



**GEORGIA DEPARTMENT OF BEHAVIORAL
HEALTH AND DEVELOPMENTAL DISABILITIES**

Human Resource Policy #1302

ALCOHOL AND DRUG TESTING PROGRAMS

EFFECTIVE DATE: July 1, 2009

Revised: March 1, 2011

REFERENCES: Federal Law (49 CFR Parts 40 and 382, *et al.* - CDL Testing)
State Law (O.C.G.A. §45-20-90 *et seq.* - P.O.S.T. Testing)
State Law (O.C.G.A. §45-20-110 *et seq.* – Pre-employment
Testing) Rules of the State Personnel Board
DBHDD Human Resource Policy #1301 - Drug-free Workplace

The Department of Behavioral Health and Developmental Disabilities (DBHDD) has five testing programs that serve to promote an alcohol/drug-free and safe work place. These alcohol/drug testing programs are as follows:

- **Preemployment** (drug testing only);
- **Board Directed Random** (drug testing only);
- **P.O.S.T. Certified Random** (drug testing only);
- **Commercial Drivers License** (alcohol and drug testing); and
- **Reasonable Suspicion** (alcohol and drug testing).

All DBHDD employees are subject to alcohol and drug testing due to reasonable suspicion. In addition, employees in certain positions are subject to other testing programs due to the nature of job duties performed. The attached list identifies all alcohol and/or drug testing programs (other than reasonable suspicion) that are applicable to each DBHDD job.

(Section A)

**PREEMPLOY-
MENT**

1. Applicants/employees offered employment in jobs designated for pre-employment drug testing with duties similar to those listed below are required to successfully complete a pre-employment drug test.
 - 1.1 Law enforcement duties that include carrying weapons and utilizing arrest powers;
 - 1.2 Driving vehicles on state roads and highways to transport clients, customers, other passengers or equipment;
 - 1.3 Providing social work and counseling services often directly related to substance abuse difficulties; and,
 - 1.4 Providing foster care, adoption and protective services, often involving at-risk children and the elderly.

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

NOTE: Pre-employment drug testing is not required when current DBHDD employees who have previously been tested move between jobs subject to pre-employment drug testing with *no break in service*.

2. Applicants/employees offered employment in a job subject to pre-employment drug testing should be directed to report for testing after the offer has been accepted and before employment begins. Selected applicants/employees are to report for drug testing **IMMEDIATELY** upon receiving the directive to report.

(Section B)

DBHDD BOARD DIRECTED RANDOM DRUG TESTING

1. DBHDD employees in the following jobs are subject to DBHDD Board Directed Random Drug Testing:
 11. Jobs providing for the care of clients or customers under circumstances in which an act of negligence, other lapse of judgment or act of misconduct would jeopardize the safety of any client or customer.
2. A random selection of specific positions in jobs subject to Board Directed Random Drug Testing will be made periodically. Employees in selected positions on the testing date are required to report for drug testing **IMMEDIATELY** upon receiving the directive to report.

(Section C)

P.O.S.T. CERTIFIED RANDOM DRUG TESTING

1. The following DBHDD employees are subject to P.O.S.T. Certified Random Drug Testing:
 - 1.1 Employees in jobs that require Peace Officer Standards and Training (P.O.S.T.) certification; and
 - 1.2 Who regularly perform high-risk work (including, but not limited to security and/or transportation services) where inattention to duty or errors in judgment while on duty will have the potential for significant risk of harm to the employee, other employees or the general public.
2. A random selection of specific positions in jobs subject to P.O.S.T. Certified Random Drug Testing will be made periodically. Employees in selected positions on the testing date are required to report for drug testing **IMMEDIATELY** upon receiving the directive to report.

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

(Section D)

COMMERCIAL DRIVERS LICENSE

1. Federal law requires alcohol/drug testing of employees who carry out safety-sensitive duties by driving the following motor vehicles that require a commercial drivers license (CDL).
 - 1.1 A vehicle (which may include a towed unit) with a gross weight rating of 26,001 pounds or more;
 - 1.2 A vehicle designed to transport sixteen (16) or more passengers, including the driver; or
 - 1.3 Any size vehicle that requires hazardous materials placards.
2. Safety-sensitive (CDL-related) duties include:
 - 2.1 Waiting to be dispatched, unless relieved from duty;
 - 2.2 Inspecting equipment or inspecting, servicing or conditioning any commercial motor vehicle;
 - 2.3 Driving a commercial motor vehicle;
 - 2.4 All time in or upon any commercial motor vehicle, loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and,
 - 2.5 All time repairing, obtaining assistance or remaining in attendance upon a disabled commercial motor vehicle.
3. Required Training & Material -
 - 3.1 Managers of employees who hold commercial drivers licenses must attend at least two (2) hours of training to detect the physical, behavioral, speech and performance indicators of probable alcohol misuse and/or use of an illegal drug(s). This training must be completed prior to directing a CDL employee to Reasonable Suspicion testing.

NOTE: Records of completed training are to be maintained by the DBHDD organizational unit indefinitely or until

the trained manager has ceased DBHDD employment for a minimum of two (2) years.

3.2 When CDL employees are hired, hiring officials or designees are to provide educational material to them regarding the following:

- Alcohol and illegal drugs,
- Federal requirements for CDL employees, and
- CDL alcohol and drug testing programs.

NOTE: Federal law requires that CDL employees sign for receipt of this material.

4. Inquiries From Previous Employers - When applicants/employees are selected for positions that require a CDL, hiring officials or designees must request and review specific information from previous employers regarding the alcohol and/or drug testing of the selected applicants/employees. **Written authorization must be received from applicants/employees prior to seeking this information.**

4.1 **Inquiries by DBHDD** - Once written authorization is received, the following information must be requested from all previous employers during the two years immediately before the date of application for the DBHDD position:

- Alcohol test results showing an alcohol concentration of 0.04 or greater;
- Verified positive drug test results;
- Refusals to be tested (including adulterated and substituted specimen);
- Other violations of DOT alcohol and drug testing regulations; and,
- Documentation of successful completion of return-to-duty requirements (for individuals who violated any DOT alcohol or drug testing regulation).

4.1.1 A copy of the selected applicants/employees' written authorization must be provided to the previous employers from which information is being sought.

4.1.2 If possible, this information should be requested, received and reviewed prior to allowing selected applicants/

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

employees to perform safety-sensitive duties for the first time. A good faith effort **must** be made to obtain and review this information no later than 30 calendar days from the first time safety-sensitive duties are performed.

4.1.3 Requested information may be received in any written form (e.g., fax, e-mail, letter, etc.) that ensures confidentiality.

4.1.4 If requested information is not received from a previous employer, a record showing the efforts to obtain the information must be maintained.

4.2 **Violations reported by previous employers** - Selected applicants/ employees must not be permitted to perform safety-sensitive duties if information received from previous employers indicates that they have tested positive for alcohol or illegal drugs, or have refused testing (See #4.1 above) **until** information is received which shows that they have:

- Been evaluated by a Substance Abuse Professional,
- Completed any required counseling,
- Passed a Return-to-Duty test, and
- Been subject to Follow-up testing.

4.3 **Requests received by DBHDD** - A request for CDL information on former DBHDD employees may be received by DBHDD officials or designees. Written authorization must be received from former employees prior to releasing any information. Once written authorization is received, the following CDL information (and any similar CDL information received by DBHDD from previous employers) must be given to the requesting organization:

- Alcohol test results showing an alcohol concentration of 0.04 or greater;
- Verified positive drug test results;
- Refusals to be tested (including adulterated and substituted specimen);
- Other violations of DOT alcohol and drug testing regulations; and,
- Documentation of successful completion of return-to-duty requirements (for individuals who violated any DOT alcohol or drug testing regulation).

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

5. CDL alcohol and/or drug testing is required under the following circumstances:
 - 5.1 **Preemployment** - Applicants/employees selected for employment in CDL positions must submit to preemployment **drug** testing. A negative result must be received prior to allowing the performance of CDL-related duties for the first time.
 - 5.2 **Random** - A random selection of specific positions in jobs subject to CDL **alcohol and drug** testing will be made periodically. Employees in selected positions on the testing date are required to report for alcohol and/or drug testing **IMMEDIATELY** upon receiving the directive to report.

NOTE: Random alcohol testing must be conducted not more than two (2) hours before or after the performance of CDL-related duties.
 - 5.3 **Post-Accident** - Employees must submit to **alcohol and drug** testing as soon as possible following an on-the-job accident that occurred while performing CDL-related duties under the following circumstances:
 - 5.3.1 If the accident involves the loss of human life (the driver and all other employees riding in the vehicle must be tested); or
 - 5.3.2 If the employee receives a citation under state or local law **and** the accident resulted in the medical treatment of any person away from the scene of the accident (only the driver must be tested); or,
 - 5.3.3 If the employee receives a citation under state or local law **and** the accident resulted in disabling damage to any motor vehicle, which required a tow-away (only the driver must be tested).
 - 5.4 **Reasonable Suspicion** - Alcohol and/or drug testing may be required when a trained manager has observed the appearance, behavior, speech or odors of an employee that generated a reasonable suspicion that the employee is not free from alcohol and/or illegal drugs.

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

NOTE: Reasonable Suspicion alcohol testing may only be conducted when the observations were made not more than two (2) hours before or after the performance of CDL-related duties.

5.5 Return-to-Duty - Employees who have engaged in prohibited alcohol activity must complete a Return-to-Duty *alcohol* test that shows an alcohol concentration of less than 0.02 prior to returning to CDL-related duty.

5.6 Follow-up - Employees who have engaged in prohibited activity are subject to unannounced Follow-up *alcohol* testing when it has been determined by a Substance Abuse Professional that assistance is needed in resolving problems associated with alcohol misuse.

NOTE: Follow-up alcohol testing may only be conducted within two (2) hours of the performance of CDL-related duties.

- 6. Report Preparation** - DBHDD organizational units that have CDL employees **MUST** complete the *SUMMARY OF CDL ALCOHOL/ DRUG TESTING ACTIVITY* Report (See Attachment A) at the end of each calendar year. This report must be submitted to the Human Resources – Operations & Benefits Section by **January 31** of the following year in order to ensure that it is available for inspection or audit by the U. S. Department of Transportation.

(Section E)

REASONABLE SUSPICION

1. Alcohol and/or drug testing may be required when there is reason to believe that an employee is not free of alcohol and/or illegal drugs while in the work place or performing assigned duties.
2. Reasonable suspicion may occur due to an employee's appearance, behavior, speech, odors or other evidence found or reported. Factors that may lead to a reasonable suspicion include, but are not limited to, the following:
 - 2.1 An on-the-job accident or occurrence where evidence indicates that an employee's action or inaction was in whole or in part the cause, and/or the employee demonstrated in some way that the employee may not be free of alcohol and/or illegal drugs;

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

- 2.2 An on-the-job incident, such as a medical emergency, that is likely to be a result of alcohol or illegal drug use by an employee;
 - 2.3 Direct observation of an employee's behavior that may render the employee unable to perform assigned job duties and/or responsibilities or which may pose a threat to the safety or health of the employee, other employees, clients, customers or the general public;
 - 2.4 **Verifiable** information that an employee may not be free of alcohol or illegal drugs;
 - 2.5 Physical on-the-job evidence of alcohol or illegal drug use by an employee;
 - 2.6 Documented deterioration in an employee's job performance that is likely to be a result of alcohol or illegal drug use by the employee;
 - 2.7 The results of other scientific tests that indicate possible alcohol or illegal drug use;
 - 2.8 An anonymous report received which provides credible information that an employee may not be free of alcohol or illegal drugs **AND** which alleges improper activity has occurred with clients, patients or customers; or
 - 2.9 Other action that gives an authorized official reason to suspect that an employee is not free of alcohol and illegal drugs.
- 3. **Supervisors/managers do not have the authority to direct an employee to submit to Reasonable Suspicion alcohol or drug testing prior to receiving explicit approval through appropriate lines of authority from the Human Resources Director, or designee. (See exception in #3.3 below)**
 - 3.1 Supervisors/managers who observe behavior or other indicators that lead to reasonable suspicion are to **immediately** contact appropriate officials, to discuss the specific circumstances.
 - 3.2 The appropriate officials are to **immediately** discuss the specifics with the Human Resources Director, or Human Resources – Employee Relations Section Manager. Approval/disapproval of Reasonable Suspi-

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

cation testing will be determined by Human Resources staff in these positions.

NOTE: Trained CDL managers do not need approval from Human Resources prior to directing CDL employees to Reasonable Suspicion testing. (See Section D, #5.4)

4. When it is determined that employees will be tested due to reasonable suspicion, they are to be **accompanied and transported** to the testing site.
5. Since alcohol metabolizes rapidly, Reasonable Suspicion alcohol testing is to be completed at the closest testing site as soon as possible. Employees are not to be permitted to drive to or from the testing site.

(Section F) **ILLEGAL DRUGS**

1. Drug testing is conducted for the presence of the following illegal drugs: marijuana/cannabinoids (THC), cocaine, amphetamines/methamphetamines, opiates and phencyclidine (PCP).
2. The term "illegal drugs" does not include any drug when used according to a valid prescription or as otherwise authorized by Federal or State law.

NOTE: Applicants/employees who test positive for illegal drug use as a result of taking medication prescribed for someone other than themselves are *not* protected by this provision.

(Section G) **DBHDD DRUG-FREE WORKPLACE**

1. *THE DBHDD DRUG-FREE WORKPLACE NOTICE* (See DBHDD Human Resource Policy #1301) must be given to and signed by all applicants selected for employment.
2. This notice must also be given to and signed by employees hired into DBHDD from other State departments and DBHDD employees who move within DBHDD to a job subject to different testing programs.
3. Applicants/employees who choose not to sign the *DBHDD DRUG-FREE WORKPLACE NOTICE* will not be given further consideration for the positions for which they applied.

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

4. When advertising position vacancies, the applicable alcohol/drug testing requirements (excluding Reasonable Suspicion) for the specific positions should be included on all job announcements/postings.

(Section H)

WORK TIME & TRAVEL

1. **Employees** who are on-duty and submit to alcohol and/or drug testing are considered in work status during travel time and while taking the test.
2. **Employees** who are required to report for drug testing during off-duty hours will be given work time credit for travel time and while taking the test.
3. **FLSA non-exempt employees** who exceed 40 hours of work time in a work period due to testing will be granted appropriate FLSA overtime compensation. (See DBHDD Human Resource Policy #1001 - Fair Labor Standards Act).
4. **Employees** are eligible for mileage reimbursement if a personal vehicle is used to report for testing.
5. **Applicants** who have not begun employment are not eligible to receive travel compensation or work time due to drug testing.

(Section I)

COST

1. The expense of ordered alcohol and drug testing based on the programs described in this policy is the responsibility of the Department.
2. Applicants/employees who test positive for an illegal drug(s) are given an opportunity by the Medical Review Officer to request a reanalysis of the same specimen by another laboratory. The cost of such reanalysis is the responsibility of the applicant/employee.

(Section J)

RANDOM SELECTION

1. The State Personnel Administration will periodically select a sample of position numbers from a pool of designated positions that are subject to the random alcohol and/or drug testing programs.
2. The State Personnel Administration will forward this selection to DBHDD Human Resources, and indicate the date on which incumbents of the selected positions are to report for testing.

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

3. DBHDD Human Resources will notify appropriate alcohol/drug testing coordinators of the selected positions and the testing date.
 - 3.1 All incumbents on selected positions on the testing date must be directed to report for testing.
 - 3.2 If a selected position is vacant on the testing date, the selection of that position should be disregarded.
 - 3.3 On the testing date, IF an employee selected for testing is:
 - on any type of paid or unpaid leave,
 - attending mandatory training or training away from the work site, or
 - on an extended assignment away from the work site performing duties not subject to testing;THEN, the following action is to be taken:
 - 3.3.1 The employee must be directed to report **immediately** for testing upon returning to assigned duties **IF** the employee returns within 30 calendar days of the official testing date;

OR
 - 3.3.2 The employee will not be notified of selection and will not be sent for drug testing **IF** the employee does not return to duty within thirty (30) calendar days of the official testing date.
4. Alcohol/drug testing coordinators are to direct selected employees to report for random alcohol/drug testing on the testing date. If employees cannot be alcohol/drug tested on the testing date due to work schedules or assignments, they are to be sent as soon as possible **after** the testing date.
 - 4.1 Employees must NOT be given advance notice of required alcohol and/or drug testing.
 - 4.2 Employees must NOT be sent for random testing before the testing date.

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

- 4.3 Employees selected for random alcohol testing must be directed to report within two (2) hours before or after the performance of CDL-related duties.

(Section K)

DIRECTIVE TO REPORT FOR TESTING

1. Alcohol/drug testing coordinators, supervisors or other authorized officials are to issue memoranda directing each selected applicant/employee to report for testing. These memoranda must be signed by a DBHDD employee in the selected applicant/employee's chain of supervision, or who otherwise has the authority to send a DBHDD applicant/employee to testing.
2. Alcohol/drug testing coordinators, supervisors or other authorized officials is to provide each selected applicant/employee with the appropriate drug testing form.
 - 2.1 The *FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM* is given to applicants/employees sent for CDL drug testing.
 - 2.2 The *NON-REGULATED DRUG TESTING CUSTODY AND CONTROL FORM* is given to applicants/employees for other drug testing programs, except for on-site testing.
 - 2.3 The *ON SITE SCREENING CUSTODY FORM* is given to applicants/employees for on-site drug testing.
3. Employees directed to report for alcohol testing are to use BREATH ALCOHOL TESTING FORMS available at the testing site.

(Section L)

ALCOHOL TESTING PROCESS

Because alcohol metabolizes rapidly, it is important that employees ordered to alcohol testing report to the closest site as soon as possible.

NOTE: If testing is due to reasonable suspicion, employees are to be accompanied and transported.

1. Employees are required to bring a picture ID when reporting to the testing site.
2. A breath test is conducted by a certified Breath Alcohol Technician at a breath testing site (e.g., medical center, testing laboratory or law enforcement agency). If a test result shows an alcohol concentration of 0.02 or greater on the first test, a confirmation test using an evidential

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

breath testing device must be conducted not less than fifteen nor more than twenty minutes after the first test.

3. Employees whose test result shows an alcohol concentration of less than 0.02 will be given a copy of the completed alcohol testing form. Employees are to give this copy of the completed alcohol testing form to their supervisor or alcohol/drug testing coordinator immediately upon return to work.

(Section M)

REFUSED ALCOHOL TESTING & CONSEQUENCES

1. Employees are considered to have refused alcohol testing under the following circumstances:
 - 1.1 expressly refusing to submit to testing;
 - 1.2 engaging in conduct that clearly obstructs the testing process;
 - 1.3 failing to immediately report for testing after receiving notification;
 - 1.4 failing to remain readily available for testing; or,
 - 1.5 failing to provide adequate breath for alcohol testing without a valid medical reason (i.e., a medical statement must be received which indicates that the employee is under treatment for a condition which supports the inability to provide adequate breath).

NOTE: Federal Law (49 CFR 40.265) includes specific procedures that must be followed if a CDL employee does not provide adequate breath.

2. Employees who refuse alcohol testing are to be immediately separated from employment and may be ineligible for future employment with DBHDD for a period of two (2) years. Eligibility for future employment will be made on a case-by-case basis.

(Section N)

POSITIVE ALCOHOL TEST RESULTS & CONSEQUENCES

1. Employees whose test results show the presence of alcohol are not to return to duty or be allowed to drive a vehicle. Employees are to be placed on unapproved leave without pay for any period that they are unable to perform assigned duties. Employees should be assisted with making arrangements for transportation.

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

2. A determination of appropriate disciplinary action, up to and including separation, will be made on a case-by-case basis.
3. Employees who are separated based on alcohol testing results may be ineligible for future employment with DBHDD for a period of two (2) years. A determination will be made on a case-by-case basis.
4. Under the **CDL testing program**, the following consequences are imposed:
 - 4.1 An alcohol confirmation test of at least 0.02, but less than 0.04, will result in the employee's removal from CDL-related duties for at least 24 hours.
 - 4.1.1 Employees are to be placed on unapproved leave without pay for any scheduled work time during which they have been relieved from duty due to the presence of alcohol in their systems.
 - 4.1.2 Employees must complete a Return-to-Duty alcohol test that indicates an alcohol concentration of less than 0.02 prior to returning to CDL-related duty.
 - 4.2 An alcohol confirmation test of 0.04 or greater will result in disciplinary action, up to and including separation.
 - 4.2.1 If it is determined that an employee will be retained, the employee will be referred to a Substance Abuse Professional for evaluation of the problems associated with alcohol misuse.

NOTE: Treatment for alcohol misuse may qualify for Family and Medical Leave.

- 4.2.2 The employee must complete a Return-to-Duty alcohol test that indicates an alcohol concentration of less than 0.02 prior to returning to CDL-related duty.
- 4.2.3 The Department is required by law to direct the employee to follow-up alcohol testing at least six (6) times during the first year following the driver's return to duty. The Department will direct the employee to additional follow-up testing based on the recommendation of the Substance Abuse Professional.

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

(Section O)

DRUG TESTING PROCESS

1. Once directed to report for drug testing, applicants/employees are to **IMMEDIATELY** report to an authorized collection site or an approved location within the facility with a picture ID and the appropriate drug testing form.
2. Drug testing is conducted by collecting a urine sample. The sample is tested by a certified laboratory that follows specific collection and chain of custody procedures to ensure that the test is not compromised. Laboratory reports are forwarded to a Medical Review Officer for review and final determination of results. (See Section P for on-site testing process)
3. An **observed** collection may be required under the following circumstances:
 - 3.1 When the sample temperature is outside of the acceptable range of 90° to 100° F;
 - 3.2 When the sample has an unusual appearance;
 - 3.3 When the donor exhibits unusual behavior or has an unusual appearance during the collection process; and
 - 3.4 When an authorized official has reason to believe that an attempt may be made to alter or falsify a sample.

NOTE: Prior to conducting observed collections, collection site representatives should contact the appropriate Human Resource Manager or DBHDD Human Resources. Observed collections must only be conducted by a collection site representative, or subcontractor, of the same gender as the donor.

4. Applicants/employees will be given a copy of the completed drug testing form at the collection site. This form is to be given to the supervisor or alcohol/drug testing coordinator immediately after the test.

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

(Section P)

REFUSED DRUG TESTING

1. Applicants/employees are considered to have refused drug testing under the following circumstances:
 - 1.1 expressly refusing to submit to testing;
 - 1.2 engaging in conduct that clearly obstructs the testing process;
 - 1.3 failing to immediately report for testing after receiving notification;
 - 1.4 failing to remain readily available for testing;
 - 1.5 failing to provide adequate urine for drug testing without a valid medical reason (i.e., a medical statement must be received which indicates that the applicant/employee is under treatment for a condition which supports the inability to produce a urine sample); and,

NOTE: Federal Law (49 CFR 40.193) includes specific procedures that must be followed if a CDL employee does not provide adequate urine. These procedures must be followed in all cases (CDL and non-CDL) involving inadequate samples.

- 1.6 when the testing laboratory and the Medical Review Officer determine that the sample has been adulterated or substituted.
2. Human Resources must be advised when an applicant/employee refuses drug testing.
3. *Employees* who refuse testing will be immediately separated from employment.
4. *Applicants* who refuse testing will have the offer of employment immediately withdrawn.
5. Applicants/employees who refuse testing are not eligible for future employment with DBHDD for a period of two (2) years.
6. In addition, applicants who are "new hires" and refuse Pre-employment drug testing are disqualified from **State employment** for a period of two (2) years.

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

7. A copy of the separation letter or notice of withdrawal is to be forwarded to Human Resources and to the State Personnel Administration.

(Section Q)

POSITIVE TEST RESULTS & CONSEQUENCES

1. Upon receiving a positive laboratory report, the Medical Review Officer (MRO) will attempt to contact the applicant/employee at the phone numbers listed on the drug testing form to privately discuss the results. The MRO will determine if there is an alternative medical explanation for the positive report.

NOTE: If an applicant/employee advises a supervisor, alcohol/drug testing coordinator or other authorized official that the MRO will report the test results as positive, the appropriate Human Resources office should be consulted immediately.

- 1.1 The MRO will report the test results as positive if the applicant/employee:
 - 1.1.1 expressly refuses to discuss the test results with the MRO;
 - 1.1.2 declines the opportunity to provide an explanation for the results;
 - 1.1.3 admits to the use of an illegal drug(s); or
 - 1.1.4 is unable to provide an alternative medical explanation for the presence of an illegal drug(s).
- 1.2 If the MRO is unable to contact the applicant/employee within two (2) work days, the appropriate alcohol/drug testing coordinator will be notified.
 - 1.2.1 The alcohol/drug testing coordinator is to direct the applicant/employee to immediately contact the MRO, and advise the applicant/employee that the test result will be reported as positive if the MRO is not contacted by the next work day.
 - 1.2.2 If the alcohol/drug testing coordinator cannot locate the applicant/employee within two (2) work days, the Human Resources – Operations & Benefits Section is to be notified.

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

Human Resources will advise the MRO, and the test result will be reported as positive.

2. The MRO will notify the State Personnel Administration of positive test results. The State Personnel Administration will forward this information to DBHDD Human Resources will notify the appropriate alcohol/drug testing coordinator of positive drug test results.
3. Employees who test positive for an illegal drug(s) will be immediately separated from employment.
4. Applicants who test positive for an illegal drug(s) will have the offer of employment immediately withdrawn.
5. Applicants/employees who test positive for an illegal drug(s) are not eligible for future employment with DBHDD for a period of two (2) years.

NOTE: Applicants who are “new hires” and test positive for an illegal drug(s) are disqualified from State employment for a period of two (2) years.

6. It is the policy of the Department to immediately separate current DBHDD employees who are required to submit to Pre-employment drug testing for another job within State government and either refuse testing or test positive for an illegal drug(s). Such employees will also not be eligible for future DBHDD employment for a period of two (2) years.

(Section R)

DOL SEPARATION NOTICE

The reasons for separation to be entered on the DOL Separation Notice (Form DOL-800) are as follows:

1. **Classified Employees** - "Dismissed from a classified position due to drug testing."
2. **Unclassified Employees** - "Separated from an unclassified position due to drug testing."

ALCOHOL AND DRUG TESTING PROGRAMS (continued)

(Section S)

**RECOMMEND-
ATION FOR
RE-EMPLOY-
MENT**

When employees are separated due to drug testing, "No Rehire" is to be selected on the REQUEST FOR PERSONNEL/PAYROLL ACTION Form. This code indicates that employees are not recommended for re-employment.

NOTE: The State Personnel Administration will enter an appropriate code in the drug testing results database in order to generate a warning if an agency attempts to hire an applicant/employee who has been disqualified based on pre-employment drug testing.

(Section T)

**CONFIDENTIAL-
ITY**

Positive test results are confidential and accessible to staff only on a "need to know" basis. Test results may, however, be referenced in separation letters for classified employees.

(Section U)

**MAINTENANCE
OF RECORDS**

The official alcohol/drug testing records for all DBHDD organizational units are maintained by Human Resources and housed at the Two Peachtree Building in Atlanta, Georgia.

1. All negative results will be maintained by Human Resources for the two (2) years. Records for positive and refusal results will be maintained five (5) years.

For additional information or assistance, please contact the DBHDD Human Resources Benefits section (404) 232-1161.
