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| Idaho Department of Correction  | Standard Operating Procedure | Title: Drug Free Workplace | | Page: 1 of 7 |
| | | Control Number: 228.07.01.001 | Version: 1.0 | Adopted: 03/27/1988 |

Bree Derrick, deputy director, approved this document on 04/09/2020.

Open to the public: **Yes**

SCOPE

This standard operating procedure applies to all employees of the Idaho Department of Correction (IDOC), Correctional Industries, the Commission of Pardons and Parole and all volunteers, contractors, and agents.

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| Revision Summary |
| Revision date (<u>04/09/2020</u>) version <u>1.0</u> : Reformatted to convert old policy to standard operating procedure format and separate governing policy; revised responsibilities and procedures. |

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BOARD OF CORRECTION IDAPA RULE NUMBER

None

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POLICY CONTROL NUMBER 228

Drug Free Workplace

PURPOSE

IDOC is committed to maintaining public trust, ensuring the safety of the public, our employees, and incarcerated and /or supervised individuals by prohibiting the use of alcohol, illegal drugs, and the misuse or abuse of legal drugs in the workplace. No employee may engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance. Being under the influence of alcohol or illegal drugs, as well as the misuse and/or abuse of legally prescribed drugs, and/or substances listed as Drugs and Chemicals of Concern while engaged in any official activity or when present at any property or facilities owned, leased, or otherwise controlled by IDOC is prohibited.

RESPONSIBILITY

The director of IDOC is responsible for overseeing the implementation of this SOP.

The manager of the human resources department is responsible for:

- Ensuring that this SOP is properly implemented
- Ensuring that facility heads, division and unit leaders are aware of their responsibilities regarding the staff they supervise
- Ensuring all prospective employees undergo drug screening tests
- Ensuring confidentiality as explained in this SOP

Division leadership, facility heads, and supervisory staff members are responsible for:

- Ensuring that ensuring that employees under their supervision adhere to the requirements in this SOP.
- Maintaining confidentiality.

Employees of IDOC, Correctional Industries, and the Commission of Pardons and Parole are responsible for:

- Adhering to this SOP
- Reporting any drug and alcohol concerns involving any IDOC employees, contractors, or volunteers

STANDARD PROCEDURES

IDOC is a drug free workplace. The employment agreement between the employee and IDOC recognizes that IDOC employees will not use illegal drugs, misuse legal drugs, nor substances listed as Drugs and Chemicals of Concern while employed by IDOC. Employees, contractors, and volunteers who manufacture, distribute, dispense, possess or use illegal drugs as defined in this Policy, or by Idaho or federal law, are subject to discipline up to, and including, termination. This prohibition includes use of marijuana in a jurisdiction in which marijuana use is permitted by law.

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1. Confidentiality

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

Disclosure of information pertaining to testing results is 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 and at the discretion of IDOC.

2. New Hire

All prospective employees will be tested for illegal drug use. All employment offers are contingent upon a negative drug test result.

Drug testing of a prospective employee must be conducted within 24 hours of a conditional job offer.

Prospective employees who refuse to cooperate in the drug testing procedures are eliminated from further employment consideration or will be separated from employment with the IDOC, whichever is applicable.

3. Current Employees

Responsibilities

Employees must notify their supervisor no later than their next scheduled shift regarding any drug or alcohol charge, indictment, citation, ticket, complaint, or similar they received.

Employees must report any drug or alcohol concerns involving any IDOC employees, contractors, or volunteers. This is accomplished by going to the immediate supervisor, any other supervisor in the employee's chain of command, or to human resources and submitting a Supervisor Reasonable Suspicion Form.

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 drugs or alcohol.
- 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.

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

A supervisor should relieve an employee of assigned duties immediately upon reasonable suspicion that the employee is under the influence of drugs or alcohol or otherwise unfit for duty, then must contact the assigned HR representative. The assigned HR representative will assess the situation then obtain approval for testing from the director or designee(s). Any verbal approval must 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.

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.

4. Positive Test Results

A current employee with a positive drug test result may request in writing, at the employee's expense, to have another portion 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, the licensed physician working at the laboratory, who is knowledgeable in the medical use of prescription drugs and the pharmacology and toxicology of illicit drugs. The medical review officer reviews and interprets positive results of confirmatory tests and evaluates results generated by drug testing programs and is responsible for final verification of test results.

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

5. Refusal to Cooperate in Testing Procedure

Refusal of a current employee to cooperate in the alcohol, or drug, testing procedures will be considered the equivalent of a positive test result and the employee may be disciplined in accordance with established policy with sanctions ranging up to, and including, termination. An employee refusing testing will be reminded of this consequence.

6. Other Violations of Drug Laws

Any employee convicted of any federal, state, or local drug laws or regulations may be disciplined in accordance with established policy with sanctions ranging up to, and including, termination.

7. Voluntary Self-Identification

Upon written request, employees will 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.

In addition, employees must disclose any and all medications that potentially cause a negative impact on work performance, including physical and mental ability to perform the job.

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8. Procedures for Drug Testing

Drug testing is accomplished by testing urine, hair, fingernails, or other accepted methodology as approved by the director or designee. If urine is used, the following applies:

- Specimens are 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 will be accomplished in accordance with standards established by the National Institute on Drug Abuse.
- The initial and confirmatory drug tests will 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 are used when screening specimens on the initial drug test to determine whether they are negative for these drugs or classes of drugs:

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| | (ng/ml) |
| marijuana metabolites | 50 |
| cocaine metabolites | 150 |
| opiate metabolites (morphine, codeine) | 2000 |
| phencyclidine | 25 |
| amphetamines (methamphetamine) | 250 |

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

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| | (ng/ml) |
| marijuana metabolites | 15 |
| cocaine metabolites | 150 |
| opiate metabolites (morphine, codeine) | 2000 |
| phencyclidine | 25 |
| amphetamines (methamphetamine) | 250 |

The following applies to the testing process:

- Only specimens reported as positive on the confirmatory test will be reported positive for a specific drug. A written chain of evidence must be maintained on every specimen submitted for testing.
- Alcohol testing is administered by breath or blood.
- Breath specimens are collected by an appropriately trained individual at an independent medical or laboratory facility.
- Blood specimens are 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.

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- An alcohol concentration reading of .04 or higher will be considered positive for testing. A written chain of evidence must be maintained on every specimen submitted for testing.
- All test results must be reported in writing.
- The laboratory will report as negative all specimens testing negative on the initial test and negative on the confirmatory test.
- Only specimens reported as positive on the confirmatory test will be reported as positive.
- A positive drug test result 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 will be designated in each district, institution or division to serve as the primary contact with the independent laboratory doing the testing and will be the only person authorized to receive test results.
- All written test results must be forwarded to Human Resources under confidential cover.
- The laboratory is required to retain and place those specimens confirmed positive in properly secured storage for at least 365 days, or longer as requested.

9. Awareness Program

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

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

DEFINITIONS

Alcohol: A colorless, volatile, flammable liquid that is produced by the natural fermentation of sugars. This term includes all consumable non-prescription substances which contain alcohol, specifically including, but not limited to spirits, wine, malt beverages, and intoxicating liquors.

Chain of Custody: 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.

Drugs and Chemicals of Concern: Established list published by the Drug Enforcement Administration's (DEA) Drugs of Abuse resource guide.

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

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those drugs and other controlled substances listed in the Idaho Controlled Substance Act or the Federal Controlled Substance Act.

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 cut off level of a controlled substance (or its metabolites) or alcohol in sufficient quantities to be identified by either an initial or confirmatory test.

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

Positive Drug Test Result: The presence of a controlled substance (or its metabolites) or alcohol as identified in two consecutive tests on the same sample employing different testing methods and verified by a medical review officer.

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

REFERENCES

[*Drug Conviction Notification Form*](#)

Supervisor Reasonable Suspicion Form (obtained from HR)

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

Drug Free Workplace Act of 1988

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

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