

**ARIZONA DEPARTMENT OF CORRECTIONS
DIRECTOR'S OFFICE**

MEMORANDUM

TO: DISTRIBUTION

FROM: CHARLES L. RYAN, DIRECTOR

DATE: November 18, 2013

SUBJECT: Director's Instruction # 323, Random CDL Drug and Alcohol Testing

This Director's instruction is effective immediately and will remain in effect until incorporated into Department Order #522, Drug Free Workplace.

PURPOSE:

This Director's Instruction establishes a standard for the Department to maintain Commercial Driver's License (CDL) random drug and alcohol testing in accordance with state and federal regulations, including the Arizona Medical Marijuana Act, and the United States Department of Transportation Federal Motor Carrier Safety Administration (FMCSA).

PROCEDURES:

RANDOM CDL DRUG AND ALCOHOL TESTING:

- 1.1 Employees in designated positions shall be subject to random drug and alcohol testing. Selection for random CDL drug and alcohol testing shall not be connected with Reasonable Suspicion testing.
- 1.2 Costs incurred for testing shall be paid by the Division/Bureau/Unit for which the employee is assigned. Once the Drug Testing Coordinator validates the employees that were tested, the Support Services Budget Administrator will coordinate charges with respective business offices.
- 1.3 The Fleet Management CDL Database will be used for maintaining current CDL drivers' information subject to random drug and alcohol testing.
- 1.4 The Chief of Security at institutions and/or their designee will be responsible for logging in and updating the database. CDL drivers will be added and deleted as changes occur.

- 1.5 The Drug Testing Coordinator shall:
 - 1.5.1 Receive a monthly random CDL testing selection list from the State approved drug testing contractor.
 - 1.5.2 Provide each Warden/Bureau Administrator a list of CDL drivers selected for testing.
- 1.6 The Warden/ Bureau Administrator shall notify the supervisor of CDL driver(s) selected for testing.
- 1.7 The Warden/Bureau Administrator or designee and supervisor of CDL driver(s) shall:
 - 1.7.1 Send CDL driver(s) for testing the same day they are notified to a contracted clinic on the list provided by the Drug Testing Coordinator. If testing cannot be accomplished during normal duty hours, testing shall be accomplished before or after normal duty hours.
 - 1.7.2 Complete a Drug-Free Workplace Program Employee Test Notification Order, Form 522-2, for selected CDL driver(s) and have them sign it. A copy shall be provided to the employee to take to the test site.
 - 1.7.3 If applicable, ensure CDL drivers are compensated for allowable transportation costs. Time shall include travel to and from the contracted collection/laboratory and time spent completing the collection process.
 - 1.7.4 Return original Form 522-2 to the institution Warden/Bureau Administrator or designee who will return to the drug testing coordinator after selected CDL drivers have been officially notified or deferred. CDL drivers on authorized leave will be deferred from the testing process. Examples of authorized leave are annual, sick, family medical, bereavement, civic duty and temporary assignment away from the institution.
 - 1.7.4.1 The employee's name will remain in the database and subject to selection while in the designated position.
- 1.8 An employee may receive disciplinary action up to and including dismissal for failure to comply with CDL drug testing policy, in accordance with Department Order 522, section 522.07 and Department Order 601, Administrative Investigations and Employee Discipline.

- 1.9 Positive Drug Test Result for Marijuana
 - 1.9.1 The FMCSA does not authorize medical marijuana under state laws to be a valid medical explanation for a CDL driver's positive drug test result. Marijuana is listed on Schedule 1 of the Controlled Substance Act and, as such cannot be used under the Department of Transportation's drug testing regulations.
 - 1.9.2 In accordance with State requirements, the Drug Testing Coordinator shall report CDL drivers testing positive for marijuana use to the Arizona Department of Transportation, Motor Vehicles Division. The Motor Vehicles Division shall revoke an individual's CDL regardless of whether it was legally used. The employee will immediately be removed from the position requiring a CDL.
- 1.10 Confidentiality in the notification process shall be maintained for and by all CDL drivers involved in the random CDL testing process.

{Original Signature on File}