

III. O. Drug-Free Workplace



Adopted: August 3, 1989; Revised May, 2003; Revised March, 1, 2012

The Technical College System of Georgia (TCSG) is committed to providing a working and learning environment that ensures the productivity of TCSG employees as well as the safety and security of all employees, students, contractors, volunteers, and visitors to TCSG worksites and technical college campuses. To this end, it is the policy of the State Board of the Technical College System of Georgia that all System worksites, including all associated technical colleges, shall be drug-free pursuant to the provisions of the federal Drug-free Workplace Act of 1988, the Drug-free Public Work Force Act of 1990, and applicable State law. All Technical College System of Georgia (TCSG) employees, both permanent and temporary, full- and part-time, are covered by these provisions.

It is expressly prohibited for any TCSG employee to engage in the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs, unauthorized drugs, inhalants, or other controlled substances (as defined in O.C.G.A. §16-13-21) while performing state business, e.g., while performing assigned duties and responsibilities on State premises or worksites, while traveling in a State, leased or rental vehicle, or a personal vehicle upon which the State is providing or could provide a mileage reimbursement, while traveling commercially, etc. NOTE: An employee's use of another person's prescription drug(s)/medication(s) is prohibited as this activity is illegal under Georgia laws.

The prohibition regarding the unlawful manufacture, distribution, dispensation, possession or use of illegal drugs/controlled substances also extends to all non-working hours regardless of location as these activities clearly impact an employee's ability to perform his/her public duties. For purposes of this policy, the term "illegal drug" includes, but is not limited to, marijuana/cannabinoids (THC), cocaine, amphetamines/ methamphetamines, opiates, or phencyclidine (PCP). Pursuant to applicable State Personnel Board Rules, the unauthorized use of legally prescribed drugs that may adversely affect job performance or safety is also prohibited.

Pursuant to applicable provisions of the Drug and Alcohol Testing Procedure III. O.1., all applicants for and current TCSG employees in safety sensitive positions as well as positions that encompass high risk work including those identified health sciences faculty positions with responsibility for the supervision of students in a public or private clinical/internship/externship setting, are subject to pre-employment drug and random drug and/or alcohol testing. Additionally, all TCSG employees are subject to reasonable suspicion, post-accident, return-to-duty, and follow-up testing for drugs and/or alcohol.

An employee's violation of this policy and/or applicable provisions of the Drug and Alcohol Testing Procedure III. O. 1. will result in the delivery of disciplinary action up to and including dismissal from employment.

Alcohol Testing and Results

An employee who refuses to submit for alcohol testing shall be dismissed from employment. An employee whose test results reflect the presence of alcohol will be subject to disciplinary action up to and including dismissal from employment.

Drug Testing and Results

An employee who refuses to submit to drug testing or whose test result is confirmed positive by a Medical Review Officer for the presence of illegal drug(s) shall be dismissed from employment.

Any applicant for a System Office or technical college position who is currently employed with another State of Georgia agency/entity and who refuses pre-employment drug testing or whose test result is confirmed positive by a Medical Review Officer for the presence of illegal drug(s) will not be employed in any capacity by any TCSG work unit or technical college; and,

Any applicant for a System Office or technical college position not currently employed by the State of Georgia and who refuses pre-employment drug testing or whose test result is confirmed positive by a Medical Review Officer for the presence of illegal drug(s) will not be employed in any capacity by any TCSG work unit or technical college. Further, the individual will be disqualified from state employment for a period of two (2) years pursuant to the provisions of O.C.G.A. § 45-20-111(b).

Employee Arrest and Disposition/Conviction

All employees are required to report any post-employment arrest, as well as the subsequent disposition of the pending charge(s) (e.g., conviction, plea of nolo contendere, dismissal, etc.), to his/her immediate supervisor or reviewing manager no later than two (2) business days following the arrest and, later, the final disposition. NOTE: Applicable provisions of the federal Drug-free Workplace Act of 1988 pertaining to work done under federal contracts or grants stipulate that the TCSG must notify the appropriate federal funding agency of a criminal drug statute conviction (by a covered employee) occurring in the workplace within ten (10) days after receiving notice of the conviction.

Pursuant to the provisions of O.C.G.A. § 45-23-4(a), any employee convicted for the first time of a drug-related criminal offense shall be suspended without pay for a period of not less than two (2) months and are allowed to return to duty only after completion of a drug abuse treatment and education program licensed under the provisions of Chapter 5 of Title 26 and approved by the System Office or technical college. Pursuant to the provisions of O.C.G.A. § 45-23-6, additional disciplinary action may be delivered up to and including dismissal from employment.

Pursuant to the provisions of O.C.G.A. § 45-23-4(b), any employee convicted for a second or subsequent time of a drug-related criminal offense shall be dismissed from employment and shall be ineligible for other public employment for a period of five (5) years from the date of the most recent conviction.

NOTE: Disciplinary action for positions covered by the Drug-free Workplace Act of 1988 must be taken no later than thirty (30) days following notification of the conviction.

An employee's failure to provide notification of an arrest, conviction, or final disposition of an outstanding charge may result in the delivery of disciplinary action up to and including dismissal from employment.

Assistance

The Technical College System of Georgia is willing to assist employees with alcohol and/or drug-related difficulties. An employee must, however, advise his/her immediate supervisor, reviewing manager, or other System Office or technical college official, in writing, of his/her need for assistance prior to notification of a required alcohol/drug test and prior to an arrest for an alcohol/drug-related offense. The Technical College System of Georgia provides an Employee Assistance Program to assist eligible employees with alcohol and/or drug-related difficulties. An employee may also seek assistance through his/her health insurance provider.

Employee Notification

All TCSG employees must be advised of this policy. All newly hired employees are required to sign the accompanying acknowledgement statement which will be maintained in their official personnel file.

Information pertaining to the dangers of drug abuse in the workplace will be made available to each technical college's Office of Human Resources for distribution to staff. Similar information will be available for System Office employees in the Office of Human Resources.

Reference

41 U.S.C. §701

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

O.C.G.A. § 45-23-1 et.seq. - Georgia's Drug-Free Public Work Force Act

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

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