

DEPARTMENT OF CORRECTION 	POLICY MANUAL	POLICY NUMBER: 228	PAGE NUMBER: 1 of 8
		SUBJECT: Drug-Free Workplace	Adopted: 03-27-88 Revised: 11-01-92 11-03-95, 04-04-96 10-03-00 Reformatted: 02-2001

01.00.00. POLICY OF THE DEPARTMENT

It is the policy of the Board of Correction that no employee shall engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance. Further, being under the influence of alcohol or an illegal drug while engaged in any official activity or when on or inhabiting any property or facilities owned, leased, or otherwise controlled by the Department is prohibited.

Purpose

In the interest of maintaining public trust, ensuring employee, inmate and public safety and promoting efficient execution of public policy, a compelling obligation exists to eliminate the effects of alcohol and illegal drug use from the workplace.

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03.00.00. REFERENCES

Department of Correction Administrative Policies 205, 217, and 223.

Drug-Free Work Place Act of 1988.

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Federal Commercial Motor Vehicle Safety Act of 1986.

Idaho Motor Carrier Act, Idaho Code 61-801.

Idaho Personnel Commission, Rule 1909.

Standards for Administration of Correctional Agencies, 2nd Edition, Standard 2-CO-IC-20.

Standards for Adult Correctional Institutions, 3rd Edition, Standard 3-4061.

04.00.00. DEFINITIONS

Alcohol: A consumable non-prescription substance which contains the intoxicating agent alcohol including, but not limited to, liquors, wine, and malt beverages.

Aliquot: A portion of a urine specimen used for retesting.

Chain of Custody: A procedures used to account for the integrity of each specimen by tracking its handling and storage from point of collection to final disposition.

Confirmatory test: A second analytical procedure to identify the presence of a specific drug or metabolite in a urine specimen.

Illegal drug: Marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines; a metabolite of those drugs; or any non-prescription substance containing those drugs.

Initial test: An immunoassay screen to eliminate negative specimens from further consideration.

Medical Review Officer: A licensed physician knowledgeable in the medical use of prescription drugs and the pharmacology and toxicology of illicit drugs who reviews and interprets positive results of confirmatory tests and evaluates those results.

Negative drug test result: The absence or presence below the cutoff level of a controlled substance (or its metabolites) in sufficient quantities to be identified by either an initial or confirmatory test.

New hire: An individual who is newly employed by the Department including, but not limited to, initial hires, transfers, demotions, and promotions from other state agencies and reinstatements.

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Positive drug test result: The presence of a controlled substance (or its metabolites) as identified in two consecutive tests on the same sample employing different testing methods.

Reasonable suspicion: A belief drawn from specific objective and articulable facts and the reasonable inferences drawn from those facts.

05.00.00. PROCEDURE

05.01.00. Coverage

All newly hired employees will be tested for illegal drug usage. All employment offers will be contingent upon a negative drug test result.

Upon reasonable suspicion, a current employee may be tested for alcohol or illegal drug use. Reasonable suspicion includes, but is not limited to:

On the job accident or occurrence caused in whole or part by the employee's action or inaction or an exhibition of behavior or other demonstration by the employee that indicates the employee may have been using or was under the influence of drugs or alcohol.

Direct observation of alcohol or drug use or conduct, speech or behavior which is usually associated with being impaired by or under the influence of alcohol or illegal drugs.

Documented deterioration in the employee's job performance that is likely to be attributed to alcohol or drug use.

Information provided either by reliable and credible sources or independently corroborated.

Newly discovered evidence that the employee may have tampered with a previous drug test.

Identification of an employee as the focus of a criminal investigation into illegal drug possession, use, manufacturing, or trafficking.

A supervisor may relieve an employee of assigned duties immediately upon reasonable suspicion that the employee is under the influence of drugs or alcohol or otherwise unfit

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for duty.

A request for alcohol or drug testing of a current employee must be approved by the Director or, in the absence of the Director, the central office administrative duty officer or a designee appointed by the Director. Any verbal approval shall be documented in writing by the requesting departmental representative and forwarded to the approval authority, for signature no later than the first working day after the requested was granted.

A warden or division administrator may require a current employee to obtain an assessment of alcohol use without the approval of the Director.

Current employees whose posts require the possession of a commercial driver's license will be tested for illegal drugs and alcohol in accordance with federal guidelines.

05.02.00. Positive Test Results

A new hire who tests positive for illegal drugs will be ineligible for employment with the Department. If an individual has begun working prior to the notification of the positive drug test results, the individual will be separated from employment with the Department.

A current employee with a positive drug test result may request in writing, at the employee's expense, to have an aliquot of the original specimen tested at another independent laboratory that meets the standards outlined in the procedure section of this policy.

Positive drug test results for current employees will be referred to the medical review officer for final verification.

Upon verification of the positive drug test results by the medical review officer, the employee will be dismissed for cause.

A current employee with a positive alcohol test may be disciplined in accordance with established policy with sanctions ranging up to, and including, dismissal.

05.03.00. Refusal to Cooperate in Testing Procedure

New hires who refuse to cooperate in the drug testing procedures will be eliminated from further employment consideration or will be separated from employment with the Department, whichever is applicable.

Refusal of a current employee to cooperate in the drug testing procedures shall be considered the equivalent of a positive test result and the employee will be dismissed

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from employment with the Department.

A refusal by a current employee to cooperate with a request for an alcohol test or assessment of alcohol use will be considered insubordination and the employee may be disciplined.

05.04.00. Other Violations of Drug Statutes

Any employee convicted of any federal, state, or local drug statutes will be dismissed from employment with the Department.

05.05.00. Voluntary Self-Identification

Upon written request, employees shall be granted a reasonable amount of leave to participate in an employee assistance program or similar program for alcohol and drug counseling or as an inpatient or outpatient in a treatment program. Such time off will be in accordance with the Department's sick leave policy.

Any request for leave from an employee who has previously been granted time off to participate in either alcohol and drug counseling or treatment must be approved by the Director.

Requests for time off from employees who have been requested to submit to drug testing shall not be granted except as approved in writing by the Director.

05.06.00. Confidentiality

No laboratory reports or test results or alcohol use assessments shall be kept at the district, institution, facility or division office. Further, such documents shall not be placed in the employee's personnel file unless such information is used as a basis for disciplinary action or dismissal from employment.

Disclosure of information pertaining to testing results will be limited to supervisory or management personnel with a need to know or in defense of a disciplinary action or dismissal from employment.

Any other release of information pertaining to the testing of an employee will only be made upon written consent of the employee.

05.07.00. Procedures

Each division shall develop procedures for a testing program that meets the

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requirements of this policy, including the following criteria:

Drug testing of a newly hired employee shall be conducted within 48 hours of a conditional job offer.

Drug testing shall be by urine, hair, fingernails or other accepted methodology as approved by the Director or designee. If urine is used, the following shall apply:

Specimens shall be collected by an independent laboratory that meets applicable state licensure requirements and is certified by the Substance Abuse and Mental Health Services Administration (or equivalent certification). The collection shall be in accordance with standards established by the National Institute on Drug Abuse.

The initial and confirmatory drug tests shall be performed by an independent laboratory that meets applicable state licensure requirements and is certified by the Substance Abuse and Mental Health Services Administration (or equivalent certification)

The following initial cutoff levels shall be used when screening specimens on the initial drug test to determine whether they are negative for these drugs or classes of drugs:

	(ng/ml)
marijuana metabolites	50
cocaine metabolites	300
opiate metabolites	300
phencyclidine	25
amphetamines	1000

Specimens identified as positive on the initial drug test shall be confirmed by gas chromatography/mass spectrometry using the following cutoff values:

	(ng/ml)
marijuana metabolites	15
cocaine metabolites	150
opiate metabolites (morphine, codeine)	300
phencyclidine	25
amphetamines (methamphetamine)	500

Only specimens reported as positive on the confirmatory test shall be reported positive for a specific drug.

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The laboratory shall retain and place those specimens confirmed positive in properly secured storage for at least 365 days, or longer as requested.

Alcohol testing shall be administered by breath or blood.

Breath specimens may be collected by any appropriately trained individual or a medical or laboratory facility.

Blood specimens shall be collected by or under the direction of an independent laboratory that meets applicable state licensure requirements and is certified by the College of American Pathologists.

An alcohol concentration reading of .04 or higher shall be considered for testing.

A written chain of evidence must be maintained on every specimen submitted for testing.

All test results shall be reported in writing.

The laboratory shall report as negative all specimens testing negative on the initial test or negative on the confirmatory test.

Only specimens reported as positive on the confirmatory test shall be reported as positive.

A positive drug test results of a current employee must be reviewed by an independent medical review officer for verification. The medical review officer may interview the employee or request additional medical information or records from the employee being tested.

A specific individual shall be designated in each district, institution or division to serve as the primary contact with the independent laboratory doing the testing and shall be the only person authorized to receive test results.

All written test result shall be forwarded to the Human Resource Services office under confidential cover within five (5) working days.

05.08.00. Awareness Program

Counseling, rehabilitation, assistance or information regarding substance abuse may be obtained through the Employee Assistance Program as defined in Administrative Policy 223.

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Periodically, educational information will be provided to employees about the effect of alcohol or drugs on employees and its adverse effects in the work place.

05.09.00. Responsibilities

Supervisors and managers shall report, in writing on the attached form, within two (2) working days any notice from an employee of a drug violation conviction.

As a condition of employment each employee shall:

Abide by the terms of this policy, and

Notify the employee's immediate supervisor of any criminal drug statute arrest (Policy 217) no later than two (2) working days after the arrest. Convictions must also be reported within two (2) working days of the conviction, but not to exceed five (5) calendar days of the conviction.

Attachment: Drug Conviction Notification Form

Director, Department of Correction

P

Date

Y

DRUG CONVICTION NOTIFICATION FORM

(For use in connection with Policy 228, Drug-Free Work Place)

This form must be filed with Personnel Officer within two (2) working days of notice of conviction.

EMPLOYEE NAME: _____ TITLE: _____

WORK LOCATION: _____

_____ was convicted of _____

_____ on _____.

Yes

No

Disciplinary action deemed necessary _____

If yes, action taken and date implemented.

Was employee directed to satisfactorily participate in an approved drug assistance or rehabilitation program?

Yes _____ No _____

Date enrolled _____.

NAME OF SUPERVISOR/MANAGER COMPLETING FORM

DATE COMPLETED