

Bond Case Briefs

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EMPLOYMENT - GEORGIA

Smith v. City of Atlanta

Court of Appeals of Georgia - May 21, 2014 - S.E.2d - 2014 WL 2109138

After civil service board upheld termination of former city firefighter based on positive drug test result, firefighter filed petition for writ of certiorari. The Superior Court denied petition. Firefighter filed petition for discretionary appeal, which was granted.

The Court of Appeals held that failure to give drug test as outlined in employer's written policy did not violate firefighter's due process rights.

Employer's administration of drug screen test to city firefighter that was different from test outlined in employer's written policy in effect at time of screening, which resulted in firefighter's termination, did not violate firefighter's due process rights, since firefighter was given multiple notices and opportunities to be heard. After chief medical officer contacted firefighter with positive test result, firefighter accepted offer to have split specimen tested, firefighter was given written notice of his termination, and firefighter had hearing before civil service board and pursued certiorari in trial court.