high-risk positions for random alcohol testing.
- (c) Prior to placing an employee in a high-risk position subject to random substance abuse testing, the appointing authority should notify the employee of the testing requirement and the consequences for a positive result or testing refusal.
- (d) Random substance abuse testing is applicable for all jobs determined to be high-risk, regardless of the type of employment (full-time, part-time, hourly, temporary, paid-student/intern, etc.).

(2) Determination of High-Risk Positions Subject to Random Substance Abuse Testing:

- (a) Each appointing authority shall determine, in consultation with the DOAS Commissioner or designee, which positions within the agency/entity regularly perform high-risk work and designate these positions for random substance abuse testing. Examples of high-risk positions may include, but are not limited to: P.O.S.T. certified law enforcement positions, firefighters, medical staff, non-federally regulated drivers, in-home care providers, heavy equipment operators, electricians, pilots, and aircraft mechanics.

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- (b) Positions will not be designated as high-risk if the incumbents do not regularly perform high-risk work, even if others in the same classification do regularly perform high-risk work.
- (c) The appointing authority will update a position's designation, as needed, when assigned duties change.

(3) Selection Procedures:

(a) Subject Pools:

1. The DOAS Commissioner will establish pools composed of the positions designated as being high-risk by the appointing authorities.
2. The DOAS Commissioner establishes the random selection rate for each pool.
3. The appointing authority has discretion to select which high-risk pool to use for each high-risk position based on P.O.S.T. certification, the rate of selection, and whether random alcohol testing will apply.

(b) Random Sample:

The DOAS Commissioner or designee will periodically direct that a sample of positions be randomly selected from each pool. Random selection is made such that each position within a pool has an equal chance of being selected each time.

(c) Random Selection Notice:

The DOAS Commissioner or designee will notify each appointing authority of positions, if any, that have been selected from the pool. The notice will contain the effective date to be used for determining the incumbent(s) to be tested and when testing will begin.

(4) Who to Test:

- (a) The incumbent of each selected position, as of the effective date specified in the random selection notice, will be subject to testing, unless that individual is no longer assigned high-risk work.

(b) Multiple Incumbents:

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Should a selected position have more than one incumbent as of the specified effective date, all incumbents will be subject to testing.

(c) Vacant Positions:

If a position was vacant as of the effective date specified in the random selection notice, no incumbent testing for that position will take place.

(5) When to Test:

- (a) Selected employees may be tested during a 30-calendar-day period that begins on the effective date specified in the random selection notice.
- (b) Whenever possible, the appointing authority should send selected employees for testing on the effective date specified in the random selection notice.
- (c) To accommodate scheduling, workload, or other business needs, the appointing authority may delay issuing the testing directive to an employee until a later date and time when operations will not be unduly disrupted. The testing date should be as soon as possible and must be within 30 calendar days following the effective date specified in the random selection notice.
- (d) Random testing is not permitted before the effective date specified in the random selection notice.
- (e) Incumbents on Leave:

If the incumbent of a selected position was on any form of paid or unpaid leave as of the effective date specified in the notice of random selection and returns within 30 calendar days of the effective date, the appointing authority is to send the incumbent for testing as soon as possible following the return-to-duty and within the 30-calendar-day testing window. If the incumbent does not return to work within the 30-calendar-day testing window, the incumbent is not sent for testing.

(6) Directive to Report:

The appointing authority is to provide each employee whose position was selected for random substance abuse testing a written directive to report. The directive must specify when and where the employee is to report for testing. Whenever possible, the directive should not be given to the employee in advance of the time to proceed for

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testing. If it is not possible to direct an employee to report immediately for testing, the appointing authority may specify a date and time by which to report. For random drug testing, such date cannot be later than the business day after the employee receives the directive to report. For random alcohol testing, the time to report can be no more than two (2) hours after the employee receives the directive to report.

(7) Rejected or Unsuitable Sample:

When a random drug testing sample is rejected or determined to be unsuitable for testing by the testing laboratory, the appointing authority has the discretion to direct the employee to appear for retesting.

(8) 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 random drug test will be immediately dismissed and disqualified from 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 State employment with another agency/entity, the appointing authority that ordered testing is to notify the Department of Administrative Services (DOAS). DOAS will notify the other agency/entity employer of the disqualification from employment. The other employer will then dismiss the employee.

(9) 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 of 0.02 or greater from the testing facility, the appointing authority may take disciplinary action determined appropriate, up to and including dismissal from employment. At a minimum, the appointing authority will not allow the employee to resume high-risk work for at least 24 hours from the time the test was administered. If the employee is not dismissed:
 - 1. All scheduled work time from the time of the positive test until the employee returns to work will be charged to suspension without pay.

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2. The appointing authority may require a negative return-to-duty test before allowing the employee to return to work.
 3. As a condition of return to work, the appointing authority may also require an employee with a positive alcohol confirmation test result of 0.04 or greater to provide documentation from a Substance Abuse Professional certifying that the employee is fit to perform high-risk work. The employee may also be subject to follow-up testing, as recommended by the Substance Abuse Professional.
- (c) An employee who refuses alcohol testing will be immediately dismissed and disqualified from State employment for a period of two (2) years from the date of refusal.
1. If the employee has dual State employment with another 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 employer of the disqualification from employment. The other employer will then 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. §§ 45-20-90, et seq. (random drug testing for high-risk positions)

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