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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee and Applicant Drug Testing

NUMBER: 19-13

SUPERSEDES: 13-18

APPLICABILITY: Employees, applicants, agents and volunteers of the Arkansas Department of Correction.

REFERENCE: AR 202: Drug-Free Workplace

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APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 4/11/19

I. POLICY:

It is the policy of the Arkansas Department of Correction to provide a drug-free workplace and to ensure, to the maximum degree possible, that no employees are impaired in the performance of their public duties by intoxicating substances.

II. EXPLANATION:

All staff, including support staff, working in a correctional environment are responsible for the good order and safety of facilities and must be fully alert, capable of good judgment, and physically able to respond as required. No staff member, on or off duty, will have any involvement with illegal drugs.

III. DEFINITIONS

- A. Adulteration Check: A field or laboratory test to indicate whether the specimen submitted matches certain parameters of human urine. Adulteration will be considered to have occurred if the creatinine level is below 20 milligrams per deciliter on laboratory analysis.

- B. Alcohol Test: Any standardized field or breathalyzer test accepted by the Arkansas Department of Correction and as specified in A.C.A. §§ 5-65-204, et seq.
- C. Applicant: An individual who is seeking employment with the Arkansas Department of Correction.
- D. Confirmation: A retest of the sample using current scientifically accepted confirmation technology conducted on a positive specimen, or when the results of the first test are inconclusive, or when adulteration is suspected, or to test for drugs not covered in the screening test.
- E. Critical Incident: An incident involving on-duty staff and causing, or having the potential to cause, substantial property damage, physical injury or death.
- F. Direct Observation: Visualization of the urine stream leaving the body and entering the test cup. Indirect Observation: Presence in the immediate area balancing the need for privacy with prudent measures for prevention of adulteration or substitution of samples.
- G. 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.
- H. Drug Test: Any of a number of standardized and generally accepted tests for the presence of mind altering drugs or substances meeting or exceeding DOT Standards. Drug Tests may include urine, sweat, saliva or hair samples. Drug Tests may be conducted on-site and sent for confirmation.
- I. Drug Testing Coordinator: An individual at each unit appointed by the Warden to be responsible for coordination and administration of drug testing.
- J. His, Him, and He: Refers to both genders.
- K. Policy Testing: Tests required by unit or department policy.
- L. Positive test result for marijuana: a result that is at or above the concentration level established by the United States Department of Transportation or Arkansas laws regarding being under the influence, whichever is lower.

- M. Random Testing: Unannounced testing of the staff, or of a representative sample of the staff of a facility or division, in which each of those to be sampled has an equal chance of being selected.
- N Reasonable Suspicion: This may include, but is not limited to, a pattern of one or more of the following: observed decrease in the level of work performance, misconduct, excessive absenteeism and tardiness, history of complaints from supervisors or colleagues about poor work performance, excessive use of sick leave, negligent accidents, poor traffic safety record, reports of drug involvement from reliable sources, or other documented acts of omission or commission often associated with drug or alcohol abuse.
- O. Safety Sensitive Position: any position involving a safety sensitive function, which shall include any position which requires any of the following activities: (a) carrying a firearm, (b) performing life-threatening procedures, (c) working with confidential information or documents pertaining to criminal investigations, (d) working with hazardous or flammable materials, controlled substances, food, or medicine, or (e) a position in which a lapse of attention could result in injury, illness, or death, including without limitation a position that includes the operating, repairing, maintaining, or monitoring of heavy equipment, machinery, aircraft, motorized watercraft, or motor vehicles as part of job duties.
- P. Staff/Employee: Any individual employed full or part-time by the Arkansas Department of Correction or agent thereof, including supervisory and support staff.
- Q. Suspicion Testing: Testing based on a previous positive or adulterated test, testing based on reasonable suspicion documented on official forms, such as 005 Incident Report, or a memorandum to the Warden.
- R. Testing Employee: Any employee authorized by the Warden and trained by the Central Drug Testing Coordinator, or by the Unit Drug Testing Coordinator, who is registered with the Central Drug Testing Coordinator to conduct on-site and laboratory-based testing.
- S. Under the Influence: Any amount of illegal drug above threshold for a positive Drug Test. Any prescription or over-the-counter (OTC) medication demonstrably impairing alertness, judgment or behavior to the degree that proper and efficient job performance is jeopardized. Blood Alcohol Content (BAC) of 0.02% or higher.
- T. Unit: Any facility operated by the Arkansas Department of Correction to include programs, farm and industry, construction, central office, jails,

work release centers, pre-release centers, and private prisons operated on behalf of the Arkansas Department of Correction.

- U. Volunteer: Any individual who is provided an identification badge and is regularly admitted into secured areas of the Arkansas Department of Correction or any facility operated under contract for the Arkansas Department of Correction.
- V. Warden: Chief operating officer of a “unit” to include center supervisors and administrators of programs.

IV. APPLICABILITY:

- A. All staff and applicants through all levels of the chain of command, including staff and applicants of private prisons operated for the Arkansas Department of Correction are subject to conditions of testing specified in this Administrative Directive.
- B. Volunteers who are provided identification badges and afforded unescorted movement within institutions of the Department of Correction.
- C. Contract staff whose regular duties are within facilities of the Department of Correction.
- D. Staff of the Arkansas Correctional School District and Riverside Vo-Tech employees.
- E. All staff positions and other positions in Subsections A, B, C, and D of this Section are designated as Safety Sensitive Positions as defined in Section III herein and as defined in Amendment 98 of the Arkansas Constitution.

V. GUIDELINES:

- A. General:
 - 1. This Administrative Directive is to be the guiding document for drug testing. It may be supplemented by drug test instructions from the manufacturer, and periodic training. Any lapses in implementation should be called to the attention of the Central Drug Testing Coordinator who will consult appropriate authorities to determine whether the lapse is sufficient to invalidate the test.
 - 2. Every unit shall designate a Unit Drug Testing Coordinator to coordinate and administer drug and alcohol tests.

3. All applicants shall be tested. Refusal to submit to a test will result in any offer of employment being withdrawn. Any positive test results will be documented by Human Resources. Unit Human Resources Manager may check with Central Human Resources for the previous test results of any applicant. Previous positive test results may preclude processing of an application. A positive test result for marijuana will result in any offer of employment being withdrawn for any Safety Sensitive Position.
4. All current employees and every new employee shall be advised of the existence of this Administrative Directive.
 - a. Each employee shall be asked to sign an acknowledgement (Attachment #1) indicating that he has been made aware of the provisions of this Administrative Directive, and that he agrees to support a drug-free workplace.
 - b. This shall include signing a release of information for any physician conducting drug or alcohol testing following a critical incident.
 - c. All employees may review this Administrative Directive on Spotlight or from Unit Human Resources Managers, Drug Testing Coordinators, or the Central Human Resources Office.
5. Random testing may be conducted as authorized by the Warden. The Director, Chief Deputy Director, any Deputy Director, or Assistant Director may authorize testing of his staff.
6. Any supervisor suspecting that a member of staff is impaired by drugs or alcohol is to contact the Warden or senior staff authorized by the Warden to arrange drug or alcohol testing.
7. The supervisor shall document any referral for drug or alcohol testing. The rights and privacy of employees will be safeguarded to the maximum extent possible. Revealing the results of alcohol or drug tests to those not having a need to know will be considered cause for disciplinary action according to the provisions of the policies governing employee conduct.
8. Any employee may refuse testing. If this occurs, the employee is to be relieved of duty and placed on unpaid administrative leave pending disciplinary action. Appropriate notifications will be made to the Unit Human Resources Manager, the Deputy or Assistant Director in that employee's chain of command, and any other

individual designated by the Warden. For purposes of employee discipline, refusal of testing will be considered equivalent to a positive test and subject to disciplinary actions pursuant to the Employee Conduct Standards policy.

9. The processing of an application will be stopped for any applicant who refuses testing. The Volunteer Agreement will be voided for any volunteer who refuses to be tested. In either case, the applicant or volunteer will not be eligible to reapply for one year.
10. A testing employee of the same gender as the person being tested will accompany that person to a restroom for collection of a urine specimen for drug testing. A pat search may be conducted and/or the individual may be asked to secure bags, brief cases, coats and the like outside.
11. Direct observation of collection of a urine specimen shall only occur if reasonable suspicion exists that the person providing the specimen is likely to attempt to substitute or adulterate it.
12. Once a specimen is provided, chain of custody procedures must be followed until the on-site test is read and/or the specimen is sent to the lab.
13. The employee/volunteer is entitled to see the readings or visual change of any test conducted on-site. The employee is entitled to receive written results of any laboratory or confirmation test performed. Notification of results should be done as soon as possible.
14. On-site tests may be used on all applicants and staff. All positive on-site alcohol or drug test results will be confirmed by the laboratory. Lab drug screens may be done upon request, but will be limited due to cost. Positive and confirmed on-site alcohol and drug tests will result in discipline as provided in the Employee Conduct Standards Administrative Directive. A positive and confirmed test for marijuana for any employee in a Safety Sensitive Position will result in discipline as provided in the Employee Conduct Standards Administrative Directive.
15. The employee has the right to request independent confirmation by a lab other than that used by the Department of Correction. The right of independent confirmation must be exercised within 24 hours upon notification of the laboratory results. The employee must choose a College of American Psychologists (CAP) or Substance Abuse Mental Health Services Administration

(SAMHSA) approved laboratory, and will be responsible for the cost plus shipping and handling.

16. Adulteration checks may be run on specimens. If adulteration or substitution of any sample is indicated by a creatinine level of less than 20 milligrams per deciliter, a hair sample may be taken, and the employee may be placed on suspicion testing.
17. Any 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 his supervisor of that fact **PRIOR** to assuming his post. Failure to do so may result in disciplinary action up to and including suspension.
18. Any employee may come forward and admit an alcohol or other drug problem to his supervisor and request referral to the Employee Assistance Program (EAP). This must be done at least 24 hours prior to any random or suspicion testing.
 - a. This action will not keep drug testing from occurring, nor will admitting an alcohol or other drug problem mitigate the seriousness of a rule infraction.
 - b. An employee freely admitting a problem will be tested immediately.
 - c. If the employee currently registers drug/alcohol-free, he may continue work but will be tested regularly at his own expense as part of the EAP.
 - d. If the drug test is positive, the employee will be immediately relieved of duty.
 - e. At the discretion of the supervisor, the employee may be allowed to take accrued vacation, holidays or compensatory time until he is cleared by the Employee Assistance Program to come back to work.
 - f. Staff enrolled in a treatment program certified by the Bureau of Alcohol and Drug Abuse Prevention may request sick leave.
 - g. If these options are not available or contraindicated by other rule violations, the employee may be allowed the choice of being placed on leave without pay, or resigning.

If the employee resigns, the termination report must show drug/alcohol abuse as the reason.

19. Services directly provided by the Employee Assistance Program, other than drug testing, are free. However, referrals to other programs may be made, and the employee will be responsible for payment required by outside programs.
20. Employees found to be in violation of this AD will be disciplined according to procedures outlined in the AD on Employee Conduct Standards.
21. Employees terminated or resigning for being under the influence while on duty or for use of illegal drugs may apply for rehire no sooner than twelve (12) months after termination. Rehire is not a right, regardless of any treatment received in the interim. The recommendations of the Employee Assistance Program or other provider certified through the Arkansas Department of Health must be provided, and may be considered, but do not guarantee rehire.
22. The person, vehicle and belongings of any employee on state property are subject to search, ion scanning and examination by drug sniffing dogs. Employees found to be in possession of illegal drugs will be detained and turned over to the proper authorities.

B. Conditions of Testing:

1. Pre-employment testing:
 - a. All applicants will be advised of the requirements for drug testing by the Human Resources Manager or other appropriate official.
 - b. Refusal or a positive test will result in the offer of employment being withdrawn.
2. Random testing:
 - a. Any Warden may conduct unannounced drug testing of a sample of, or the entire population of 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.
 - b. At a minimum, 5% of employees will be tested quarterly.

- c. Employees on initial hire probation, or those for whom such tests have been made a condition of continued employment, may be tested as often as requested by the Warden/Drug Coordinator.
3. Employees returning from any absence from duty of six months duration or more may be required to submit to a drug or alcohol test.
4. Employees who have been previously disciplined and/or referred to the Employee Assistance Program for drug problems may be subject to unannounced testing as a condition of continued employment.
5. All employees are subject to suspicion testing provided there are behavioral observations and/or reliable information that would lead a reasonable person to believe that the employee had been using illegal drugs or alcohol. Additionally, any previous positive test result is considered grounds for suspicion testing. A written report of the incident shall be prepared with all suspicion testing.
6. Critical Incident Testing
 - a. Employees involved in a critical incident will be referred for alcohol or drug testing.
 - b. Testing shall be performed as soon as possible by trained agency staff or hospital personnel.
7. Policy Testing
 - a. All testing employees are to be tested at least quarterly. This is in addition to random testing.
 - b. All employees involved in substance abuse treatment or a program of recovery are to be tested at least quarterly.
 - c. Any member of staff whose job duties require him/her to hold a Commercial Driver's License (CDL) must be tested by a the Department of Transportation (DOT) testing contractor for CDL drug testing. This DOT testing is in addition to drug testing procedures described in this policy.
 - d. Any employee in a critical position may be tested at the frequency prescribed by the Warden in unit policy.

VI. TESTING PROCEDURES:**A. Preparation for Testing**

1. The Unit Drug Testing Coordinator or the testing employee should check the number and expiration dates of any on-site drug tests to be used. If the plastic envelope in which the drug test is packaged has been compromised, the drug test should not be used. If this appears to be a manufacturing defect, the drug test should be returned to the Central Drug Testing Coordinator.
2. If a breath alcohol test is to be run, the machine should be checked according to the manufacturer's instructions and the date next due calibration noted.
3. If the sample is to be sent to the laboratory a new cup, chain of custody documentation and sealed plastic bag must be obtained for shipment.
4. The Unit Drug Testing Coordinator or the testing employee must have the chain of custody form, prior to testing.
5. The testing employee should carefully check the identification badge of the employee to ensure that it matches the data on the form.
6. Upon reaching the testing site, the employee should be asked to empty his pockets. Personal property should be placed where it can be examined by the testing employee, but remains in clear view of staff being tested. Personal property should be handled by the testing employee as little as possible. The escorting employee or the testing employee should then pat search staff. Most personal property should then be retrieved by the employee being tested. Exceptions are drugs, prescribed or over-the-counter, nose or eye-drops, and any other chemical substance subject to being used to adulterate a specimen. These items may be secured, preferably in a clear plastic sealable bag, and held by the testing employee until the specimen has been collected and sealed.
7. Employees selected for testing should be asked to immediately remove anything from their mouth and instructed to keep their hands away from their mouth and out of their pockets.

B. Specimen Collection and Testing: Alcohol

1. The testing employee must observe the person being tested for 20 minutes before administering any breath or saliva test.
2. The testing employee should remove the mouthpiece from its protective covering, in the presence of the employee and a witness, and insert it into the breath alcohol analyzer. The employee is then instructed to blow into the mouthpiece until the equipment indicates that an adequate sample has been obtained.
3. The reading from the machine is shown to the employee who is asked to state what he sees. The reading is shown to the witness who also reads the number aloud. The reading from the machine is then documented on a Drug Request Form.
4. If the test is positive, the employee should be given, in the presence of a witness, the document *Notification of a Positive Test* (attachment 3).
 - a. If the employee accepts the test results, he signs the *Notification of a Positive Test* so indicating.
 - b. If the employee wishes confirmation of the results, he is asked to provide a urine sample. The urine sample will be confirmed with a field test kit in the presence of the employee, or sealed with evidence tape and sent to the laboratory.
5. No staff person legally under the influence of alcohol should be allowed to operate a motor vehicle. The Warden may arrange for the staff person to be driven home. If the staff person insists on driving, law enforcement is to be notified, with a description of the car and license plate.

C. Specimen Collection and Testing: Illegal Drugs

1. Any staff selected for testing should be under continuous observation by the testing employee or another member of staff at all times. The testing employee must be of the same gender as the staff being tested.
2. The testing employee should check the location where collection of the specimen is to occur. Cleansers or any other foreign material that could be used to contaminate the sample should be removed or secured.

3. The testing employee should obtain a collection cup; and should use an on-site test; and show the employee the expiration date and that the plastic envelope is intact. The envelope should not be opened until it is time to obtain the specimen.
4. The employee should be asked to remove any bulky outer clothing. If a foreign substance is noted under his fingernails during shakedown, he should then be asked to thoroughly wash his hands in clear water only, with particular attention to his fingernails. Hands should be thoroughly dried and any paper towel material discarded.
5. The testing employee should enter the restroom with the employee to be tested. If the restroom is too small to accommodate two persons, the testing employee may stand outside with the door slightly open to provide a view of the washbasin if possible. Direct observation is not required unless there is reasonable suspicion that the staff person may attempt to contaminate the sample. Male staff should be asked to stand away from toilets or urinals containing liquid.
6. The envelope containing the on-site drug test is then opened. If a temperature strip is available and not already affixed to the collection cup, it should be placed on the cup. The testing employee then hands the on-site test or collection cup to the employee. In handing the collection cup to the employee, the testing employee instructs him to fill the cup to a depth of about two fingers to half-full.
7. Should the employee be unable to produce a specimen, he is asked to be seated in an office or other place where he can be observed. If the package containing the on-site drug test has been opened, the drug test and collection cup should remain in his sight, but out of his reach until he is ready to provide a specimen. He may be given up to two glasses of water or a soft drink or cup of coffee. He is asked to remain until he can produce a specimen, or for at least two hours. If he does not produce a specimen within two hours, he may be considered to have refused the test. At the discretion of the Warden, he may be offered hair analysis. Longer time may be allowed at the discretion of the testing employee if the employee can give a plausible explanation for his inability to provide a sample. If there is a medical reason for difficulty in producing a urine sample, a hair sample may be taken instead.

8. When the sample has been collected, the employee is asked to hand the cup to the testing employee who secures the lid. The testing employee then returns the collection cup to the employee who, under the supervision of the testing employee, carries the cup to the location where the on-site test is to be read, or the laboratory test is to be secured for shipping.
9. The testing employee shows the staff person a label with their name and AASIS/social security number on it, and places it on the collection cup. The temperature strip, if available, is then read. The on-site drug test is conducted according to the instructions of the manufacturer. The collection cup and the drug test are to be left in the sight of the employee until all test procedures have been concluded or the sample is packaged for sending to the laboratory. The cup should be sealed with evidence tape or the computer-generated label in the presence of the employee, and then sealed in the plastic shipping bag.
10. If the on-site drug test fails to validate, it should be reactivated and checked to make sure that the manufacturer's instructions have been followed. If the drug test still does not validate, the sample cup should be sealed with evidence tape, and forwarded to the laboratory for independent analysis.
11. If any test window of an on-site test reads positive, a witness is called and asked to also read the test. In the presence of the witness, the applicant, volunteer or employee should be asked to list any and all medications recently taken that might account for the positive result.
12. If the person being tested is an employee, he is called in by the Unit Drug Testing Coordinator or the Warden when the laboratory results are received. A *Notification of a Positive Test* (attachment 3) will be completed and the employee will be given a copy of the laboratory results.
13. The employee may, at his own expense, choose to use an approved reference laboratory other than that regularly used by the Department of Correction. If he chooses this option, he must pay the lab charges plus shipping and handling within 24 hours of notification.
14. When on-site drug test results on staff are awaiting confirmation, the Warden/Administrator should be advised that preliminary results are positive. The Warden or Administrator shall place the

employee on Administrative Leave pending confirmation and immediately notify the Human Resources Administrator.

D. Action upon a Positive Test

1. The identity of any employee-testing positive on an on-site test should not be revealed except to the Warden or Duty Warden of the employee and those directly involved in drug testing of that person. Staff are not considered guilty of any wrong doing until or unless they accept the test results, admit the drug use, or admit to being under the influence of alcohol while on duty, or the test is confirmed.
2. Some tests are positive because of prescribed drugs. Any employee who is able to produce a prescription for such drugs within 24 hours of notification will not be penalized, unless it appears the drugs are at a level that impairs work performance and the individual has failed to notify his supervisor that he/she is working in an impaired state.
3. Any employee-testing positive on-site will be escorted to the Warden/Administrator or senior staff person on duty. The testing employee is to notify the Central Drug Testing Coordinator.
 - a. The Warden/Administrator is to notify the Deputy or Assistant Director in the employee's chain of command and the Human Resources Administrator.
 - b. The employee shall be placed on Administrative Leave immediately pending disciplinary action if illegal drugs are involved or if a reasonable suspicion exists that chronic or episodic alcohol use is likely to continue impairing the employee's ability to perform job requirements.
 - c. If the employee wishes to be paid, he may take annual leave or other forms of leave as allowed in the personnel policy. If the confirmation comes back negative, the leave taken will be restored to the employee's account, or the employee will be reimbursed for any Leave without Pay (LWOP).
 - d. Pending laboratory results and/or termination of employment with the Department of Correction, the employee may request or agree to referral to the Employee Assistance Program. The employee is to be advised that accepting referral to the EAP does not minimize the

seriousness of the conduct violation, nor does it stand in the place of disciplinary action. It may or may not have a bearing on future eligibility for rehire.

4. Confirmation of an on-site drug test or results of a laboratory test are returned to the Unit Drug Testing Coordinator electronically. A copy of the report should be sent registered mail or handed to the employee. The Warden/Administrator is to be provided a copy of the results and will take appropriate action, if this has not already been done.

VII. DOCUMENTATION AND CHAIN OF CUSTODY:

A. Sample for random testing

1. A random testing sample should be drawn at unpredictable intervals at each unit, no less frequently than twice weekly. The Unit Drug Testing Coordinator, in consultation with the Warden/Administrator of the unit, will determine the number of staff to be tested, but not less than 5% quarterly.

B. Notification of a Positive Test

1. The *Notification of a Positive Test* is to be completed by the Testing Employee at the time the on-site test is read or the results are received from laboratory analysis.
2. Confirmation processes are explained to the employee by the testing employee, and all appropriate spaces are signed or initialed.
3. The *Notification of a Positive Test* is taken to the Warden/Administrator.

C. Monthly Report

1. The Unit Drug Testing Coordinator is responsible to report to the Central Drug testing coordinator the number and results of applicant and employee tests conducted each month, by the fifth day of each succeeding month.
2. These quarterly reports are summarized quarterly by the Central Drug Testing Coordinator and reported to the Director.

VIII. PROGRAM MANAGEMENT AND TRAINING:

- A. It is the responsibility of the Warden/Administrator to ensure that the Unit Drug Testing Coordinator under his supervision is alcohol and drug tested at unannounced intervals, at least quarterly. Such testing should be documented in the monthly report.
- B. It is the responsibility of the Unit Drug Testing Coordinator to maintain a current list of all individuals on the unit trained and approved as testing employees. A copy of this list should accompany the monthly report to the Central Drug Testing Coordinator.
- C. It is the responsibility of the Unit Drug Testing Coordinator to observe the work of each testing employee at least quarterly, and to document this supervision in a unit training file.
- D. It is the responsibility of the Central Drug Testing Coordinator to schedule system-wide training at least twice a year, and to provide unit training as requested by the Warden/Administrator or the Unit Drug Testing Coordinator. All training conducted should be documented in a training file, as well as to the personnel file of the employee.
- E. Questions that arise about procedures, policy or the law are to be referred to the Central Drug Testing Coordinator, the Chief Deputy Director or to the appropriate Deputy/Assistant Director.

EMPLOYEE DRUG TESTING ADVISORY RECEIPT

I have received the document titled "Employee Drug Testing Advisory." I recognize that this is not a complete description of the drug-testing program, and that I am entitled to review the AD, Employee Drug Testing, which is available to me through the Unit Human Resources Manager, Central Human Resources Administrator, or the Central Drug Testing Coordinator.

I understand that as an employee of the Arkansas Department of Correction, I am expected to support the concept of a Drug Free Workplace. I agree to submit to testing as required in the AD, Employee Drug Testing.

Should I be in a critical incident as described in the Administrative Directive, Employee Drug Testing, my signature below authorizes medical staff treating me to test for the presence of alcohol and other drugs, and to release the results of such tests to the Arkansas Department of Correction.

PRINT YOUR NAME

POSITION

UNIT OR SERVICE

SIGNATURE

DATE

SOCIAL SECURITY NUMBER

COPY: CENTRAL PERSONNEL FILE
UNIT OR SUPERVISOR'S FILE
EMPLOYEE (if requested)

EMPLOYEE DRUG TESTING ADVISORY

This Administrative Directive, Employee Drug Testing, supersedes all previous Employee Drug testing Administrative Directives. The following is an advisory of some of the highlights of this Directive that supports AR 202, Drug Free Workplace. A complete copy of the AD, Employee Drug Testing, is available through the Unit Human Resources Manager, Central Human Resources Administrator, or the Central Drug Testing Coordinator's office. Questions should be directed to the Chief Deputy Director or the Central Drug Testing Coordinator.

- All applicants for employment, and volunteers issued ADC identification, are subject to testing at the time of initial processing.
- All staff who works inside secure facilities is subject to random testing. Groups, up to the whole staff of a unit, may be tested at the Warden's request.
- Any employee is subject to testing if there is reasonable suspicion of involvement with illegal drugs, or a level of alcohol use that may impair work performance.
- Staff involved in incidents or accidents posing danger to persons or property are subject to drug/alcohol testing.
- Staff in certain positions (e.g., holding a Commercial Driver's License, providing substance abuse treatment to inmates) are subject to testing by policy.
- Drug testing is usually done by urinalysis, but may be done by hair or sweat analysis.
- Urine samples are provided under indirect observation allowing some privacy while preserving the integrity of the test, unless there is reason to suspect adulteration or substitution. Adulteration tests may be conducted.
- Confirmation of positive drug screening tests is done routinely. Confirmation is done through gas chromatography/mass spectrometry.
- Any employee may request confirmation through a laboratory outside ADC. An independent lab may be used provided the lab is a CAP or SAMHSA approved, and the expenses are paid by the employee.
- Involvement with illegal drugs is considered a termination offense. Staff terminated for association with illegal drugs may not apply for rehire for one year. Documentation of treatment in an Arkansas Health Department approved program will be requested.

- Staff must notify supervisors of any legal drugs being taken that may impair their ability to carry out job functions prior to assuming their posts.
- Blood alcohol testing is usually done with a machine that detects alcohol on the breath. Confirmation may be done with a second machine or through urinalysis.
- Blood alcohol of 0.02% or higher while on duty will be considered to be “under the influence” and subject the employee to suspension or termination.
- Outcome of drug/alcohol tests is kept as confidential as possible, consistent with the needs of the agency.
- The person and property of any employee on state property is subject to search, examination by drug sniffing dogs, or ion scanning for the presence of illegal drugs. Any person bringing illegal drugs onto ADC property will be subject to arrest and prosecution.
- Testing is conducted by trained staff using reliable methods. Procedures for conducting tests are spelled out in the AD, Employee Drug Testing.
- Staff who have an alcohol or drug problem may seek help through their supervisor or Unit Human Resources Manager. Disciplinary action will not be taken on admission of an alcohol or drug problem, provided the admission is made more than a day before a scheduled drug screening.

NOTIFICATION OF A POSITIVE TEST

_____/_____/_____
(EMPLOYEE'S NAME, PRINTED OR TYPED) (DATE OF TEST) UNIT

You are hereby advised of a positive result on your drug/alcohol test.

If the test is an alcohol test, you have the right to accept the result shown to you, **or** to request confirmation by urinalysis **or** to request confirmation by use of a second breath analyzer, if one is available.

If the test is a drug test, you have the right to accept the result shown to you. If the test is an on-site test, the results will be confirmed by an independent laboratory at the expense of the Department of Correction. If the test was conducted by a laboratory, it has been confirmed.

I accept the result shown to me _____ (initial)

You have the right to request confirmation of the results of an alcohol or drug test at a SAMSHA or CAP approved laboratory, other than the one used by ADC, provided you are willing to pay the cost of confirmation plus shipping and handling. These costs must be paid by check or money order payable to the Arkansas Department of Correction within 24 hours.

I request independent confirmation by

_____ (initial)
(Name of approved laboratory)

I have also been advised that, if my position has grievance rights, I may grieve any disciplinary action that may follow a positive test by contacting the EEOC Grievance Coordinator at 267-6370 within 5 working days.

(EMPLOYEE'S SIGNATURE)

(WITNESSED BY)

Note: Your signature indicates only that you have been notified. Not that you are admitting an alcohol or drug use, unless you initial that you accept the results shown.

COPIES: HUMAN RESOURCES MANAGER
CENTRAL DRUG TESTING COORDINATOR
EMPLOYEE

DRUG TESTING REQUEST FORM

NAME	UNIT	IDENTIFIER ADC (OR SS# NUMBER)
REASON FOR TEST	<input type="checkbox"/> 01 RANDOM <input type="checkbox"/> 02 SUSPICION <input type="checkbox"/> 04 RETEST <input type="checkbox"/> 06 FURLOUGH <input type="checkbox"/> 07 VIOLENCE <input type="checkbox"/> 08 ACCIDENT <input type="checkbox"/> 12 APPLICANT <input type="checkbox"/> 13 CONTRABAND <input type="checkbox"/> 10 OTHER	<input type="checkbox"/> 05 WORK RELEASE <input type="checkbox"/> 09 PRE-REL. <input type="checkbox"/> 11 POLICY

LIST ALL CURRENT MEDICATIONS _____

VERIFIED? NO YES, BY _____

COLLECTED BY	PRINTED NAME	ID	SIGNATURE	DATE / TIME
TEST RUN BY:				
WITNESSED BY:				
RECEIVED BY:				
RECEIVED BY:				

DRUGS TESTED FOR	TEST RESULTS OR READINGS			TO BE CONFIRMED
<input type="checkbox"/> AMPHETAMINE/Meth	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> COCAINE	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> MARIJUANA	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> OPIATES/Mop	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> ALCOHOL	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> BENZODIAZEPINES	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> Oxy	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> K-2	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> Buprenorphine	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> MDMA	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO

I HEREBY ACKNOWLEDGE THAT THE SPECIMEN WAS KEPT WHERE I COULD SEE IT FROM THE TIME I PROVIDED IT UNTIL THE RESULTS OF THE TEST WERE SHOWN TO ME. DO DO NOT ACCEPT THE RESULTS OF THE TEST.
 (COMMENTS MAY BE WRITTEN IN THE COMMENT SPACE BELOW)

SIGNATURE OF PERSON TESTED _____	WITNESS TO SIGNATURE OR REFUSAL _____	DATE _____	TIME _____
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REACTION OF PERSON TESTED	<input type="checkbox"/> 01 COOPERATIVE <input type="checkbox"/> 02 DELAYED OR SLOW <input type="checkbox"/> 03 ARGUMENTATIVE <input type="checkbox"/> 04 REFUSED TEST <input type="checkbox"/> 05 ADULTERATED <input type="checkbox"/> 06 UNABLE TO COMPLY
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ACTION TAKEN ON RESULTS OF TEST	<input type="checkbox"/> 01 DISCIPLINARY WRITTEN <input type="checkbox"/> 03 PLACED ON SUSPICION TESTING <input type="checkbox"/> 05 REFERRED TO CLASS. <input type="checkbox"/> 06 SUSPEND FROM TREATMENT PROG. <input type="checkbox"/> 07 FURTHER ANALYSIS REQUESTED <input type="checkbox"/> 08 ACTION PENDING <input type="checkbox"/> 09 REMOVE FROM WORK RELEASE (INITIAL ALL THAT APPLY) <input type="checkbox"/> 10 NO ACTION REQUIRED OTHER _____
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COMMENTS _____
