GEORGIA DEPARTMENT OF CORRECTIONS **Standard Operating Procedures**		
Policy Name: Alcohol/Drug Testing Program – *Non Safety Sensitive Positions*		
Policy Number: 104.58	**Effective Date:** 8/19/2020	**Page Number:** 1 of 25
Authority: Commissioner	**Originating Division:** Administration and Finance Division (Human Resources)	**Access Listing:** Level I: All Access

I. Introduction and Summary:

The Georgia Department of Corrections (GDC) has testing programs that serve to promote an alcohol/drug-free and safe work place. All GDC 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. These additional alcohol/drug testing programs are as follows:

A. High Risk (Drug);

B. Safety Sensitive (Alcohol and Drug); and

C. Pre-Employment (Drug)

Employees, in safety sensitive position, i.e. requiring a Commercial Driver License (CDL) are subject to the drug testing policies outlined in SOP 104.59 Alcohol/Drug Testing Program - *Safety Sensitive Jobs.*

II. Authority:

A. O.C.G.A.: § 34-9-415 Standards and Procedures for Testing, § 45-20-111 Drug Testing; Disqualification from Employment, § 45-20-90 Definitions, § 45-20-91. Determination of High-Risk Positions, and § 45-23-2 Drug Free Work Force;

B. State Board Personnel Rule (SPBR): 478-1-.21 Drug and Alcohol Free Workplace Program;

C. GDC Standard Operating Procedures (SOPs): 104.01 Delegation of Authority, 104.07 Position Actions, and 104.09 Filling a Vacancy; and

D. ACA Standards: 2-CO-1C-20, 1-CTA-1C-07, 5-ACI-1C-16 (ref. 4-4063), 4-ACRS-7C-02, and 4-ALDF-7C-01.

III. Definitions:

A. **Alcohol -** The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

B. **Alcohol Concentration or Alcohol Content -** The alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred and ten (210) liters of breath as indicated by an alcohol test.

C. **Applicant -** 1. An individual who has been offered initial employment or re-employment (full-time or part-time) with the GDC in a position subject to drug testing. 2. A GDC employee who is an incumbent of a position not subject to pre-employment drug testing who has been offered employment (in GDC) in a position subject to pre-employment drug testing. 3. Any State employee who has been offered employment (in GDC) in a position subject to pre-employment drug testing.

D. **Appointing Authority** - The Commissioner in accordance with the State Personnel Board Rules (SPBR). SPBR's permits the Appointing Authority to delegate certain responsibilities to others within the agency. For the purpose of this SOP, the term Appointing Authority refers to both the Commissioner and those to whom the Commissioner has delegated certain Appointing Authority responsibilities as outlined in SOP 104.01 Delegation of Authority.

E. **Behavioral Indicators -** Changes in the observed behavior of an employee. These behaviors include and are not limited to physical signs, difficulty concentrating, absenteeism, high accident rate, mood, confusion, decreased efficiency and relationship problems.

F. **Designated HR Representative** - The individual who is responsible for notification and verification of the random drug testing processes.

G. **High Risk Work** - A job assignment in which an employee's inattention to duties or error(s) in judgment has the potential for significant risk of harm to the employee, other employees, detainees, prisoners or the general public. Employees required to possess certification as a peace officer, under the provisions of the Peace Officer Standards and Training Act (P.O.S.T.) are in this category. Other employees may be designated as High-Risk for this purpose by the Commissioner of the Georgia Department of Corrections in conjunction with the Georgia Department of Administrative Services. Employees who perform work designated as "High-Risk" are subject to pre-employment (post-job offer) testing and random drug testing in accordance with this policy.

H. **Illegal Drugs** - Marijuana/cannabinoids (THC), cocaine, amphetamines/ methamphetamine, opiates or phencyclidine (PCP). The term "illegal drugs" will not include any drug used pursuant to a valid prescription or when used in a manner otherwise authorized by state or federal law.

I. **Initial Employment** - The employment of an applicant who was not employed by GDC immediately prior to the day the individual reports for duty. The term shall not include an employee who is moving, without a break in service, from one GDC position to another GDC position.

J. **Local Site** - Any facility operated by GDC.

K. **Medical Review Officer (MRO)** - A properly licensed physician who receives and reviews the results of drug tests and evaluates those results, together with medical history or any other relevant biomedical information, to confirm positive results.

L. **Off-Site Drug Testing** - Utilized when an employee has been instructed to submit testing at an approved designated site other than a GDC Facility.

M. **On-Site Drug Testing** - Drug testing performed at the local site utilizing testing devices meeting United States Food and Drug Administration regulations.

N. **Reasonable Suspicion** - Non-DOT regulated testing refers to the employers' judgment that an employee has violated the State's Alcohol and Other Drugs Free Workplace Policy. This judgment should be made as a result of an employee's behavior, appearance, speech, body odor, and/or job performance that is observed by a supervisor/manager or reported by a reliable individual and verified. The decision to test must be based on specific, timely, and describable observations of physical, behavioral, or performance indicators. These indicators include but are not limited to:

1. An on-the-job incident, such as a medical emergency, that is likely to be attributable to illegal drug use by an employee;

2. Observation of behavior exhibited by an employee that might render the employee unable to perform his/her job or that might pose a threat to the safety or health of the employee, fellow employees, or the general public;

3. Verifiable information that an employee may be illegally using drugs or under the influence of illegal drugs or alcohol;

4. Physical on-the-job evidence of drug use by an employee;

5. Documented deterioration in an employee's job performance that is likely to be attributable to drug use by the employee;

6. The results of other scientific test(s) that may tend to indicate possible use of drugs or alcohol*;* or

7. Any other specific, timely, and describable action that would give an Appointing Authority reason to suspect that an employee may have broken a substance abuse prohibition.

O. **Safety Sensitive Job** - Any position whose incumbent is required to undergo drug and alcohol testing by regulations of the United States Department of

Transportation (49 CFR Part 382.103, 14 CFR Part 121 Appendices I & J, 33 CFR Part 95, and/or 49 CFR Part 655). In general, such positions are those where the duties require possession of a valid commercial driver's license, but also includes other positions subject to drug and alcohol testing as required by the Federal Aviation Administration (FAA), Federal Transit Administration (FTA), or Coast Guard, and other positions subject to drug and alcohol testing as required by federal law or regulation. See GDC SOP 104.59 Alcohol/ Drug Testing Program - *Safety Sensitive Position*.

P. **Selectee** - An employee who has been notified that he or she is required to submit to random drug testing pursuant to this SOP.

IV. Statement of Policy and Applicable Procedures:

A. Drug Free Workplace Notices.

1. The *GDC DRUG-FREE WORKPLACE NOTICE* 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 GDC from other State Departments and GDC employees who move within GDC to a job subject to different testing programs.

3. Applicants/current employees who choose not to sign the *DRUG-FREE WORKPLACE NOTICE* will not be given further consideration for the positions for which they applied. Current employees who refuse to sign the notice will be reported to the Director, Human Resources.

B. Reasonable Suspicion Testing Generally:

1. Alcohol and/or drug testing may be required when there is Reasonable Suspicion, as defined by this policy, that an employee is not free of alcohol and/or illegal drugs while in the workplace or performing assigned duties.

2. Supervisors/Managers who observe or receive reports of such behavior or other indicators that lead to Reasonable Suspicion are to contact the Director of Human Resources immediately to discuss the specific circumstances. Other employees should report observed behavior to their immediate supervisor and/or the local Human Resources (HR) department.

3. When it is determined that employees will be tested due to Reasonable Suspicion, they shall be **accompanied and transported** to and from the testing site. In addition, arrangements will be made to transport the tested employee to their place of residence after the testing process is complete. Under no circumstances will an employee who has been tested due to Reasonable Suspicion be permitted to depart GDC property operating any vehicle.

4. At the completion of the Reasonable Suspicion test, the employee will be placed on suspension with pay until the results of the test are determined. The HR unit of the location of assignment for the tested employee should use Attachment 1, Alcohol/Drug Suspension with Pay to formalize this action.

C. Reasonable Suspicion of Alcohol Testing Procedures:

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

   a. Employees are required to bring picture identification (ID) when reporting to the testing site.

   b. The employee to be tested will be transported to the nearest Sheriff's Department or other local law enforcement office and will be tested on an Intoxilyzer 5000, Intoxilyzer 9000, or other device approved by Georgia Bureau of Investigations Division of Forensic Sciences (GBI), in accordance with GBI standards for the operation of that device.

c. The Employee's test results will be recorded on Attachment 7, Alcohol/Drug & CDL Drug Testing Log. Employees whose test result shows an alcohol concentration of less than 0.02 will be given a copy of the completed alcohol testing form at Attachment 7 Alcohol/Drug & CDL Drug Testing Log. Employees are to give this copy of the completed alcohol testing form to their supervisor or alcohol/drug testing coordinator immediately upon return to their work site.

D. Refusal of Alcohol Testing and Consequences:

1. An employee is considered to have refused alcohol testing when the employee:

   a. Expressly refuses to submit to testing;

   b. Engages in conduct that clearly obstructs the testing process;

   c. Fails to immediately report for testing after receiving notification;

   d. Fails to remain readily available for testing; or

   e. Fails 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).

2. Employees who refuse alcohol testing will be immediately dismissed from employment and will be ineligible for future employment with the State of Georgia (State) for a period of two (2) years. (see Attachment 2, Alcohol Dismissal Letter (Classified) and Attachment 3, Alcohol Dismissal Letter (Unclassified)

E. Positive Alcohol Test Results and 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 leave without pay for any period that they are unable to perform assigned duties. Employees should be assisted with arranging for transportation. The following consequences are imposed:

   a. Employees in non-safety sensitive jobs will be dismissed from employment.

   b. Employees are to be placed on 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.

   c. An Employee who is being dismissed due to a positive alcohol testing from a non-safety sensitive job will receive one or more of the following letters:

      Alcohol/Drug Suspension with Pay, Attachment 1;
      Alcohol Dismissal Letter Classified Employee, Attachment 2; and
      Alcohol Dismissal Letter Unclassified Employee, Attachment 3.

F. Reasonable Suspicion of Drugs Testing Procedures:

1. Once directed to report for drug testing, employees are required to report IMMEDIATELY to an authorized collection site or an approved location within the facility.

2. Drug testing is conducted by collecting a urine sample. The sample is tested following specific collection and chain of custody procedures to ensure that the test is not compromised. Reports are forwarded to a MRO for review and final determination of results.

3. Employees will be given a copy of the completed drug testing form at the collection site. This copy can be given to the supervisor to show proof of reporting and HR will retain the remaining copy.

G. Refused Drug Testing - Reasonable Suspicion:

1. An Employee is considered to have refused drug testing when the employee:

   a. Expressly refuses to submit to testing;

   b. Engages in conduct that clearly obstructs the testing process;

   c. Fails to report immediately for testing after receiving notification;

   d. Fails to remain readily available for testing;

   e. Fails to provide adequate urine for drug 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 produce a urine sample); or

   f. Provides a sample which the testing laboratory and MRO determines has been adulterated or substituted.

2. CHRM Compliance Unit must be notified immediately when an employee refuses drug testing.

3. Employees who refuse testing will be immediately dismissed from employment and will be ineligible for future employment with the State for a period of two (2) years.

4. A copy of the separation letter will be forwarded to CHRM.

H. Positive Drug Test Procedures and Consequences—Reasonable Suspicion:

1. Upon receiving a positive laboratory report, the MRO will attempt to contact the 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. **If an employee advises a supervisor, alcohol/drug testing coordinator, or other authorized official that the MRO will report the test results as positive, the CHRM Compliance Unit should be consulted immediately.** The MRO will report the test results as positive if the employee:

    a. Expressly refuses to discuss the test results with the MRO;

    b. Declines the opportunity to provide an explanation for the results;

    c. Admits to the use of an illegal drug(s); or

    d. Is unable to provide an alternative medical explanation for the presence of an illegal drug(s).

2. If the MRO is unable to contact the employee within two (2) work days, the appropriate alcohol/drug testing coordinator will be notified.

    a. The testing facility will direct the employee to immediately contact the MRO, and advise the employee that the test result will be reported as positive if the MRO is not contacted by the next work day.

    b. If the testing facility cannot locate the employee within two (2) work days, the CHRM Compliance Unit – Alcohol/Drug Testing Coordinator is to be notified. The Coordinator will advise the MRO, and the test result will be reported as positive.

3. The MRO will notify the Department of Administrative Services, Human Resources Administration (DOAS/HRA) of positive test results. HRA will forward positive drug test results to GDC Human Resources. Employees who test positive for an illegal drug (s) will be immediately dismissed from employment.

4. An Employee who is being dismissed due to a positive drug testing from a non-safety sensitive job will receive either Attachment 4, Sample Letter Drug Dismissal (Unclassified Employee) or Attachment 5, Sample Letter Drug Dismissal (Classified Employee) letter.

I. Random Drug Testing of High-Risk Positions:

1. The following GDC employees are subject to Random Drug Testing:

   a. Employees in jobs that require Peace Officer Standards and Training (P.O.S.T.) certification; and
   b. Other employees whose positions are designated as High Risk in accordance with this policy.

2. A random selection of specific positions in jobs subject to High Risk 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.

J. Random Drug Testing Procedures:

1. Once directed to report for drug testing, employees are to report IMMEDIATELY to an authorized collection site using Attachment 6, Random Drug Testing Notification or an approved location within the facility. The selected employee will sign Attachment 7, Alcohol/Drug Testing Log prior to testing.

2. Drug testing is conducted by collecting a urine sample. The sample is tested following specific collection and chain of custody procedures to ensure that the test is not compromised. Reports are forwarded to a MRO for review and final determination of results.

3. An observed collection may be required under the following circumstances:

    a. When the sample temperature is outside of the acceptable range of 90° to 100° F;

    b. When the sample has an unusual appearance;

    c. When the donor exhibits unusual behavior or has an unusual appearance during the collection process; or

    d. When an authorized official has reason to believe that an attempt may be made to alter or falsify a sample.

4. Prior to conducting observed collections, collection site representatives should contact CHRM Compliant Unit. Observed collections must only be conducted by a collection site representative, or sub-contractor, of the same gender as the donor.

5. Employees will be given a copy of the completed drug testing form at the collection site. This copy can be shown as proof of reporting and the local HR will retain the remaining copy.

K. Drug Test Refusals - Random Drug Testing:

1. An Employee is considered to have refused drug testing when the employee:

    a. Expressly refuses to submit to testing;

b. Engages in conduct that clearly obstructs the testing process;

c. Fails to report immediately for testing after receiving notification;

d. Fails to remain readily available for testing;

e. Fails to provide adequate urine for drug 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 produce a urine sample); or

f. Provides a sample which the testing laboratory and MRO determines has been adulterated or substituted.

2. CHRM Compliance Unit must be notified immediately when an employee refuses drug testing.

3. Employees who refuse testing will be immediately dismissed from employment and will be ineligible for future employment with the State for a period of two (2) years {See Attachment 4, Drug Dismissal Letter (Unclassified)}.

4. A copy of the separation letter will be forwarded to CHRM Compliance Unit and to the DOAS/HRA.

L. Positive Drug Test Procedures and Consequences--Random Drug Test:

1. Upon receiving a positive laboratory report, the MRO will attempt to contact the 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. **If an employee advises a supervisor, 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. The MRO will report the test results as positive if the employee:

a. Expressly refuses to discuss the test results with the MRO;

b. Declines the opportunity to provide an explanation for the results;

c. Admits to the use of an illegal drug(s); or

d. Is unable to provide an alternative medical explanation for the presence of an illegal drug(s).

2. If the MRO is unable to contact the employee within two (2) work days, the appropriate alcohol/drug testing coordinator will be notified.

   a. The testing facility will direct the employee to immediately contact the MRO, and advise the employee that the test result will be reported as positive if the MRO is not contacted by the next work day.

   b. If the testing facility cannot locate the employee within two (2) work days, the CHRM Compliance Unit – Alcohol/Drug Testing Coordinator is to be notified. The Coordinator will advise the MRO, and the test result will be reported as positive.

3. The MRO will notify the DOAS/HRA of positive test results. HRA will forward positive drug test results to CHRM Compliance Unit - Alcohol/Drug Testing Coordinator.

4. If the results of a random drug test initially indicate a positive result, the employee will be placed on suspension with pay until the final results are determined. The HR unit of the location of assignment for the tested employee should use Attachment 1, Alcohol/Drug Suspension with Pay to formalize this action.

5. Employees who have a confirmed positive drug test will be separated from employment immediately upon the positive test confirmation. The HR Unit for the employee to be terminated will use Attachment 4, Sample Letter Drug Dismissal Letter (Unclassified) or Attachment 5, Sample Letter Drug Dismissal Letter (Classified) for this purpose.

M. Rejected or Unsuitable Sample Procedure - Random Drug Testing:

1. For only those selectees required to report to a collection site, Department of Administrative Services, Human Resources Administration (DOAS/HRA) will notify CHRM Drug Testing Coordinator of the need for a re-test. The local HR representative will be notified to contact the selectee for re-testing.

2. Samples rejected by the testing laboratory or determined to be unsuitable for testing will result in re-testing selectee.

3. Selectees unable to produce sufficient urine for an acceptable sample, before the close of business that test day, must report for re-testing at the beginning of the next business day.

4. Any costs incurred due to this type of re-testing will be the responsibility of GDC.

N. Pre-Employment Drug Testing Requirement and Confidentiality:

1. All applicants who have been offered a position that has been determined by the appointing authority to be High Risk are subject to pre-employment drug testing. applicants for these positions shall be required to complete a pre-employment drug test to screen for the presence of illegal drug(s) prior to employment.

2. To ensure the confidentiality of drug test results, any report that an individual has used an illegal drug(s) will be accessible only to the local Human

Resources (HR) representative and/or Appointing Authority. A report of drug test results is not considered to be a public record.

3. Individuals who are temporary, part-time, students, interns, volunteers, etc. in high-risk positions are subject to testing.

O. Notification Requirement for Testing—Pre-employment:

1. An applicant, offered employment in a position subject to pre-employment drug testing, must complete Attachment 8, Pre-Employment Drug Testing Acknowledgment Statement, (located in the pre-hire package), which outlines the applicable requirements of O.C.G.A. §45-20-111, and other conditions of employment pertaining to successfully passing a drug test. If an applicant refuses to sign the Statement, he/she will not be given further consideration for employment.

2. The Local HR representative must also provide the applicant with Attachment 8, Pre-Employment Drug Test Awareness/Notification Letter explaining drug testing procedures and instructions and the consequences of testing positive or refusing to take the test.

3. Employees transferring from other agencies to GDC and GDC employees not currently in a job requiring pre-employment testing who are accepting a position subject to pre-employment testing, will be made aware of Attachment 6, Alcohol and Drug Test Notification (Random);

4. The applicant must sign the above Statement to acknowledge receipt.

P. On-Site Drug Testing Procedure - Pre-employment:

1. If the position is subject to testing, the applicant will be administered an on-site drug test upon the offer of employment.

2. Prior to the applicant's start date, the HR representative must complete the information section of Attachment 9, On-Site Substance Abuse Screening Documentation, to include the Lot # and expiration date of the test cup provided the applicant. A picture ID will be requested if representative administering test is not familiar with applicant.

3. The HR representative must complete Attachment 7, Alcohol/Drug Testing Log and obtain the applicants initials on the log acknowledging drug test.

4. Test results must be recorded on Attachment 9, On-Site Substance Abuse Screening Documentation and both the applicant and tester must sign this form acknowledging test results.

5. If a negative result is confirmed, the on-site test is complete.

6. If a non-negative result is confirmed, the specimen should be sent to the lab for additional screening.

7. Expense of the initial pre-employment drug test will be the responsibility of the Department.

Q. Refusal/Failure to Appear for Testing - Pre-employment:

1. Applicants who are have "refused testing" will not be given any further consideration for employment.

2. An applicant is considered to have refused drug testing when the applicant:

   a. Expressly refuses to submit to testing;

   b. Engages in conduct that clearly obstructs the testing process;

   c. Fails to report by the specified deadline after proper notification;

d. Fails to remain readily available for testing;

e. Fails to provide adequate urine for drug 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 produce a urine sample); or

f. Provides a sample which the testing laboratory and MRO determines has been adulterated or substituted.

R. Drug Test Results - Pre-Employment:

1. Positive laboratory results, which indicate the presence of one or more illegal drugs, will be reviewed by the MRO. A final determination will be made by the MRO and the MRO shall attempt to contact the individual to discuss the results of the drug test. However, if the MRO is unable to contact the applicant, the CHRM Drug Testing Coordinator will be notified. The CHRM Drug Testing Coordinator will contact the HR representative requesting they contact the applicant. Unless the MRO is contacted immediately, the applicant will be considered to have tested positive for the use of illegal drug(s). This notification process must be completed within two business days of initial attempt.

2. If the applicant refuses to discuss the results of the drug-test with the MRO, declines the opportunity to provide an explanation of the results, or admits to the use of illegal drug(s), the MRO (without further action or review) will report to DOAS/HRA that the presence of one or more illegal drugs has been identified in the applicant's bodily fluid sample.

3. When notified by DOAS/HRA of a positive test result, the CHRM Drug Testing Coordinator will notify the local HR representative of the positive drug test result.

4. To ensure the confidentiality of drug test results, any report which indicates that an applicant has used an illegal drug(s) will be accessible only to the local HR representative and/or Appointing Authority. Any report of drug test results is not a public record.

5. Local HR representatives may access the DOAS/HRA drug testing website to obtain test results.

S. Withdrawal of Offer of Employment - Pre-employment:

1. An applicant who tests "positive" for the presence of one or more illegal drug(s) will not be hired. The applicant must be notified in writing using Attachment 10 Attachment 10, Withdrawal of Employment Offer due to Positive Pre-Employment Drug Test by the Appointing Authority that the MRO, based on test results, has determined his/her use of illegal drug(s); and the offer of employment is withdrawn. The applicant is disqualified from State employment for a period of (two) 2 years from the date of notification.

2. An applicant who refuses to remain/appear within the specified timeframe for testing will not be hired. The individual must also be notified in writing using Attachment 11, Withdrawal of Employment Offer for Refusal to Test/Failure to Remain or Appear by the Appointing Authority, of the report of their refusal or failure to remain/appear for drug testing; and the offer of employment is withdrawn. The applicant is disqualified from State employment for a period of (two) 2 years from the date of the test.

T. Notification to CHRM of an applicant's Refusal or Failure to Appear or Remain for Testing - Pre-employment:

1. As soon as the determination is made that an applicant has either refused or failed to remain/appear within the specified time frame for drug testing, the local HR representative will notify the CHRM Drug Testing Coordinator and provide the following:

a. Name and address of the applicant;

b. Social Security number of the applicant;

c. Date of refusal or failure to remain/appear; and

d. Brief statement of the circumstances.

2. The Coordinator will then forward a copy of the letter to DOAS/HRA.

U. Disqualification from Employment - Pre-employment:

1. Any applicant whose drug test results is reported as positive by the Medical Review Officer or who Refuses a pre-employment drug test will be disqualified from holding any position with a State employer for a period of two (2) years. The applicant will be notified in writing, that he/she has been deemed to have used an illegal drug and is therefore disqualified from state employment for a period of two (2) years from the date of notification.

2. A copy of the letter with the Social Security number included will be sent to DOAS/HRA for any applicant reported by an agency to have refused to take or failed to appear within the specified timeframe for a drug test. DOAS/HRA will then notify the applicant of disqualification from employment with the State of Georgia for a period of two (2) years. The applicant may file a request for review as outlined below.

V. Appeal and Review:

1. The decision of the MRO regarding the verification of a positive drug test result will be final. No appeal or review of the test results by the applicant is permitted.

2. An applicant may request a review of the two (2) year disqualification in the case of a Refusal. The request must be in writing to the Commissioner of DOAS and sent to the following address:

   Commissioner
   Georgia Department of Administrative Services
   200 Piedmont Avenue SW
   Atlanta, GA 30334

3. The Commissioner or his/her designee will consider all requests for review and may request additional information necessary to reach a decision. The decision of the Commissioner/designee will be final.

W. Rejected or Unsuitable Sample Procedure - Pre-employment:

1. For only those applicants required to report to a collection site, DOAS/HRA will notify CHRM Drug Testing Coordinator of the need for a re-test. The local HR representative will be notified to contact the applicant for re-testing.

2. Samples rejected by the testing laboratory or determined to be unsuitable for testing will result in re-testing applicant.

3. Applicants unable to produce sufficient urine for an acceptable sample, before the close of business that test day, must report for re-testing at the beginning of the next business day.

4. Any costs incurred due to this type of re-testing will be the responsibility of GDC.

X. Post-Accident Testing:

1. All employees are subject to post-accident drug and/or alcohol testing. Any employee who causes or contributes to the following:

a. A lost time injury that requires medical attention away from the worksite; or

b. An accident that results in more than $2,000 in damage to State.

2. The supervisor or manager of an employee who meets the above criteria will ensure that the employee to is tested as soon as possible and is accompanied and transported to the testing location.

Y. Return to Duty Testing:

1. Any individual will be allowed to return to work following a confirmed positive alcohol or a verified positive drug test, or

2. After self-disclosing a substance abuse problem, must successfully complete the alcohol and/or drug testing process and obtain a negative result before returning to the job.

Z. Follow-up Testing: Any individual who returns to work following a positive test result or self-disclosure of a substance abuse problem is subject to unannounced alcohol and other drug testing for up to five years.

AA. Directive to Report for Testing:

1. Alcohol/drug testing coordinators, supervisors or other authorized officials are to issue notices directing each applicant or selectee to report for testing. These notices must be signed by a GDC employee in the applicant or selectee's chain of supervision, or who otherwise has the authority to send a GDC applicant or selectee to testing.

2. Alcohol/drug testing coordinators, supervisors or other authorized officials are to provide each selected applicant or selectee with the appropriate drug testing form:

a. The **Forensic Drug Testing Custody and Control Form** (commonly referred to the Quest Diagnostic form);

b. The **On Site Screening Custody Form** (commonly referred to the Alere form);

c. The **Federal Drug Testing Custody and Control Form** (commonly referred to the Quest Diagnostic form).

3. Employees directed to report for alcohol testing are to use **Breath Alcohol Testing Forms** available at the testing site.

BB. Cost of Testing and Re-Analysis:

1. The expense of ordered alcohol and drug testing based on the programs described in this policy is the responsibility of GDC.

2. Applicants or employees who test positive for an illegal drug(s) are given an opportunity by the Medical Review Officer to request a re-analysis of the same specimen by another laboratory. The cost of such re-analysis is the responsibility of the applicant/employee. GDC may seek reimbursement of the cost of re-analysis in accordance with this policy, however, payment, reimbursement or ability to pay will not be made a condition of performing the re-analysis testing.

CC. DOL Separation Notice:

For dismissals from employment for failure of a drug or alcohol tests the following should be entered on the Department of Labor Separation Notice (DOL-800) line 4(b) "Reason for Separation":

"Dismissed from employment due to failure of job required substance abuse test."

DD. Recommendation for Re-Employment:

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. DOAS will enter an appropriate code in the drug testing results database which will generate a warning if an agency attempts to hire an applicant/employee who has been disqualified based on pre-employment drug testing.

EE. Confidentiality:

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

V. Attachments:

Attachment 1: Sample Letter Alcohol/Drug Suspension with Pay (Classified/ Unclassified Employee);
Attachment 2: Sample Letter Alcohol Dismissal (Classified Employee);
Attachment 3: Sample Letter Alcohol Dismissal (Unclassified Employee);
Attachment 4: Sample Letter Drug Dismissal (Unclassified Employee);
Attachment 5: Sample Letter Drug Dismissal (Classified Employee);
Attachment 6: Alcohol and Drug Test Notification (Random);
Attachment 7: Alcohol/Drug and CDL Drug Testing Log;
Attachment 8: Drug Test Awareness Statement/Notification (Pre-Employment);
Attachment 9: On-Site Substance Abuse Screening Documentation Form;
Attachment 10: Withdrawal of Employment Offer due to Positive Pre-Employment Drug Test;
Attachment 11: Withdrawal of Employment Offer for Refusal to Test/Failure to Remain or Appear for Pre-Employment Drug Test; and
Attachment 12: Behavioral/Incident Documentation Form.

VI. Record Retention of Forms Relevant to this Policy:

Attachments 1, 2, 3, 4, and 5 shall be retained permanently in the official and local personnel file. Attachment 7 shall be retained for one (1) year in the local personnel office. Attachments 6, 8, and 9 shall be retained permanently in the official and local personnel file. If not hired, these attachments shall be retained in the Interview/Selection file for two (2) calendar years. Attachments 10, 11, and 12 shall be retained for two (2) calendar years in the local personnel office