

Georgia Department of Public Safety

Policy Manual

SUBJECT DRUG FREE WORKFORCE	POLICY NUMBER 5.07
DISTRIBUTION ALL EMPLOYEES	DATE REVISED 2/13/2009

5.07.1 Purpose

The United States Congress has enacted the Drug-Free Workplace Act of 1988 to ensure that work performed under federal contracts or grants is completed in a drug-free work environment.

In addition, the Georgia Legislature passed the Drug Free Public Work Force Act of 1990. The General Assembly found that the manufacture, distribution, sale, or possession of controlled substances, marijuana, and other dangerous drugs in an unlawful manner is a serious threat to the public health, safety, and welfare. It declared to be a primary purpose and goal of this state, its agencies and instrumentalities, and its public officials and employees to take all reasonable steps possible to eradicate the unlawful manufacture, distribution, sale, and possession of controlled substances, marijuana, and other dangerous drugs. The General Assembly further declared that its work force must be absolutely free of any person who would knowingly engage in this illegal activity.

5.07.2 Policy

The Georgia Department of Public Safety prohibits employees from engaging in the unlawful manufacture, distribution, sale, possession and/or use of illegal drugs at all times and at all places. Such activity, even during non-working hours, affects an employee's ability to perform public duties, impairs the operation of the department, and damages the reputation of the department.

5.07.3 Procedures For Drug Related Arrests/Convictions

A. Drug Related Arrests

Employees arrested for any violation of drug related criminal laws of this state, any other state or the United States, regardless of whether the alleged violation occurred at the workplace or elsewhere, shall immediately notify their supervisor and the Director of the Special Investigations Division. The supervisor shall also notify the Commissioner of the Department of Public Safety through the chain of command.

B. Drug Related Convictions

Employees convicted, including a plea of *nolo contendere* or under the First Offender Act, for violating any drug related criminal offense of any jurisdiction regardless of whether such offense occurred at the workplace or elsewhere, shall immediately notify their supervisor and the Director of the Special Investigations Division. The supervisor shall also notify the Commissioner of the Department of Public Safety

through the chain of command.

- C. Violations of this Policy will result in severe disciplinary action, up to and including termination from employment. An employee who is convicted of a drug related criminal offense shall be dismissed.

5.07.4 Personal Use Of Illegal Drugs

- A. Confidentiality of Employee Statements

Once a supervisor has been notified by an employee of a substance abuse problem, the supervisor shall notify the appropriate Division Director, in writing, through the chain of command. These written notifications will be maintained, confidentially, by the Human Resources Division. The Division Director may notify other Division Directors as warranted by the circumstances. Under no circumstances shall these statements be discussed outside a business-related need to know.

- B. The procedures for personal use of illegal drugs are referenced in Section 26.400 of the Rules of the State Personnel Board. These rules regarding Personal Use of Illegal Drugs, are stated as follows:

PAR. 26.401. Admission of Personal Use of Illegal Drugs. (09-27-90/10-15-90)

PAR. 26.401.1. An employee who notifies their appointing authority of personal use of illegal drugs shall be entitled to maintain their state employment provided: (09-27-90/10-15-90)

- a) The notification is made in writing to the individual(s) designated by the appointing authority; (09-27-90/10-15-90)
- b) The employee notifies the appointing authority of such personal use prior to arrest for a criminal offense and the notification has been acknowledged by the appointing authority; (09-27-90/10-15-90)
- c) The employee agrees to receive treatment, at the employee's expense, under a drug abuse treatment and education program, and (09-27-90/10-15-90)
- d) Such entitlement shall be for a period of not more than one year as long as the employee follows the treatment plan. (09-27-90/10-15-90)

PAR. 26.401.2. The employee may be required to provide evidence satisfactory to the appointing authority of attendance and satisfactory progress in the treatment plan. (09-27-90/10-15-90)

PAR. 26.401.3. The employee shall not be separated solely on the basis of the employee's reported drug usage as long as the employee complies with the provisions of Par. 26.401.1 (09-27-90/10-15-90)

PAR. 26.401.4. The appointing authority may restructure the employee's work activities if practicable to protect persons or property. (09-27-90/10-15-90)

PAR. 26.401.5. No statement made by an employee to a representative of the appointing authority in accordance with the provisions of this rule shall be admissible in any civil, administrative or criminal proceeding as evidence against the employee. (09-27-90/10-15-90)

PAR. 26.401.6. If the employee fails to satisfactorily complete a drug abuse treatment and education program, the appointing authority may take such disciplinary action, as it deems necessary. (09-27-90/10-15-90)

PAR. 26.402. Limitations. (09-27-90/10-15-90)

PAR. 26.402.1. The rights granted by this rule shall be available to an employee only once during a five-year period and shall not apply to any employee who has refused to be tested or who has tested positive for an illegal drug. (09-27-90/10-15-90)

PAR. 26.402.2. An employee who elects to use the provisions of this rule shall not be protected from the mandatory sanctions following conviction provided in Section 26.200 (09-27-90/10-15-90)