

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 500</p> <p>PERSONNEL/HUMAN RESOURCES</p>	<p>OPR:</p> <p>AS DD</p>
	<p>DEPARTMENT ORDER: 522</p> <p><i>DRUG-FREE WORKPLACE</i></p>	<p>SUPERSEDES:</p> <p>DO 522 (07/9/01) DI 323 (11/18/13)</p>
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PURPOSE

This Department Order establishes a standard for the Department to maintain a drug and alcohol free workplace. To promote the health and safety of its employees, the Department has established random mandatory drug testing which includes post offer testing as a condition of employment for safety-sensitive positions, reasonable suspicion, random Commercial Driver's License (CDL) drug and alcohol testing in accordance with state and federal regulations, including the Arizona Medical Marijuana Act and the United States (U.S.) Department of Transportation (DOT) Federal Motor Carrier Safety Administration (FMCSA).

RESPONSIBILITY

Department employees, volunteers and management share in the responsibility of ensuring the workplace is free from drugs and alcohol. Use of illegal drugs, abuse of prescription and over-the-counter medication, and alcohol abuse shall not be tolerated. All employees, contractor employees, and volunteers are subject to reasonable suspicion drug and alcohol testing.

In accordance with the Medical Marijuana Act, the Department may not discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon either: the person's status as a Medical Marijuana Registry Identification card holder or a registered qualifying patient's positive drug test for marijuana unless the patient used, possessed or was impaired by marijuana on the premises of the place of employment or during the hours of employment. However, prospective employees, volunteer applicants and employees, when there is a good faith belief that they are engaged in the current use of any drug which could cause impairment or decrease job performance (including medical marijuana) may be prevented from working in a safety-sensitive position, as outlined in this Department Order. Qualifying patients applying for or holding safety-sensitive positions requiring a CDL shall comply with FMCSA testing requirements, as outlined in this Department Order.

Random drug testing requirements for contractor employees serving in safety-sensitive roles shall be addressed within individual contracts.

Hiring Authorities shall ensure that volunteers comply with the Department's Drug and Alcohol Testing Program. The Procurement Services Bureau and Program Managers shall ensure all applicable contracts with the Department include a statement requiring contractors to have a company Drug-Free Workplace policy. The ADC contract shall also include a statement that contractors may be subject to "reasonable cause testing" by either the Department or the contractor, and be subject to random drug testing by the contractor, pursuant to the contractor's company policy. The contract shall also require that results of any drug testing relating to contractors who are cleared to work at ADC facilities shall be shared immediately with ADC Procurement and ADC contract monitoring staff.

The Contract Beds Bureau Monitor shall ensure the private prison employee Drug and Alcohol Testing Program is approved by the Director and is in accordance with the Department contract.

Employees taking prescribed and/or over-the-counter medication (i.e. cold medication and pain medication, including medical marijuana), or other drugs or substances that they feel may impair their ability to perform their essential job functions or related duties shall advise the Occupational Health Nurse (OHN) of the medication's type, dosage, and possible side effects.

All illegal drug usage is prohibited and random drug testing shall be conducted as outlined in section 522.01 of this Department Order and in accordance with state statute.

PROCEDURES

522.01 TESTING GUIDELINES

- 1.1 The Department shall conduct the following testing:
 - 1.1.1 Prospective employee/volunteer applicant drug testing for designated positions as outlined in section 522.02 of this Department Order including:
 - 1.1.1.1 New hires, which also include part-time hires.

- 1.1.1.2 Re-employment.
- 1.1.1.3 Volunteers and religious service providers.
- 1.1.2 Random drug testing for employees in safety-sensitive positions who have regular and frequent access to the inmate/offender population, including, but not limited to those who:
 - 1.1.2.1 Work inside the secure perimeter of an institution.
 - 1.1.2.2 Are Correctional Officer Series employees.
 - 1.1.2.3 Are required to carry a weapon (i.e., armed post assignment, Arizona Peace Officer Standards and Training (AZ POST) Peace Officer requirement, and positions requiring the authorization of the Director).
 - 1.1.2.4 Are responsible for the direct supervision of inmate/offender work activities and/or the transportation of inmates.
 - 1.1.2.5 Possess a CDL by federal and/or state law in accordance with Department Order #405, Vehicles/Vehicles Maintenance.
 - 1.1.2.6 Are required to perform tasks or duties the Department in good faith believes could affect their health or safety including, but not limited to the following:
 - 1.1.2.6.1 Operating equipment, machinery or power tools.
 - 1.1.2.6.2 Repairing, maintaining or monitoring the performance or operation of any equipment, machinery or manufacturing process; the malfunction or disruption of which could result in injury or property damage.
 - 1.1.2.6.3 Performing duties in the residential or commercial premises of a customer, supplier or vendor.
 - 1.1.2.6.4 Preparing or handling food or medicine.
- 1.1.3 Random CDL drug and alcohol testing.
- 1.1.4 Reasonable suspicion drug and alcohol testing.
- 1.2 The Human Services Bureau Drug Testing Coordinator shall maintain the list of designated safety-sensitive positions.
- 1.3 The Department shall test for the following drugs or classes of drugs:
 - 1.3.1 Marijuana.
 - 1.3.2 Cocaine.
 - 1.3.3 Amphetamines/Methamphetamine.
 - 1.3.4 Opiates.

- 1.3.5 Phencyclidine (PCP).
- 1.3.6 Ecstasy (MDMA).
- 1.3.7 Heroin Metabolite 6AM (6-Acetylmorphine).
- 1.4 The testing methods used by the Department shall include drug and alcohol testing.
 - 1.4.1 Prospective employees, volunteer applicants, employees and volunteers shall provide a sufficient urine specimen to a contracted collection site professional for drug testing.
 - 1.4.2 Employees and volunteers shall provide a sufficient breath specimen to a contracted certified Breath Alcohol Technician or facility utilizing approved Arizona Department of Health Services (ADHS) operators, procedures and evidentiary devices.
- 1.5 All required drug and alcohol testing shall be in accordance with the following:
 - 1.5.1 U.S. Department of Health and Human Services (DHHS).
 - 1.5.2 U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).
 - 1.5.3 U.S. DOT.
- 1.6 Contractor staff shall provide a negative drug test result, at the expense of their employer, in accordance with 1.3 through 1.3.7 of this section and Department Order #602, Background Investigations.

522.02 PROSPECTIVE EMPLOYEE/VOLUNTEER APPLICANT DRUG TESTING

- 1.1 For safety-sensitive positions as outlined in 522.01, 1.1.2 through 1.1.2.6.4 of this Department Order, offers of employment or voluntary services shall be conditional upon the completion of a prospective employee/volunteer drug test and the receipt of a negative test result.
- 1.2 Competitive job opportunity announcements and advertisements for safety-sensitive positions shall advise prospective employees and volunteer applicants that offers of employment or voluntary services are conditional upon the completion of a drug test and the receipt of a negative test result.
- 1.3 Following a conditional offer of employment or voluntary services, and prior to assuming the duties of safety-sensitive positions, prospective employees and volunteer applicants shall:
 - 1.3.1 Receive official notice of the prospective employee/volunteer applicant drug testing requirement from the Employment Unit, the Central Office Volunteer Coordinator or the Religious Volunteer Coordinator.
 - 1.3.2 Be advised of the Department’s drug testing procedures and requirements when being scheduled for a prospective employee/volunteer applicant drug test.
 - 1.3.2.1 Drug tests shall be taken within 48 hours of being notified to report to a contracted collection site. Weekends and holidays are not counted.
 - 1.3.3 Sign the Pre-employment Drug Test Consent and Release of Liability, Form 522-1, prior to testing.
 - 1.3.4 Be directed to a contracted collection site.

- 1.4 Employment or a final employment offer may be denied to prospective employees and volunteer applicants as a result or combination of:
 - 1.4.1 A confirmed positive drug test.
 - 1.4.2 Providing two consecutive diluted specimens.
 - 1.4.3 Leaving the contracted collection site prior to the completion of required testing.
 - 1.4.4 The failure to:
 - 1.4.4.1 Report for drug testing within the mandatory 48 hour period or for any unreasonable delay in reporting to the contracted collection site.
 - 1.4.4.2 Provide sufficient urine for testing.
 - 1.4.4.3 Provide a valid Medical Marijuana Registry Identification card to the Medical Review Officer, if applicable.
 - 1.4.5 The refusal to:
 - 1.4.5.1 Allow a contracted collection site professional to measure his/her body temperature when the temperature of the urine is outside the acceptable temperature range.
 - 1.4.5.2 Submit to a drug test.
 - 1.4.5.3 Sign the Pre-employment Drug Test Consent and Release of Liability form.
- 1.5 Re-application shall not be considered if prospective employees or volunteer applicants have attempted to alter or tamper with the drug test or provided an adulterated or substituted specimen.
- 1.6 Prospective Correctional Officer Series staff:
 - 1.6.1 Who test positive may apply/reapply for any Department position provided they have not tested positive for:
 - 1.6.1.1 Marijuana within the past 12 months.
 - 1.6.1.2 Dangerous drugs or narcotics (amphetamines, methamphetamine, cocaine, opiates, phencyclidine, ecstasy (MDMA) and Heroin Metabolite 6AM) within the past five years.
 - 1.6.2 Who are denied employment for other reasons outlined in 1.4.1 through 1.4.5.3 of this section may apply/reapply after one year.
- 1.7 Prospective employees for Non-Correctional Officer Series positions may apply one year after a positive drug test was confirmed by a contracted laboratory or if employment was denied for reasons as outlined in 1.4.1 through 1.4.5.3 of this section.
- 1.8 Prospective Correctional Officer Series staff, prospective employees for Non-Correctional Officer Series positions and prospective volunteers failing to report to a prospective employee/volunteer applicant drug test within the mandatory 48 hours period and:

- 1.8.1 Have an acceptable reason (i.e., verifiable medical emergency or vehicle accident, etc.) may contact the Employment Unit Administrator within 72 hours for review and rescheduling.
 - 1.8.1.1 The Employment Unit Administrator may approve a second opportunity to take the prospective employee/volunteer applicant drug test after reviewing and verifying the reason(s) for failing to report.
 - 1.8.1.2 For prospective Correctional Series positions, the Employment Unit Administrator shall confer with the Recruitment Unit for Selection and Hiring (RUSH) Administrator for determination.
 - 1.8.1.3 For prospective religious volunteers, the Religious Volunteer Coordinator may approve a second opportunity to take the prospective employee/volunteer applicant drug test after reviewing the reason(s) for not reporting.
- 1.8.2 Do not have a legitimate and acceptable reason for failing to report shall be advised they may re-apply after one year from the date of the application denial.

1.9 Religious Volunteer Applicants

- 1.9.1 Religious volunteer applicants shall be provided with the Religious Volunteer Coordinator's telephone number and a list of Southwest Laboratories collection site/laboratories when advised to report for drug testing.
- 1.9.2 Volunteer applicants may apply one year after a positive drug test was confirmed by a contracted laboratory or if employment was denied for other reasons as outlined in 1.4.1 through 1.4.5.3 of this section.

1.10 Prospective employees and volunteer applicants shall not be disqualified solely for possessing a valid Medical Marijuana Registry Identification card. Prospective employees applying for positions requiring a CDL shall comply with all FMCSA drug use and testing requirements.

1.11 Drug Test Results

- 1.11.1 The Drug Testing Coordinator shall:
 - 1.11.1.1 Maintain automated test results in the Employment Unit.
 - 1.11.1.2 Track prospective employees denied employment to ensure re-application time frames are met.
 - 1.11.1.3 Notify the appropriate staff of test results.
- 1.11.2 The Drug Testing Coordinator or RUSH shall notify prospective employees in writing that their conditional offer of employment is revoked and they are denied employment. Denial of employment shall not be disclosed to the individual over the telephone.
- 1.11.3 The Central Office and Religious Volunteer Coordinator shall:
 - 1.11.3.1 Track volunteer applicants denied assignments to ensure re-application time frames are met.

1.11.3.2 Notify volunteer applicants in writing when conditional offers of employment are revoked. Denial of employment shall not be disclosed to the individual over the telephone.

1.12 During New Employee Orientation, all new employees shall receive a copy of the Drug-Free Workplace Employee Drug and Alcohol Agreement, Form 522-3. This form shall be signed by new employees and placed in their personnel file.

522.03 RANDOM CDL DRUG AND ALCOHOL TESTING

1.1 Selection

1.1.1 Random CDL drug and alcohol testing selection shall be in accordance with Department Order #408, Commercial Driver's License (CDL) Drug and Alcohol Testing.

1.1.2 The Employment Unit shall use information from the Department of Administration to verify positions requiring a CDL.

1.1.3 Selection for random CDL drug and alcohol testing shall not be connected with reasonable suspicion testing.

1.1.4 Costs incurred for testing shall be paid by the Division/Bureau/Unit to which the CDL driver is assigned.

1.1.4.1 Once the Drug Testing Coordinator validates that CDL drivers were tested, the Support Services Budget Administrator shall coordinate charges with respective Business Offices.

1.1.5 The Fleet Manager shall manage and maintain the Fleet Management CDL Database, which shall be used for maintaining current information of CDL drivers subject to random drug and alcohol testing and ensure it is up to date.

1.1.5.1 The CDL driver's name shall remain in the Fleet Management CDL Database and CDL drivers shall be subject to selection while in the designated position.

1.1.6 The Chief of Security at institutions and ACI and/or designee(s) shall be responsible for logging in and updating the Fleet Management CDL Database. CDL drivers shall be added and deleted as changes occur.

1.2 The Drug Testing Coordinator shall:

1.2.1 Receive a random CDL testing selection list from the state approved drug and alcohol testing contractor.

1.2.2 Provide each Warden/Bureau Administrator a list of CDL drivers selected for testing.

1.3 The Warden/Bureau Administrator or designee shall notify the supervisor of CDL driver(s) selected for testing.

- 1.4 The Warden/Bureau Administrator or designee and supervisor of CDL driver(s) shall:
 - 1.4.1 Send CDL drivers to the on-site collection location the same day they are notified. If testing cannot be accomplished during normal duty hours, testing shall be accomplished before or after normal duty hours.
 - 1.4.1.1 The time in which the employee is involved in the collection process shall be considered work time.
 - 1.4.1.2 It may not be possible for CDL drivers at Flagstaff, Kingman and Snowflake to test on-site. When this occurs, CDL drivers shall be directed to immediately report to the nearest contracted collection site. Travel time and the collection period shall be considered work time.
 - 1.4.1.3 CDL drivers who ride in a van pool can be given priority over others at the collection site.
 - 1.4.2 Notify the Drug Testing Coordinator if CDL drivers are unable to be tested due to operational issues.
 - 1.4.2.1 To ensure confidentiality, CDL drivers shall be sent at the earliest available time and shall not be notified of the testing requirement until it is scheduled.
 - 1.4.3 Complete a Drug-Free Workplace Program Employee Test Notification Order, Form 522-2, and the Federal Chain of Custody form for selected CDL driver(s) and have them sign it. A copy shall be provided to the CDL driver to take to the collection site.
 - 1.4.4 Provide assignment coverage for CDL drivers during the testing process.
 - 1.4.5 Return original Drug-Free Workplace Program Employee Test Notification Order form(s) to the Warden/Bureau Administrator or designee who will return them to the Drug Testing Coordinator after selected CDL drivers have been officially notified or deferred from testing due to extenuating circumstances.
 - 1.4.5.1 CDL drivers on authorized leave shall 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.
- 1.5 CDL drivers may receive disciplinary action up to and including dismissal for failure to comply with the CDL Drug Testing and Alcohol policy, in accordance with this Department Order and Department Order #601, Administrative Investigations and Employee Discipline.
- 1.6 Positive Drug Test Result For Marijuana
 - 1.6.1 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 U.S. DOT drug testing regulations.

- 1.6.2 In accordance with state requirements, the Drug Testing Coordinator shall report CDL drivers testing positive for marijuana use to the Arizona DOT Motor Vehicle Division (MVD). The MVD will revoke an individual's CDL regardless of whether it was legally used.
- 1.6.3 The employee will immediately be removed from the position requiring a CDL.
- 1.7 Confidentiality in the notification process shall be maintained for and by all CDL drivers involved in the random CDL testing process.
- 1.8 Random CDL drug and alcohol testing reporting shall be conducted in accordance with Department Order #408, Commercial Driver's License (CDL) Drug and Alcohol Testing.

522.04 RANDOM DRUG TESTING

- 1.1 Employees in safety-sensitive positions, as outlined in section 522.01 of this Department Order, shall be subject to random drug testing.
- 1.2 Random drug tests shall be unannounced and spread reasonably throughout the year. Due to the nature of random testing, employees may be selected more than once during the year.
- 1.3 The Drug Testing Coordinator shall:
 - 1.3.1 Receive a list of randomly selected employees from the state contracted vendor performing employee drug tests.
 - 1.3.2 Coordinate the notification and collection process for employees in Central Office, Community Corrections and rural locations.
 - 1.3.3 Provide each Warden/Bureau Administer or designee a list of employees selected for testing.
 - 1.3.4 Identify collection/test sites at Central Office and rural locations.
 - 1.3.5 Refer employees with positive test results to Employee Relations.
- 1.4 The Warden/Bureau Administrator or designee shall:
 - 1.4.1 Identify a collection site at the institution/facility in coordination with the Drug Testing Coordinator.
 - 1.4.2 Ensure employees are notified to report to drug collection sites.
 - 1.4.3 Ensure confidentiality of the collection notification process, including the list of employees to be tested, is maintained.
 - 1.4.4 Ensure the Drug-Free Workplace Program Random Drug Testing, Form 522-4, is completed for each employee to be tested and employees sign it upon notification of being tested. The completed, original Random Drug Testing form shall be given to the employee to retain for his/her records, and a copy shall be provided to the on-site collector to remain with the sample that is analyzed at Southwest Laboratories. An additional copy of the completed form shall be returned to the Drug Testing Coordinator.
 - 1.4.5 Notify the Drug Testing Coordinator if there are operational issues that precluded testing. Employees shall be sent to test at the earliest available time and shall not be notified of the testing requirement until it is scheduled.

- 1.4.6 Immediately notify Employee Relations if an employee refuses to submit to required testing.
- 1.5 Employees shall be notified at the beginning or end of shift and shall immediately report to the testing location.
 - 1.5.1 Specimen collection shall be done on-site except for Flagstaff, Kingman and Snowflake. Collection in rural locations shall be in accordance with section 522.03, 1.4.1.2 of this Department Order.
 - 1.5.2 Priority at the collection site shall be in accordance with section 522.03, 1.4.1.3 of this Department Order.
- 1.6 Employees who have a positive marijuana test and hold a safety-sensitive position shall be immediately reported to Employee Relations in accordance with section 522.08 of this Department Order.
 - 1.6.1 Employees testing positive and who use marijuana for medical purposes pursuant to a validly issued Medical Marijuana Registry Identification card shall not be permitted to work in a safety-sensitive position.
 - 1.6.2 Employees who hold safety-sensitive positions and who are engaged in current use of marijuana pursuant to a validly issued Medical Marijuana Registry Identification card may be reviewed for alternate placement not to exceed 30 calendar days or be placed on leave.
 - 1.6.3 Employees may return to work in a safety-sensitive position once cleared to do so by the OHN.
 - 1.6.4 Employees who possess a Medical Marijuana Registry Identification card may be referred for reasonable suspicion testing in accordance with section 522.05 of this Department Order.

522.05 REASONABLE SUSPICION DRUG AND ALCOHOL TESTING

- 1.1 Employees, contractor employees, and volunteers shall be required to submit to reasonable suspicion drug and/or alcohol testing.
- 1.2 Reasonable suspicion drug and/or alcohol testing shall be initiated when there is a good faith belief employees, contractor employees or volunteers are under the influence, currently using or have used illegal drugs and/or alcohol based on one or more of the following:
 - 1.2.1 Observed conduct, behavior or appearance including, but not limited to:
 - 1.2.1.1 Physical appearance.
 - 1.2.1.2 Deterioration of work performance.
 - 1.2.1.3 Poor judgment.
 - 1.2.1.4 Carelessness and erratic behavior.
 - 1.2.1.5 Slurred, slow, indistinct or unusual speech.

- 1.2.1.6 Any such behavior, in conjunction with an accident or a weapons discharge.
- 1.2.1.7 Involvement in a vehicle accident while operating a state vehicle.
- 1.2.1.8 Smell of marijuana or alcohol.
- 1.2.1.9 Body odor.
- 1.2.2 Information reported by a person believed to be reliable including a report by a person who witnessed the use or possession of drugs or drug paraphernalia at work.
- 1.3 Costs incurred for reasonable suspicion drug and alcohol testing shall be paid by the Division/Bureau/Unit initiating the testing order.
- 1.4 Supervisors shall:
 - 1.4.1 Obtain prior approval for reasonable suspicion drug and/or alcohol testing from the Warden, Deputy Warden, Administrator or, if appropriate, the On-Site or On-Call Duty Officer.
 - 1.4.2 Consult with the Employee Relations Unit to determine if there is sufficient evidence to support reasonable suspicion drug and/or alcohol testing.
 - 1.4.2.1 If reasonable suspicion drug and/or alcohol testing is conducted after business hours, on weekends or on holidays, the Employee Relations Unit shall be contacted the next business day during normal business hours.
 - 1.4.3 Contact the Employee Relations Unit or the Drug Testing Coordinator for a contracted collection site meeting the Department's requirements.
 - 1.4.4 Serve employees, contractor employees and volunteers the Drug-Free Workplace Program Employee Test Notification Order form in person.
 - 1.4.5 Ensure employees, contractor employees and volunteers are immediately transported to the contracted collection site by a Department employee and have the Drug-Free Workplace Program Employee Test Notification Order form with them.
 - 1.4.6 Ensure employees refusing to submit to reasonable suspicion drug and/or alcohol testing are removed from any safety-sensitive functions pending investigation and/or discipline.
- 1.5 Reasonable suspicion alcohol testing shall occur immediately before or during the employee, contractor employee or volunteer's normal duty hours on the day of the observed behavior(s).
 - 1.5.1 If drivers have not been tested for alcohol within two hours of the observation, the supervisor shall document in writing the reason a test was not administered.
 - 1.5.2 If the test was not administered within eight hours, the supervisor shall cease attempts to administer the test and submit a written report giving the reasons the alcohol test was not administered.

- 1.5.3 The Breath Alcohol Technician shall send the Drug Testing Coordinator copies of test results electronically with follow up hard copies.
- 1.5.4 When a law enforcement agency is utilized for alcohol testing, the supervisor shall ensure a copy of the alcohol test is transmitted to the Drug Testing Coordinator in a timely and confidential manner.
- 1.5.5 A screening test of a breath alcohol concentration:
 - 1.5.5.1 Of less than .02% shall be considered negative and not require further testing.
 - 1.5.5.2 Of .02% or greater shall require a confirmation test to be performed.
- 1.6 Employees, contractor employees, and volunteers requiring reasonable suspicion drug and/or alcohol testing shall:
 - 1.6.1 Receive and acknowledge Drug-Free Workplace Program Employee Test Notification Order form.
 - 1.6.2 Be immediately transported to the contracted collection site/laboratory by a Department employee in a state vehicle.
 - 1.6.3 Provide positive identification and the Drug-Free Workplace Program Employee Test Notification Order form upon arriving at the contracted collection site.
- 1.7 Volunteers suspected of using drugs and/or alcohol shall be immediately suspended pending the results of reasonable suspicion drug and/or alcohol testing.

522.06 SPECIMEN COLLECTION AND TESTING PROCEDURES

- 1.1 Upon arrival at the contracted collection site, prospective employees, volunteer applicants, employees and volunteers shall:
 - 1.1.1 Provide the contracted collection site personnel:
 - 1.1.1.1 Photo identification.
 - 1.1.1.2 Their social security number/Employee Identification Number (EIN).
 - 1.1.1.3 A day and evening telephone number where they can be reached.
 - 1.1.1.4 A copy of the Pre-Employment Drug Test Consent and Release of Liability form or the Drug-Free Workplace Program Employee Test Notification Order form, whichever is applicable, to validate the individual is a prospective employee, volunteer applicant, employee or volunteer.
 - 1.1.2 Complete the Chain of Custody form provided by the contracted collection site.
 - 1.1.3 Remove unnecessary garments such as jackets or coats. All personal belongings such as a purse or briefcase shall not be permitted in the collection area. Individuals may retain their wallet.
 - 1.1.4 Wash their hands prior to urination.

- 1.1.5 Not have access to water, faucet, soap dispenser, cleaning agent, or any other materials which may be used to adulterate the specimen.
- 1.1.6 Receive a clean specimen container.
- 1.1.7 Provide a urine specimen. The urine specimen shall be equal to or greater than 45 milliliters (ml), which is approximately 1.5 ounces.
 - 1.1.7.1 If the specimen is less than 45 ml and the temperature is within the acceptable range, this specimen shall be discarded and a second specimen collected.
 - 1.1.7.2 Prospective employees, volunteer applicants, employees and volunteers unable to provide a minimum sample of 45 ml of urine may attempt to provide another urine specimen using a fresh collection container. A contracted collection site professional shall instruct them not to drink more than 40 ounces of fluid.
 - 1.1.7.3 If a sufficient urine specimen cannot be obtained after three hours, the insufficient specimen shall be discarded and the collection process discontinued.
- 1.1.8 Be permitted to wash their hands after the specimen has been provided and submitted to a contracted collection site professional.
- 1.2 Immediately after collection, a contracted collection site professional shall process the urine sample. At this time, prospective employees, volunteer applicants, employees and volunteers are free to leave the contracted collection site.
- 1.3 Prospective employees, volunteer applicants, employees and volunteers may wish to keep a list of medications taken within the last 14 to 30 days or other medical information in conjunction with a specimen collection should a positive result be reported. This information shall:
 - 1.3.1 Be retained by the individual.
 - 1.3.2 Not be listed on the Chain of Custody form provided by the contracted collection site.
 - 1.3.3 Not be submitted to a contracted collection site professional.
- 1.4 Right of Appeal for Drug Testing
 - 1.4.1 Prospective employees, volunteer applicants, employees and volunteers wanting to challenge a drug test result validated as positive by the Medical Review Officer shall submit a written request to have the original sealed split specimen of urine retested within 72 hours of notification of a positive drug test result to the Human Services Bureau Administrator, whose decisions shall be final.
 - 1.4.2 Prospective employees, volunteer applicants, employees or volunteers shall:
 - 1.4.2.1 Select a contracted collection site/laboratory for the retest which meets the Department’s drug testing requirements in accordance with this Department Order.

- 1.4.2.1.1 The retest shall be limited to those drug(s) which tested positive.
- 1.4.2.1.2 Degradation of the specimen may occur during storage. Therefore, there are no threshold limits which need to be satisfied for a confirmation of the original test result if the detected level of the drug or drug metabolite is below established threshold limits upon a retest.
- 1.4.2.1.3 The Medical Review Officer or the Drug Testing Coordinator may assist in locating an independent contracted collection site/laboratory.
- 1.4.2.1.4 The Drug Testing Coordinator shall coordinate with the prospective employee, volunteer applicant, employee or volunteer, the Medical Review Officer and the selected contracted collection site/laboratory for the specimen to be retested.
- 1.4.2.2 Be responsible for all costs at the contracted collection site/laboratory related to a retest of the specimen.
 - 1.4.2.2.1 Payment shall be made at the contracted collection site/laboratory, prior to the retest.
 - 1.4.2.2.2 If the retest result is negative, the test result shall be considered as negative. Only an employee shall be reimbursed for the cost of the retest.
- 1.4.2.3 Provide an observed collection specimen if the specimen is validated as diluted by the Medical Review Officer.
 - 1.4.2.3.1 The Human Resources Liaison, Satellite Recruitment Center, Central Office or Religious Volunteer Coordinator, or Warden/Bureau Administrator or designee shall write OBSERVED COLLECTION on the Pre-employment Drug Test Consent and Release of Liability form or the Drug-Free Workplace Program Employee Test Notification Order form under the appropriate category. This is to inform the contracted collection site the urine collection is to be observed.
 - 1.4.2.3.2 A contracted collection site professional of the same gender shall observe the prospective employees, volunteer applicants, employees and volunteers observed drug test collection.
- 1.4.3 If the contracted laboratory and the Medical Review Officer determine the second test specimen result is diluted:
 - 1.4.3.1 Prospective employees shall be denied employment.
 - 1.4.3.2 Employees may submit a third retest if medical documentation is provided. If this test is determined to be diluted, it shall be considered a refusal to test.

- 1.4.3.3 The Medical Review Officer may review documentation and provide an opinion to the Employment Unit Administrator.
- 1.4.4 Retesting of Prospective Employees
 - 1.4.4.1 Within 24 hours of being notified, the Drug Testing Coordinator shall notify the Human Resources Liaison in writing if prospective employees are required to retest as a condition of employment.
 - 1.4.4.2 The Human Resources Liaison shall have prospective employees sign another Pre-employment Drug Test Consent and Release of Liability form, which shall be provided to the contracted collection site.
 - 1.4.4.3 Prospective employees shall be required to retest within 48 hours of signing the Pre-employment Drug Test Consent and Release of Liability form.
- 1.4.5 Retesting of Volunteer Applicants
 - 1.4.5.1 The Drug Testing Coordinator shall notify the Central Office or Religious Volunteer Coordinator in writing if volunteer applicants are required to retest as a condition of employment within 24 hours of being notified.
 - 1.4.5.2 The Central Office or Religious Volunteer Coordinator shall have volunteer applicants sign another Pre-employment Drug Test Consent and Release of Liability form, which shall be provided to the contracted collection site.
 - 1.4.5.3 Volunteer applicants shall be required to retest within 48 hours of signing the Pre-employment Drug Test Consent and Release of Liability form.
- 1.4.6 Retesting of Employees
 - 1.4.6.1 The Drug Testing Coordinator shall provide written notification to the Human Resources Liaison or the Warden/Bureau Administrator if employees are required to retest for CDL purposes.
 - 1.4.6.2 The Human Resources Liaison or the Warden/Bureau Administrator shall have the employee sign the Drug-Free Workplace Program Employee Test Notification Order form, which shall be provided to the contracted collection site.
 - 1.4.6.3 Employees shall retest within 48 hours of signing the Drug-Free Workplace Program Employee Test Notification Order form.
 - 1.4.6.4 The Warden/Bureau Administrator or designee shall coordinate with the employee's supervisor to ensure retests are completed before, during or immediately after the employee's normal duty hours on the date the employee is notified. The preferred testing time shall take place during an employee's normal duty hours.
 - 1.4.6.5 Employees may be reassigned during the retest in accordance with Department Order #601, Administrative Investigations and Employee Discipline.

1.4.7 Retesting of Volunteers

1.4.7.1 The Central Office or Religious Volunteer Coordinator shall have volunteers sign the Drug-Free Workplace Program Employee Test Notification Order form, which shall be provided to the contracted laboratory.

1.4.7.2 Volunteers shall retest within 48 hours of signing the Drug-Free Workplace Program Employee Test Notification form.

522.07 TEST ANALYSIS AND REPORTS

1.1 The contracted laboratory shall test specimens and ensure the chain of custody is maintained.

1.2 If the contracted laboratory personnel have information or suspect tests may have been tampered with, they shall notify the Drug Testing Coordinator and document the observations, information and suspicions.

1.3 The Medical Review Officer shall review and interpret drug test results, as outlined in this Department Order.

1.4 The contracted laboratory shall perform an initial immunoassay test. If a specimen is screened as negative, no further testing of the specimen shall occur, unless it is a CDL drug test.

1.5 All tests conducted for positions requiring a CDL shall be forwarded to the Medical Review Officer for validation.

1.6 Confirmatory tests shall be conducted for specimens identified as positive on the initial test using a gas chromatography/mass spectrometry test.

1.7 Positive urine specimens shall be retained by the contracted laboratory in a secured long-term frozen storage for a minimum of one year.

1.7.1 The Employment Unit Administrator may request the contracted laboratory retain the specimen for an additional period of time.

1.7.2 If the contracted laboratory does not receive a request to retain the specimen during the initial one year period, the specimen shall be discarded.

1.8 Dilution, Adulteration or Substitution

1.8.1 Specimens shall be analyzed for creatinine, pH, specific gravity, glutaraldehyde and adulteration products, for example bleach and nitrites, to determine whether or not values are within normal ranges.

1.8.2 The contracted laboratory professional shall note any visual observations of unusual color and/or odor of the specimen on the Chain of Custody form and submit the specimen for laboratory testing.

1.8.3 If the specimen is suspect or shows signs of tampering, the contracted laboratory professional shall:

1.8.3.1 Document observations on the Chain of Custody form.

- 1.8.3.2 Collect a second observed specimen.
 - 1.8.3.3 Submit both specimens for testing.
 - 1.8.4 Positive test results shall be confirmed and validated by the contracted laboratory and Medical Review Officer when values are found outside normal ranges, then forwarded to the Drug Testing Coordinator.
- 1.9 The Medical Review Officer shall:
 - 1.9.1 Review and interpret results of all positive, suspicious, adulterated, substituted, or diluted contracted laboratory drug tests and CDL tests to look for alternate medical explanations before results are reported to the Drug Testing Coordinator.
 - 1.9.2 Review explanations for tests which were not performed or were canceled. This review may include conducting a medical interview with the employee, review of the employee’s medical history, or of any other relevant biomedical factors.
 - 1.9.3 Provide employees an opportunity to confidentially discuss test results and verify their statements, which may include contacting the involved pharmacist/ physician.
 - 1.9.4 Coordinate retests with the Drug Testing Coordinator if there are questions as to the accuracy or validity of test results.
 - 1.9.5 Report test results as negative if there is a legitimate medical explanation for the positive test result, with the exception of medical marijuana for those who hold a safety-sensitive position.
 - 1.9.6 Report final result of drug tests in writing to the Drug Testing Coordinator in a confidential manner.
 - 1.9.7 Not have any vested interest with the contracted laboratory performing the urine test analysis.
- 1.10 If a discrepancy occurs, the Medical Review Officer shall:
 - 1.10.1 Not attempt to ascertain the factual correctness of any claim of involuntary drug ingestion by prospective employees, volunteer applicants, employees or volunteers.
 - 1.10.2 Not attempt to resolve conflicting factual statements.
 - 1.10.3 Report all discrepancies to the Employment Unit Administrator.
- 1.11 The contracted laboratory shall produce a laboratory report for each test specimen which:
 - 1.11.1 Shall include:
 - 1.11.1.1 Specimen number.
 - 1.11.1.2 Laboratory accession number.
 - 1.11.1.3 Specimen identifier and code.
 - 1.11.1.4 Date received and date reported.

- 1.11.2 May include:
 - 1.11.2.1 A list of the drugs tested.
 - 1.11.2.2 The results for each drug tested.
 - 1.11.2.3 Overall results (positive or negative) or no-test for the specimen.
- 1.12 All negative test results shall be available to the Drug Testing Coordinator within 24 hours after the contracted laboratory's receipt of the specimens, excluding weekends and holidays.
- 1.13 Results from specimens testing positive by the contracted laboratory initial screen, confirmation tests and tests verified by the Medical Review Officer shall be available within 72 hours after the contracted collection site/laboratory's receipt of the specimens, excluding weekends and holidays.
- 1.14 The contracted laboratory shall report test results to the Drug Testing Coordinator by a secure and confidential means such as secure fax, phone, electronically, and/or results may be confirmed in writing.
- 1.15 Confidentiality of Test Results and Records
 - 1.15.1 All program files, records, testing information, results and reports relating to drug testing, to include all statistical reports created/maintained by/for the Drug-Free Workplace Program shall be confidential.
 - 1.15.2 Test results shall be available to Department officials only on a need-to-know basis.
 - 1.15.3 Employees may obtain a copy of their test results by submitting a written request to the Drug Testing Coordinator.
 - 1.15.3.1 The request shall include the employee's name, EIN, method for receiving the test results, signature and date.
 - 1.15.3.2 The employee shall include a mailing address if the results are to be mailed.
 - 1.15.4 All original drug test results and electronic data shall be maintained by the Drug Testing Coordinator.
 - 1.15.5 Validated drug test results for prospective employees and volunteer applicants shall be maintained by the Drug Testing Coordinator, the Central Office Volunteer Coordinator and the Religious Volunteer Coordinator.
 - 1.15.6 Contracted laboratory and Medical Review Officer reports shall be treated as confidential medical records and shall not be placed in an employee's personnel file.
 - 1.15.7 Prior authorization from the Employment Unit Administrator shall be required before any statistical information may be released or reviewed.
 - 1.15.8 Employees and prospective employees who wish to review statistical reports shall submit a written request for information to the Employment Unit Administrator.

- 1.15.9 Unauthorized dissemination of testing information/results is prohibited and shall result in disciplinary action.
- 1.15.10 All records, information of personnel actions and results shall be maintained in accordance with Department Order #507, Employee Records.
- 1.15.11 CDL Drug and Alcohol Testing Program results and records shall be handled in accordance with Department Order #408, Commercial Driver’s License (CDL) Drug and Alcohol Testing.
- 1.16 The Drug Testing Coordinator shall:
 - 1.16.1 Be contacted if the Medical Review Officer is unable to make contact with the prospective employee, volunteer applicant, employee or volunteer within the specified time frame.
 - 1.16.2 Notify the appropriate Warden, Bureau Administrator, Human Resources Liaison, the Central Office or the Religious Volunteer Coordinator, who shall ensure the individual contacts the Medical Review Officer.
 - 1.16.3 Obtain the prospective employee, volunteer applicant, employee or volunteer’s phone number and provide this information to the Medical Review Officer.

522.08 DISCIPLINE

- 1.1 An employee may receive disciplinary action up to and including dismissal, in accordance with Department Order #601, Administrative Investigations and Employee Discipline, based upon evidence and documentation of drug and/or alcohol use including, but not limited to:
 - 1.1.1 Direct observation of the employee’s behavior.
 - 1.1.2 Evidence obtained from an arrest or criminal conviction.
 - 1.1.3 A Medical Review Officer’s verified:
 - 1.1.3.1 Positive drug test result.
 - 1.1.3.2 Adulterated or substituted urine specimen.
 - 1.1.3.3 Three consecutive diluted specimens for employees, if medical documentation has been provided and validated.
 - 1.1.4 A positive breath alcohol test result.
 - 1.1.5 An employee’s voluntary admission to the unauthorized use of drugs and/or alcohol. An employee who admits to drug and/or alcohol use after being notified shall submit to the required testing.
 - 1.1.6 Refusal to:
 - 1.1.6.1 Submit to any required testing.
 - 1.1.6.2 Allow the contracted collection site professional to measure body temperature when the temperature of the urine is outside the acceptable temperature range.

- 1.1.7 Failure to:
 - 1.1.7.1 Report for a drug and/or alcohol test at the scheduled time or any unreasonable delay in reporting to the contracted collection site without an excused absence.
 - 1.1.7.2 Provide sufficient urine for required drug testing or a sufficient sample of breath for alcohol testing.
- 1.1.8 Tampering with any part of the drug testing process to include records or specimens.

522.09 EMPLOYEE ASSISTANCE - Employees are encouraged to refer to the Employee Assistance Program to obtain resource information and referral assistance in accordance with Department Order #521, Employee Assistance Program.

- 1.1 To ensure compliance with the Federal Drug-Free Workplace Act of 1988, the following procedures shall be followed.
 - 1.1.1 Any employee convicted of a violation of any criminal drug statute conviction occurring in the workplace shall submit a report documenting the relevant circumstances of the conviction, to his/her supervisor within five days of such conviction.
 - 1.1.2 If an employee fails to submit the required report, the immediate supervisor shall, within two days of notification or of personal knowledge of a conviction, prepare a written report and notify the Employee Relations Unit.
 - 1.1.3 Within ten days of receipt of the supervisor's notification, the Employee Relations Unit shall notify the appropriate person or office in the federal agency from which the employer receives a contract or grant. Upon receiving notice of an employee's conviction of a criminal statute occurring in the workplace, the Department must take appropriate actions against the employee within 30 calendar days.

DEFINITIONS

ADULTERATED SPECIMEN - A specimen which has been altered or a substitute provided by prospective employees, volunteer applicants, employees and volunteers to be submitted as a specimen to be drug tested, and may include the use of a masking agent to prevent the detection of drug use in the testing sample.

ALCOHOL - Intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol and may include any medication containing alcohol.

BREATH ALCOHOL TECHNICIAN - A contract professional certified by the Department of Transportation to operate and read a breath analyzer or similar testing machine utilized to perform a breath alcohol test.

CHAIN OF CUSTODY - A process used to account for the integrity of each urine specimen by tracking the handling and storage from point of collection to the final disposition.

CHAIN OF CUSTODY FOR BREATH ALCOHOL TESTING - Breath alcohol determination printed on the breath testing instrument after testing is completed.

CONTRACTED COLLECTION SITE OR LABORATORY - Any locations used by the state provider or contractor including any mobile unit or contracted facility.

CONTRACTED COLLECTION SITE PROFESSIONAL - A person employed by a collection agency or site, who may travel to different Department facilities, to assist and instruct individuals directed to provide a urine and/or breath alcohol test specimen. The contracted collection site person is trained to receive and make the initial examination of urine and breath alcohol test specimens, to include the proper packaging and sealing of the specimen in front of the prospective employee, volunteer applicant or employee.

COMMERCIAL DRIVER'S LICENSE (CDL) – A license required by the Commercial Motor Vehicle Safety Act of 1986 in order to operate a commercial motor vehicle (CMV).

COMMERCIAL DRIVER'S LICENSE (CDL) DRIVER - Any permanent, probationary, temporary, or intermittent employee occupying a position in a job classification that requires possession of a CDL to operate a commercial motor vehicle (CMV). For the purpose of pre-employment/post-offer testing, this includes all prospective employees applying for positions requiring a valid CDL.

CONFIRMATION TEST (ALCOHOL) - A second test performed when a screening test results in 0.02 grams or greater of alcohol per 210 liters of breath. The confirmation test provides quantitative data of alcohol concentration.

CONFIRMATION TEST (DRUGS) - A second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screening test and which uses a different technique and chemical principle from that of the screening test.

CONFIRMED DRUG TEST - A confirmation test result received by a Medical Review Officer from a contracted collection site/laboratory.

CONTROLLED SUBSTANCE - For the purpose of this Department Order the definition is the same as defined in A.R.S. 13-3401.

CURRENT USE OF ANY DRUG - The usage of a drug that has occurred recently enough to justify an employer's reasonable belief that the involvement with drugs is ongoing. Current usage of any drugs is not limited to any specific time frame and depends on the facts on each individual case.

CUT-OFF LEVEL - A DHHS/SAMHSA established concentration level, usually in nanograms per milliliter (ng/mL), used to determine whether a specimen is positive or negative for the drug or drug class.

DANGEROUS DRUGS - For the purpose of this Department Order the definition is the same as defined in A.R.S. 13-3401.

DRUG TESTING COORDINATOR – The individual within the Human Resources Office delegated to coordinate testing and receive communications including test results from the Medical Review Officer, and to make required decisions in the testing and evaluation processes. The Drug Testing Coordinator will notify Employee Relations when immediate actions to remove employees from safety-sensitive duties are necessary.

EMPLOYEE - Any person that is currently being compensated for working full-time, part-time or under temporary appointment, or providing services under volunteer, internship or contractual arrangement with the Department.

EVIDENTIAL BREATH-TESTING DEVICES - Arizona Department of Transportation approved equipment utilized by the Breath Alcohol Technician to detect and determine the concentration of alcohol.

GOOD FAITH BELIEF - For the purpose of this Department Order, reasonable reliance on fact, or that which is held out to be factual, without the intent to deceive or be deceived, and without reckless or malicious disregard for the truth. Good faith does not include a belief formed with gross negligence.

IMPAIRMENT – Symptoms a prospective employee or employee while working may be under the influence of drugs or alcohol which may decrease or lessen the employee/volunteer's performance of the duties or tasks of their job description.

MEDICAL REVIEW OFFICER - A certified licensed physician who reviews contracted collection site/laboratory positive drug test results. The Medical Review Officer has knowledge of substance abuse disorders and medical training to interpret and evaluate an individual's positive test to include medical history and other relevant biomedical information.

METABOLITE - The body's process to eliminate a foreign chemical. These changed drugs are metabolites.

NANOGRAM - A unit of measurement in the detection of most drugs of abuse. Drug concentrations are expressed in nanograms per milliliter (ng/mL) of urine.

NARCOTIC DRUG - For the purpose of this Department Order the definition is the same as defined in A.R.S. 13-3401.

NEGATIVE DRUG TEST RESULT - Test results which conclude the drug(s) and metabolite(s) tested for are either absent or below the cut-off levels.

OBSERVED COLLECTION - The collection of a urine specimen performed in a manner reasonably designed to preclude the possibility of sample contamination, adulteration or misidentification.

POSITIVE DRUG TEST RESULT - Test results which conclude initial and confirmation test, drug(s) and metabolite(s) tested for are at or above the cut-off level(s).

RANDOM COMMERCIAL DRIVER'S LICENSE (CDL) DRUG AND ALCOHOL TESTING - Selection of CDL drivers for testing in accordance with federal guidelines. Random means no personal characteristics of the employee other than job description are entered into the selection process.

RANDOM DRUG TESTING - Selection of employees for drug testing based on a computer-generated random system. Random means that no personal characteristics of the employee other than job description are entered into the selection process.

SAFETY-SENSITIVE POSITION - Any job designated by the Department as a safety-sensitive position or any job which includes tasks or duties the Department in good faith believes could affect the safety or health of the employee performing the task or others.

SPLIT SPECIMEN - For the purposes of this Department Order, a portion (not less than 15 ml) of the primary urine specimen poured into a second, secured container by a contracted collection site/laboratory person, in the presence of the employee.

VERIFIED DRUG TEST RESULTS - A positive test result verified by the Medical Review Officer as containing evidence of one or more targeted drugs for which, in their opinion, there is no legitimate medical explanation.

VOLUNTEER - A person, at least 18 years old, who without compensation provides services to the Department. Volunteers may include students in internships or practicums. Volunteers serve at the pleasure of the Warden, Deputy Warden, Bureau Administrator, Administrator or designee of the area to which they are assigned and shall complete the required orientation and training prior to delivery of services. The following are not considered volunteers: Individuals who are visiting an inmate; guests of the institution, e.g., tour groups and public officials; individuals who occasionally perform services while accompanied by Department staff, e.g., repairmen and choirs; attorneys conducting official business; and contract employees.

VOLUNTEER COORDINATORS - Designated institutional staff members responsible for coordinating the volunteer appointment process.

{Original Signature on File}

Charles L. Ryan
Director

FORMS LIST

- 522-1, Pre-employment Drug Test Consent and Release of Liability
- 522-2, Drug-Free Workplace Program Employee Test Notification Order
- 522-3, Drug-Free Workplace Program Employee Drug and/or Alcohol Test Agreement
- 522-4, Drug-Free Workplace Program Random Drug Testing

CROSS-REFERENCE INDEX

- Department Order #204, Volunteer Services
- Department Order #205, Contractor Security
- Department Order #405, Vehicles/Vehicles Maintenance.
- Department Order #408, Commercial Driver’s License (CDL) Drug and Alcohol Testing
- Department Order #504, Recruitment and Hiring
- Department Order #507, Employee Records
- Department Order #513, Employee Property
- Department Order #521, Employee Assistance Program
- Department Order #601, Administrative Investigations and Employee Discipline
- Department Order #602, Background Investigations

AUTHORITY

- A.R.S. Title 36 Chapter 28.1, Arizona Medical Marijuana Act
- A.R.S. 13-3401, Definitions
- A.R.S. 23-493, Definitions
- A.R.S. 23-493.02, Scheduling of Tests
- A.R.S. 23-493.03, Testing Procedures
- A.R.S. 23-493.04, Testing Policy Requirements
- A.R.S. 23-493.05, Disciplinary Procedures
- A.R.S. 23-493.06, Employer Protection from Litigation
- A.R.S. 23-493.12, Severability
- A.R.S. 38-532, Prohibited Personnel Practice; Violation; Reinstatement; Exceptions; Civil Penalty
- A.R.S. 39-101 ET seq., Public Records
- A.R.S. 41-773, Cause for Dismissal or Discipline for Employee in Covered Service
- A.A.C. R2-5-105, Personnel Records
- A.A.C. R2-5-501, Standards of Conduct
- A.A.C. R2-5-803, Dismissal
- Title 49, Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs
- Title 49, Part 382, Controlled Substance and Alcohol Testing