

<p align="center"><b>GEORGIA DEPARTMENT OF JUVENILE JUSTICE</b></p>	<p align="center">Transmittal # 17-14</p>	<p align="center">Policy # 3.15</p>
<p>Applicability:  {x} All DJJ Staff  { } Administration  { } Community Services  { } Secure Facilities (RYDC's and YDC's)</p>	<p>Related Standards &amp; References:  Drug-free Public Work Force Act of 1990 (O.C.G.A. § 45-23-1 <i>et seq.</i>)  O.C.G.A §§ 16-13-21 <i>et seq.</i>, 16-13-71  Federal Drug-free Workplace Act of 1988;  State Personnel Board Rule 478-1-.21  ACA Standards: 3-JDF-1C-15, 4-JCF-6D-03  DJJ 3.18, 3.82, 13.7</p>	
<p>Chapter 3: PERSONNEL</p>	<p>Effective Date: 12/15/17  Scheduled Review Date: 12/15/18</p>	
<p>Subject: DRUG AND ALCOHOL FREE WORKPLACE PROGRAM</p>	<p>Replaces: 6/15/13  Office of Human Resources</p>	
<p>Attachments:  None</p>	<p>APPROVED:    _____  Avery D. Niles, Commissioner</p>	

**I. POLICY:**

The Department of Juvenile Justice shall comply with the Drug-Free Public Work Force Act of 1990, the Federal Drug-Free Workplace Act of 1988 and all other pertinent state and federal laws, rules, and regulations. Employees shall not report for duty under the influence of alcohol or use alcohol while in working status. Employees shall not use, possess, or distribute illegal drugs at any time.

**II. DEFINITIONS:**

**Applicant:** Any individual who applies for employment with the Department of Juvenile Justice.

**Appointing Authority:** The person or groups of persons authorized by law or delegated authority to make appointments to fill positions. The term also includes any person properly designated by the appointing authority to perform any duty of the appointing authority.

**Convicted/Conviction:** Includes a finding or verdict of guilt, plea of guilty, or a plea of nolo contendere, regardless of whether the adjudication of guilt or sentence is withheld or not entered.

**Drug Related Offense:** Any violation of the laws of the State of Georgia, any other state, or the United States pertaining to the manufacture, distribution, sale or possession of illegal drugs.

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

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federal law. Inappropriate use of another individual's valid prescription constitutes illegal drug use for the purposes of this policy.

**Substance Abuse Professional:** A licensed Physician (Medical Doctor or Doctor of Osteopathy), a licensed or certified Psychologist, licensed professional counselor, social worker, employee assistance professional (EAP), addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), or marriage and family counselor.

### III. PROCEDURES:

#### A. General Provisions:

1. The unlawful manufacturing, distributing, dispensing, selling, possession, or use of an illegal drug will be prohibited in all DJJ workplaces. Any employee violating this policy will be subject to disciplinary action, up to and including termination from employment.
2. Taking disciplinary action does not prevent DJJ from referring the violation of law to the local district attorney for prosecution.
3. Whether school is in session or not, it is unlawful to manufacture, dispense, possess, or possess with intent to distribute a controlled substance or marijuana within 1000 feet of a DJJ's secure facility or within the facility itself. Whether school is in session or not, no employee will possess, manufacture, or dispense alcohol on DJJ property. (See DJJ 13.7, School Safety Zone.)

#### B. Applicant Disqualification:

1. **First Conviction** - Any applicant who has been convicted for the first time, under the laws of this state, the United States, or any other state, of a drug related criminal offense will be ineligible for employment by any appointing authority for a period of 90 days from the date of conviction.
2. **Second Conviction** - Any applicant who has been convicted two (2) or more times under the laws of this state, the United States, or any other state, of a drug related criminal offense will be ineligible for employment by any appointing authority for a period five (5) years from the most recent date of conviction.

#### C. Employees Arrested for or Convicted of Drug-Related Criminal Offenses:

1. Employees, as specified in DJJ 3.18, Fitness for Duty, will notify their supervisor and local human resources representative of any arrest(s) and/or conviction(s), including traffic violation(s).

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2. Appropriate employment action will be taken based on an analysis of available facts, on a case by case basis, and may include, but not be limited to, suspension with or without pay, job reassignment, or separation from employment.
3. Failure to provide notification of an arrest/conviction may result in disciplinary action up to and including separation from employment.
4. If an employee works in a job/program area funded by Federal grants or contracts, the Department must notify the Federal grantor of any drug-related convictions within 10 calendar days of becoming aware of the conviction.

D. Suspension:

1. Upon receipt of documentation indicating an employee has been convicted for the first time of a drug related criminal offense, the Deputy Commissioner, Office Director, or designee will notify the employee in writing that the employee:
  - a. Is being placed on immediate suspension without pay for at least 60 calendar days effective the date of the notice; and
  - b. The employee must agree to an assessment and treatment by a substance abuse professional designated by DJJ.
2. The suspension without pay will be for 60 calendar days or the time necessary to successfully complete treatment by a substance abuse professional, whichever is greater.
3. Prior to return to duty, an employee who is suspended for a first offense must successfully complete the treatment program indicated above at his/her own expense. Certification of satisfactory completion of the program must be provided before returning to work.

E. Termination:

1. Employees convicted for the first time of a drug related criminal offense who refuse to undergo assessment and treatment or who fail to successfully complete a treatment program will be terminated.
2. Employees convicted for the first time of a drug related criminal offense may be terminated, if the nature of the offense warrants such action.
3. Employees convicted for a second or subsequent time of a drug related criminal offense must be terminated.

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4. Employees will be terminated in accordance with the procedures specified in DJJ 3.80, Employee Progressive Discipline.
- F. Notice of Suspension or Termination – The notice of suspension or termination will be the final determination of adverse action and will include:
1. The effective date of the action;
  2. The specific conviction(s), date(s), and court(s) in which convicted of, or if appropriate, a statement that the employee failed to satisfactorily complete assessment and/or treatment by a substance abuse professional;
  3. If for a suspension, the requirements for completion of treatment by a substance abuse professional as specified by this policy; and
  4. For classified employees, a statement advising that the employee may appeal the determination to the State Personnel Board by filing an appeal with the Office of State Administrative Hearings within 10 calendar days from the date the employee receives written notice of the final action or the effective date of the action, whichever is later. Any filing will be considered timely if postmarked within the time allowed for an appeal but will not be considered filed until actually received by the Office of State Administrative Hearings.
- G. Employee Admission of Personal Use of Alcohol or Illegal Drug(s):
1. An employee who notifies the appropriate Deputy Commissioner, Central Office Director or designee of an alcohol and/or illegal drug problem will be entitled to maintain his/her state employment provided:
    - a. The employee provides written notification to the Deputy Commissioner, Office Director, or designee;
    - b. The notification is provided prior to being notified to report for a drug test or prior to an arrest for an applicable criminal offense;
    - c. The employee is receiving or agrees to receive substance abuse treatment at the employee's expense from a substance abuse professional designated by the Department;
    - d. The employee follows the treatment plan as specified;
    - e. The employee provides evidence satisfactory to the Deputy Commissioner, Central Office Director, or his/her designee that the employee exhibited satisfactory attendance and progress in the treatment plan;

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- f. The employee agrees, in writing, to a return-to-duty contract that includes, but is not limited to, periodic unscheduled follow-up alcohol and/or drug tests for a period of up to 5 years. Failure to comply with the contract and/or a positive test will result in immediate termination; and
- g. The employee successfully completes the alcohol and/or drug testing process prior to returning to duty.

- 2. The employee will not be separated solely on the basis of the reported drug usage as long as he/she complies with the provisions of this policy.
- 3. The Deputy Commissioner, Central Office Director or designee may restructure the employee's work activities, if practicable, to protect persons or property.
- 4. No statement made by an employee in accordance with the provisions of this policy will be admissible in any civil, administrative or criminal proceeding as evidence against the employee.
- 5. If the employee fails to satisfactorily complete substance abuse treatment, the employee will be terminated.
- 6. Failure to comply with a return-to-duty contract or a positive drug test during the term of such contract will result in termination.
- 7. The rights granted by this policy will be available to the employee only once during a 5-year period and will not apply to an employee who has refused to be tested or who has tested positive for an illegal drug. Further, should an employee make an admission of illegal drug use when notified or ordered to report or submit to drug testing, the rights granted by this policy will not be extended.

H. Employee Use of Alcohol or Abuse of Prescription Medications While Working/Reporting Arrests, Convictions and Citations:

- 1. Employees are prohibited from using alcohol while in work status or from reporting for duty under the influence of alcohol. (See DJJ 3.56, Employee and Applicant Alcohol and Drug Testing.)
- 2. In accordance with DJJ 3.18, Fitness for Duty, employees will notify their supervisor and human resources/personnel representative of any alcohol related arrest(s) and/or conviction(s), including traffic violation(s), no later than the next business day following any such arrest or conviction.

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3. Employees whose performance or behavior indicates possible abuse of prescription medications may be subject to suspension with pay for alleged unfitness for duty as specified in DJJ 3.18, Fitness for Duty.
4. Employees may be subject to disciplinary actions related to alcohol arrests and convictions.

**IV. LOCAL OPERATING PROCEDURES REQUIRED: NO**