



RULES OF THE STATE PERSONNEL BOARD

478-1-.21E Reasonable Suspicion Substance Abuse Testing of Non–Federally Regulated Employees

(1) Applicability:

All employees are subject to reasonable suspicion drug and/or alcohol testing when a designated agency/entity official determines there is a compelling reason to suspect an employee is not free from alcohol or illegal drugs.

(2) Indicators Supporting Reasonable Suspicion:

Reasonable suspicion may be generated by physical, behavioral, or performance indicators or by other evidence found or reported. Indicators supporting reasonable suspicion include, but are not limited to:

- (a) observation of behavior, appearance, speech, or odor likely to result from alcohol or illegal drug use;
- (b) an on-the-job incident, such as a medical emergency, likely attributable to alcohol or illegal drug use by an employee;
- (c) observation of behavior exhibited by an employee that might render the employee unable to perform her/his job or that might pose a threat to the safety or health of the employee or others;
- (d) verifiable information that an employee might not be free from alcohol or illegal drugs at work;
- (e) physical on-the-job evidence or alcohol or illegal drug use by an employee;
- (f) documented deterioration in an employee's job performance likely attributable to alcohol or illegal drug use by the employee;
- (g) the results of other scientific test(s) that indicate possible use of alcohol or illegal drugs; or,
- (h) any other specific, timely, and describable action that would give an appointing authority reason to suspect an employee might not be free from alcohol and illegal drugs.

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(3) Directive to Report:

The appointing authority is to provide the employee a written directive specifying where to report immediately for substance abuse testing. The employee should be accompanied and not permitted to transport her/himself.

(4) Rejected or Unsuitable Sample:

When a reasonable suspicion 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.

(5) 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 reasonable suspicion 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 employer of the disqualification from employment. The other agency/entity will dismiss the employee.

(6) 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 the disciplinary action determined appropriate, up to and including dismissal from employment. At a minimum, the appointing authority will not allow the employee to resume duties for at least 24 hours from the time the test was administered. If the employee is not dismissed:

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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.
 2. The appointing authority has the discretion to require a negative alcohol test result 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 (SAP) certifying that the employee is fit to return to work and subject the employee to follow-up testing at the recommendation of the SAP.
- (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 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 References:

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