

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

MEMORANDUM

TO: DISTRIBUTION

FROM: CHARLES L. RYAN

DATE: August 4, 2017

SUBJECT: Director's Instruction # 355, Alcohol and Drug Testing for Employees who Operate State-Owned Vehicles

This Director's Instruction is effective immediately and will remain in effect until rescinded or incorporated into Department Order 522, Drug-Free Workplace, Section 522.05, Reasonable Suspicion Drug and Alcohol Testing and Definitions. The remaining sections of Department Order 522, Drug-Free Workplace remain in effect until revised or rescinded.

PURPOSE

This Director's Instruction establishes requirements for administering the drug and alcohol-free program following accidents that occur when employees operate state-owned motor vehicles.

APPLICABILITY

This Director's Instruction applies to all employees, contractor employees, and volunteers who may operate a state-owned and licensed motor vehicle for official business.

POLICY

Wardens, Deputy Wardens, and Bureau Administrators shall ensure drug and alcohol testing occurs pursuant to the procedures herein.

PROCEDURES

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 vehicular accident while operating a state-owned vehicle off state property.
- 1.2.1.8 Involvement in any of the following while operating a state-owned vehicle on state property:
 - 1.2.1.8.1 A serious vehicular accident.
 - 1.2.1.8.2 Accident with injury.
 - 1.2.1.8.3 Accident involving a non-state vehicle.
- 1.2.1.9 Involvement in any accident while operating a specialized vehicle requiring a commercial driver's license (CDL).
- 1.2.1.10 The smell of marijuana or alcohol.
- 1.2.1.11 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 *The subsequent subsections outlined in Department Order 522, Drug-Free Workplace remain in effect as currently written.*

DEFINITIONS

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.

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.

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.

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.

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

SERIOUS ACCIDENT – For the purpose of this Director's Instruction, an accident resulting in injury, serious injury or death, significant property damage.

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
- Contract employees

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

{Original Signature on File}