



RULES OF THE STATE PERSONNEL BOARD

478-1-.21B Pre-Employment Drug Testing for High-Risk Positions

(1) Applicability:

- (a) Individuals offered employment in a high-risk position must successfully complete a pre-employment drug test and receive a negative result as a condition of employment.
- (b) Pre-employment drug testing for high-risk work applies to all employment categories (e.g., full-time, part-time, temporary, hourly, internship, etc.).
- (c) Pre-employment drug testing applies to new hires offered initial employment into a high-risk position and to current employees moving into a high-risk position subject to pre-employment drug testing.

(2) Determination of Positions Subject to Pre-Employment Drug Testing:

- (a) Each appointing authority shall determine which positions within the agency/entity have high-risk work and designate these positions for pre-employment drug testing.
- (b) Upon creating a new position, reallocating an existing position to a different function, or changing the duties of a position, the appointing authority is to determine whether the position duties include high-risk work, then designate high-risk positions for pre-employment drug testing.

(3) When to Test:

Pre-employment drug testing is conducted after an offer of employment. Whenever possible, it should be completed and a negative result received before employment in the high-risk position begins. In no case can the test be conducted more than ten (10) business days after employment in the position begins.

(4) Directive to Report:

The appointing authority is to provide a written directive specifying when and where to report for testing. Whenever possible, the directive should not be given in advance of the time the applicant/employee is to proceed for testing. If it is not possible to direct the applicant/employee to report immediately for testing, the appointing authority may specify a date and time by which to report. Such date cannot be later than the business day after the applicant/employee receives the directive.

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(5) Rejected or Unsuitable Sample:

When a pre-employment drug testing sample is rejected or determined to be unsuitable for testing by the testing laboratory, the donor will be directed to appear for retesting. The pre-employment testing program requires such retesting because a negative result is required for the applicant/employee to be eligible for employment in the position.

(6) Consequences of Positive Test Result or Refusal:

Any applicant or employee whose pre-employment drug test result is reported by the Medical Review Officer (MRO) as positive, adulterated, or substituted, or who otherwise refuses a pre-employment test, will be disqualified from State employment for a period of two (2) years from the date of testing or refusal to test.

- (a) If the applicant/employee has not begun employment in the high-risk position, the appointing authority will withdraw the offer of employment in writing.
- (b) If the applicant/employee has begun employment in the high-risk position, the appointing authority will immediately terminate employment.
- (c) If the applicant/employee is employed by another agency/entity, the appointing authority is to notify the Department of Administrative Services (DOAS). DOAS will notify the other agency/entity of the disqualification from employment. The other employer will then dismiss the applicant/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. §§ 45-20-110, et seq. (pre-employment drug testing for high-risk positions)