



RULES OF THE STATE PERSONNEL BOARD

478-1-.21H Consequences of Illegal Drug Convictions

(1) Consequences of Illegal Drug Convictions:

(a) Minimum Sanctions:

The suspension, dismissal, and disqualification sanctions prescribed in this Rule are minimum sanctions. An appointing authority may implement additional or more stringent sanctions.

(b) Applicants with an illegal drug conviction are disqualified from working for any agency/entity for three (3) months from the date of first conviction and five (5) years from the most recent date of conviction if there have been multiple illegal drug convictions since July 1, 1990.

(c) Employees who are convicted of an illegal drug crime:

1. First Offense:

Employees are suspended without pay for a period of not less than two (2) months and can return only after providing certification to the appointing authority of completion of a licensed substance abuse treatment and education program.

2. Subsequent Offense since July 1, 1990:

The employee shall be dismissed and disqualified from any State employment for five (5) years from the most recent date of conviction.

(d) For purposes of this Section, “illegal drug convictions” do not include sentencing under the First Offender Act or pleas of nolo contendere.

(2) Federal Contractors and Grantees:

(a) Employees who are paid by a federal grant or contract are required to notify their agency/entity within five (5) calendar days of being convicted of an illegal drug offense **occurring in the workplace**.

(b) The appointing authority is to take appropriate employment action in accordance with Section (1)(c) of this Sub-Rule and notify the federal agency issuing the grant or contract of the conviction.

Rules of the State Personnel Board

Authority:

O.C.G.A. §§ 45-20-3, 45-20-3.1, and 45-20-4 (duties and functions of the State Personnel Board and Department of Administrative Services related to the Rules of the State Personnel Board)

Other State Law References:

O.C.G.A. §§ 45-23-1, et seq. (Georgia Drug-free Public Work Force Act of 1990)

O.C.G.A. § 42-8-60 (those sentenced under First Offender Act not considered to have illegal drug conviction)

Other Federal Law Reference:

41 U.S.C. §§ 8101, et seq., Drug Free Workplace Requirements for Federal Contractors