

Department of Administrative Services

Lead. Empower. Collaborate.

Quarterly Drug Testing Forum Case Studies in Drug Testing

**Presented by Gail Stowers
DOAS HRA - Policy Unit**

April 10, 2025

Your Presenter: Gail Stowers



Forum Objective



To have HR attendees participate in an interactive discussion based on case studies related to Substance Abuse Testing Program.

**Polling agency
participants**

Question

What challenges have you had in your
drug testing program?

Why Case Studies?

Case studies allow participants to become actively involved in the resolution of drug testing issues.

How today's interactive session will work.

1. We'll post a case scenario in the chat so that you will have individual copies or can screen share.
2. We'll then place you in breakout rooms to discuss the scenarios. Each scenario will have questions for you to discuss and answer as a group.
3. You will have 12 minutes to decide on how to respond to the scenario.
4. We'll bring you back together as a group after 12 minutes. We'll conduct a quick Poll to see how individuals would handle the scenario.
5. I will ask for volunteers from the groups to share their group's discussion and decision on how HR should handle this scenario.

Case Study I:

Sally Daggonit

Sally Daggonit is employed with the ABC agency as an Executive Assistant in Atlanta, Georgia. Sally received a directive that she is to report for random drug testing immediately at Concentra Urgent Care Center. This collection site is located ten minutes from her office. Sally is distraught but shows up at Concentra three hours later after having her lunch. After arriving and signing in at Concentra, Sally is talking on her cell phone with a friend who works in HR. Sally's friend asks why the agency has sent her for a random drug test when she works as an Executive Assistant. Frustrated, Sally leaves Concentra and returns to work. She doesn't notify HR that she left the collection site.

Discussion Points to consider:

- Should Sally have been sent for drug testing?
- Did Sally violate the conditions of the Directive by showing up three hours later?
- Is it a violation that Sally reported to Concentra three hours later?
- Sally also left the collection site early – should she have been terminated under refusal?

**Case Study I:
Sally Daggonit**

Currently in breakout rooms

**The Sally
Daggonit case -
Polling agency
participants**

**Please respond to the polling
questions.**

Case Study I: Sally Daggonit

Should Sally have been sent for drug testing? No

- Sally should not have been tested since she is not working in a high-risk position. Drug Testing Sally could risk an agency violating her constitutional rights of search and Seizure.

Did Sally violate the conditions of the Directive by showing up three hours later? Is it considered a Refusal since Sally left the collection site?

- Technically, yes, because the directive required Sally to go to the collection site immediately. However, Sally should not have been sent for drug testing.

Georgia Ass'n of Educators v. Harris, 749 F. Supp. 1110 (N.D. Ga. 1990)

U.S. District Court for the Northern District of Georgia - 749 F. Supp. 1110 (N.D. Ga. 1990)
October 19, 1990

Judicial Decision

Unconstitutional to
drug test a state
employee without
reasonable suspicion
or unless related to
public safety

749 F. Supp. 1110 (1990)

The GEORGIA ASSOCIATION OF EDUCATORS, Mary Smith, Richard Schmidt, and H. Ed Martin, Jr., Plaintiffs,
v.
Joe Frank HARRIS, et al., Defendants.

No. 1:90-CV-1587-RHH.

United States District Court, N.D. Georgia, Atlanta Division.

October 19, 1990.

***1111** Amy Totenberg, Atlanta, Ga., Michael Evan Kramer, Decatur, Ga., for plaintiffs.

Michael J. Bowers, Atty. Gen. of Ga., for defendants.

Case Study I: Sally Dogooder

United States District Court for the Northern District of Georgia, Atlanta Division

October 19, 1990, Decided ; October 19, 1990, Filed

No. 1:90-CV-1587-RHH

Reporter

749 F. Supp. 1110 *; 1990 U.S. Dist. LEXIS 14647 **; 5 I.E.R. Cas. (BNA) 1377

INTRODUCTION

The individual plaintiffs are applicants for employment with the state of Georgia or one of its public school systems. Plaintiff Georgia Association of Educators is the union of Georgia public school teachers and allied education professionals. Defendants are officials of the state of Georgia, the state Board of Education, and the Board of Regents. Plaintiffs bring this action pursuant to [42 U.S.C. § 1983](#) to enjoin defendants from enforcing and implementing the recently enacted Applicant Drug Screening Act and its implementing regulations. Plaintiffs also seek a declaration that the Act and its regulations violate their rights to privacy, due process **[**2]** and equal protection of the laws under the [fourth](#) and [fourteenth amendments of the United States Constitution](#) and parallel provisions of the Georgia Constitution. The court has jurisdiction over plaintiffs' claims pursuant to [28 U.S.C. § 1331](#).

Case Study I: Sally Daggonit

Is it a violation that Sally reported to Concentra three hours later?

- Yes.

Sally also left the collection site early . Should she have been terminated for refusing a drug test?

- No. Termination may be tied to Sally's constitutional rights being violated.

Questions ???



Case Study II:

Jimmy Deen

Part I

Two employees notify HR that Jimmy Deen has been showing up at work with glazed pupils and staggering as he walks to his cubicle. The employee thinks that Jimmy Deen is on drugs. Jimmy Deen is not a US DOT employee. How do you handle this situation?

Discussion Points to consider:

- Do you confront Jimmy about the allegations?
- Do you send Jimmy for a reasonable suspicion test?
- Are there any other actions that need to be taken?

Part II

About a week later, Jimmy Deen arrives in the HR office to self-disclose that he has a drug problem and needs treatment. What are your actions?

Discussion points for the group to consider:

- Do you send Jimmy for reasonable suspicion testing?
- Do you send Jimmy to EAP?
- Are there any other actions that need to be taken?

**Case Study I:
Sally Daggonit**

Currently in breakout rooms

Case Study I: Sally Daggonit

**The Jimmy
Deen Case -
Polling agency
participants**

**Please respond to the polling
questions.**

Case Study II:

Jimmy Deen

Part I

Do you confront Jimmy about the allegations?

- No. Jimmy's supervisor or a member of leadership must directly observe Jimmy to see if he is exhibiting signs of being under the influence of a substance.

Do you send Jimmy for a reasonable suspicion test?

- No. A member of leadership must directly observe Jimmy's behavior before contacting HR.

Are there any other actions that need to be taken?

- The supervisor needs to watch Jimmy to see if he is exhibiting signs of being under the influence of a substance.
- If reasonable suspicion is found, then the supervisor will need to notify HR, but also complete a Reasonable Suspicion Checklist.

Indicators of Probable Drug and Alcohol Misuse



Body Odor



Performance



Physical



Behavior



Speech

Reasonable Suspicion Testing

HR will provide the Supervisor with appropriate paperwork to document the behavior

REASONABLE SUSPICION TESTING CHECKLIST

Employee Name: _____	Employee Job Title: _____
Facility: _____	Location of Event: _____
Observation Date: _____	Time: _____ a.m./p.m.
Was employee performing a safety-sensitive duty?	Yes No

The following observations were made of the employee identified above:

Check ALL **specific and contemporaneous** observations and **document** the following:

BEHAVIOR

- ☐ unsteady gait, stumbling
- ☐ drowsy, sleepy, lethargic
- ☐ agitated, anxious, restless
- ☐ hostile, belligerent
- ☐ irritable, moody
- ☐ depressed, withdrawn
- ☐ unresponsive, distracted
- ☐ clumsy, uncoordinated
- ☐ tremors, shakes
- ☐ flu-like illness complaints
- ☐ suspicious, paranoid
- ☐ hyperactive, fidgety
- ☐ inappropriate, uninhibited behavior
- ☐ frequent use of mints, mouthwash, breath sprays, eye drops

APPEARANCE

- ☐ flushed complexion
- ☐ flushed complexion
- ☐ cold, clammy sweats
- ☐ bloodshot eyes
- ☐ tearing, watery eyes
- ☐ dilated (large) pupils
- ☐ constricted (pinpoint) pupils
- ☐ unfocused, blank stare
- ☐ disheveled clothing
- ☐ unkempt appearance

SPEECH

- ☐ slurred, thick
- ☐ incoherent
- ☐ exaggerated enunciation
- ☐ loud, boisterous
- ☐ rapid, pressured
- ☐ excessively talkative
- ☐ nonsensical, silly
- ☐ cursing, inappropriate speech

BODY ODORS

- ☐ alcohol
- ☐ marijuana

Other observations: _____

Supervisor Name (*print or type*) Supervisors Signature Date

Additional witnesses (optional)

Witness Name (*print or type*) Witness Signature Date

TEST DETERMINATION

- | | | |
|--|----------------------------------|--|
| ☐ DOT | ☐ NON-DOT | ☐ NO Test Conducted |
| ☐ Reasonable Suspicion Alcohol Test | | ☐ 8 hours elapsed for alcohol test |
| ☐ Reasonable Suspicion Drug Test | | ☐ 32 hours elapsed for drug test |
| ☐ No Test Required | | ☐ Employee transported for medical care |
| ☐ Employee Refused Test | | ☐ Other (explain): _____ |

Employee transported to collection site by: _____
Time of Transport: _____ a.m./p.m. Collection Facility: _____

Case Study II:

Jimmy Deen

Part II

About a week later, Jimmy Deen arrives in the HR office to self-disclose that he has a drug problem and needs treatment. What are your actions?

Do you send Jimmy for reasonable suspicion testing?

- Yes.

Do you send Jimmy to EAP?

- Yes, Jimmy must be sent to a Substance Abuse Professional (SAP) at EAP.

Are there any other actions that need to be taken?

- Once Jimmy is evaluated and completes his treatment program, he must take a return-to-work drug test (which must be negative).
- Jimmy will then be subject to Follow-up tests where he will be randomly tested up to 6 times a year.

Questions ???



Please complete our survey



<https://survey.alchemer.com/s3/8270428/Quarterly-Drug-Testing-Forum-Survey-April-10-2025>

Thank you!

Thank you!



Human Resources Administration

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HRA – Policy 404-463-7060

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