

Office of Human Resources
1301 Alcohol and Drug - Free Workplace

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**Georgia Department of Human Services
Human Resources Policy #1301**

Alcohol and Drug - Free Workplace

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Refer- 41 U.S.C. § 81— Federal Drug-Free Workplace Act
ences: 21 U.S. Code §812 — Schedules of Controlled Substances
O.C.G.A. §45-23-1 et. seq. — Georgia Drug-Free Public Work Force Act
Rules of the State Personnel Board 478-1-.21 — Drug and Alcohol-Free Workplace Program
DHS Human Resources Policy #1302 — Alcohol and Drug Testing Programs

In accordance with the Federal Drug-Free Workplace Act and the Georgia Drug-Free Public Work Force Act, it is the policy of the Department of Human Services (DHS) to maintain a drug-free workplace. DHS will make a good faith effort to ensure that a drug-free workplace is maintained and will continue a drug-free awareness program.

Section A: General Provisions

1. Substance abuse significantly impacts the workplace and is a serious threat to public health, safety, and welfare. There is potential liability for DHS as well as the possibility of danger for clients, customers and other employees of DHS. In addition, substance abuse often has detrimental effects on employees' attendance and work quality, as well as their personal lives.
2. Based on the above and as a condition of employment, DHS employees are to be free of illegal drugs while in the workplace or performing assigned duties. Employees are required to be free of alcohol and are prohibited from possessing or consuming alcohol, while in the workplace or performing assigned duties. Employees are also to be free of legal drugs or other substances that potentially impact the performance of assigned duties. These provisions also apply to work time while in travel status.
3. Employees taking medication that could affect job performance or behavior should immediately notify their Supervisor and their designated Human Resources Representative. A determination regarding ability to perform job duties will be made on a case-by-case basis by the Medical Review Officer (MRO) in coordination with the Office of Human Resources (OHR).

Section B: Reporting Drug Related Arrests and Convictions

1. Employees are required to notify their Supervisors and their designated Human Resources Representative of any criminal drug arrests or convictions of within five (5) calendar days of the

date of occurrence. A determination of appropriate action will be made on a case-by-case basis by the MRO in coordination with OHR.

2. Employees who fail to report criminal drug arrests or convictions are subject to disciplinary action, up to and including separation from employment.
3. Information regarding arrests and/or convictions is confidential and will only be shared on a “need to know” basis.

Section C: Federal Drug-Free Workplace Act

1. The Federal Drug-Free Workplace Act of 1988 requires employees be notified that engaging in the unlawful/illegal manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace or while performing assigned duties. Controlled substances are identified in the US Code: Title 21, Section 812.
2. Selected applicants or employees who have not previously signed a document containing this information are to sign a copy of the Alcohol and Drug-Free Workplace Notice (Attachment #1). The signed notices are to be maintained in employees' official personnel files.
3. Employees who engage in unlawful/illegal drug-related activity are subject to disciplinary action, up to and including separation from employment. Refer to DHS Policy #1302: Alcohol and Drug Testing Programs, for specific drug-related information.

Section D: Workplace Violations

1. Any conviction for a drug-related offense that occurred in the workplace must be immediately reported to the employee's Supervisor, their designated Human Resources Representative, and the Division/ Office Director. “Conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of a sentence by any judicial body.
2. The Supervisor and Division/Office Director are to immediately contact their designated Human Resources Representative to discuss the appropriate action.
 - a. The Federal grantor must be notified of any convictions for drug- related offenses committed in the workplace by employees who work in program areas funded by Federal grants or contracts.
 - b. This notification must be provided to the Supervisor and Division/Office Director and the designated Human Resources Representative within ten (10) calendar days of becoming aware of the conviction.
 - c. Within thirty (30) calendar days of becoming aware of a conviction that must be reported to a Federal grantor, the following must occur:
 - I. Appropriate disciplinary action must be taken against the employee, up to and including separation from employment.
 - II. If the employee remains employed, the employee must successfully complete a licensed substance abuse treatment program.

Section E: Employee Assistance

1. Employees are encouraged to seek assistance for drug-related problems through the agency's Employee Assistance Program (EAP), Acentra Health, their health insurance or any other available resource.
2. EAP Services are confidential, within the bounds of the law. Employees may access EAP services by contacting Acentra Health directly at 1-833-276-0988, 24 hours a day, 7 days a week; or can visit: www.EAPHelplink.com/ and enter the company code: Georgia.
3. Employees are also encouraged to inform their Supervisors and their designated Human Resources Representative of substance abuse issues so they can begin the self-disclosure program to remain employed. Please refer to Section H below.

Section F: Georgia Drug Free Public Work Force Act

1. The Georgia Drug-Free Public Work Force Act was passed in 1990. This Act declares that illegal drug activity is a serious threat to public health, safety and welfare. The Georgia General Assembly has, therefore, declared that the public work force must be free of any person who would knowingly commit criminal drug offenses.

Section G: Illegal Drug Convictions

1. The following guidelines have been established by DHS, as the minimum sanctions to be imposed on applicants and employees with illegal drug convictions. "Illegal drug convictions" does not include sentencing under the Georgia First Offender Act or a plea of nolo contendere.
2. **APPLICANT SANCTIONS**
 - a. Applicants with an illegal drug conviction are disqualified from working for DHS for a minimum of two (2) years from the date of conviction.
 - b. Applicants with an illegal drug conviction are disqualified from working for State government, including DHS, for five (5) years from the most recent date of conviction if there have been multiple illegal drug convictions since July 1, 1990.
3. **EMPLOYEE SANCTIONS**
 - a. When official notification or relevant documentation is received which shows that an employee has been convicted of a criminal drug offense for the first time, the employee may be immediately separated from employment if it is determined appropriate.
 - b. If it is determined that an employee convicted of a criminal drug offense for the first time will be retained, the employee must be immediately suspended without pay, effective the date of notice, for a period of not less than two (2) months and can return only after providing certification of completion of a licensed substance abuse treatment program.
 - c. Prior to suspension without pay, an employee may be subject to a reasonable suspicion drug test. Each situation should be reviewed on a case-by-case basis. Refer to DHS Policy #1302:

Alcohol and Drug Testing Programs, for specific information and directions regarding reasonable suspicion drug testing.

- d. While on suspension without pay, the employee cannot be employed by any State employer.
- e. Employees who do not successfully complete the required substance abuse treatment program will be immediately separated from employment.
- f. When official notification or relevant documentation is received that shows an employee was convicted of subsequent criminal drug offenses since July 1, 1990, the employee will be immediately dismissed and disqualified from any State employment, including DHS, for five (5) years from the most recent date of conviction.

4. APPEAL

- a. Classified employees may appeal either a suspension without pay or a separation from employment to the State Personnel Board. Any appeal must be filed with the Office of State Administrative Hearings within ten (10) calendar days of receipt of the notice of adverse action, or the effective date of the action, whichever is later.
- b. Unclassified employees are at-will and cannot appeal a suspension without pay or a separation from employment.

Section H: Substance Abuse Self-Disclosure

1. NOTIFICATION

- a. Employees who notify their Supervisor and their designated Human Resources Representative of an alcohol or illegal drug problem will not be dismissed from employment because of the self-disclosure provided:
 - I. The notification is made prior to arrest for an offense involving alcohol, if the employee is disclosing an alcohol problem, and prior to arrest for an offense involving a controlled substance, marijuana, or a dangerous drug, if the employee is disclosing an illegal drug problem.
 - II. The employee has not refused ordered substance abuse testing or tested positive for illegal drug use or alcohol. If an employee is ordered to appear for substance abuse testing, then self-discloses a substance abuse problem, the employee is not excused from the ordered testing. The employee must successfully complete the testing process and have a negative result before becoming eligible for the protection outlined in this Section.
 - III. The notification has been submitted in writing to the Supervisor and their designated Human Resources Representative and states the employee is receiving or agrees to receive treatment from a licensed substance abuse treatment program.
 - IV. The employee provides certification of satisfactory completion of the treatment program.
 - V. The employee completes return-to-duty substance abuse testing and receives a negative result before returning to work.
 - VI. The employee consents to their substance abuse treatment program disclosing their attendance and progress to the agency.

- 2. The Supervisor and the designated Human Resources Representative must immediately inform

the Agency Drug and Alcohol Coordinator (ADAC), when an employee discloses their substance abuse problem. The ADAC manages the self-disclosure program and process.

3. FAMILY AND MEDICAL LEAVE

- a. Since treatment for substance abuse is considered a serious health condition, any absence from work to participate in a substance abuse program will be charged to available Family and Medical Leave.

4. ADDITIONAL PROVISIONS

- a. The opportunity to maintain employment while in treatment is available to each employee only once in a five (5) year period.
- b. While participating in a substance abuse treatment program, employees' work duties may be modified, if practical to protect persons or property.
- c. Statements made by employees to supervisors or other personnel to comply with this policy are not admissible as evidence against them in any civil, administrative, or criminal proceeding.
- d. Employees who notify their supervisor or other personnel of illegal drug(s) or alcohol use will not be protected from the mandatory sanctions that must be imposed if convicted of an illegal drug or alcohol offense.

For additional information or assistance, please contact your designated Human Resources Representative.

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