

Procedure: 4.8.1p1. (III.O.1)

Drug and Alcohol Testing: Non-U.S. DOT and FMCSA Regulated Positions

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PURPOSE:

The Technical College System of Georgia (TCSG) is committed to providing an environment that: ensures the safety and well-being of TCSG's employees, students, and campus visitors; protects TCSG employee and student property; and, prohibits influences that may have a detrimental effect upon the orderly, safe and efficient operation of the System Office as well as all associated technical colleges.

Based on these goals, the TCSG has established drug and alcohol testing protocols to prevent the hiring and/or the continued employment of individuals who may cause harm to themselves or others, who may cause damage to system Office or technical college property, or (for current employees) whose job performance is negatively impacted due to the use/misuse of a controlled substance, an illegal drug, or alcohol.

Pursuant to related authority, it is expressly prohibited for a TCSG employee to manufacture distribute dispense, possess, or use illegal drugs, unauthorized drugs, prohibited inhalants, or other controlled substances while performing state business and during all non-working hours as this activity clearly impacts an employee's ability to perform his/her public duties. NOTE; an employee's use of another person's legally prescribed drug(s) is prohibited under Georgia law.

Also, as provided in the TCSG Procedure governing Standards of Business Conduct, an employee's possession or use of alcohol or illegal drugs in the workplace (to include any clinical/ internship/ externship site) is incompatible with the mission of the Technical College System of Georgia and is expressly prohibited.

Further, it is expressly prohibited for any TCSG employee to possess/transport alcoholic beverages or illegal drugs in a state vehicle or to use/consume alcohol or illegal drugs while traveling in a state vehicle, a state-sponsored leased or rental vehicle, or a personal vehicle upon which the state is providing or could provide a mileage reimbursement. Additionally, the unauthorized use of legally obtained drugs (including drugs prescribed by a health care provider) that may adversely affect job performance or safety is also prohibited.

II. RELATED AUTHORITY:

21 CFR Part 1308

Federal Drug-free Workplace Act of 1988

HHS Regulations, 53, Federal Register 11979, et. seq., as amended

O.C.G. A. §16-13-1 et.seq. – Dangerous Drugs

O.C.G.A. §34-9-415 – Drug-free Workplace Programs

O.C.G.A. §45-20-90 et.seq. – Random Drug Testing – High Risk Jobs

O.C.G.A. §45-20-110 et.seq. – Pre-Employment Drug Testing

O.C.G.A §45-23-1 et. seq. – Drug-free Public Work Force Act of 1990

III. APPLICABILITY:

All work units and technical colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS:

Adulterated Sample: a specimen that has been altered as evidenced by test results reflecting that it contains a substance that is not expected to be present in human urine or a substance that is expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl and isopropyl alcohol.

Alcohol Concentration: 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 evidential breath test.

Alcohol Confirmation Test: a breath test using an evidential breath testing device capable of printing results and approved by the National Highway Traffic Safety Administration and placed on its "conforming products List of Evidential Breath Measurement Devices". The devices are used to determine whether an individual may have a prohibited concentration of alcohol in a breath specimen. Such testing must be performed by a certified Breath Alcohol Technician (BAT).

Alcohol Screening Test: the initial procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

Alcohol Use: the drinking or swallowing of any beverage, liquid mixture, or preparation containing alcohol, including medication.

Applicant: pursuant to the provisions of State Personnel Board Rule 21, an individual who has been offered initial state employment with any work unit or technical college associated with the Technical College System of Georgia in a position subject to pre-employment drug testing; a current TCSG employee who is an incumbent of a position not subject to pre-employment drug testing and who is subsequently offered employment in a position subject to drug testing; or, a current TCSG employee who has been offered employment in a different state agency in a position subject to pre-employment drug testing.

Breath Alcohol Technician (BAT): conducts alcohol screening and confirmation tests by collecting and analyzing breath specimens using an approved evidential breath-testing (EBT) device

Business Day: Weekdays that the administrative office of a technical college or the administrative, support, and programmatic offices in the TCSG System Office are open.

Collection Site: a location where individuals present themselves for the purpose of providing a urine specimen to be analyzed for the presence of drugs/controlled substances, e.g., a physician's office, a commercial collection site or, a local hospital or clinic.

Controlled Substance: a drug, substance, or immediate precursor in Schedules 1 through V of O.C.G.A. §16-13-25 through 16-13-29 and Schedules I through V of 21 CFR Part 1308 to include opiates, depressants, stimulants, and hallucinogens.

Controlled Substances Act: a federal law that regulates the prescribing and dispensing of psychoactive drugs, including stimulants depressants, and hallucinogens. The Act lists five (5) categories of restricted drugs, organized by their medical acceptance, abuse potential, and ability to produce dependence.

Drug and Alcohol Testing Coordinator: the System Office or technical college employee who functions as the entity's "Designated Employer Representative" (DER). In this capacity, the employee receives communication from the MRO, DOAS, and the DOAS contract service agency regarding drug testing and specific test results and is authorized to facilitate actions consistent with the provisions of this Procedure.

Drug Test or Drug Testing: the collection and testing of urine administered in a manner consistent with the provisions of O.C.G.A. §34-9-415 and the mandatory Guidelines for Federal Workplace Drug Testing Programs (HHS Regulations, 53, Federal Register 11979, et. seq. as amended).

HHS: the Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

High Risk Work/High Risk Position: work/position where inattention or errors in judgment by the incumbent while on duty will have the potential for significant risk of harm to the employee, other employees, students, patients, or the general public. A position will not be designed as "high risk if an incumbent does not regularly perform high risk work regardless of the fact that others in the same job perform such tasks.

Illegal Drug: marijuana (as defined in O.C.G.A. §16-13-21), a controlled substance (as defined in O.C.G.A. §16-13-21), a dangerous drug (as defined in O.C.G.A. §16-13-71), or another controlled substance or dangerous drug that persons are prohibited from using. The term does not include any drug used pursuant to and in accordance with a valid prescription dispensed by a health care provider or when used as otherwise authorized by state or federal law. NOTE: for purposes of this procedure, an employee's use of another individual's valid prescription constitutes illegal drug use.

Invalid Drug Test: the result reported by a HHS-certified laboratory in accordance with the criteria established by HHS Mandatory guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Medical Review Officer: a properly licensed physician who: receives and reviews laboratory-confirmed drug test results; affords an applicant/employee an opportunity to discuss the test results; evaluates the results and information received in conjunction with an employee/applicant's relevant medical history information/records or any other biomedical information; and, determines whether there is a legitimate medical explanation for a laboratory-confirmed positive, adulterated, rejected, substituted or invalid test result.

Negative Drug Test Result: the result reported by an HHS-certified laboratory to a Medical Review Officer when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Positive Result: the result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the established cutoff concentrations.

Pre-Employment Drug Testing: pertains to an "applicant who has been conditionally offered TCSG employment and whose duties would be characterized by high risk work.

Random Drug Testing: is conducted on a periodic, unannounced basis on randomly selected positions subject to testing based on assigned duties.

Reasonable Suspicion Testing: a judgment that an employee has violated this procedure and the State's Alcohol and Other Drug-Free Workplace Policy. Any such determination should be based on an employee's behavior, appearance, speech, body odor, and/or job performance that is observed by a supervisor/manager and/or reported by a reliable individual and later verified by a supervisor/manager or other System Office or technical college employee. In all such instances, the employee(s) making the testing determination must have been trained in the detection of the issue of alcohol and the use of controlled substances. The decision to test must be based on specific, timely and describable observations of physical, behavioral or performance indicators. The indicators include but are not limited to:

1. an on-the-job incident such as a medical emergency that is likely attributable to an employee's improper drug use;
2. the 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, other employees, students, or the general public;
3. verifiable information that an employee may be illegally using drugs, illegally under the influence of drugs, or under the influence of alcohol;
4. physical on-the-job evidence of drug or alcohol use by an employee;
5. documented deterioration in an employee's job performance that is likely attributable to drug or alcohol use or due to the results of such other scientific tests that may indicate the possible use of drugs or alcohol; or,
6. any other specific, timely, and describable action that would give a System Office or technical college supervisor or manager a reason to suspect that an employee may have violated a substance abuse prohibition.

Refuses Testing or Refused Testing: an applicant/employee "refuses testing" or is considered to have "refused testing" for alcohol and/or drugs when he/she:

1. expressly declines to submit to testing;
2. fails to appear/report for testing after proper notification;
3. fails to remain readily available for testing or who has left the testing site/location before submitting to the test;
4. fails to provide adequate breath for alcohol testing without a valid medical explanation;
5. fails to provide adequate urine for drug testing without a valid medical explanation;
6. provides a urine sample determined by the testing laboratory and the Medical Review Officer to have been adulterated or substituted; or,
7. engages in conduct that clearly obstructs the testing process.

Rejected Drug Test Result: a decision by the laboratory to reject a specimen in response to an insufficient amount of urine, a temperature out of the normal range, etc.

Service Agent: any person or entity, other than an employee of the employer, that provides services to employers and/or employees in conjunction with drug and/or alcohol testing requirements promulgated under state or federal law or accompanying rules and regulations.

Screening: the collection and testing of bodily substances administered in conjunction with professionally valid procedures and acceptable medical and legal standards.

Split Specimen: a part of the urine specimen that is sent to the first laboratory and retained unopened. The specimen is transported to a second laboratory in the event that the donor requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result. System Office Employee: includes all full- and/or part-time employees working in the Commissioner's Office and all programmatic and support divisions including the headquarters and regional offices of the Office of Economic Development/Quick Start.

Substance Abuse Professional: a licensed physician or (for purposes of this procedure) a provider associated with the Technical College System of Georgia Employee Assistance Program to include a licensed or certified psychologist, social worker, employee assistance professional, addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission); or, marriage and family counselor. Consistent with the provisions of this procedure, the SAP evaluates employees and makes recommendations concerning education, treatment, follow-up testing and aftercare.

Substituted Sample: a urine specimen with creatinine and specific gravity values that are so diminished or so divergent that it is not consistent with human urine.

Technical College System of Georgia (TCSG): a state agency established pursuant to O.C.G.A. §20-4-14 and authorized to exercise state level leadership, management, and operational control over technical colleges, programs, and services. The agency consists, in part, of the Commissioner's Office, various statewide programmatic and support divisions in the System Office, technical colleges, and the Office of Economic Development/Quick Start.

Verified Test: a drug test result or validity testing result from an HHS-certified laboratory that has undergone review and a final determination by a Medical Review Officer.

V. ATTACHMENTS:

- Attachment 4.8.1p1.a1. – Pre-employment Drug Testing Acknowledgment Statement
- Attachment 4.8.1p1.a2. – Pre-employment Drug Testing Notification - Sample Letter
- Attachment 4.8.1p1.a3. – Reasonable Suspicion Alcohol/Drug Testing Behavior/Incident Documentation Form
- Attachment 4.8.1p1.a4. – Random Drug Testing Selection – Sample Memorandum
- Attachment 4.8.1p1.a5. – Pre-employment Drug Testing Screening Log
- Attachment 4.8.1p1.a6. – Random Drug Testing Screening Log
- Attachment 4.8.1p1.a7. – Alcohol Test Results – Unauthorized Leave Without Pay – Sample Letter
- Attachment 4.8.1p1.a8. – Separation for Refused Alcohol Testing – Sample Letter
- Attachment 4.8.1p1.a9. – Withdrawal of Employment Offer – Positive Drug Test or Refuses/Refused Testing
- Attachment 4.8.1p1.a10. – Separation for Positive Drug Test Result or a Refuses/Refused Testing

VI. PROCEDURE:

A. General Provisions

1. After a thorough analysis is performed by staff in a technical college's Office of Human Resources, each full- or part-time technical college position whose duties and responsibilities support placement in a random drug testing pool and/or pre-employment drug testing designation shall be submitted in a memorandum or letter from the college president to the Commissioner for his/her consideration. For System Office position(s), the initial analysis and accompanying written communication shall be conducted/initiated by the Deputy Commissioner, Assistant Commissioner, or his/her designee.
2. Following submission of a written request, the System Office Director of Human Resources in consultation with the System Office General Counsel will make a recommendation to the Commissioner as to whether the referenced position(s) are appropriate for drug testing.
3. All position(s) endorsed by the Commissioner will be submitted, in writing, to the Georgia Department of Administrative Services' (DOAS) Human Resources Administration (HRA) Division for review and confirmation that the identified position (s) are appropriate for testing.
4. The System Office Director of Human Resources will be notified, in writing, by DOAS after a decision has been made. Upon receipt of the notification, the technical college president or System Office official will be notified, in writing, of those position(s) which are appropriate for placement in a random drug testing pool and/or those position(s) which may be designated for pre-employment drug testing. NOTE: no position may be designated for random and/or pre-employment drug testing unless the position has been approved by the Commissioner and DOAS.
5. All TCSG System Office and technical college employees are subject to reasonable suspicion, post-traffic accident, return-to-duty, and follow-up testing for the presence of alcohol and/or illegal drugs.
6. The decision as to whether to require pre-employment drug testing for the selected candidate for a part-time, P.O.S.T. certified law enforcement worker position is left to the discretion of each technical college president whose college operates a campus police department certified by the Peace Office Training and Standards Council.
7. Any change in a position's assigned duties and responsibilities that may impact placement in a random drug testing pool and/or designation for pre-employment drug testing should be reported to the System Office Director of Human Resources within fifteen (15) calendar days of any such change(s).
8. All job announcements for positions subject to random and/or pre-employment drug testing will include a statement that informs applicants that if a conditional offer of employment is made he/she is subject to testing appropriate to the position sought.
9. At the time an interview is scheduled an applicant should be notified verbally and/or through e-mail that employment in the position of interest is subject to and contingent upon the successful completion of a drug test.
10. A TCSG Pre-Employment Drug Testing Acknowledgment Statement (Attachment: 4.8.1p1.a1.) must be completed by an applicant offered employment in a position subject to pre-employment drug testing. If an applicant refuses to sign the Acknowledgment Statement, he/she will not be considered further for the position.
11. Only a HHS certified laboratory (as selected by the State of Georgia's Department of Administrative Services and/or through its contract service agent) will be retained to perform urinalysis for the detection of the presence of illegal drugs. The laboratory will be required to maintain strict

compliance with federally approved chain-of-custody procedures, quality control, and maintenance and scientific analytical methodologies. The collection of urine samples must always be documented and sealed with a tamperproof sealing system in the presence of the donor (i.e., the applicant or employee) who provided the sample to ensure that all tests can be correctly traced to the donor. A MRO shall be designated to receive all laboratory results from every type of drug test and will ensure that an individual whose laboratory-confirmed positive test result has been afforded an opportunity to justify the test result.

12. Each technical college will make efforts to keep medical information related to drug and alcohol testing confidential; however, test results may be released as provided in federal or state law or in other administrative proceedings or law enforcement investigations and litigation arising from such testing. An employee will be asked for consent before specific medical information is released to anyone or any entity other than those referenced above. NOTE: all discussions between an employee and a MRO concerning a positive test result are confidential unless the employee is considered a potential safety-risk. In this instance, the MRO will contact a technical college's drug and alcohol testing coordinator to communicate his/her concerns.

13. An applicant who is not a current State of Georgia employee and has been provided a conditional offer of employment for a System Office or technical college position shall have his/her offer withdrawn if he/she refuses pre-employment drug testing or if a laboratory-confirmed positive test result is verified by a Medical Review Officer. Additionally, the individual will be disqualified from state employment for a period of two (2) years from the date of notice.

14. An applicant who is currently employed with a State of Georgia agency/organization and has been provided a conditional offer of employment for a System Office or technical college position shall have his/her offer withdrawn if he/she refuses pre-employment drug testing or if a laboratory-confirmed positive test result is verified by a Medical Review Officer for the presence of illegal drug(s).

15. An applicant provided a conditional offer of employment for a position subject to pre-employment drug testing may not commence employment until the technical college or, as applicable, the TCSG System Office has been notified of a negative test result.

16. A TCSG employee who, in the course of his/her System Office or technical college employment, refuses drug testing or whose laboratory-confirmed positive test result is verified by a Medical Review Officer for the presence of illegal drug(s) shall be dismissed from employment.

17. A TCSG employee who has been offered employment in a different state agency or in a different System Office or technical college position subject to pre-employment drug testing and who refuses testing or whose laboratory-confirmed positive test result is verified by a Medical Review Officer for the presence of illegal drug(s) shall be dismissed from employment.

18. A TCSG employee who refuses alcohol testing shall be dismissed from employment.

19. A TCSG employee whose alcohol test results reflect any measureable alcohol concentration will be subject to disciplinary action up to and including dismissal from employment. NOTE; the minimum sanction for an employee whose test results reflect an alcohol concentration of 0.02 percent or higher will be placement in an unauthorized leave without pay status for a minimum period of twenty-four (24) hours and/or until such time as a return-to-duty test is conducted with a negative test result.

B. Drug Testing – Categories and Provisions:

1. Pre-Employment Testing

a. For purposes of this procedure, an “applicant” is defined as an individual who has been provided a conditional offer of employment with the TCSG System Office or a technical college in a position subject to drug testing; a current TCSG employee who is an incumbent of a position not subject to pre-employment drug testing and who has been offered employment in a System Office or technical college position subject to pre-employment drug testing; or, is a current TCSG employee who has been offered employment in a different state agency/organization in a position subject to pre-employment drug testing. NOTE; pre-employment drug testing is not required when a TCSG employee who has previously been tested moves (without a break-in-service) between jobs in the System Office or a technical college that are subject to drug testing.

b. An applicant offered full- or part-time employment in one of the following occupational areas/jobs is required to undergo pre-employment drug testing and receive a negative test result:

1. a full-time law enforcement position serving in a technical college’s campus police department (e.g., a Campus Police Officer, Assistant Campus Police Chief, or Campus Police Chief position). The incumbent must be a P.O.S.T. certified peace officer whose duties and responsibilities include carrying a firearm and, as applicable, exercising arrest powers. NOTE: the selected candidate for a part-time Security Personnel or full-time Security Officer or Security Chief job is not subject to pre-employment drug testing as he/she does not engage in “high risk” work as defined in statute;

2. an adult education instructor or other instructional/support position assigned to a Georgia Department of Corrections (GDC) or Georgia Department of Juvenile Justice (DJJ) facility with responsibility for the delivery of instructional services to adult or juvenile offenders, provided such testing is mandated, in writing, by the respective GDC or DJJ facility of assignment in conjunction with established GDC or DJJ policy;

3. a health sciences faculty position assigned to/associated with a public or private clinical/internship/externship site or agency (e.g., a hospital, medical center, laboratory, etc.) with responsibility for supervising students as a part of their certificate/diploma/degree program. An applicant is subject to drug testing only if such testing is mandated by the site/agency. This requirement should be documented, in writing, in the accompanying Memorandum of Agreement or a Memorandum of Understanding between the site/agency and the college with a corresponding notation that pre-employment drug testing is also required of all site/agency employees performing similar duty assignments/tasks, e.g., direct patient care. NOTE: if these work assignments are added to a health sciences faculty member’s responsibilities after employment has commenced and the site/agency stipulates that pre-employment or pre-placement drug testing be performed consistent with these provisions, the employee is subject to such testing before beginning these duties;

4. a full- or part-time position assigned to a technical college’s child care/child enrichment center whose responsibilities include direct contact with/direct care and oversight of children including, but not limited to instructors, child care workers and, as applicable, food service employees, administrative and administrative support staff, and dedicated center maintenance staff; and,

5. any other technical college position whose duties and responsibilities are considered “high risk”.

c. An applicant provided a conditional offer of employment in a position subject to pre-employment drug testing should be directed to report for testing after the offer has been accepted but before employment begins. Formal written notification should be provided using Attachment: 4.8.1p1.a2. (Pre-employment Drug Testing Letter). Additionally, the drug and alcohol testing coordinator should complete the accompanying Pre-employment Drug Screening Log (Attachment: 4.8.1p1.a5.).

2. Random Testing

a. A random selection of positions subject to drug testing will be made periodically as outlined in Paragraph VI.B.6. Employees encumbering a position designated for testing will be required to report for testing as outlined in Paragraph VI.B.7.

b. Jobs/positions subject to random testing include:

1. full- and part-time technical college employees serving in a P.O.S.T. certified law enforcement capacity in a technical college's campus police department (e.g., a Law Enforcement Worker, Campus Police Officer, Assistant Campus Police Chief, or a Campus Police Chief) are subject to random testing. NOTE: employees in the Security Personnel, Security Officer, or Security Chief jobs are not subject to random drug testing as they do not engage in "high risk" work as defined in statute;

2. health sciences faculty assigned to/associated with a public or private clinical/internship/externship site or agency for the purposes of supervising students in on-site clinical activities associated with their certificate, diploma, or degree program(s) are subject to random drug testing only if random testing is also mandated by the site/agency for their employees performing similar tasks, e.g., direct patient care. As referenced in Paragraph VI.B.1.b.3., this requirement should be documented, in writing, in the accompanying Memorandum of Agreement or a Memorandum of Understanding between the site/agency and the college. In these settings, incumbents of these positions would regularly perform high-risk work where inattention to duty or errors in judgment while on duty has the potential for significant risk of harm to the health and safety of patients. NOTE: if such work assignments are added to a health sciences faculty member's responsibilities after employment has commenced and the clinical/internship or externship site stipulates that random drug testing be conducted consistent with these provisions, the employee must be provided written notification of this requirement; and,

3. any other positions whose job responsibilities are considered "high risk" in which an act of negligence, inattention to duty, a lapse of judgment, or an act of misconduct (by the incumbent) could jeopardize the health and safety of the employee or others. To be included in a random drug testing pool, an identified full- or part-time position must be regularly assigned high risk work irrespective of the duties and responsibilities assigned to other positions in the same job.

c. All System Office or technical college positions identified for inclusion in a random drug testing pool are subject to the analyses and approval process referenced in Paragraphs VI.A.1 through VI.A.4.

3. Reasonable Suspicion Testing

a. Reasonable suspicion testing may be required when there is reason to believe that an employee is not free of illegal drugs while in the work place or while performing assigned duties and responsibilities to include when operating a state vehicle, a state-sponsored leased or rental vehicle, or a personal vehicle upon which the state is providing or could provide a mileage reimbursement.

b. Prior approval of the System Office Director of Human Resources or General Counsel must be obtained before a reasonable suspicion drug test is conducted.

c. A reasonable suspicion determination may only be made by a supervisor, manager, or other System Office or technical college official (to include a campus police officer or security officer) who has been trained to make these determinations. The training must cover the physical, behavioral, speech and performance indicators of probable illegal drug use and must be a minimum of one hour in duration.

d. Reasonable suspicion testing may be based on an employee's appearance, behavior, speech, odors or other evidence found or reported. Factors that may lead to a reasonable suspicion determination include, but are not limited to:

1. an on-the-job accident or incident resulting in a Workers Compensation claim in which it is likely that an employee's action(s) or inaction(s) may, in whole or in part, have caused the accident/incident and the employee must have demonstrated by his/her action(s) or inaction(s) that he/she may not be free of illegal drug(s);
2. an on-the-job incident such as a medical emergency that is likely attributable to an employee's use of illegal drug(s);
3. direct observation of an employee's behavior that may render the employee unable to perform assigned duties and responsibilities or which may pose a threat to the health, safety, or welfare of the employee, other employees, students, or the public;
4. verifiable information that an employee may not be free of illegal drug(s);
5. documented deterioration in an employee's job performance that is likely attributable to his/her use of illegal drug(s);
6. conclusive proof that an employee has used illegal drug(s) while at work or while on any System Office or technical college worksite or campus location during established working hours; and,
7. any other action(s) by an employee which provide a supervisor, manager, or any other System Office or technical college official a reason to suspect that the employee is not free of illegal drug(s).

e. A Reasonable Suspicion Alcohol or Drug Testing Behavior/Incident Documentation Form (Attachment: 4.8.1p1.a3.) must be completed by the referring System Office/technical college supervisor/manager/official. NOTE: the form must be signed by the supervisor/manager/official and the employee.

f. When it is determined that an employee will be tested for the presence of illegal drug(s), the employee will not be permitted to drive to and from the testing site. Instead, the employee must be transported to and from the nearest testing site by a System Office or technical college official.

4. Self-Disclosure of a Controlled Substances Problem

a. Any System Office employee who notifies the Commissioner (or his/her designee) or, as applicable, a technical college employee who notifies his/her president (or his/her designee) of a problem involving the use of illegal drugs shall maintain his/her TCSG employment provided:

1. the notification is submitted to the Commissioner, president, or their designee in writing;
2. the written notification must occur prior to a directive to report for drug testing or before an arrest for a criminal offense involving a controlled substance, marijuana, or a dangerous drug. NOTE: in response to an arrest for a referenced criminal offense, an employee is subject to disciplinary action up to and including dismissal as provided in the TCSG Procedure governing Positive Discipline and, as applicable, the TCSG Procedure governing Adverse Employment Actions; and,
3. the employee must agree, in writing, to the following conditions:

- (a). he/she must undergo an assessment by a Substance Abuse Professional (SAP) selected or approved by a System Office or, as applicable, a technical college official from the list of qualified SAP's associated with the TCSG Employee Assistance Program provider;
 - (b). he/she agrees to fully comply with all treatment plan recommendations developed by the SAP; and,
 - (c). he/she agrees to accept responsibility for all costs associated with following the treatment plan.
 - (d). he/she agrees to provide the Commissioner, technical college president, or their designee with written certification from the SAP regarding satisfactory completion of the recommended treatment plan;
 - (e). he/she agrees to undergo a return-to-duty drug test with the understanding that the result must be a "verified negative" as determined by a Medical Review Officer;
 - (f). he/she agrees to undergo periodic, unscheduled follow-up drug tests for up to five (5) years (pursuant to the provision of State Personnel Board Rule 21);
 - (g). he/she understands that if he/she refuses to submit to a drug test or fails to comply with the terms of the agreement, he/she will be dismissed from employment;
 - (h). he/she understands that if a laboratory-confirmed positive drug test is verified by a Medical Review Officer, he/she will be dismissed from employment; and
- b. no employee may avail themselves of this entitlement more than twice in a five (5) year period.

5. Post-Traffic Accident Testing

a. Any System Office or technical college employee involved in a traffic accident while operating a state vehicle, a state-sponsored leased or rental vehicle, or a personal vehicle upon which the state is providing or could provide a mileage reimbursement is subject to drug testing if it is likely that the accident will result in more than \$2,000.00 damage to the vehicle or, as applicable, other state property and/or involves an injury requiring medical attention away from the accident site.

6. Random Selection

- a. The State of Georgia's contract service agent will periodically select a sample of position numbers from a pool of designated positions that are subject to random drug testing.
- b. The service agent will forward a list of position(s) selected for testing to the drug and alcohol testing coordinator in the identified technical college or, as applicable, the System Office. The notification will also include the date on which incumbent(s) of these position(s) are to report for testing.
- c. With the exception of those situations referenced in Paragraph VI.B.6.d., the incumbent(s) on the selected position(s) shall be directed to report for testing on the established testing date. If a selected position is vacant on the testing date, the selection of that position should be disregarded.
- d. If an employee selected for testing is on any type of paid or unpaid leave; is attending mandatory training or training away from the worksite; or, is on an extended assignment away from the worksite performing duties not subject to testing, the following actions should be taken:

1. if the employee returns to work within thirty (30) calendar days of the official test date, he/she should, if at all possible, be directed to report immediately for testing. Pursuant to related authority, the testing date must be established no later than two (2) business days following his/her return to work; or,
 2. if the employee returns to duty after the thirty (30) calendar day period has elapsed, he/she is not subject to drug testing and should not be notified that the position he/she encumbers was selected for random testing.
- e. Drug and alcohol testing coordinators should specify the time, collection site, and deadline date that each selected employee must report for testing on Attachment 4.8.1p1.a6. making this determination the testing coordinator should consider the business hours of the selected collection site, the employee's work schedule (including an assignment to a different work location), any planned leave, and upcoming state holidays.
 - f. Employees must not be provided advance notice of required drug testing.

7. Directive to Report for Random Testing

- a. On the designated testing date, the technical college or System Office drug and alcohol testing coordinator shall issue a memorandum (i.e., Attachment 4.8.1p1.a4.) to each affected employee directing them to report for drug testing.
- b. The memorandum must be signed by the employee and the drug and alcohol testing coordinator. Included will be the date and time the test must be completed by and the penalty for refusing to take the test or for testing positive.
- c. An individual directed to report for drug testing should be provided with a Forensic Drug Testing Custody and Control (CCF) Form for presentation at the testing/collection site. NOTE: the Federal CCF Form (i.e., a DOT-specific CCF Form) may not be provided to an employee who does not encumber a safety-sensitive position as this is a violation of federal testing regulations.
- d. The technical college or System Office drug and alcohol testing coordinator must complete the Random Drug Screening Log (Attachment: 4.8.1p1.a6.). The employee must initial the log indicating receipt of necessary form(s) and other document(s).
- e. All time spent by an employee in the drug testing process during regular work hours and during off-duty hours, to include travel time to and from the collection site, is considered "hours worked". NOTE: as referenced in Paragraph VI.B.3.f., an employee subject to reasonable suspicion testing shall be transported to and from the collection site.
- f. Any employee designated as non-exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) and whose "hours worked" exceeds forty (40) during a workweek/seven (7) day work period due to required participation in alcohol or drug testing shall be provided with FLSA Compensatory Time at one and one-half hours for each additional hour worked during the workweek/work period.
- g. Employees are eligible for a mileage reimbursement if a personal vehicle is used to report for testing.
- h. Applicants who have not begun employment are not eligible to receive any compensation (e.g., a mileage reimbursement) due to a required pre-employment drug test.

- i. The expense of drug testing is the responsibility of the TCSG and its technical colleges.

8. Drug Testing Process

- a. After having been directed to report for drug testing, an applicant or employee should immediately report to an authorized collection site with a picture ID and the Forensic Drug Testing Custody and Control Form. NOTE: drug testing is conducted by collecting a urine sample. The sample is subsequently tested by a certified laboratory that follows specific chain of custody procedures to ensure that the test is not compromised. Laboratory reports (including laboratory-confirmed positive results) are forwarded to a Medical Review Officer for review and a final determination.
- b. An observed sample may be required when a site collection representative determines that a sample temperature is outside of the acceptable range of 90 degrees to 100 degrees Fahrenheit; when the sample has an unusual appearance; when the test is conducted pursuant to reasonable suspicion; when the donor has previously tampered with a sample or has the equipment or items capable of tampering, altering, or substituting urine samples; or, when the donor exhibits unusual behavior during the collection process. NOTE: a sample will not be collected as an observed sample unless the necessity has been confirmed by a supervisor of the site representative or other appropriate collection site personnel.
- c. Following a self-disclosure of a substance abuse problem, an observed sample will be required on a return-to-duty test and all follow-up testing.
- d. After consultation with the System Office General Counsel, the Commissioner or technical college president may direct the collection site to collect an observed sample if the Commissioner or technical college president believes that the donor may attempt to alter or falsify the sample.
- e. The collection site will provide the donor (i.e., an applicant or employee) with a copy of the completed Forensic Drug Testing Custody and Control Form. The applicant/employee must present his/her copy of the Form to the drug and alcohol testing coordinator at his/her technical college or, as applicable, the System Office to acknowledge that testing was completed. The testing coordinator shall retain a copy of the form and the applicant/employee shall retain the copy provided by the collection site.

9. Medical Review Officer Responsibilities

- a. Upon receiving a laboratory-confirmed report for a positive, an adulterated or substituted sample/specimen, or a rejected sample, the Medical Review Officer (MRO) will attempt to contact the applicant/employee at the telephone numbers listed on the drug testing form to privately discuss the results. As applicable, the MRO will attempt to determine if there is an alternative medical explanation for test result.
- b. An applicant/employee who has a laboratory-confirmed positive test result may request that the split sample of the drug test be submitted for separate analysis or that the remaining portion of the original specimen be re-analyzed. NOTE: in these instances, the cost of the additional testing shall be the responsibility of the applicant/employee and the TCSG shall seek reimbursement for the cost of such testing. The TCSG cannot, however, condition the testing on the applicant's/employee's ability or willingness to pay (for the test). The TCSG is fully responsible for ensuring that the testing is performed in a timely manner.
- c. The MRO may cancel the drug test if, in his/her opinion, there was a procedural error in the testing process, i.e., the chain-of-custody was broken. In this instance, the MRO will make a recommendation

to the drug and alcohol testing coordinator as to whether it is advisable to retest the applicant or employee based on the reasons for the cancelled test. The final decision to retest the applicant/employee will be made by the Commissioner, technical college president, or their designee.

d. The MRO will make a similar recommendation to the drug and alcohol testing coordinator in instances of a rejected test result. The decision to retest the applicant/employee in response to a laboratory-confirmed rejected or unsuitable specimen shall be made by the Commissioner, technical college president, or his/her designee. The retest may, at the discretion of the Commissioner, technical college president or their designee may be conducted as an observed sample. NOTE: a laboratory-confirmed adulterated or substituted sample is not subject to a retest.

e. The MRO will report the test results as positive or, as applicable, a refusal to test if the applicant/employee:

1. expressly refuses to discuss the test results with the MRO;
2. declines the opportunity to provide an explanation for the results;
3. admits to the use of one or more illegal drug(s); or,
4. is unable to provide an alternative medical explanation for the presence of one or more illegal drug(s).

f. If the MRO is unable to contact the applicant/employee within two (2) business days after an initial attempt has been made, the technical college/System Office drug and alcohol testing coordinator will be notified. In turn, the testing coordinator will attempt to contact the applicant/employee to direct him/her to immediately contact the MRO and indicate that the test result will be reported as positive or, as applicable, a refusal to test if the MRO is not contacted by the end of the following business day.

g. If the drug and alcohol testing coordinator cannot locate the applicant/employee within two (2) business days after the initial attempt, the MRO will be notified and the test result will be reported as positive or, as applicable, a refusal to test.

h. The MRO will then notify DOAS or, as applicable, the service agent under contract to DOAS of a positive or a refusal to test result. This information will then be transmitted to the drug and alcohol testing coordinator in the employing technical college or, as applicable, the System Office.

10. Refuses Drug Testing and Accompanying Consequences

a. An applicant provided a conditional offer of employment who is not a State of Georgia employee will have his/her job offer rescinded/withdrawn if he/she refuses drug testing. The individual should be notified of this action through the use of Attachment: 4.8.1p1.a9. NOTE: pursuant to related authority, the applicant shall also be disqualified from state employment for a period of two (2) years;

b. An applicant provided a conditional offer of employment who is currently employed with another State agency/organization will have his/her job offer rescinded/withdrawn if he/she refuses drug testing. The individual will be notified of this action through the use of Attachment: 4.8.1p1.a9.

c. A TCSG employee who, in the course of his/her System Office or technical college employment, refuses testing shall be dismissed from employment. Formal, written notification should be provided to the employee using Attachment: 4.8.1p1.a10.

d. A TCSG employee who has been offered employment in a different state agency/organization or in a different System Office or technical college position subject to drug testing shall be dismissed from employment if he/she refuses testing. Formal, written notification should be provided to the employee using Attachment: 4.8.1p1.a10.

e. The dismissal action referenced in Paragraphs VI.B.10.c and VI.B.10.d. shall be initiated pursuant to TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

f. As provided in State Personnel Board Rule 21, the effective date of the dismissal for an employee covered under Positive Discipline shall be the date of notification. For tenured faculty working under the terms of an employment contract, the effective date should be established consistent with the notification requirements of the TCSG Procedure governing Adverse Employment Actions.

11. Positive Drug Test Results and Accompanying Consequences

a. An applicant provided a conditional offer of employment who is not a current State of Georgia employee will have his/her job offer rescinded/withdrawn if his/her laboratory-confirmed positive drug test result is verified by a Medical Review Officer for the presence of illegal drug(s). The individual should be notified of this action using Attachment I. NOTE: pursuant to related authority, the applicant shall also be disqualified from state employment for a period of two (2) years;

b. An applicant provided a conditional offer of employment who is currently employed with another state agency/organization will have his/her job offer rescinded/withdrawn if his/her positive drug test result is verified by a Medical Review Officer for the presence of illegal drug(s).

c. A TCSG employee who, in the course of his/her System Office or technical college employment, undergoes drug testing and whose laboratory-confirmed positive drug test result is verified by a Medical Review Officer for the presence of illegal drug(s) shall be dismissed from employment. Formal, written notification should be provided to the employee using Attachment:4.8.1p1.a10.

d. A TCSG employee who has been offered employment in a different state agency/organization or in a different System Office or technical college position subject to drug testing shall be dismissed from employment if his/her laboratory-confirmed positive test result is verified by a Medical Review Officer for the presence of illegal drug(s). Formal, written notification should be provided to the employee using Attachment:4.8.1p1.a10.

e. The dismissal action referenced in Paragraphs VI.B.11.c and VI.B.11.d. shall be initiated pursuant to the TCSG Procedure governing Positive Discipline or, as applicable the TCSG Procedure governing Adverse Employment Actions.

f. As provided in State Personnel Board Rule 21, the effective date of the dismissal of a P.O.S.T. certified employee shall be the date of notification.

C. Alcohol Testing – Categories and Provisions

1. Reasonable Suspicion

a. Alcohol testing may be required when there is reason to believe that an employee is not free of alcohol while in the work place or while performing assigned duties and responsibilities to include when operating a state vehicle, a state-sponsored leased or rental vehicle, or a personal vehicle upon which the state is providing or could provide a mileage reimbursement.

b. With the exception noted in Paragraph VI.C.1.e., prior approval of the System Office Director of Human Resources or General Counsel should be sought before a reasonable suspicion alcohol test is conducted.

c. A reasonable suspicion determination may be made by a supervisor, manager, or other System Office/technical college official (to include a campus police officer or security officer) who has been trained to make this determination. The training must cover the physical, behavioral, speech and performance indicators of alcohol misuse and must be a minimum of one hour in duration.

d. Reasonable suspicion testing may be based on an employee's appearance, behavior, speech, odor or other evidence found or reported. Factors that may lead to a reasonable suspicion determination include, but are not limited to:

1. an on-the-job accident or incident resulting in a Workers Compensation claim in which it is likely that an employee's action(s) or inaction(s) may, in whole or in part, have caused the accident/incident and the employee must have demonstrated by his/her action(s) and/or behavior(s) that he/she may not be free of alcohol.

2. an on-the-job incident, such as a medical emergency, that is likely attributable to alcohol use by an employee.

3. direct observation of an employee's behavior that may render the employee unable to perform assigned duties and responsibilities or which may pose a threat to the health, safety, or welfare of the employee, other employees, students, or the public.

4. verifiable information that an employee may not be free of alcohol in the workplace.

5. documented deterioration in an employee's job performance that is likely attributable to the use of alcohol.

6. conclusive proof that an employee has used/consumed alcohol while at work (i.e. during established working hours).

7. any other action(s) by an employee which provides a supervisor, manager, or other System Office or technical college official a reason to suspect that the employee is not free of alcohol.

e. Given that alcohol quickly metabolizes, reasonable suspicion alcohol testing should be completed at the closest testing site or, as applicable, on-site as soon as possible after the need for testing has been determined. For this reason, a supervisor/manager or other college official who has been trained to detect probable alcohol misuse and the accompanying indicators may direct an employee for testing without the prior approval of the System Office Director of Human Resources or General Counsel. In these instances, notification to one or both System Office officials should be made as soon as possible after testing has been completed.

f. A Reasonable Suspicion Alcohol or Drug Testing Behavior/Incident Documentation Form (Attachment: 4.8.1p1.a3.) must be completed by the System Office/Technical College referring supervisor/manager/official. NOTE: the form must be signed by the supervisor/manager and the employee.

g. When it is determined that an employee will be tested for the presence of alcohol, the employee will not be permitted to drive to or from the testing site; instead, the employee will be transported to and from the testing site by a System Office/technical college official. It is permissible for an on-site breath

alcohol test to be conducted by a certified Breath Alcohol Technician (BAT) using an evidential breath testing device. NOTE: a BAT conducting on-site testing may not be an employee of the technical college mandating the test.

h. An employee subject to reasonable suspicion testing is required to produce a picture ID when reporting for testing at an off-site location.

2. Self-Disclosure of an Alcohol Problem

a. Any System Office employee who notifies the Commissioner (or his/her designee) or, as applicable, a technical college employee who notifies his/her president (or his/her designee) of an alcohol problem shall maintain his/her TCSG employment provided:

1. the notification is submitted to the Commissioner, president, or their designee in writing;

2. the written notification must occur prior to a directive to report for alcohol testing or an arrest for an alcohol-related criminal offense or alcohol-related traffic citation. NOTE: in response to an arrest for an alcohol-related criminal offense or an alcohol-related traffic citation, the employee is subject to disciplinary action as provided in the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions; and

3. the employee must also agree, in writing, to the following conditions

(a). he/she must undergo an assessment by a Substance Abuse Professional (SAP) selected or approved by a System Office or technical college official from the list of qualified SAP's associated with the TCSG Employee Assistance Program provider;

(b). he/she agrees to fully comply with all treatment plan recommendations developed by the SAP; and,

(c). he/she agrees to accept responsibility for all costs associated with following the treatment plan.

(d). he/she agrees to provide the Commissioner, technical college president or their designee with written certification from the SAP regarding satisfactory completion of the recommended treatment plan.

(e). he/she agrees to undergo a return-to-duty alcohol test with the understanding that the result must reflect no measureable alcohol concentration.

(f). he/she agrees to undergo periodic, unscheduled follow-up alcohol tests for up to five (5) years (pursuant to the provisions of State Personnel Board Rule 21);

(g) he/she understands that if he/she refuses to submit to alcohol testing or fails to comply with the terms of the agreement, he/she will be dismissed from employment.

(h) he/she understands that if an alcohol test result reflects any measureable alcohol concentration, he/she shall be subject to disciplinary action up to and including dismissal from employment; and,

(b). no employee may avail themselves of this entitlement more than twice in a five (5) year period.

3. Post-Accident Testing

a. Any System Office or technical college employee involved in a traffic accident while operating a state vehicle, a state-sponsored leased or rental vehicle, or a personnel vehicle upon which the state is providing or could provide a mileage reimbursement is subject to alcohol testing if it is likely that the accident will result in more than \$2,000.00 damage to the vehicle or, as applicable, to state property and/or involves an injury requiring medical attention away from the accident site.

4. Return-to-Duty Testing

a. Any employee who, in the course of his/her employment, has engaged in prohibited alcohol activity (i.e., whose breath alcohol test results reflects any measurable alcohol concentration) and who remains employed must undergo a return-to-duty alcohol test and have a negative test result prior to returning to duty.

5. Follow-up Testing

a. Any employee who, during the course of his/her employment, has engaged in prohibited alcohol activity (i.e., whose breath alcohol test results reflects any measurable alcohol concentration) and who remains employed is, in addition to a return-to-duty alcohol test, also subject to periodic, unannounced alcohol testing for a period of up to five (5) years at the discretion of the Commissioner or technical college president.

6. Refuses Alcohol Testing and Accompanying Consequences

a. An employee is considered to have refused alcohol testing under the following circumstances:

1. he/she expressly refuses to submit to testing;
2. he/she engages in conduct that clearly obstructs the testing process;
3. as applicable, he/she fails to report for testing at the identified time and date;
4. as applicable, he/she fails to remain readily available for testing or left the testing site before submitting to the test; or,
5. he/she fails to provide adequate breath for alcohol testing without a valid medical reason/explanation (i.e., a medical statement from his/her health care provider must be received indicating that he employee is under treatment for a condition which supports the inability to provide adequate breath for the test).

b. Any employee who refuses alcohol testing shall be dismissed from employment pursuant to the provisions to the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions. Formal, written notification should be provided to the employee using Attachment 4.8.1p1.a8.

c. Pursuant to the provisions of State Personnel Board Rule 21, the effective date of the dismissal for an employee covered under Positive Discipline shall be the date of notification. For tenured faculty working under the terms of an employment contract, the effective date should be established consistent with applicable provisions of the TCSG Procedure governing Adverse Employment Actions.

7. Alcohol Testing Process and Accompanying Consequences

- a. Alcohol testing will be accomplished through an alcohol breath test conducted by a certified Breath Alcohol Technician using an evidential breath testing device at a breath testing site (e.g., a medical center, testing laboratory or law enforcement agency) or, as applicable, on-site.
- b. An employee subject to alcohol testing must produce a picture ID when reporting for testing.
- c. If the initial test results reflect an alcohol concentration of less than 0.02 percent, the employee will be provided a copy of the completed alcohol testing form for presentation to the System Office or technical college drug and alcohol testing coordinator immediately upon returning to work. An employee with any measureable alcohol concentration will be permitted to return to duty only with the authorization of the Commissioner, technical college president, or their designee.
- d. If the initial test results reflect an alcohol concentration of 0.02 percent or higher, a confirmation test shall be conducted not less than nor more than twenty (20) minutes after the first test.
- e. If the alcohol confirmation test indicates an alcohol concentration of 0.02 percent or higher, the employee will be immediately removed from his/her duties and not permitted to drive a vehicle. The employee should be assisted with making necessary transportation arrangement. The employee will also be placed in an unauthorized leave without pay status for a minimum period of twenty-four (24) hours and until such time as a return-to-duty test is performed with a negative test result. Formal, written notification should be provided to the employee using Attachment: 4.8.1p1.a7.
- f. Any formal disciplinary action initiated by the System Office or technical college in response to an alcohol test result reflecting any measureable alcohol concentration (in addition to placement on leave without pay as referenced in Paragraph VI.C.7.e.), shall follow applicable provisions of the TCSG Procedure governing Positive Discipline or the TCSG Procedure governing Adverse Employment Actions.

VII. RECORD RETENTION:

Pursuant to related authority governing the alcohol and drug testing of individuals applying for employment or current employees in certified identified occupational categories, associated records/documents must be maintained for the following designated periods:

Two Years

Records related to the alcohol and drug testing collection process to include: documents related to random selection, reasonable suspicion determinations; post-accident determinations; medical evaluations for insufficient amounts of urine or breath; supervisor/manager training records; records of negative and cancelled drug test results; and, alcohol test results with a concentration of less than 0.02 percent. Also included are all screening/testing logs.

Five Years

Records of alcohol test results indicate an alcohol concentration of 0.02 or higher; records of verified positive drug test results including substituted or adulterated drug test results; and, documentation of refusals to take required alcohol and/or drug tests.

Attachment: 4.8.1p1.a1.

**Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Pre-Employment Drug Testing Acknowledgment Statement**

I acknowledge that I have read and understand the following provisions pertaining to required pre-employment drug testing:

1. I understand that as a condition of employment as a _____ with _____, I must successfully pass a drug test administered in a manner consistent with the provisions of O.C.G.A. §34-9-415 and the Guidelines for Federal Workplace Drug Testing Programs.
2. I understand that the Technical College System of Georgia will pay for the drug test.
3. I understand that I will not be considered further for employment if: I refuse to submit to drug testing; if my actions meet any other example of "refuses or refused testing" as defined in the TCSG Procedure governing Drug and Alcohol Testing for Non-Regulated Positions; or, if I test positive for the presence of illegal drug(s),
4. I understand that I will also be disqualified from employment with any State employer for a period of two (2) years if I test positive for illegal drug(s) or if I refuse or I'm considered to have "refused" drug testing.
5. As applicable, I acknowledge that I have taken or have been asked to take a drug test for the following State employers (i.e., any agency, department, board, bureau, commission, college, university, institution, or authority) within the past two years: State Employer Date of Test, Test Result (Positive or Negative)

_____	_____	_____
_____	_____	_____
_____	_____	_____

6. I acknowledge that withholding or falsifying any of the above referenced information will result in my release from employment

7. I acknowledge that if I refuse to sign this form, I will not be considered further for the above referenced position.

Applicant Name Printed

Witness Signature

Applicant Signature

Date

Date

Attachment: 4.8.1p1.a2

**Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Pre-Employment Drug Testing Notification – Sample Letter**

(Date)

XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX

Dear:

Please be advised that your conditional offer of employment for service as a _____ with the _____ includes the requirement that you successfully pass a drug test administered in a manner consistent with the provisions of O.C.G.A. §34-9-415 and the Guidelines for Federal Workplace Drug Testing Programs. Your testing will take place at the _____ collection site.

You must bring a picture identification and the attached Forensic Drug Testing and Control Form to the testing site. As we have discussed, you must complete the testing process no later than (Specified Time) on (Specified Date).

(FOR APPLICANTS) As referenced in the Pre-Employment Drug Testing Acknowledge Statement that you completed on _____, if you refuse to submit to testing; if your actions meet any other example of “refuses or refused testing” as this term is defined in the TCSG Procedure governing Drug and Alcohol Testing for Non-U.S. DOT Regulated Positions; or, if you test positive for the presence illegal drug(s), your conditional offer of employment will be withdrawn. In addition, you will be disqualified from employment with any State employer for a period of two (2) years.

(FOR EMPLOYEES) Please be advised that if you refuse to submit to testing; if your actions meet any other example of “refuses or refused testing” as this term is defined in the TCSG Procedure governing Drug and Alcohol Testing for Non-U.S. DOT Regulated Positions; or, if you test positive for the presence of illegal drug(s), you will be dismissed from employment consistent with the provisions of the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

Any questions concerning these requirements should be directed to _____.

Sincerely,
XXXXXXXXXXXX

My signature below indicates that I understand the conditions outlined in this letter and that I have received the Forensic Drug Testing and Control Form.

Applicant/Employee Signature Witness

Signature

Date

Date

Attachment: 4.8.1p1.a3.

**Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Reasonable Suspicion Alcohol/Drug Testing
Behavior/Incident Documentation Form**

Work Unit: _____ Location of Incident: _____
Employee Name: _____

Date of Observation: _____ Time: _____ Length of Time Observed: _____

Observed By: _____

Additional Witness(es): _____

Description of Behavior/Incident: _____

The behavior I observed includes:
_____ Performance Indicators, specifically:

AND, as applicable, the following observations:
_____ Behavior/Conduct:

_____ Speech Indicators:

_____ Appearance/Physical Indicators:

_____ Body Odors:

Referred for: _____ Alcohol Test _____ Drug Test _____ Both

Employee: _____ Agreed to Testing _____ Refused Testing

If Alcohol Test, Will Test Be Conducted at the Work Site by a BAT: _____ Yes _____ NO

As Applicable, Means of Transportation to Collection Site:

As Applicable, Name of Collection Site:

As Applicable, Address of Collection Site:

Time Departed Work Site: _____ **Scheduled Appointment Time:** _____

Signature of Referring Official:

I understand that I have been referred for a reasonable suspicion drug and/or alcohol test and must immediately report for testing. Pursuant to the provisions of the TCSG Procedure governing Drug and Alcohol Testing of Non-Regulated Positions, I understand that my failure to complete the drug and/ or alcohol testing process will result in my dismissal from employment.

Signature of Employee:

Date: _____

If Employee Refused Testing:

Were local law enforcement authorities contacted: _____ Yes _____ No

If Yes, the name of the agency contacted and responding officer:

Did employee leave worksite ? _____ Yes _____ No

If Yes, circumstances:

Did employee leave in his/her own vehicle ? _____ Yes _____ No _____ Unknown

Attachment: 4.8.1p1.a4.

**Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Sample Memorandum – Random Drug Testing Selection**

TO: (Employee Name)

FROM: (Authorizing Official)

SUBJ: Random Drug Testing

DATE:

Consistent with the provisions of the Technical College System of Georgia's (TCSG) Drug and Alcohol Testing Procedure: Non-U.S. DOT Regulated Positions, the position you hold has been randomly selected for drug testing.

To undergo the test, you are required to report to the (Collection Site Name) collection site with a picture identification and the attached Forensic Drug Testing Custody and Control Form. You must complete the testing process no later than (Specified Time) on (Specified Date), Following the test, you must present your copy of the completed Forensic Drug Testing Custody and Control Form to _____ immediately upon your return to duty.

As you are aware, your continued employment with _____ is contingent upon your receiving a negative test result. Please be advised that if your actions meet the definition of "refuses or refused" testing as the term is defined in the above referenced procedure or if you test positive for the presence of one or more illegal drugs, you will be separated from employment pursuant to the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

Any questions regarding the testing process should be directed to _____.

My signature indicates that I understand the conditions outlined in this memorandum and that I have received the Forensic Drug Testing Custody and Control Form.

Employee Signature

Date

Witness Signature

Date

Revised January 2015

Attachment: 4.8.1p1.a7

**Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Sample Letter - Separation for Refused Alcohol Testing**

Date

XXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXX

Dear:

As you are aware, on (Day and Date) you were directed to report for (reasonable suspicion OR return-to duty OR follow-up) alcohol testing.

(Select the appropriate option)

After receiving this directive

1. you refused to submit to testing OR

2. you failed to appear/report for testing after receiving this directive and appearing at the collection site or the on-site testing location

3. you engaged in conduct that clearly obstructed the testing process OR

4. you failed to remain available for testing or left the testing site/location before submitting to the test OR

5. you failed to provide adequate breath for testing without a valid medical reason/explanation.

Please be advised that you are considered to have “refused testing” and pursuant to applicable provisions of the TCSG Procedure governing Drug and Alcohol Testing for Non-U.S. DOT Regulated Positions, you will be dismissed from employment with _____ effective at the close of business on _____. This action has been taken pursuant to the provisions of the TCSG Procedure governing (Positive Discipline or Adverse Employment Actions) and, as applicable, the provisions of State Personnel Board Rule 21 pertaining to the established effective date.

Any questions should be directed to _____.

Sincerely,

CC:

Revised January 2015

Attachment: 4.8.1p1.a8.

**Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Sample Letter - Withdrawal of Employment Offer Based on Positive Drug Test
Result or a Refuses or Refused Testing Determination**

Date

XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX

Dear:

As you are aware, on _____ you were offered employment with _____ as a _____. As provided in the attached Pre-Employment Drug Testing Notification Letter, your employment was contingent upon your successfully passing a drug test. On _____ you were directed to report for drug testing.

(Select the appropriate option)

After receiving this directive:

1. you refused to submit to testing OR

2. you failed to appear/report for testing at the identified time and date. After receiving this directive and appearing at the collection site,

3. you engaged in conduct that clearly obstructed the testing process OR

4. you failed to remain available for testing or left the testing site before submitting to the test OR

5. you failed to provide adequate urine for testing without a valid medical reason/explanation OR

6. the testing laboratory confirmed and a Medical Review Officer verified that the urine sample you provided had been adulterated or substituted OR

7. you tested positive for the presence of illegal drugs(s).

Please be advised that this letter serves as formal written notification that your conditional offer of employment with _____ has been withdrawn. (FOR AN APPLICANT PROVIDED A CONDITIONAL OFFER OF EMPLOYMENT - ADD THE FOLLOWING SENTENCE) Additionally, you will also be disqualified from employment with any State employer for a period of two (2) years from the date of this action.

Any questions regarding these actions should be directed to

_____.

Sincerely,

Attachment: 4.8.1p1.a9.

**Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Alcohol Test Results – Unauthorized Leave Without Pay – Sample Letter**

Date

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Dear

On (Day and Date) you were directed to report for reasonable suspicion OR return-to duty OR follow-up alcohol testing. Based on the results of an alcohol confirmation test, the Breath Alcohol Technician has determined that your alcohol concentration (at the time of testing) was ___ percent.

Given that the results indicated an alcohol concentration of 0.02 or greater and pursuant to the provisions of the TCSG Procedure governing Drug and Alcohol Testing for Non-U.S. DOT Regulated Positions, you will be placed in an unauthorized leave without pay status for minimum period of twenty-four (24) hour and/or until such time as a Return-to-Duty test is performed with negative results.

Please be advised that are also be subject to further disciplinary action in response to your alcohol test results. Any such action will be delivered consistent with the provisions of TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

Any questions should be directed to _____.

Sincerely,

Cc:

Revised January 2015

Attachment: 4.8.1p1.a10.

**Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Sample Letter - Separation Based on a Positive Drug Test Result or a Refuses or
Refused Testing Determination**

Date

XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX

Dear:

As you are aware, on _____ you were directed to report for drug testing.

After receiving this directive: *(Select the appropriate option)*

1. you refused to submit to testing OR
2. you failed to appear/report for testing at the identified time and date
After receiving this directive and appearing at the collection site
3. you engaged in conduct that clearly obstructed the testing process OR
4. you failed to remain available for testing or left the testing site before submitting to the test OR
5. you failed to provide adequate urine for testing without a valid medical reason/explanation OR
6. the testing laboratory confirmed and a Medical Review Officer verified that the urine sample you provided had been adulterated or substituted

OR

7. you tested positive for the presence of illegal drugs(s).

(Select Either Option)
(For numbers 1-6 – Select Appropriate Reason for Dismissal)

Given that you are considered to have “refused testing” (as this term is defined in the TCSG Procedure governing Drug and Alcohol Testing for Non-U.S. DOT Regulated Positions, you will be dismissed from employment with _____ effective at the close of business on _____. This action will be taken pursuant to the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

(For number 7)
Given that you have tested positive for the presence of illegal drug(s), please be advised that you will be dismissed from employment with _____ at the close of business on _____. This action will be taken pursuant to the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

Any questions should be directed to _____.

Sincerely,