



Arkansas Community Correction

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ADMINISTRATIVE DIRECTIVE: 19-12 Drug-Free Work Place

TO: Arkansas Community Correction Employees

FROM: Kevin Murphy, Director

SUPERSEDES: AD 13-08

APPROVED: _____ **Signature on File** _____ **EFFECTIVE:** June 25, 2019

- I. APPLICABILITY.** This directive applies to Arkansas Community Correction (ACC) employees, extra help, interns, volunteers, applicants who have received a conditional offer of employment, and contractors (“collectively referred to as workers”), unless the contractor operates a drug-testing program acceptable to ACC.
- II. POLICY.** It is ACC’s intent to comply with the Drug-Free Workplace Acts of 1988. ACC is committed to adhering to laws regarding possession and use of prohibited drugs, providing a safe work environment, fostering the well-being and health of workers, and ensuring that no employees are impaired in the performance of their public duties by intoxicating substances. ACC prohibits the unlawful manufacture, purchase, distribution, dispensing, possession, or use of prohibited drugs by employees, extra help, interns, volunteers, and contractors. All covered workers must refrain from reporting to work while their ability to perform job duties is impaired due to the use of alcohol or other drugs. (4-ACRS-7C-02; 4-APPFS-3C-01)

III. OVERVIEW.

This policy sets standards and procedures for the ACC drug-testing program to ensure testing is fair and impartial, and to provide appropriate procedural safeguards to protect the reliability and confidentiality of test results. The ACC drug-testing program will aid worker and public safety, advance workplace security, and promote public trust in the ACC.

IV. DEFINITIONS.

- A. Chain of Custody.** Procedures to account for the integrity of each specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen, using an agency approved chain of custody form.

- B. Confirmatory Test.** A second analytical procedure performed to identify the presence of a specific drug or metabolite. The confirmatory test is independent of the screening test and uses a different technique and chemical principle in order to ensure reliability and accuracy.
- C. Controlled Substance.** A drug, substance, or immediate precursor in Schedules I. through VI, as defined in Ark. Code Ann. §5-64-101.
- D. Documented Drug or Alcohol Abuse History.** Any reported history of drug abuse or alcohol abuse for which the individual must maintain recovery as a condition of employment; criminal history records; or internal drug testing records.
- E. Drug Testing Coordinator (DTC).** The ACC employee designated to conduct employee drug testing activity.
- F. Medical Review Officer (MRO).** A licensed physician who is responsible for evaluating, interpreting, and providing results of drug and alcohol tests.
- G. Urine Test Observation.** For urine specimen collection, there are two types of observation, direct and indirect. Direct Observation is visualization of the urine stream leaving the body and entering the test cup. Indirect Observation means presence in the immediate area balancing the need for privacy with prudent measures for preventing adulteration or substitution of samples.
- H. Prohibited Drug.** Alcohol, illicit drug, misused prescription or over-the-counter drug, K2 (recipe name JWH-018) substances present in the employee's system while the employee is on duty (including breaks).
- I. Random Testing.** Workers are selected without plan or purpose and are tested on an unannounced basis. The selection mechanism results in an equal probability that any worker from a group of workers will be selected. The methodology used prevents supervisor or worker discretion to waive or influence the selection of any person.

V. SUBSTANCE/DRUG PROHIBITIONS, PRESCRIPTIONS AND MEDICAL MARIJUANA.

- A. Substance/Drug Prohibitions.** Workers are prohibited from using and possessing prohibited substances/drugs in violation of state law, federal law and ACC policy unless a stated exception in this policy applies. This prohibition covers the inhalation, injection, ingestion and the presence of a specific prohibited substance/drug or its metabolites in the body or body fluids.

Prohibited substances/drugs include alcohol, illicit drugs, controlled substance use without a valid prescription, misused prescription or over-the-counter drugs, synthetic cannabinoids such as K2 and Spice. Medical marijuana usage under the Arkansas Medical Marijuana Amendment is subject to Act 593 of 2017, which prohibits an employee in a safety-sensitive position from using medical marijuana even if the employee is a qualifying patient under the Amendment and/or holds a registry identification card. Employees in non-safety sensitive positions are subject to the provisions of the Arkansas Medical Marijuana Amendment and Act 593 of 2017.

B. Proper Use of Prescription Medications. For purposes of this policy, “prescription” or “prescribed drugs” means a written or oral order for a pharmaceutical drug for use by a particular person given by a practitioner in the course of professional practice, including controlled substances, prescribed in accordance with the regulations promulgated by the director of the United States Drug Enforcement Administration pursuant to the federal drug abuse control laws. This definition does not include a recommendation for use of medical marijuana, as the use of marijuana by a worker is prohibited during working hours, including any lunch or other breaks.

Some tests are positive because of prescribed drugs. ACC supports accepted medical practices with the assumption that prescription medications will be taken as directed, by those for whom it was prescribed, for the problem diagnosed. Failure to comply with specific medical directions may leave a person without a valid explanation of the presence of a controlled substance in case of a positive drug test. The presence of prescribed drugs in the employee’s system, in an amount exceeding prescription direction, will be considered a positive test resulting from abuse of prescription medication. Any employee who is prescribed medication at a level that impairs work performance must notify their supervisor immediately prior to assignment of duty.

C. Medication That Causes Impairment. An employee taking a prescribed or an over-the-counter medication that affects alertness, judgment, or behavior in ways that are likely to impair job performance **MUST** notify their supervisor of that fact **PRIOR** to assuming their post. Failure to do so may result in disciplinary action up to and including termination.

D. Safety-Sensitive Positions. Safety-sensitive positions involve job duties where impairment may present a clear and present risk to co-workers or other persons, and include any position where a momentary lapse in attention could result in injury or death to another person. A safety-sensitive position includes, but is not limited to, a position in which a drug or alcohol impairment constitutes an immediate and direct threat to public health and safety, such as a position that requires an employee to: (i) carry a firearm; (ii) perform life-threatening procedures; (iii) work with confidential information or criminal investigations; (iv) work with controlled substances; (v) maintain a commercial driver’s license; (vi) drive a vehicle or operate heavy equipment as part of normal duties; (vii) be prepared to use justified physical force against persons to maintain order or security.

Workers in ACC safety-sensitive positions must NOT use medical marijuana, even if they have a valid medical marijuana card. ACC safety-sensitive positions include the following:

- all workers assigned to Residential Centers (including the transport team),
- workers who are certified law enforcement officers or hold law enforcement positions,
- workers in Parole/Probation Treatment positions,
- workers who perform drug testing, and
- workers whose job duties require regular supervision of offenders including but not limited to Career Placement and Planning Specialists; and
- workers who have access to confidential offender information in eOMIS.

VI. TESTING PROCEDURES, CONFIRMATION AND DOCUMENTATION.

The ACC Human Resources Administrator must appoint a Central Drug Test Coordinator and ensure testing requirements in this policy are fulfilled. Every Community Correction Center and Parole/Probation area will designate a Drug Testing Coordinator (DTC) to coordinate and administer drug and alcohol tests. It is the responsibility of the Central Drug Testing Coordinator to schedule annual system-wide training, and to provide training as requested by the Center Supervisors, Area Managers, or the Unit Drug Testing Coordinator. All training conducted should be documented in Relias. Questions that arise about procedures, policy or the law are to be referred to the Central Drug Testing Coordinator, the Chief Deputy Director or the appropriate Deputy Director. Workers who will be tested must show photo identification when requested by the DTC. Specimens will be collected in a manner reasonably calculated to address privacy considerations, while preventing the substitution, contamination, and adulteration of specimens. Chain of custody procedures must be followed to preclude the possibility of erroneous identification of test results.

A. Test Conditions and Whom to Test. Testing must not be used in a discriminatory manner nor used to harass, punish or discipline. Specimen collection procedures will include minimizing the number of persons handling specimens and using the chain of custody form to precisely record sample transfers from one person to another. A “screening test” is a preliminary test used to eliminate “negative” specimens from further consideration. Specimens that test “positive” on the screen are subject to a confirmation test. Employee Drug Testing will be as follows:

1. **Conditional Employees.** Test all applicants/newly-hired employees, including rehires, who receive conditional offers of employment. The Central Drug Testing Coordinator (DTC) must check the Office of Driver Services records for hires into positions requiring CDL’s to determine and report prior positive substance abuse.
2. **Volunteers and Contractors.** Aspects of this policy apply to volunteers and contractors such as testing methods and consequences of positive tests or refusal to test. Refer to the Volunteer Services directive for additional guidance on volunteers and contractor personnel.
3. **Commercial Driver’s Licensed (CDL) Workers.** CDL workers must adhere to the United States Department of Transportation (DOT) and the Arkansas Office of Driver Services requirements. All CDL workers will be selected for alcohol and drug testing on an irregular basis, at least twice per year. Selection for a random test may count toward these tests, however more than two tests per year may be given. The Central DTC must report to the Office of Driver Services within 3 business days the results of an alcohol screening test performed on CDL licensed workers if the results of the screening test are positive or the CDL employee refuses to provide a specimen for the testing.

4. Post Incident Testing.

- a. Parole/Probation Area Managers and Center Supervisors must keep a supply of non-expired test cups; and ensure these are used for testing employees post-incident. When an employee is tested, negative results must be documented and the report sent to the Central DTC. If positive, the chain of custody process must be used and the sample must be sent to a lab, and where appropriate an MRO, as described elsewhere in this policy. Results must be provided to the Central DTC. An Area Manager, Center Supervisor or above can approve use of a medical facility in place of an ACC-administered screening test when appropriate.
- b. It is the worker's responsibility to contact his/her supervisor, the DTC, or the HRA to get testing instructions and present himself or herself to be tested within 2 hours after one of the following incidents (in addition to this, CDL licensed employees must follow guidance in the "CDL Drivers" paragraph):
 - (1) Work related accident with injury involving a personal or state vehicle;
 - (2) Moving traffic violation in conjunction with an accident involving a state vehicle or while on state business in a personal vehicle;
 - (3) Work related incident involving a worker that results in injury or death;
 - (4) The intentional or accidental discharge of a firearm while on duty, other than range practice or training, whether or not injury or death occurs;
 - (5) Work related incident or accident (other than vehicle) resulting in damage or property loss. In these situations, the supervisor may consult with the deputy director to determine whether testing is required; and
 - (6) When a worker's actions or performance could have contributed to a serious accident or serious incident. In these situations, the supervisor may consult with the deputy director to determine whether testing is required.

Note, Refer to the Reporting and Investigating Incidents, Hazards and Maltreatment policy for additional requirements.

- c. CDL Drivers. Following an incident involving a commercial motor vehicle, testing for alcohol, marijuana and controlled substances must be made for each surviving ACC CDL driver, if injuries or loss of human life were involved or the driver received a citation for a moving traffic violation in conjunction with an accident.

A CDL driver is subject to post accident testing and must actively seek such testing or the driver may be deemed to have refused to submit to testing for alcohol and drugs. It is the worker's and supervisor's joint responsibility to ensure the worker is tested within the prescribed period. When testing is not conducted by law enforcement after an accident, the worker must immediately contact his or her supervisor, the DTC, or the HRA for testing instructions. Supervisors must provide CDL drivers with necessary post-accident information, procedures, and instructions prior to the driver operating a commercial motor vehicle, to assist the worker in complying with these requirements.

- (1) Alcohol Testing. Post-accident alcohol testing of CDL drivers must be conducted within two (2) hours of the accident or the immediate supervisor must provide written justification to the Central DTC for not having the test promptly administered. If the alcohol test is not administered within eight (8) hours following the accident, cease attempts to administer an alcohol test and prepare a written justification stating the reasons the test was not promptly administered. This justification will be submitted in an envelope marked confidential to the Central DTC who will report this information to the appropriate Deputy Director and maintain the documentation. Documentation must be forwarded to the Arkansas Office of Driver Services and Federal Highway Administration (FHWA) as required or requested.
- (2) Controlled Substance Testing. This policy requires post-accident controlled substance testing to be conducted within 2 hours following an accident; however, if testing is not done in this time, testing must still be done and must be completed within 32 hours to meet federal requirements. If not, the supervisor must provide written justification to the Central DTC for not having the test administered. Such justification must be submitted in an envelope marked confidential to the Central DTC who will report this information to the appropriate Deputy Director who will maintain the documentation. Such documentation will be forwarded to the FHWA upon request and in accordance with the law.
- (3) Other Acceptable Post Accident Test. Other test results are acceptable when they meet all of the following criteria:
 - conducted by Federal, State or local officials having independent authority for the test and
 - conducted in conformance with applicable Federal, State or local requirements and
 - test results are provided to the DTC/Central DTC, and
 - the test method is a breath, blood, or saliva test to determine the use of alcohol or a saliva or urine test for determining the use of controlled substances.
5. Reasonable Suspicion. Reasonable suspicion exists when there is a degree of certainty based on facts and reasonable inferences drawn from that cause one to believe that a person has violated the law or policy or is under the influence of alcohol or drugs. Reasonable suspicion testing must be conducted as soon as the facts and circumstances leading to suspicion of prohibited drug or alcohol use are gathered. The supervisor will coordinate with the Central DTC or HRA for testing instructions and completion of a Reasonable Suspicion Affidavit. This testing activity must be reported to the appropriate deputy director. Regardless of the test result, the reason for such testing must be submitted to the Central DTC as soon as possible but no later than 72 hours following testing. Reasonable suspicion testing does not require certainty but “hunches” are not sufficient to meet this standard. Some circumstances that may support reasonable suspicion include the following:

- a. observation of possession or use of a prohibited drug or paraphernalia or manifestations of being under the influence of a prohibited drug or alcohol, or other such observations;
- b. abnormal conduct or erratic behavior while at work;
- c. excessive absenteeism or frequent absences on Mondays, Fridays, payday or the day after;
- d. frequent worker's compensation claims;
- e. frequent tardiness;
- f. deterioration in work performance;
- g. a report of prohibited drug use provided by a reliable and credible source;
- h. evidence or suspicion of or tampering with the drug test;
- i. evidence that a worker is involved in the possession, sale, solicitation, manufacturing or transfer of prohibited drugs;
- j. evidence that a worker is being treated for substance abuse.

A person is reasonably perceived to be under the influence of alcohol or drugs if they display symptoms of the current use of alcohol or drugs, including the following:

- a. symptoms of the worker's speech, walking, standing, physical dexterity, agility, coordination, actions, movement, demeanor, appearance, clothing, odor, or other irrational or unusual behavior that are inconsistent with the usual conduct of the worker;
 - b. negligence or carelessness in operating equipment, machinery, or production or manufacturing processes;
 - c. disregard for safety; or
 - d. other symptoms causing a reasonable suspicion that the current use of alcohol or drugs may negatively impact the performance of the job duties or tasks or constitute a threat to health or safety.
6. Follow-Up Testing. Follow-up testing, for a period not to exceed 2 years as determined by the immediate supervisor, may be conducted as a condition of employment or continued employment where a worker is drug-free but has a documented drug history. This category of testing is in addition to random testing and will be conducted on an irregular basis by the supervisor or DTC.
7. Random Testing. Random drug tests will only be conducted of workers in safety-sensitive positions. Any Center Supervisor or Area Manager may conduct unannounced drug testing of a sample of, or the entire population of (excluding non-safety sensitive positions) any section of employees supervised. Sampling will be conducted by acceptable statistical means such that every member of the employee group has an equal chance of being tested. A random testing sample should be drawn at unpredictable intervals at each Center and Area. The Drug Testing Coordinator, in consultation with the Center Supervisor and/or Area Manager, will determine the number of staff to be tested, but not less than 5% quarterly.

8. After Hours Testing. When reasonable suspicion testing after normal work hours is necessary, the worker's supervisor will provide a testing packet and authorization form and will ensure the worker is tested. Contact the DTC for instructions.
9. Nothing in this policy should be construed to require the delay of necessary medical attention or to prohibit leaving the scene of an accident for the period necessary for an employee to obtain required emergency medical care or assistance following an accident.

B. Testing for Prohibited Substances.

1. ACC requires substance abuse testing of urine, saliva, and/or breath for prohibited substances, including but not limited to, cocaine, marijuana metabolites, K2, opiates, phencyclidines (PCP), amphetamines, and alcohol. A contractor, local sheriff, or other trained police agency with evidentiary breathalyzer trained personnel, may be asked to conduct a breathalyzer test to confirm a positive alcohol test. Initial substance abuse screening tests are typically conducted by the Central DTC or their designee. Positive specimens or challenged results must be submitted for confirmatory testing to a Substance Abuse and Mental Health Services Administration (SAMHSA) approved lab. Urine specimen collection will be by indirect observation unless there is reason to believe the specimen may be altered or substituted, in which case direct observation must be used. Workers must show photo identification when requested by the DTC. Chain of custody procedures must be followed to avoid errors in test results. A Medical Review Officer (MRO) will review positive lab results, scrutinizing for possible alternate explanations and conducting necessary medical interviews with the employee and his/her physician concerning the legitimacy of the presence of drugs in the employee's system. An MRO is a licensed physician who is responsible for evaluating, interpreting and providing results of drug and alcohol tests.
2. When there is a work related incident involving a worker that results in serious injury or death, follow guidance in the "Post Incident Testing" guidance above. In other situations, the DTC must perform the following when conducting a post-incident or incident drug screening test:
 - a. Notify the immediate supervisor, Deputy Director, and HRA as soon as practical. Do not delay the screening test to make these notifications.
 - b. Use the testing materials provided by ACC.
 - c. Conduct only one test.
 - d. Seal the specimen in the presence of the tested person.
 - e. Require the tested person to initial and date the seal.
 - f. Ensure the "Drug Testing Chain-of-Custody," Form 760 is complete and secured with the specimen.
 - g. For positive test results, contact the HRA or Central DTC for confirmation instructions. Provide copies of all documentation to the HRA, regardless of the results.
3. All new, rehired, and reassigned ACC employees who will be issued a firearm must be tested for both drugs and alcohol prior to being issued a firearm.

4. All workers will be grouped for test scheduling. Workers will be randomly chosen for periodic testing using an acceptable statistical selection system. No worker will be given advance notice of an impending test. If a worker is on duty, there are very few reasons, if any, why they should not be tested. On the testing day, the DTC will notify the supervisors of workers to be tested. Workers will report to the collection site for testing as soon as possible but not later than two hours from receiving notice of the requirement to test. Testing schedules for CDL and workers identified for follow-up will be managed by the DTC on a random but individual basis in a similar manner as described above.

Testing of workers for other reasons will not excuse them from random testing when selected.

- C. Failure or Inability to Produce Specimen.** A worker must remain at the test site until a sample is produced or the end of the workday, whichever comes first. If the worker is unable to produce a sample on the day requested, the worker must contact his/her supervisor for further instructions. The Central DTC will also contact the appropriate Deputy Director.
- D. Adulteration/Attempted Adulteration of Sample.** If it is determined that a worker adulterated or attempted to adulterate a specimen collected for substance abuse testing the worker is subject to the same discipline as a worker who has a confirmed positive test.
- E. Validating Test Results.** Following specimen testing, positive results will be forwarded to the MRO. The MRO may also be provided results of a screening saliva test along with confirmatory evidentiary breath results for review. The MRO will confidentially contact the worker. If the worker cannot be reached at the number provided, the MRO will call the Central DTC for assistance. The MRO may question the worker concerning use of prescription drugs and medical treatments which may have impacted the positive test result. Prescriptions and/or treatments reported by the tested worker may be verified by the MRO with the pharmacy or doctor as appropriate. Workers are responsible to provide the MRO medical information which may explain a positive test result. Workers are also responsible to cooperate fully with the verification process. Failure to cooperate will result in a “reported positive” test result. If the worker cannot be contacted within three (3) work days the MRO will report a positive test result. Where there is a legitimate medical explanation for a positive test, the result will be reported by the MRO as a negative test result. The MRO will maintain confidentiality throughout all phases of his or her involvement and will discuss a worker’s medical information only with the worker and other medical officials as necessary to verify information provided. The MRO will provide the Central DTC with a positive or negative test result and information on adulterants or possible attempted dilution. For CDL employees, the MRO must report within 3 business days to the Office of Driver Services valid positive drug test results for any of the following drugs: marijuana metabolites; K2; cocaine metabolites; amphetamines; meth (methamphetamines), opiate metabolites; or phencyclidine (PCP); or the submission of an adulterated, diluted, or substituted specimen on a performed test. The Central Drug Test Coordinator must report any refusal to provide a specimen to the Office of Driver Services.

F. Consequences of Positive Test or Refusal to Test. A refusal to test for a prohibited substance will be treated as a positive test result. A confirmed positive test result or refusal to test by an applicant or employee will result in withdrawal of the conditional offer of employment or termination of employment. Services of volunteers, interns, and extra help will have their work with ACC terminated and entry on ACC premises denied for a confirmed positive test result. A confirmed positive test result or refusal to test by a contract worker will result in denied access to ACC premises.

G. Confidentiality. Every worker is responsible to respect the privacy of coworkers and to maintain strict confidentiality regarding drug or alcohol test results. This means only those persons managing the drug testing program and those in the worker's chain of supervision with a need to know may be informed or granted access to an individual's test results. The Central DTC will report quarterly unidentifiable aggregate test results for use by management. Results of individual substance abuse tests may be released to the following:

1. The worker;
2. The worker's supervisory chain;
3. Pursuant to a court order;
4. Medical personnel (for the purpose of meeting medical emergencies of the worker or medical review);
5. ACC Human Resource medical employee file;
6. Law enforcement agencies, Office of Driver Services and FHWA, to an employer and/or the IAA for CDL drivers;
7. Human Resources Administrator and DTC;
8. MRO (Medical Review Officer)
9. SAMHSA certified lab (for positive screens)
10. Other parties upon the written consent of the worker.

VII. SUBSTANCE ABUSE ASSISTANCE.

A. Employee Requests for Assistance. An employee may come forward at least twenty-four (24) hours prior to gaining knowledge of or being notified of a scheduled test and admit an alcohol or drug problem to his or her supervisor and request referral to the Employee Assistance Program (EAP). Alternatively, the employee may choose to enroll, at his or her own expense, in a licensed drug treatment program. The employee admitting use must be tested immediately. The supervisor will note the time and date of the employee request and report this information to the Central DTC. Based upon the testing result, one of the following will occur:

1. If the test is positive, the supervisor will require the employee to go on leave without pay status or use any accrued annual, holiday, or compensatory leave. The supervisor will contact the Central DTC to place the employee in follow-up testing as part of the treatment program with the results provided confidentially to his or her supervisor. The employee's job position will be held available for the employee for no more than 30 calendar days. The employee may return to work within the 30 days following negative test results reported to the supervisor. On return to work, the employee will be subject to all conditions for testing, post-accident, reasonable suspicion, follow-up and random testing. Any subsequent confirmed positive test will result in immediate termination of

employment. The employee must successfully complete the treatment program and have the results reported to his or her supervisor within 10 business days of completing the program.

2. If the test is negative, the employee may be allowed to continue at work, enter into drug treatment through EAP and/or a licensed treatment program, and be subject to drug testing at his or her own expense through the treatment program. Drug test results will be provided confidentially to the employee's supervisor. The supervisor will confidentially report the results to the Central DTC. The employee will continue to be subject to all conditions for testing. Any subsequent confirmed positive test will result in immediate termination of employment.

B. Unreported Employee Treatment. If a supervisor learns of any employee's enrollment in a substance abuse treatment program that has not been reported to him/her by the employee, such knowledge may be used as a basis for reasonable suspicion testing. If confirmed positive, employment must be terminated. If negative, the procedures in sub-paragraph VII.A.2 above are applicable.

C. Treatment Program Completion. Evidence of successful completion of a substance abuse treatment program does not guarantee employment.

D. Notice of Drug-Free Workplace. Advertisements for vacant positions will identify ACC as a Drug-Free Workplace. Job Vacancy Announcements will state that applicants offered conditional employment will be drug tested. Workers will be provided access to this administrative directive and will sign a statement indicating his or her reading and understanding of the contents, which will be maintained in the employee's personnel file.

E. Hiring Applicants with a Documented Drug/Alcohol Abuse History. ACC will not discriminate against applicants for employment because of a past history of substance abuse. Individuals who have failed a pre-employment drug test may reapply after a period of one year but must present themselves drug and alcohol-free. Such applicants, if employed, are subject to follow-up testing for two years as described above. Applicants for positions that require CDL's who have a history of a positive drug and/or alcohol tests must have completed a treatment program or and educational program prescribed by a substance abuse counselor and who has been eligible to assume the duties of the position by the employer as provided under federal statute.

VIII. REPORTING. When there is reasonable suspicion of illegal activity contact the supervisor and Chief or appropriate Deputy Director and the Director. Also, follow applicable ACC guidance for reporting and investigating accidents and incidents.

Pursuant to the "Code of Ethics and Rules of Conduct" policy, workers (employees and agents) taking prescription drugs must notify their immediate supervisor of any physical or pharmacological condition that causes physical or cognitive impairment that could affect their ability to perform the essential functions of their duties safely; see the rule for details.

The Drug Testing Coordinator will immediately notify the Center Supervisor/Area Manager and the Central Drug Testing Coordinator of any positive employee drug test. The Area Manager/Center Supervisor will notify the Deputy or Assistant Director in the employee's chain of command and the Human Resources Administrator.

Pursuant to the "Weapons and Security Equipment" administrative directive, employees who are authorized to carry a firearm and/or less than-lethal weapons must notify their immediate supervisor of any physical, psychological or pharmacological conditions causing physical or emotional impairment that could affect their ability to perform the essential functions of their duties or carry/use a firearm or less-than-lethal weapon safely; see the policy for details.

IX. APPEAL/GRIEVANCE. Positive test results are not a matter for appeal or grievance unless discrimination or improper application of this directive is claimed as the reason for a positive test result.

X. ATTACHMENTS.

Form 760 "Drug Testing Chain of Custody Form"

