



**Office of Human Resources
Standard Operating Procedure
HR SOP #201**

Subject: Drug Testing Program

Effective Date: September 1, 2020

Policy Statement:

The State of Georgia is committed to a drug free workplace. In support of this the Department of Natural Resources (DNR) will administer a drug testing program in accordance with State Personnel Board Rules.

Definitions:

Adulterated Sample: A specimen that has been altered and 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 an abnormal concentration.

After-Hours Drug Testing: Post-accident and reasonable suspicion drug testing that is required to be done anytime other than the drug vendor's regular business hours.

Applicant: Refers to an individual who has been offered employment or reemployment with DNR in a position subject to drug testing; OR a current DNR employee who is an incumbent of a position not subject to pre-employment drug testing who has been offered employment with DNR in a position subject to pre-employment drug testing.

Chain of Custody: The procedure used to document the handling of a urine or other specimen authorized within federal testing programs from the time the donor gives the specimen to the collector until the specimen is destroyed.

Classified Employee: An employee in the classified service as defined by the State Personnel Board Rules.

Donor: An individual providing a specimen for drug testing

Drug Testing or Drug Test for Peace Officer Standards Training (POST) Certified and Other Non-Regulated/Non-Safety-Sensitive Positions: Refers to the collection and testing of urine administered in a manner equivalent to that required by the regulations of the State of Georgia (Official Code of Georgia (O.C.G.A.) 34-9-415) and the Mandatory Guidelines for Federal Workplace Drug Testing Programs (HHS Regulations, 53 Fed. Reg. 11979, et seq., as amended). This definition is applicable to all types of drug testing of applicants and employees in POST certified and other non-regulated/non-safety-sensitive positions. DNR POST Certified and other Non-Regulated/Non-Safety Sensitive Positions typically are those law enforcement positions requiring P.O.S.T. certification, pilots, aircraft mechanics, and lifeguards.

Drug Testing or Drug Test for Safety-Sensitive Positions: Refers to the collection and testing of urine administered in a manner equivalent to that required by the rules and regulations of the United States Department of Transportation (49 CFR Part 40 and Part 382, 33 CFR Part 95). This definition is applicable to all types of drug testing of applicants and employees in safety-sensitive positions. DNR Safety sensitive positions typically include vessel staff and those positions requiring a Commercial Driver's License (CDL).

Federally-Regulated Transportation Employee: Employee that performs safety-sensitive duties in positions that require a CDL or United States Coast Guard (USCG) licensure. (Also referred to as DOT-Regulated.) DNR Federally Regulated Transportation Employees typically include vessel staff and those employees in positions requiring a CDL.

High Risk Work: Refers to those duties where inattention to duty or errors in judgment by the incumbent while on duty will have the potential for significant risk of harm to the individual, other individuals or the general public.

Illegal Drug: Includes, but is not limited to marijuana/cannabinoids (THC), cocaine, opiates, amphetamines, methamphetamines, or phencyclidine (PCP), or any controlled substance as defined in O.C.G.A. 16-13-21. The term "illegal drugs" does not include any drug used pursuant to and in accordance with a valid prescription or when used as otherwise authorized by state or federal law.

Medical Marijuana: Low THC oil, that contains not more than five percent by weight of tetrahydrocannabinol and an amount of cannabidiol equal to or greater than the amount of tetrahydrocannabinol, that is used to legally treat a limited number of specified medical conditions in Georgia.

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 results.

Reasonable Suspicion (Non-DOT): Non-DOT regulated testing refers to DNR's judgment that an employee has violated the State's Drug and Alcohol Free Workplace Policy. This judgment to test 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.

Reasonable Suspicion (DOT): DOT regulated testing refers to DNR's determination that reasonable suspicion exists that a safety-sensitive employee may have broken a substance abuse prohibition. The decision to test must be based on specific, timely, and describable observations of appearance, behavior, speech, and/or body odor.

Safety-Sensitive Duties: Duties performed by vessel staff or that require Coast Guard licensure or a valid CDL.

Safety-Sensitive Position: Any position whose incumbent is required to undergo drug testing by regulations of the United States Department of Transportation (49 CFR Part 382.103, 33 CFR Part 95). In general, such positions are those where the duties require possession of a valid CDL, but

also include other positions subject to drug testing as required by the Coast Guard, and other positions subject to drug testing as required by federal law or regulation.

Selected Applicant: An applicant who has received an offer of employment contingent upon successfully passing the pre-employment drug test before performing any duties of the new position.

Serious Marine Incident (SMI): Any reportable marine casualty that results, or, in the marine employer's estimation, may result, in any of the following: one or more fatalities; an injury to a crewmember, passenger, or other person which requires professional medical treatment beyond first aid and, in the case of a person employed on board a vessel in commercial service, which renders the individual unfit to perform routine vessel duties; property damage in excess of \$100,000; actual or constructive total loss of any inspected vessel; actual or constructive total loss of any self-propelled uninspected vessel of 100 gross tons or more; a discharge of oil into a navigable water in excess of 10,000 gallons; a release of a Hazardous Substance greater than or equal to its reportable quantity into a navigable water, whether from a casualty or not. (Refer to 46 CFR 4.03-2.)

Split Sample: Part of the urine sample that is sent to the first laboratory and retained unopened, and which is transported to a second laboratory in the event the individual requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Substituted Sample: A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Unclassified Employee: An employee in the unclassified service, as defined by the State Personnel Board Rules. All employees in the unclassified service are employed in "at-will" status.

Procedure:

Drug-Free Standards:

- Employees are prohibited from unlawfully manufacturing, distributing, selling, dispensing, possessing, or using a controlled substance, marijuana, or a dangerous drug, which includes the use of prescription medication prescribed to another.
- Employees must be free from alcohol and illegal drugs while in the workplace or otherwise in work status.
- Employees who are legally using a drug (or other substance) with a warning about a side effect that could substantially impair the safe performance of assigned duties must seek and receive authorization from the HR Director before performing high-risk work or safety-sensitive transportation functions.
- Employees must not have medical marijuana in their system while performing safety-sensitive transportation functions.
- Applicants and employees are expected to report for and complete ordered substance abuse testing, as directed

Self-Disclosure:

Employees may choose to notify the appointing authority of an illegal drug problem. An employee who notifies then appointing authority of an illegal drug problem shall not be dismissed from employment if the notification meets the criteria of SPB Rule 21-A, Self-Disclosure of Substance Abuse. The employee's failure to complete any requirement within the treatment and education program, failure to comply with the return-to-duty agreement, positive test or test refusal, will result in immediate dismissal and any applicable employment disqualification for a testing violation.

Pre-Employment Testing:

Who Is Subject To Pre-Employment Drug Testing:

Current employees moving into the positions listed below and applicants that are selected for the following positions in DNR who have received a job offer are pre-employment drug tested:

DOT - Safety-sensitive positions such as:

- Positions requiring a CDL;
- Positions requiring USCG licensure and vessel staff.

Non-DOT - Positions that perform high risk work such as:

- POST Certified law enforcement officers;
- Pilots;
- Aircraft mechanics;
- Lifeguards;
- Other positions designated by the Commissioner, EPD Director or the HR Director as being high-risk positions.

Division HR Representative or Designee Pre-Employment Drug Testing Responsibilities:

- Prior to notifying the applicant of the requirement to test, identify an appropriate testing facility, ensure that the schedule of the applicant required to test will allow for immediate testing and make the testing appointment;
- Complete the *Acknowledgement of Pre-Employment Drug Testing* (Attachment 1);
- Complete the *Order for Testing* (Attachment 2). Check the boxes for Pre-Employment, DOT or Non – DOT, and Drug;
- applicant must be when the applicant is available to immediately report for testing.
- The testing date must be no later than the day after the applicant/employee was notified of testing;
- Give the *Acknowledgement of Pre-Employment Drug Testing*, the *Order for Testing* and the *Custody and Control Form* to the applicant;
- If the applicant is a CDL Driver ensure that the CDL number and the state of issuance is listed the section of the CCF containing the donor social security number or Employee ID.
- Notify the applicant regarding the requirement for drug testing. Notification of the
- Have the applicant read and sign the *Acknowledgement of Pre-Employment Drug Testing*;

- Instruct the applicant to take the *Order for Testing* and the *Custody and Control Form* and proceed immediately to the designated testing site;
- Assist applicant with directions to the testing site, if necessary;
- Retain a copy of Attachments 1 and 2. After the drug test, the applicant will return the employer copy of the *Custody and Control Form* to the HR Representative. Send a copy of Attachments 1 and 2 and the *Custody and Control Form* to the DNR Drug Testing Coordinator in the Office of Human Resources (OHR); and
- Order additional *Custody and Control Forms* through the DNR Drug Test Coordinator in OHR, as needed.

Note: Applicants taking pre-employment drug tests before they start employment are not paid, and the time used for drug testing is not considered work time.

Selected Applicant Pre-Employment Drug Testing Responsibilities:

- Read and sign the *Acknowledgement of Pre-Employment Drug Testing* (Attachment 1) acknowledging awareness of the drug testing procedures; testing requirements; testing immediately; consequences for testing positive for the presence of drugs; failing to appear by the stated report time; failing to remain for testing; or refusing to be tested;
- Obtaining directions to the collection site;
- Take the *Order for Testing* (Attachment 2) and the *Custody and Control Form* to the collection site;
- Take a picture ID to the collection site for verification purposes;
- Report to the collection site immediately upon notification; and
- Return the Employer copy of the *Custody and Control Form* to the Division HR Representative, or designee.

Selected Applicant Refusal/Failure to Appear for Pre-Employment Drug Testing:

A selected applicant is considered to have “refused testing” and will be given no further consideration for employment if the individual:

- Expressly refuses drug testing; or
- Engages in conduct that clearly obstructs the testing process; or
- Fails to appear for drug testing by the stated report time, after proper notification; or
- Fails to remain readily available for testing; or
- Fails to provide adequate bodily fluids for testing without a valid medical reason; or
- Provides bodily fluids determined by the testing laboratory and the MRO to have been adulterated or substituted.

Consequences of a Positive Drug Test Result

A selected applicant, whose drug test results are reported as positive for the presence of one or more illegal drugs by the MRO, or refuses or fails to appear for a drug test as indicated, will be given no further consideration for employment or as required by State Personnel Board Rules if the applicant has already begun employment the employee is terminated. The applicant/employee will be disqualified from State employment for a period of two years from the date of notification.

The selected applicant will receive a Withdrawal of Employment Offer letter from the HR Director. A copy of this letter and the applicant's Social Security Number will be sent to the Drug Testing Program Administrator at the Department of Administrative Services (DOAS) Human Resources Administration (HRA).

When a selected applicant for a federally-regulated transportation position is disqualified as a result of drug testing, the DNR Drug Testing Coordinator will provide the applicant with a list of DOT qualified Substance Abuse Professionals.

A selected applicant who has refused to appear or failed to appear immediately for a drug test may file a written request with the DOAS Commissioner, or designee, to have the disqualification from State employment removed. The request should include any evidence that would support the applicant's belief that the disqualification is inappropriate. The decision of the DOAS Commissioner, or designee, will be final.

NOTE: A selected applicant for a position requiring a CDL will not be able to use medical marijuana and perform safety-sensitive duties according to Federal regulations.

Federally Regulated Transportation Positions (CDL):

In addition to the requirements of this SOP there are several requirements that apply to federally regulated transportation positions (those positions which will require the use of a CDL). Prior to permitting an individual to operate a Commercial Motor Vehicle (CMV) due to the individual being hired or transferred into a position requiring CMV operation or assigning a current employee to operate a CMV, Division HR Representatives, drivers, and the central office Drug Testing Coordinator must complete several duties associated with the FMCSA Drug and Alcohol Clearinghouse database. PRIOR TO PERMITTING ANYONE OPERATE A CMV see the Requirements for Federally Regulated Transportation positions section of SOP HR101 and ensure the requirements are completed.

Random Drug Testing:

Employees that are selected for monthly random drug testing are selected electronically from a statewide pool of positions maintained by the DOAS – HRA office. Only positions listed in this statewide pool can be selected for monthly random testing.

Who Is Subject To Random Drug Testing:

DOT - Safety-sensitive positions such as:

- Positions requiring a CDL; and
- Positions requiring USCG licensure and vessel staff.

Non-DOT - Positions that perform high risk work such as:

- POST Certified law enforcement officers;
- Pilots;
- Aircraft mechanics;
- Lifeguards; and

- Other positions designated by the Commissioner, EPD Director or the HR Director as being high risk positions.

DNR Drug Testing Coordinator Random Drug Testing Responsibilities:

Upon notification by DOAS, the DNR Drug Testing Coordinator in OHR will notify the Division HR Representative when an employee in their Division is selected. If the Division HR Representative is not available, the employee's direct supervisor will be notified.

Division HR Representative or Designee Random Drug Testing Responsibilities:

- Prior to notifying the employee of the requirement to test, identify an appropriate testing facility, ensure that the schedule of the employee required to test will allow for immediate testing and make the testing appointment;
- Complete the *Order for Testing* (Attachment 2). Check the boxes for Random, DOT or Non – DOT, and Drug;
- Complete the *Acknowledgement of Drug Testing* (Attachment 3);
- Notify the selected employee of the requirement for drug testing. Notification of the employee must be when the employee is available to immediately report for testing. Note the following exceptions to the Random Pool Selection:
 - If an employee is selected for random drug testing and is on any form of leave on the effective date, and returns to duty within thirty calendar days, the employee is required to report for testing within two business days of his/her return date. The selected employee shall not be notified of their selection for drug testing prior to his/her return to duty. If a selected employee does not return to work within the thirty-day testing period, the Division HR Representative, or designee, shall notify the DNR Drug Testing Coordinator;
 - On the effective date that testing commences, if there is no incumbent in a selected position, no other employee will be selected as a substitute; and
 - If a position has more than one assigned incumbent on the effective date that testing commences, ALL incumbents assigned to that position number will participate in drug testing.

The time to report for testing cannot be later than the business day after the employee receives the directive to report.

- Give the employee the *Order for Testing* (Attachment 2), the *Acknowledgement of Drug Testing* (Attachment 3) and the *Custody and Control Form*;
- If the employee is a CDL Driver ensure that the CDL number and the state of issuance is listed the section of the CCF containing the donor social security number or employee ID.
- Have the employee read and sign the *Acknowledgement of Drug Testing*;
- Instruct the employee to take the *Order for Testing* and the *Custody and Control Form* and proceed immediately to the designated testing site;
- Assist the employee with directions to the testing site, if necessary;
- Retain a copy of Attachments 2 and 3. After the drug test, the employee will return the employer copy of the *Custody and Control Form* to the HR Representative. Send a copy of

Attachments 2 and 3 and the *Custody and Control Form* to the DNR Drug Testing Coordinator; and

- Order additional *Custody and Control Forms* through the DNR Drug Test Coordinator, as needed.

Employee Random Drug Testing Responsibilities:

- Read and sign the *Acknowledgement of Drug Testing* (Attachment 3) acknowledging awareness of the drug testing procedures, testing requirements, and testing immediately; consequences for testing positive for the presence of drugs, failing to appear by the stated report time, failing to remain for testing, or refusing to be tested;
- Obtain directions to the collection site;
- Take the *Order for Testing* (Attachment 2), and the *Custody and Control Form* to the collection site;
- Take a picture ID to the collection site for verification purposes;
- Report to the collection site immediately upon notification; and
- Return the Employer copy of the *Custody and Control Form* to the Division HR Representative, or designee.

Consequences of a Positive Drug Test Result or Refusal:

As required by State Personnel Board Rules an employee whose drug test result is reported by the Medical Review Officer (MRO) as positive, adulterated, or substituted, or who otherwise refuses a random drug test will be immediately dismissed and disqualified from State employment for a period of two (2) years from the date of testing or refusal, whichever is later.

Reasonable Suspicion Drug Testing:

Who Is Subject to Reasonable Suspicion Drug Testing:

Reasonable suspicion drug testing of any employee for whom there is a reasonable suspicion of the use of illegal drugs will be based on specific, timely, describable observations concerning the appearance, behavior, speech or body odors of the employee.

The observations may include indications of the chronic and withdrawal effect of controlled substances.

Examples of these observations may be based upon, but not limited to, the following:

- observation of behavior, appearance, speech, or odor likely to result from illegal drug use;
- an on-the-job incident, such as a medical emergency, likely attributable to illegal drug use by an employee;
- observation of behavior exhibited by an employee that might render the employee unable to perform her/his job or that might pose a threat to the safety or health of the employee or others;
- verifiable information that an employee might not be free from illegal drugs at work;
- physical on-the-job evidence or alcohol use by an employee;
- documented deterioration in an employee's job performance likely attributable to

- illegal drug use by the employee;
- the results of other scientific test(s) that indicate possible use of illegal drug; or
- Polygraph test results which indicate that an employee may have been in an illegal drug induced condition at the time of the test or that the employee has been deceptive in response to a specific question concerning illegal drug use or activity, or; any other specific, timely, and describable action that would give the HR Director reason to suspect an employee might not be free from illegal drug.

Approval to test an employee due to reasonable suspicion must be obtained from the HR Director prior to testing. The HR Director must be contacted immediately/without delay upon observation of the employee. It is not acceptable for managers or supervisors to delay the reporting of observations to Human Resources for any reason including reporting the observations up their chain of command. Situations where supervisors feel that an employee may be under the influence of drugs or alcohol must be reported as soon as possible to the Director of Human Resources (Larry Blankenship) at 404-401-1803.

Employees selected for reasonable suspicion drug testing will be considered “on duty” and at work for all time spent participating in the testing process.

The HR Director will complete a *Behavior/Incident Documentation Form* based on a conversation with the person(s) who observed the suspicious behavior leading to a reasonable suspicion drug test. This form must be completed within twenty-four hours of the observed incident or before the results of the drug test are released, whichever is earlier.

Division HR Representative or Designee Reasonable Suspicion Drug Testing Responsibilities:

Prior to notifying the employee of the requirement to test, identify an appropriate testing facility, and ensure that the testing facility is available for immediate testing.

- Complete an *Order for Testing* (Attachment 2). Check the boxes for Reasonable Suspicion, DOT or Non – DOT, and Drug;
- Complete an *Acknowledgement of Drug Testing* (Attachment 3). Check the box indicating Reasonable suspicion testing;
- Notify the employee regarding the requirement for immediate drug testing;
- Have the employee read, sign and retain a copy of the *Acknowledgement of Drug Testing*;
- Give the *Order for Testing* and the *Custody and Control Form* to the employee;
- If the applicant is a CDL Driver ensure that the CDL number and the State of Issuance is listed the section of the CCF containing the Donor Social Security Number or Employee ID.
- Retain a copy of Attachments 2 and 3. After the drug test, the employee will return the employer copy of the *Custody and Control Form* to the HR Representative. Send a copy of Attachments 2 and 3 and the *Custody and Control Form* to the DNR Drug Testing Coordinator;
- Make arrangements for immediate transportation to the testing site and from the testing site and employee’s residence. Employees sent for reasonable suspicion drug testing will not be allowed to operate a vehicle;

- Ensure the employee does not work until test results are determined; and
- Order additional *Custody and Control Forms* through the DNR Drug Test Coordinator, as needed.

Employee Reasonable Suspicion Drug Testing Responsibilities:

- Read and sign the *Acknowledgement of Drug Testing* (Attachment 3) acknowledging awareness of the drug testing procedures, testing requirements, testing immediately; consequences for testing positive for the presence of drugs, failing to appear for testing immediately, failing to remain for testing, or refusing to be tested;
- Take the applicable drug testing forms; *Order for Testing* (Attachment 2), and the *Custody and Control Form* to the collection site;
- Take a picture ID to the collection site for verification purposes;
- Use transportation arranged by the employer to report to the collection site by the stated report time; and
- Return the Employer copy of the *Custody and Control Form* to the Division HR Representative, or designee.

Consequences of a Positive Drug Test Result or Refusal:

As required by State Personnel Board Rules an employee whose drug test result is reported by the Medical Review Officer (MRO) as positive, adulterated, or substituted, or who otherwise refuses a random drug test will be immediately dismissed and disqualified from State employment for a period of two (2) years from the date of testing or refusal, whichever is later.

Post-Accident Drug Testing:

Who Is Subject To Post-Accident Drug Testing:

Post-accident drug testing may be required for employees performing safety-sensitive duties that are:

- In positions requiring a CDL;
- United States Coast Guard (USCG) regulated staff; or
- Marine vessel staff.

The circumstances under which a post-accident drug test must be conducted are as follows:

- If a traffic fatality occurs, the driver and any employees in the vehicle are tested.
- If the driver is cited for a moving traffic violation, AND one of more of the vehicles involved in the accident is towed from the scene; OR
- If the driver is cited for a moving traffic violation, AND one or more persons involved in the accident immediately receives medical treatment away from the scene.
- For USCG regulated staff, if a SMI occurs, any employee(s) directly involved is tested.

Post-accident kits must be made available and must be placed in the vehicles in which employees perform safety-sensitive duties. This kit must contain the following:

- SOP **HR201 Drug Testing Program** and all attachments;
- SOP **HR202 Alcohol Testing Program** and all attachments; and
- *Custody and Control Forms* for all testing vendors.

Employee Post-Accident Drug Testing Responsibilities:

- Contact management immediately if involved in an accident to determine whether a post-accident drug test is required. (If post-accident drug testing is required, alcohol testing will also be required. See SOP **HR202**, *Alcohol Testing Program* for additional information.). The manager will assist with post-accident testing logistics;
- Read and sign the *Acknowledgement of Testing* (Attachment 3) and return this form to the manager who will forward the form to the Division HR Representative, or designee;
- On the *Order for Testing* (Attachment 2) check the boxes indicating the Reason to Test is 'Post-Accident' and the Test Authority is 'DOT'. Take the completed form and the completed *Custody and Control Form* (see Instructions for Completing Step 1 of *Custody and Control Forms*, Attachment 5 or 6) to the collection site or give the forms to the mobile collector, if applicable;
- If the applicant is a CDL Driver ensure that the CDL number and the State of Issuance is listed the section of the CCF containing the Donor Social Security Number or Employee ID.
- Proceed to the drug testing site immediately; and
- Return the employer copy of the *Custody and Control Form* to the manager.

Manager Post-Accident Drug Testing Responsibilities:

- Determine if post-accident testing is necessary as per the criteria above;
- Assist in identifying an appropriate testing facility, and ensure that the testing facility is open;
- Assist the employee with completing the *Acknowledgement of Testing* (Attachment 3), the *Order for Testing* (Attachment 2), and the completed *Custody and Control Form* (see Instructions for Completing Step 1 of *Custody and Control Forms*, Attachment 5 or 6);
- Forward a copy of the forms to the Division HR Representative who will forward them to the DNR Drug Testing Coordinator;
- Ensure the employee is tested immediately:
 - A post-accident drug test or a drug test following a serious marine accident should be completed **immediately or as soon as possible**. Federal regulations require that if a drug test is not conducted within thirty-two hours of an accident; cease any attempt to administer the test. Prepare documentation, and maintain it on file, stating the reasons why the test was not administered;
- Order additional *Custody and Control Forms* through the DNR Drug Test Coordinator in the Office of Human Resources, as needed; and
- Ensure the forms in the post-accident kit are replaced when they are used.

Consequences of a Positive Drug Test Result or Refusal:

As required by State Personnel Board Rules an employee whose drug test result is reported by the Medical Review Officer (MRO) as positive, adulterated, or substituted, or who otherwise refuses a random drug test will be immediately dismissed and disqualified from State employment for a period of two (2) years from the date of testing or refusal, whichever is later.

Drug Test Site Locations:

Employees should only be sent to an authorized drug testing location. If after-hours testing is required and an authorized drug testing site cannot be located, the test may be administered by a mobile collector provided by the vendor at a location that is suitable to the collector and manager/employee.

A complete list of drug testing locations is located on the DOAS - HRA website at:

<http://doas.ga.gov/human-resources-administration/substance-abuse-testing>

After-Hours Drug Testing:

If a post-accident or reasonable suspicion drug test is required after-hours and an open local drug testing site cannot be located, see the *Drug and Alcohol Testing Administrator After-Hours Instructions* (Attachment 4) for assistance with the drug test that is required to be completed immediately.

Refusal or Failure to Take an Authorized Drug Test:

An employee is considered to have “refused testing” and must be dismissed if the employee:

- Expressly refuses drug testing;
- Fails to report immediately for drug testing at the location specified;
- Engages in conduct that clearly obstructs the testing process;
- Fails to remain readily available for testing;
- Fails to provide adequate bodily fluids for testing without a valid medical reason;
- Provides bodily fluids determined by the testing laboratory and the MRO to have been adulterated; and/or
- Substitutes the urine sample as determined by the testing laboratory or MRO.

If an employee refuses testing a ‘No Rehire’ code will be placed in the employee’s Personnel record.

Rejected/Unsuitable Sample:

If a donor's sample is rejected or is determined to be unsuitable for testing the MRO will contact the DNR Drug Testing Coordinator when an employee needs to be retested. The DNR Drug Testing Coordinator will then notify the Division HR Representative, or designee, to inform the employee to **immediately** report for retesting.

The employee will be directed to appear for re-testing. For unsuitable samples, the retesting will be conducted as an “observed sample”. The employee will be given three hours to provide the urine sample upon arrival and commencement of the test at the collection site.

Drug Test Results:

The DNR Drug Testing Coordinator can access the drug test results through the drug testing administrator’s website. All test results will be displayed on this secure site.

Drug Tests with a Positive Result:

Laboratory reports, which indicate the presence of one or more illegal drugs, will be reviewed by the MRO.

The MRO shall attempt to contact the employee using phone numbers provided on the CCF/drug testing form to establish a time that a private discussion can be conducted regarding the results of the drug test. The DNR Drug Testing Coordinator will be notified if the MRO cannot contact the employee within two business days of the initial attempt. The DNR Drug Testing Coordinator will inform the Division HR Representative, or designee, that unless the employee contacts the MRO by the end of the next business day, the employee will be considered to have tested positive for the use of illegal drug(s).

If the employee 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 one or more illegal drugs, the MRO (without further action or review) will issue a final report that the presence of an illegal drug(s) has been identified in the employee's urine sample. The MRO will notify the DNR Drug Testing Coordinator of positive test results who will immediately notify the HR Director of these results.

The decision of the MRO regarding the verification of a positive, adulterated, or substituted drug test result will be final. A limited exception is available when a drug test result is positive for marijuana and the MRO notated the result to indicate that the donor provided proof of eligibility to lawfully use medical marijuana. This exception gives an appointing authority the option to order and pay for an assessment by an occupational healthcare professional of the employee's ability to safely perform assigned duties. Based on the assessment, the appointing authority would determine appropriate employment action. The exception is not available for federally regulated testing or for pre-employment testing for a high-risk position.

Classified Employees with Positive Random Test Results:

A classified employee testing positive for the presence of one or more illegal drug(s) will be placed on Suspension with Pay immediately. If a test on a split sample, or the reanalysis of the remaining portion of the original sample, is not requested, the employee will be dismissed.

A classified employee that requests a test on a split sample, or the reanalysis of the remaining portion of the original sample, will remain on Suspension with Pay pending the results of the additional test;

- If the test is negative, the employee will be removed from Suspension with Pay;
- If the test is positive, the employee will be dismissed.

Dismissal must be in accordance with the SPB rules for Dismissal of a Classified employee.

Unclassified Employees with Positive Random Test Results:

An unclassified employee testing positive for the presence of one or more illegal drug(s) will be placed on Suspension without Pay immediately. If a test on a split sample, or the reanalysis of the remaining portion of the original sample, is not requested, the employee will be dismissed.

An unclassified employee that requests a test on a the split sample, or the reanalysis of the remaining portion of the original sample, will remain on Suspension without Pay pending the results of the additional test;

- If the test is negative, the employee will be removed from Suspension without Pay and reimbursed any lost wages;
- If the test is positive, the employee will be dismissed.

Classified Employees with Reasonable Suspicion Testing:

Upon completion of reasonable suspicion testing, a classified employee will:

- Be relieved of duty;
- Be placed on Suspension with Pay until the test results are determined; and
- Receive a written notice of Drug Suspension with Pay from the HR Director.

A classified employee testing positive for the presence of one or more illegal drug(s) that requests a test on a split sample, or the reanalysis of the remaining portion of the original sample, will remain on Suspension with Pay pending the results of the additional test;

- If the test is negative, the employee will be removed from Suspension with Pay;
- If the test is positive, the employee will be dismissed;

If a test on a split sample, or the reanalysis of the remaining portion of the original sample, is not requested, the employee will be dismissed.

Unclassified Employees with Reasonable Suspicion Testing:

Upon completion of reasonable suspicion testing, an unclassified employee will:

- Be relieved of duty; and
- Be placed on Suspension with Pay until the test results are determined; and
- Receive a written notice of Drug Suspension with Pay from the HR Director.

An unclassified employee testing positive for the presence of one or more illegal drug(s) that requests a test on a split sample, or the reanalysis of the remaining portion of the original sample, will be placed on Suspension without Pay pending the results of the additional test;

- If the test is negative, the employee will be removed from Suspension without Pay and reimbursed any lost wages;
- If the test is positive, the employee will be dismissed;

If a test on a split sample, or the reanalysis of the remaining portion of the original sample, is not requested, the employee will be dismissed.

Classified Employees with Positive Post-Accident Test Results:

A classified employee testing positive for the presence of one or more illegal drug(s) will be placed on Suspension with Pay immediately. If a test on a split sample is not requested, the employee will be dismissed.

A classified employee that requests a test on a split sample will remain on Suspension with Pay pending the results of the additional test;

- If the test is negative, the employee will be removed from Suspension with Pay;
- If the test is positive, the employee will be dismissed.

Unclassified Employees with Positive Post-Accident Test Results:

An unclassified employee testing positive for the presence of one or more illegal drug(s) will be placed on Suspension without Pay immediately. If a test on the split sample is not requested, the employee will be dismissed.

An unclassified employee that requests a test on the split sample will remain on Suspension without Pay pending the results of the additional test;

- If the test is negative, the employee will be removed from Suspension without Pay and reimbursed any lost wages;
- If the test is positive, the employee will be dismissed.

DOT Test Authority with Medical Marijuana Results:

Federal regulations do not authorize the use of medical marijuana under Georgia law as a valid medical explanation for a federally-regulated transportation employee's positive drug test result.

Dismissals:

Upon receipt of the official MRO notice of positive results, the HR Director will issue a letter to the employee, a copy to the Division Director, the Division HR Representative and the Personnel file, providing a written notice of immediate dismissal. The dismissal must be effective as of the date of the written notification.

The dismissal notice must include the following information:

- A statement indicating the date the employee was directed to undergo a drug test;
- The MRO's confirmation of the presence of one or more illegal drug(s); OR that the employee refused drug testing; OR that the employee failed to report to the designated site by the stated report time;
- The specific drug(s) identified, or the date the employee refused testing;
- A statement notifying the employee of disqualification of employment with the Georgia Department of Natural Resources or any position with a state employer for a period of two years from the date of notification;
- A statement notifying a classified employee of the right to file an appeal of the dismissal to the Office of State Administrative Hearings (OSAH) within ten calendar days of the effective date of dismissal.

Upon dismissal, the DNR Drug Testing Coordinator will complete a Personnel Action Request (PAR). The rehire recommendation must indicate "NO". A justification for the rehire code must be attached to the PAR. The DNR Drug Test Coordinator will also notify DOAS – HRA of the dismissal.

POST Certified Employees:

When a POST certified employee is dismissed as a result of drug testing, the Division HR Representative, or designee, must submit a completed C-11, Change of Status form, to the POST Certification Unit with the following statement: Violation of O.C.G.A. 45-23-2.

DOT-Regulated Employees:

When a federally-regulated transportation employee is dismissed as a result of a positive drug test, the DNR Drug Testing Coordinator will provide the employee with a list of DOT qualified Substance Abuse Professionals. The MRO will report the positive drug test to the FMCSA Clearinghouse.

Appeals Process for the Dismissal of a Classified Employee:

Dismissals can only be appealed by Classified employees.

If the Appointing Authority, or designee, receives notification from the Administrative Law Judge that an employee has appealed, the Appointing Authority, or designee, will contact the DNR Legal Services team.

A decision of the Administrative Law Judge becomes the final decision of the State Personnel Board, unless the employee requests a review.

A classified employee may file an application for review by the State Personnel Board within thirty days of the date the Administrative Law Judge's decision was issued.

Appeals Process for Refusal of Substance Abuse Testing:

An applicant/employee who was deemed to have refused substance abuse testing may request a review of the two year disqualification if the applicant/employee does not believe that the refusal circumstances described above were applicable. The request must be made to the Department of Administrative Services in accordance with the SPB Rules.

Records Retention:

Drug testing logs must be retained for two years in the Office of Human Resources (OHR).

Drug testing documents displaying a positive test result must be retained for five years in OHR.

Drug testing documents displaying a negative result must be retained for two years in OHR.

Attachments:

Attachment 1 – *Acknowledgement of Pre-Employment Drug Testing*

Attachment 2 – *Order for Testing*

Attachment 3 – *Acknowledgement of Drug Testing*

Attachment 4 – *Drug and Alcohol Testing Administrator After-Hours Instructions*

Attachment 5 – Instructions for Completing Step 1 of Custody and Control Forms – LabCorp

*Attachment 6 – Instructions for Completing Step 1 of Custody and Control Forms – Quest
Diagnostics*