

III. O. DTAE Drug-Free Workplace Policy

The federal Drug Free Workplace Act of 1988 was enacted to ensure that work done under federal contracts or grants is performed in a drug free work environment. In addition to prohibiting all employees from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, the State Board prohibits all employees from engaging in such illegal activity at all times and all places. Such activity, even during non-working hours, clearly affects an employee's ability to perform public duties.

No employee may illegally engage in the manufacture, distribution, dispensation, possession, or use of a controlled substance at any time or place, including while at the workplace. Such unlawful activity shall be considered sufficient grounds for a serious adverse personnel action, including dismissal from employment.

If an employee is convicted (including a plea of nolo contendere) of violating any criminal drug statute of any jurisdiction, regardless of whether the alleged violations occurred at the workplace or elsewhere, the employee or others must notify the Commissioner or President in writing of each conviction within five days of the conviction.

All employees shall be advised of this policy.

Actions upon Conviction

Any employee who is found guilty of a violation any criminal drug statute for actions occurring in the workplace shall no later than 5 days after such conviction notify their supervisor who shall notify the President or the Commissioner. The Department shall notify the appropriate federal funding agency within 10 days after receiving notice of the conviction from the employee or otherwise after receiving the actual notice of conviction.

Within 30 days of notification of conviction, the Department shall with respect to any employee so convicted:

- 1) Take appropriate personnel action against such employee up to and including termination.
- 2) Require such employee to participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency. See [Georgia's Drug-Free Public Work Force Act of 1990](#).

The Commissioner in conjunction with the Presidents shall maintain a drug free awareness program that shall inform employees of the following:

- 1) The dangers of drug abuse in the workplace and elsewhere.
- 2) Any available drug counseling, rehabilitation, and employee assistance programs.
- 3) Any penalties to be imposed upon employees for drug abuse violations occurring in the workplace.

Adopted: August 3, 1989; Revised May, 2003 to add Georgia Statute Reference.
Code: 03-01-07