



Attachment Three: Tennessee Department of Correction Policies

****The policies enclosed are subject to revisions. The expiration date of the policy is the State's anticipated revision date and not an exclusion of operational duties.****

Policies Enclosed:

#301.04 Job Requirements

#302.12 Drug-Free Workplace

 <p style="text-align: center;">ADMINISTRATIVE POLICIES AND PROCEDURES State of Tennessee Department of Correction</p>	Index #: 301.04	Page 1 of 12
	Effective Date: March 15, 2023	
	Distribution: A	
	Supersedes: 301.04 (6/1/19) PCN 19-63 (8/26/19) PCN 19-67 (10/1/19)	
Approved by: 		
Subject: JOB REQUIREMENTS		

- I. AUTHORITY: TCA 4-3-603 and TCA 4-3-606.
- II. PURPOSE: To ensure that all employees, contract employees and volunteers meet and maintain the qualifications established for their class title.
- III. APPLICATION: To all Tennessee Department of Correction (TDOC) employees, contract staff, volunteers, Tennessee Rehabilitative Initiative in Correction (TRICOR) employees, and employees of all privately managed institutions.
- IV. DEFINITIONS:
 - A. DD214 - Certificate of Release or Discharge from Active Duty, generally referred to as a "DD214," is a document of the United States Department of Defense, issued upon a military service member's retirement, separation, or discharge from active duty in the Armed Forces of the United States.
 - B. Appointing Authority: A commissioner, warden or superintendent having power to make appointments to, and separations from, positions in state service.
 - C. Contract Monitor of Compliance (CMC): TDOC employee(s) authorized by the Commissioner to monitor contract compliance at privately managed facilities.
 - D. Contract Monitor of Operations (CMO): TDOC employee(s) authorized by the Commissioner to serve as the approving authority for specific actions occurring at privately managed facilities. In the absence of the CMO, the CMC assigned to that facility will serve that function. In the absence of both the CMO and CMC at privately managed facilities, the necessary notification/request for authorization will be made by telephone to the correctional administrator (CA). If the CMO is not reachable via phone, the CMC will be contacted. If both the CMO and CMC are unavailable by telephone, the CA shall be contacted for required authorizations or notifications.
 - E. National Crime Information Center (NCIC): A computerized index of criminal justice information containing record history information (i.e., fugitives, stolen properties, and missing persons). It is available to federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year.
 - F. Offender Management System (OMS): The management information system designed to track offender populations and characteristics throughout the TDOC.

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- G. Prison Rape Elimination Act (PREA): Federal legislation enacted and signed by President George W. Bush in 2003 to prevent, detect, and respond to rapes, sexual assaults, and sexual harassment within correctional institutions in the United States.
- H. Safety-Sensitive Position: A position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations or work with controlled substances, or a position in which momentary lapse in attention could result in injury or death to self or another person.
- I. Tennessee Department of Correction (TDOC) Site Manager: For purposes of this policy only, Warden/Superintendent for prisons, Superintendent for the Tennessee Correction Academy (TCA), District Director for probation/parole offices, Directors for Day Reporting Centers, Office of Inspector General, Office of Investigations and Conduct (OIC), Major Maintenance, Information Technology Services, and Central Office or designee(s).
- J. Terminal Agency Coordinator (TAC): A designated contact in each district and facility who is responsible for ensuring compliance with state and federal Criminal Justice Information Systems (CJIS) security policy and regulations including validation requirements.
- K. TDOC Work Location: Any worksite in the Department of Correction generally recognized as an identifiable unit, including, but not limited to, correctional institutions, the TCA, transition centers, probation/parole offices, day reporting centers, Major Maintenance, the Office of Investigations and Conduct, and Central Office.
- V. POLICY: All TDOC employees, contract employees and volunteers shall be required to obtain and maintain the minimum qualifications set forth by the Department of Human Resources (DOHR) in the job specifications or by law for their respective work classification.
- VI. PROCEDURES:
 - A. TDOC site managers/designees shall ensure employees can access the current job classification specification with minimum qualifications and necessary special qualifications for each classification assigned to the TDOC. In TDOC work locations where employees are not assigned individual computers, a centrally located computer(s) shall be designated for this purpose. (See Policy #302.01)
 - B. Human Resources staff and hiring managers shall process applicants using the following procedures:
 - 1. Human Resources Managers and hiring managers shall verify that applicants meet the minimum qualifications for education, training, and experience as stated in the job classification specification prior to selecting candidates for interview. For those applicants who are selected for employment, proof of education, license/certifications, DD214, and any documentation of verification of previous employment received shall be maintained in their human resources file.

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- a. If the Human Resources Manager or hiring manager has a question or is in disagreement concerning an applicant's or employee's qualification, the final decision lies with the Assistant Commissioner of Human Resources and Statewide Learning and Development/designee.
 - b. If it is determined that an employee has been hired or promoted who does not meet the minimum qualifications of the position, the Assistant Commissioner of Human Resources and Statewide Learning and Development /designee shall be immediately notified. TDOC Central Office Human Resources staff will decide the action to be taken.
 - c. The Human Resources Manager/designee shall review the DD214 for an acceptable honorable discharge. An Entry Level Separation (ELS) is not a bar to consideration for employment; however, it must be reviewed and approved by the TDOC Site Manager prior to hire.
2. Those classifications which require added qualifications (license, certification, driver's license, permits, citizenship, etc.) shall be verified by the TDOC work location's Human Resources Staff prior to appointment/promotion to the position. Copies of the appropriate documentation shall be maintained in the employee's human resources file.
3. After a conditional offer of employment is made to Correctional Officers (CO), Probation/Parole Officers (PPO), and staff commissioned to carry state-owned firearms, physical examinations and psychological evaluations must be completed prior to employment. The applicant/employee must meet the standards as defined in Policies #110.06, #305.06, and #305.06.1. These applicants/employees shall be required to pass the physical examination and the psychological examination as a conditional offer of employment or as a condition of continued employment. Human Resources staff/designee shall review the documentation submitted to ensure the applicant/employee has been certified as qualified by the medical and mental health providers.
4. After a conditional offer of employment, applicants applying for safety sensitive positions will be required to submit to a pre-employment drug screen. Human Resources staff shall verify that the screen was completed and has a negative result (See Policy #302.12). For those applicants selected for employment, documentation of the drug screen shall be maintained in the confidential human resources file.
5. Reference checks may be conducted, as a method of candidate screening or assessment, by the Human Resources staff or other member of the interview team before an offer of employment is extended. The TDOC site manager will determine the members of the interview team.
6. Candidates for CO positions, PPO positions, or any position that will require the use of a firearm shall not be hired if he/she has been convicted of a domestic violence criminal offense, unless the candidate can provide documentation to TDOC that these conviction(s) have been expunged, or set aside by a court of

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competent jurisdiction, or that the candidate has been pardoned as to the offense. Applicants for these positions shall complete Affidavit, CR-3600.

7. When considering former state employees for positions, employment histories shall be examined for any earlier separations without recommendations for rehire. The circumstances of these separations and prior work history should be thoroughly investigated and considered in the hiring decision. If a hiring manager intends to offer a position to a former employee with such an earlier adverse recommendation, he/she must contact the Commissioner/designee for approval before making any final job offer.
8. Applicants/Employees may not be a member or closely associated with a member of a security threat group as defined in Policy #506.25. This shall be documented utilizing CR-3969.
9. An applicant's/employee's education, credentials, training, and experience may be investigated to verify the statements contained in the application form or to verify statements regarding the applicant's character and fitness. If this investigation shows any falsification, including false information or documents submitted in support of any application or intentionally omitted information in any application which materially affects eligibility for employment consideration, the applicant may be removed from consideration for employment or, if employed, may be dismissed.
10. An applicant's Motor Vehicle Records (MVR) shall be reviewed utilizing the MVM portal after a conditional offer of employment is made. As a part of the employment process a driver's license check must be conducted to obtain the motor vehicle record (MVR) for at least the past five years for all applicants applying for a position may require the operation of motor vehicles. Both in-state and out-of-state driver's license must be checked. Information obtained utilizing the NCIC background check may be considered supplementing
 - a. Applicants may not be hired into a position requiring the operation of state vehicles if their MVR includes convictions for any of the following within the last five (5) years:
 1. DUI.
 2. Reckless driving.
 3. License suspension for moving violation(s).
 4. More than four (4) moving violations.
 - b. The appointing authority is the final authority and may allow an exception.
 - c. Applicants will acknowledge the Motor Vehicle Records requirements during the interview process utilizing CR-4275. If the applicant has an out-of-state driver's license a copy of his/her MVR must be provided.

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- d. After hire employees in positions requiring the operation of state vehicles must maintain a valid driver's license.
 - e. All employees' information will be entered into the MVM Portal to enable notifications if an employee's driver's license becomes invalid. Human Resources staff shall maintain the list of employees in the MVM Portal keeping it updated.
 - f. If a bounce-back is received indicating an employee's driver's license is invalid, it should be reported immediately to the TDOC Site Manager, and the employee should be prohibited from any driving duties. The following actions shall be taken:
 - 1. The employee may be given a designated date to provide a valid driver's license. This should be tracked by the HR Staff and the result reported to the TDOC Site Manager upon the deadline date.
 - 2. The employee may be dismissed for failure to maintain the minimum requirements for their position if unable to secure a valid driver's license.
- C. After a conditional offer of employment is made, a National Crime Information Center (NCIC) criminal history record check shall be conducted on all prospective departmental, contract, and TRICOR employees who are assigned to TDOC facilities and work locations, and fingerprints shall be taken and processed on all new or prospective staff assigned to a safety-sensitive position. The NCIC criminal history record check shall be conducted prior to employment. Such inquiries will be made to determine whether there is past or pending criminal matters that would adversely impact the TDOC's mission.

Designated individuals at TDOC work locations will review criminal history results. The criminal history results of TRICOR employees assigned to designated TDOC facilities and work locations will be processed as indicated in Section VI.(D) of this policy. The results shall not be shared with TRICOR.

- 1. All applicants who are subject to a national fingerprint-based criminal history record check for a purpose such as employment have certain rights which can be reviewed at: <https://www.fbi.gov/services/cjis/compact-council/guiding-principles-noncriminal-justice-applicants-privacy-rights> .
- 2. Officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute.
 - a. NCIC reports for applicants shall be retained with applicant files and follow records disposition authorization (RDA) SW28 for non-selected candidates.
 - b. Applicant NCIC records shall be retained at the work site for five (5) years after that period of time they shall be returned to the designated Terminal Agency Coordinator (TAC) to be destroyed and documented.

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- c. See TDOC Policy 306.01 for retention of NCIC records for employees.
 - d. All staff that work in a TDOC work location where NCIC reports may be processed or stored shall sign the TBI Release of Information and it shall be retained in the employee's Personnel File. Staff shall review and sign the TBI Release of Information annually.
 3. The agency shall not provide applicants with a copy of their FBI criminal history record. Applicants that wish to challenge the contents of their criminal history records check may obtain information regarding this process at <https://www.edo.cjis.gov> and <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.
 4. All applicants must be advised of these rights and sign Applicant's Privacy Rights, CR-4142.
- D. Criminal history inquiries through NCIC for prospective and current employees will be processed through the following TDOC work locations:
 1. The following TDOC work locations will process all requests for applicants and employees at their location:
 - a. Northeast Correctional Complex (NECX)
 - b. Morgan County Correctional Complex (MCCX)
 - c. Bledsoe County Correctional Complex (BCCX)
 - d. Riverbend Maximum Security Institution (RMSI)
 - e. Lois M. DeBerry Special Needs Facility (DSNF)
 2. The West Tennessee State Penitentiary (WTSP) work location will process inquiries for:
 - a. West Tennessee State Penitentiary (WTSP)
 - b. Women's Therapeutic Residential Center (WTRC)
 - c. Mark Luttrell Transition Center (MLTC)
 - d. Northwest Correctional Complex (NWCX)
 - e. Hardeman County Correctional Facility (HCCF)
 - f. Whiteville Correctional Facility (WCFA)
 3. The Debra K. Johnson Rehabilitation Center (DJRC) work location will process inquiries for:

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- a. Debra K. Johnson Rehabilitation Center (DJRC)
 - b. Tennessee Correction Academy (TCA)
 - c. Turney Center Industrial Complex (TCIX)
 - d. South Central Correctional Facility (SCCF)
 - e. Trousdale Turner Correctional Center (TTCC)
4. Division of Human Resources will process request for:
- a. Central Office (including but not limited to the following):
 - (1) Office of Inspector General (OIG)
 - (2) Office of Investigations and Conduct (OIC)
 - (3) Rehabilitative Services
 - (4) Clinical Services
 - (5) Operations
 - (6) Operational Support
 - (7) Community Supervision
 - (8) Fiscal Service
 - b. Major Maintenance
 - c. TDOC Contract Monitors of Compliance and Operations for privately managed facilities
5. HR Generalist will request inquires for Community Supervision applicants and employees.

E. Contract Vendors

- 1. Staff of privately managed facilities (excluding TDOC staff working at these facilities) and staff of any non-construction contract vendors working at any TDOC facility will be fingerprinted by the vendor contracted by the TBI for such services.
- 2. Results of the criminal history record check applicable to contract vendor applicants/employees assigned to a TDOC facility shall be forwarded to the institution where the employee is working and maintained in the Human Resources Office. For contract staff assigned to a TDOC facility, the TBI letter Tennessee Applicant Processing Services (TAPS)-Contract Personnel Background Check may be maintained in lieu of a fingerprint card. Prior to June 1, 2019, either the payment confirmation for fingerprinting services or the TBI letter is acceptable in lieu of a fingerprint card.
- 3. Results applicable to applicants/employees of privately managed facilities shall be sent to WTSP for WCFA and HCCF employees and to DJRC for SCCF and TTCC

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employees. Assigned staff at WTSP and DJRC will forward the results to the CMO at the appropriate privately managed facility.

4. Construction contractors (contractors hired by the State or subcontractors that work on any TDOC property as part of an approved construction project) will complete a Construction Contractor Pre-Access Questionnaire, CR-3834, sign the TBI Release of Information, and submit them to the TDOC site manager. The TDOC site manager shall ensure that a photocopy of the contractor's driver's license or other valid current photo identification is attached to the questionnaire. Fingerprints will also be collected at facilities and filed with the questionnaire. Assigned TDOC staff will review relevant data on the OMS as well as the submitted questionnaire in determining if the construction contractor or their employee(s) is allowed access to the site. Additionally, PREA Self-Declaration of Sexual Abuse/Sexual Harassment, CR-3819, shall be completed as part of the process.
5. In no instance shall NCIC/FBI criminal history documentation or results be given to any contract entity.

F. Annual Background Checks

1. Current employees will be required to submit to an annual background check. The check is to be completed by the end of the month during which the employee's birth date occurs. The Human Resources Offices of each TDOC work location will be responsible for compiling a monthly list of employees who have birthdays within each month. Once the list is developed, the information is to be forwarded to the appropriate NCIC operator at TDOC facilities and work locations as indicated in Section VI.(D) of this policy by the 25th of the month preceding the birth month in which the checks are to be completed.
 - a. Self-Declaration of PREA Sexual Abuse/Sexual Harassment, CR-3819, shall be completed as part of the annual background check.
 - b. For employees with out-of-state driver's license assigned to positions requiring the operation of a state vehicle, an MVR verification will be conducted in conjunction with the annual background check.
2. TRICOR will be responsible for providing designated TDOC facilities and work locations (as indicated in Section VI.(D) of this policy with a monthly list of current employees who require annual background checks in conjunction with the employee's birth month. Additionally, PREA Self-Declaration of Sexual Abuse/Sexual Harassment, CR-3819, shall be completed as part of the annual background check. In no instance shall NCIC/FBI criminal history documentation or results be given to any contract entity.
3. All current contract employees who have been employed for at least one year will have their annual background checks completed each July. Additionally, PREA Self-Declaration of Sexual Abuse/Sexual Harassment, CR-3819, and the TBI Release of Information shall be completed as part of the annual background check.

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- a. The administrator/designee for the contract vendor(s) providing services for the TDOC shall notify the local Human Resources staff immediately upon appointment or separation of an employee that will be/is assigned to the TDOC work location.
 - b. The contract vendor(s) shall ensure that the local Human Resources office has an up-to-date list of all contract employees providing services at the TDOC work location each June and upon request.
4. The results of the criminal history checks will be provided to the appropriate TDOC site manager and/or Human Resources Manager. The results of criminal history checks of TRICOR employees will be provided to the applicable TDOC Human Resources Manager. The results of the criminal history checks of employees of privately managed prisons will be forwarded to the appropriate CMO, who shall inform the Warden at the assigned contract facility, by completing a TDOC Vendor/Contractor Employee/Volunteer Criminal History Result, CR-3704. If the CMO is unavailable to complete the CR-3704, the CMC shall perform this function. The CMO shall maintain a copy of the CR-3704 that was provided to the Warden at the contract facility.
 5. At no time shall the actual criminal history check results be shared with anyone outside the TDOC. Results of all criminal history checks of TDOC employees will be filed in accordance with Policy #306.01.
 6. All results of criminal history checks must be thoroughly reviewed for any disqualifying convictions. The Appointing Authority/designee will have the final determination on approval of criminal history checks for hiring and retention decisions.
 7. All pre-employment criminal history checks and annual criminal history checks with new findings shall be reviewed and signed by the TDOC site manager (Correctional Administrator for Probation/Parole) to approve or deny hire/retention utilizing CR-3552.

G. PREA Requirements

1. All applicants for employment or promotions, all contract employees, and all volunteers who may have any contact with offenders shall sign PREA Self-Declaration of Sexual Abuse/Sexual Harassment, CR-3819 to ensure compliance with PREA Standard #115.17 which states that the agency shall not hire or promote anyone who may have contact with inmates and shall not enlist the services of any contractor, who may have contact with inmates, who:
 - a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution.
 - b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse, or;

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- c. Has been civilly or administratively adjudicated to have engaged in the activity described in (b) above.
 - d. The Department shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.
 - e. Material omissions regarding such misconduct, or false and fraudulent information provided regarding criminal history may disqualify the applicant/employee from further consideration for employment and, if employed, shall result in termination of employment.
2. Assigned employees who have substantiated PREA complaints against them for sexual harassment or abuse must acknowledge such each year on their CR-3819 and whenever they apply for advancement.
 3. Consistent with federal, state, and local law, the TDOC will make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. This information shall be documented on PREA Questionnaire for Prior Institutional Employers, CR-3962. Additionally, unless prohibited by law, the TDOC shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.
- H. TDOC employees shall acquire and maintain, at their own expense, any special qualifications required for a position for which the employee applies or holds. Employees required to hold licenses, permits, driver's licenses, and/or certifications shall not allow them to expire. Failure to maintain the qualifications required for the position shall subject the employee to separation from state service, or other personnel actions as necessary and appropriate.
1. Human Resources staff or designee shall verify licenses, permits, driver's licenses, and certifications annually during the employee's birth month.
 2. Human Resources staff shall notify the appropriate TDOC site manager immediately when an employee has failed to maintain the qualifications required for the position to which they are assigned.
 3. The TDOC site manager shall take appropriate action to resolve any issue when he/she has knowledge of an expired/revoked license, permit, driver's license or certification, etc.
 - a. The employee may be given a reasonable deadline to obtain the required qualification.
 - b. The employee may be assigned to another position for which they meet the minimum qualifications.

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- c. If the employee is unable to obtain the required qualification(s) and there is not another position available that the employee can fulfill satisfactorily, the employee shall be separated for failure to maintain the minimum qualifications of his/her position.

- I. Prospective new employees shall complete a New Hire Information, CR-4122, once they have accepted a final offer of employment. Current employees shall complete an Employee Information Update, CR-3653, as personal information changes. These forms shall be submitted to the local Human Resources Division for placement in each employee's human resources file. Current employees shall update this information annually, even if existing information remains current. A new copy of the employee's driver's license and/or professional license will be made each year. All employees are required to maintain updated contact information in the Edison database to include a complete and correct physical home address, mailing address (if different), e-mail address (if available), and a valid contact phone number.

- J. As a requirement of continued employment, all employees shall be required to acknowledge receipt and understanding of the following DOHR policies/documents annually prior to June 30th. Acknowledgement of DOHR policies shall be completed in Edison by following the indicated path below and then selecting "Create a Policy Acknowledgement eForm":
 - NavBar > Navigator > HCM > Self Service > Policy Acknowledgements
 1. State of Tennessee – Code of Conduct
 2. Workers' Compensation Acknowledgement
 3. FA-0984 Acceptable Use: Network Access Rights and Obligations
 4. 12-008 Workplace Discrimination and Harassment
 5. 12-012 Political Activity
 6. 12-056 Operation of Motor Vehicles by State Employees
 7. 12-058 Personal Use of Social Media
 8. 12-060 Violence in the Workplace
 9. 17-001 Abusive Conduct in the Workplace
 10. GS-20-01 General Parking Policy
 11. 22-002 Anti-Nepotism: Employment of Relatives and Family Members

- K. As a condition of employment, all employees shall be required to acknowledge receipt and understanding of TDOC policies and documents utilizing TDOC Policy Acknowledgement, CR-4123. Many polices can be reviewed in Edison.

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Acknowledgement of TDOC policies will occur in orientation, core training, and/or as defined by local Human Resources staff.

- VII. APPLICABLE FORMS: CR-3653 (Rev 11-21), CR-4275 (Rev 11-21), CR-3969 (Rev 3-20), CR-3600 (Rev 03-19), CR-3704, CR-3819 (Rev 7-18), CR-3834, CR-3962, CR-4122 (Rev 9-19), CR-4142 (Rev 11-18) CR-4123 (Rev 7-22), CR-3552 (Rev 11-22), State of Tennessee Employee Policy Acknowledgement (Rev 2022), TBI Release of Information.
- VIII. ACA STANDARDS: 5-ACI-1C-08, 5-ACI-1C-10, 5-ACI-1C-14, 2-CO-IC-18, and I-CTA-IC-06.
- IX. EXPIRATION DATE: March 15, 2026



TENNESSEE DEPARTMENT OF CORRECTION
NATIONAL CRIME INFORMATION CENTER (NCIC)
CRIMINAL HISTORY REQUEST

Date: _____

SECTION I - To be completed by applicant/volunteer/mentor/employee. (PLEASE PRINT CLEARLY)
Applicant Pre-employment, Volunteer, Mentor, Employee Annual Review:

Name: _____ Last First Middle
DOB: _____ SSN: - -
DRIVER LICENSE #: _____ ISSUE DATE: _____ STATE: _____

Applicant Pre-employment, New Volunteer, New Mentor:

Sex: _____ Race: _____

List All Other States Where Individual Has Resided or Worked:

1) _____ 2) _____ 3) _____ 4) _____ 5) _____ 6) _____ 7) _____ 8) _____

List All Aliases/Maiden/Legal Names Used:

1) _____
2) _____
3) _____

Have you had any of the following on your Motor Vehicle Record in the past five years: 1) DUI 2) Reckless driving 3) License Suspension for moving violation 4) More than four moving violations

Are you on Probation or Parole? [] Yes [] No
[] Yes [] No

SECTION II - To be completed by Volunteer Coordinator or HR and signed by TDOC Site Manager/Approving Authority or Designee

Purpose: New Volunteer/New Employee/Annual Review

Site: _____ Contact Person: _____

Telephone: () - Ext. Fax Number: () -

Authorizing Signature: _____ Title: TDOC Site Manager/Approving Authority/Designee

SECTION III - To be completed by Terminal Agency Coordinator/NCIC Operator or Designee:

Synopsis of Information Obtained: _____

FBI# (if known): _____ SID# (if known) _____

TAC/NCIC Operator/Designee Signature: _____ Date: _____

SECTION IV - To be completed by the TDOC Site Manager/Approving Authority

[] Approved for hire/retention [] Not Approved for hire/retention Volunteer/Mentor [] Approved [] Not Approved

Additional Action Required: _____

TDOC Site Manager/Approving Authority Signature: _____ Date: _____



STATE OF TENNESSEE
DEPARTMENT OF CORRECTION

STATE OF TENNESSEE
COUNTY OF _____

AFFIDAVIT

Purpose: Compliance with the Omnibus Consolidated Appropriations Act of 1997.

General: The Omnibus Consolidated Appropriations Act of 1997 amended the Gun Control Act of 1968 (GCA) to make it unlawful for any person convicted of a "misdemeanor crime of domestic violence" to ship, transport, possess, or receive firearms or ammunition. As defined in the GCA, a "misdemeanor crime of domestic violence" means an offense that:

- 1. is a misdemeanor under Federal or State law; and
2. has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person with who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

The above definition includes all misdemeanors that involve the use or attempted use of physical force (e.g., simple assault, assault and battery) if the offense is committed by one of the defined parties. This is true whether or not the State statute or local ordinance specifically defines the offense as a domestic violence misdemeanor (e.g., a person convicted of misdemeanor assault against his or her spouse or child is prohibited from receiving or possessing firearms or ammunition). This prohibition applies to persons convicted of such misdemeanors at any time, even if the occurrence/conviction is prior to the new law's effective date (September 30, 1996).

A person convicted of domestic violence as defined above would not be prohibited from receiving/possessing firearms if the conviction has been (1) expunged (2) set aside (3) pardoned (4) or the person has had his or her civil rights restored (if the law of applicable jurisdiction provides for the loss of civil rights under such an offense) and the person is not otherwise prohibited from possessing firearms or ammunition. Convictions that have been expunged by order of a court of competent jurisdiction are not required to be disclosed.

Employees of government agencies, convicted of misdemeanors as stated above, are not exempt from the prohibition against possessing firearms. Employees falling into this category may not lawfully possess or receive firearms or ammunition for any purpose, including performing their official duties.

I, (Name) _____, (SSN) _____, (have / have not) ever been convicted of a misdemeanor domestic violence offense (as defined above). _____ (circle one)

If previously convicted, the place of conviction (court and location) was _____ and date of conviction was _____. Has the conviction been set aside, pardoned, or have your civil rights been restored? [] Yes [] No
(NOTE: Convictions that have been expunged by order of a court of competent jurisdiction are not required to be disclosed).

Explain (give date and court granting relief):

AFFIANT

Sworn to and subscribed before me, this _____ day of _____, 20__.

NOTARY PUBLIC

My commission expires: _____.

NOTE: TCA§ 39-16-702 defines the offense of perjury as one who with intent to deceive, makes a false statement, under oath. Perjury is punishable with up to 11 months and 29 days in jail and a \$2,500 fine.



TENNESSEE DEPARTMENT OF CORRECTION

EMPLOYEE INFORMATION UPDATE

This document must be completed when required by the Department or whenever information pertaining to your home address, telephone number, emergency contact, or driver's license information has changed. Please forward to Human Resources upon completion. Please legibly print all information. When requested please complete and sign form whether or not there is a change.

Personal Information

Employee's Full Name:
Employee ID Number:
Home Address:
City:
State:
Zip Code:
Home Telephone Number:
Cell Number:
Health Care Directive:
Employee Address and Phone updated in EDISON data base: Yes No

Emergency Information

1st Emergency Contact:
Relationship:
Address:
City:
State:
Zip Code:
Home Telephone Number:
Cell/Work Number:
Does this contact need medical staff accompaniment?
2nd Emergency Contact:
Relationship:
Address:
City:
State:
Zip Code:
Home Telephone Number:
Cell/Work Number:
Does this contact need medical staff accompaniment?

Please contact clergy: Yes No If yes Name: Telephone Number:

Employee contact information updated in the EDISON data base: Yes No

Have your beneficiaries changed for your life insurance, leave balances, retirement etc. Yes No If yes contact your local HR Staff for the appropriate change form(s).

Please provide any professional license or certification required as a part of the minimum qualifications of your position.

Please provide a copy of valid driver's license. For out-of-state drivers license a copy of MVR required.

Employee Signature: Date:



**TENNESSEE DEPARTMENT OF CORRECTION
VENDOR/CONTRACT EMPLOYEE
CRIMINAL HISTORY RESULTS**

SUBJECT: _____
Employee Name (Printed)

The individual, referenced above, is an employee of a private vendor / contractor, who has entered into a contract with Tennessee Department of Correction (TDOC).

Pursuant to the FBI's CJIS Security Policy, Section 4.5 and the FBI's CJIS Security Addendum, Section 6.01 and 6.02, a search of the Tennessee Criminal History Database has been performed and an applicant fingerprint card was submitted to the FBI for a criminal history record check. In accordance with federal laws and regulations, a private vendor / contractor is prohibited from receiving any actual data that may be maintained by the FBI. However, based on the results of the federal and state criminal history checks, the following has been determined.

- There is nothing in the vendor / contractor employee's criminal history record that would preclude the employee from working on the contract with the TDOC.
- Based upon the vendor / contract employee's criminal history record, the employee is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. There is nothing in the vendor / contractor employee's criminal history record that would preclude the employee from working on the contract with the TDOC in a position that does not involve firearms or ammunition.
- Based upon the vendor / contract employee's criminal history record, the employee / prospective employee will not be permitted to work on the contract with TDOC.
- Other:

If the individual wishes to challenge the results of the criminal history record search and wishes to review his/her record, he/she should write to the following agencies:

FBI CJIS Division
Special Correspondence Unit
100 Custer Hollow Rd.
Clarksburg, WV 26306

Identification Services Section
Tennessee Bureau of Investigation
901 R.S. Gass Blvd.
Nashville, TN 37216-2639



TENNESSEE DEPARTMENT OF CORRECTION

INSTITUTION

CONSTRUCTION CONTRACTOR PRE-ACCESS QUESTIONNAIRE

COMPANY: _____ DATE: _____

EMPLOYEE NAME: _____
FIRST MIDDLE LAST

SOCIAL SECURITY NUMBER DATE OF BIRTH

ADDRESS: _____

Have you ever been charged with a misdemeanor or felony? Yes No
If yes, please list below:

<u>CHARGE</u>	<u>STATE</u>	<u>YEAR</u>	<u>CONVICTED YES/NO</u>	
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Are you affiliated with any Security Threat Group(s)/Gang(s)? Yes No
If yes, please list:

Do you know any individual previously/presently incarcerated within the TDOC? Yes No
If so, list name(s):

Have you ever visited an inmate at any TDOC facility or other correctional facility in Tennessee?
 Yes No If yes, please list:

<u>NAME</u>	<u>FACILITY</u>
_____	_____
_____	_____

Have you ever worked for the TDOC or any other law enforcement or correctional agency?
 Yes No If yes, please list: _____

CONTRACTOR EMPLOYEE SIGNATURE DATE



TENNESSEE DEPARTMENT OF CORRECTION

PREA Questionnaire for Prior Institutional Employers

Pursuant to the Prison Rape Elimination Act 28 C.F.R.Part 115 (PREA) before hiring any employee who may have contact with any individual or detained, the Tennessee Department of Correction must contact all prior institutional employers and request certain PREA related employment information. It should be noted that PREA further requires a past or present institutional employer to provide PREA related information upon request by another institutional employer.

We have been informed that _____ (hereafter referred to as Candidate) has been employed by you and you may have PREA related information. Accordingly, we request that you please respond to the following questions and provide relevant information regarding any PREA involved allegations.

SECTION I. CANDIDATE INFORMATION (TO BE COMPLETED BY CANDIDATE)

Form with fields: FULL NAME, DATE OF BIRTH (MM/DD/YEAR), ALIASES/MAIDEN NAME, PREVIOUS EMPLOYER, ADDRESS, WORK PHONE NUMBER, FAX NUMBER, EMAIL ADDRESS.

SECTION II. CANDIDATE HISTORY (TO BE COMPLETED BY AGENCY)

PLEASE IDENTIFY THE POSITION HELD:

Please identify any and all substantiated allegations of SEXUAL ABUSE against the candidate while in your employment. For each substantiated allegation identified, please provide the date of the incident, the nature of the allegation against the candidate, and the findings of any investigation conducted and disciplinary action taken.

Table with columns: DATE OF INCIDENT, NATURE OF ALLEGATION, INVESTIGATION FINDINGS, DISCIPLINARY ACTION TAKEN. Includes checkbox for SEXUAL ABUSE (YES/NO).

Please identify any and all substantiated allegations of SEXUAL HARASSMENT against the candidate while in your employment. For each substantiated allegation identified, please provide the date of the incident, the nature of the allegation against the candidate, and the findings of any investigation conducted and disciplinary action taken.

Table with columns: DATE OF INCIDENT, NATURE OF ALLEGATION, INVESTIGATION FINDINGS, DISCIPLINARY ACTION TAKEN. Includes checkbox for SEXUAL HARASSMENT (YES/NO).

SECTION II COMPLETED BY (PRINT NAME): _____

TITLE: _____ DATE: _____

EMPLOYERS - Please return form to:



TENNESSEE DEPARTMENT OF CORRECTION
Inmate/STG Affiliation/Previous Employment
Acknowledgement Form

Print Name: _____

1. Do you know any person(s) who is currently or was formerly housed in the Tennessee Department of Correction system?
Circle one: YES NO
2. Have you ever visited an inmate at a Tennessee Department of Correction facility or County Jail?
Circle one: YES NO
3. Have you ever been or are you currently on an inmate visitation list?
Circle one: YES NO
4. Have you ever or are you currently receiving calls from an inmate housed in a Tennessee Department of Correction facility or County Jail?
Circle one: YES NO

If you answered **YES** to any of the above questions please complete this section.
**TDOC is the acronym for Tennessee Department of Correction*

Inmate Name	TDOC Number	Relationship	Last Contact	TDOC Facility

5. Do you have any former or current Gang or Security Threat Group affiliation?
Circle one: YES NO

If you answered **YES** to the above question, please complete this section.

Gang or STG Name	Dates of affiliation

6. Have you ever worked for the Tennessee Department of Correction; other state, federal, or local prison/jail/facility; or any privately operated prison/jail/ facility?
Circle one: YES NO

If you answered **YES** to the above question, please complete this section.

TDOC/CC/Other Prison/Jail Facility Name	Dates of Service	Reason for Leaving	Supervisor Name

7. Are you currently on probation or parole with any local, State, or Federal agency?
Circle one: YES NO

If you answered yes to question 7 please complete this section:

Agency	Dates	Criminal Offense

I agree that the above information is correct to the best of my knowledge. I do understand that there may be no social relationship with inmates, former inmates or members of inmate's families. I also understand that answering **YES** to any of the above questions will not automatically exclude me from employment consideration, but the nature will be considered in relationship to the job for which I applied. Failure to accurately provide the above information could lead to disciplinary action up to and including termination of my employment.

Signature: _____

Date: _____

Witness: _____

Date: _____



TENNESSEE DEPARTMENT OF CORRECTION

NEW HIRE INFORMATION

SSN: _____ Employee ID #: _____ BI #: _____

Prefix: Mr. Ms. Mrs. Miss

Last Name: _____ Legal First Name: _____ Middle _____

I prefer to be called: _____
(Nickname)

Address: _____

City: _____ State: _____ Zip: _____

County of Legal Residence: _____ Work County: _____

Veteran Status: Yes No (Select Below) E-Mail Address: _____
Active Reserve _____ Inactive Reserve _____ Home Phone: _____
No Military Service _____ Veteran (VA Ineligible) _____ (including area code) _____
Pre-Vietnam-Era Veteran _____ Retired Military _____ Cell Phone: _____
Vietnam-Era Veteran _____ Veteran _____ (including area code) _____

Education (Please mark the highest grade completed):
 Less than HS Grad HS or Equivalent Some College Technical 2-yr College Associate Bachelors Masters Graduate Doctorate

Marital Status: Single Divorced Married Widowed Gender: Male Female

Race: White Black Asian (American or Native) Hispanic (please specify) _____
 Indian Other

Date of Birth: _____

Prior State Service Y N

What Department? _____
Approximate Dates? From _____ To _____

Health Care Directive: Yes No If yes please specify: _____

Emergency Contact Name #1: _____ Relationship to Employee: _____
Emergency Contact Address: _____
Emergency Contact Phone: Home/Cell _____ Work _____

Emergency Contact Name #2: _____ Relationship to Employee: _____
Emergency Contact Address: _____
Emergency Contact Phone: Home/Cell _____ Work _____

In case of life threatening emergency or death, do emergency contacts require medical staff accompaniment? Yes No
In case of life threatening emergency or death, contact your clergy? Yes No
If yes, please list clergy name: _____ clergy phone number: _____

Driver's License #: _____ Issuing State: _____ Expiration Date: _____

HR LIAISON USE ONLY

ePAF: _____

Department/Division _____
Position #: _____ Position Title: _____
Requisition #: _____ Reports To: _____
New Position Status (check one): Preferred Service Executive Service Interim Other: _____
Action: Promotion Lateral Transfer Demotion New Hire Other (specify): _____
Proposed Salary/Monthly: _____ Effective Date of Hire/Change: _____
Currently employed with the State of Tennessee (check one) Yes No
If yes, list Department: _____
Current Position Status (check one): Preferred Service Executive Service Other



TENNESSEE DEPARTMENT OF CORRECTION
POLICY ACKNOWLEDGEMENT

My signature below acknowledges that I have received a copy and read the following Department of Correction administrative policies and procedures. I understand it is my obligation to comply with the procedures and provisions contained within these policies:

PRE-EMPLOYMENT (After Conditional Offer of Employment)

- Domestic Violence – Affidavit CR-3600 (Positions that may be required to carry a firearm)
- 305.06 Employment Qualification Standards of Correctional Officers CR-2783 (Correctional Officers Only)
- 305.06.1 Employment Qualification Standards of Probation Parole Officers CR-3973 (PPOs Only)
- Inmate/STG Affiliation/Previous Employment/Prior Conviction Acknowledgement CR-3969
- PREA – Self-Declaration of Sexual Abuse/Sexual Harassment CR-3819
- CR4142 – Applicant’s Privacy Rights
- CR4275 – Motor Vehicle Records Requirements
- CR4122 – New Hire Information (Upon acceptance of employment)

ORIENTATION

- 109.05 Acceptable Use of Network Resources (signature page)
- 109.07 Code of Conduct for TDOC and STS Employees CR-3112
- 110.05 In-Service Training Policy
- 112.10 Non-Smoking Policy (TDOC Central Office) (Central Office and Community Supervision Staff)
- 112.11 Smoke-Free Policy (TDOC Institutions) (Institutional Staff)
- 301.04 Job Requirements CR-4122 and CR-4123
- 302.02 Nepotism
- 302.03 Political Activities
- 302.04 Conflicts of Interest and the Acceptance of Gifts and Gratuities
- 302.05 Employee Sexual Misconduct, Workplace Discrimination, and Harassment
- 302.06 Suspension/Termination of Staff for Alleged Criminal Acts
- 302.08 Code of Conduct and Oath of Correction Department Employees CR-3601 and CR-2254
- 302.09 Affirmative Action Program/Equal Employment
- 302.12 Drug-Free Workplace CR-3679 and CR-3678 (Safety Sensitive Positions)
- 302.14 Additional Employment
- 303.01.1 Attendance and Leave CR-4140
- 303.03 Tennessee Consolidated Retirement System
- 303.04 Workers Compensation/Return to Work Program CR-3875
- 303.08 Employee Insurance FA-0980
- 303.10 Assault Injury Pay
- 303.11 On Call/Call Back/Call In
- 305.01 Employee Disciplinary Action
- 305.02 Americans with Disabilities Act Complaint Resolution Procedures – ADA Act of 1990
- 305.03 Employee/Offender Interaction
- 306.02 Employee Exit Procedures CR-4043 and CR-4042 (upon the issuance of state property)
- 506.06 Acknowledgement Employee Searches

Employee Name (printed)

Employee Signature

Employee Edison ID#

Date



TENNESSEE DEPARTMENT OF CORRECTION

APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification that your fingerprints will be used to check the criminal history records of the FBI.
- You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. This Privacy Act Statement should explain the authority for collecting your information and how your information will be used, retained, and shared.
- If you have a criminal history record, the officials making a determination of your suitability for the employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or update of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record.

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks> and <http://www.edo.cjis.gov>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

Signature

Date



TENNESSEE DEPARTMENT OF CORRECTION
TDOC MOTOR VEHICLE RECORDS REQUIREMENTS

Applicant's Name (print): _____

I have been advised of the following standard criteria for potential new hires to be eligible to drive state vehicles:

- **For the past five years, a potential employee's driving record must not have the following:**
 - **DUI**
 - **Reckless driving**
 - **License suspension for moving violations**
 - **More than 4 moving violations**

(Any of the above violations may disqualify me from consideration for employment in this position.) **The appointing authority will have the final authority and may allow exceptions.**

If you have an out-of-state license, you may be required to provide a copy of your Motor Vehicle Records Check.

I am aware, if hired, that there will be ongoing Motor Vehicle Records monitoring to verify that I have maintained a valid driver's license.

(Failure to maintain a valid driver's license may result in disciplinary action or dismissal.)

Applicant's Signature

Date



State of Tennessee Employee Policy Acknowledgement

By signing below, I acknowledge that I have read, understand, and agree to comply with each of the following policies identified below:

State of Tennessee – Code of Conduct

Workers' Compensation Acknowledgement

FA-0984 Acceptable Use Policy State of Tennessee Information Technology Resources

12-008 Workplace Discrimination and Harassment

12-012 Political Activity

12-056 Operation of Motor Vehicles by State Employees

12-058 Personal Use of Social Media

12-060 Violence in the Workplace

17-001 Abusive Conduct in the Workplace

GS-20.01 General Parking Policy

22-002 Anti-Nepotism: Employment of Relatives and Family Members

Print Employee Name

Employee Edison ID#

Date

Employee Signature

Policies can be found at <https://www.tn.gov/hr/pr/policies-by-name.html> or in EDISON



RELEASE OF INFORMATION



The CJIS Security Policy requires that basic security awareness training shall be required within six months of initial assignment, and biennially thereafter, for all personnel who have access to Criminal Justice Information (CJI).

Criminal Justice Information is the term used to refer to all of the FBI CJIS provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data.

Access to Criminal Justice Information is defined as the physical or logical (electronic) ability, right or privilege to view, modify or make use of CJI.

Per the CJIS Security Policy (Section 5.2), the following topics related to access, dissemination, security, and misuse of CJI are explained in order to implement security awareness training for those with access to CJI:

1. Rules that describe responsibilities and expected behavior with regard to CJI usage.

Access to and dissemination of CJI, III, CHRI, and NCIC Restricted Files, are only for criminal justice purposes. Such data can only be used for authorized criminal justice purposes, consistent with the purpose for which it was requested. Criminal justice purposes (also known as administration of criminal justice) means performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.

2. Implications of noncompliance.

Agencies are required to develop and publish internal information security policies, including penalties for misuse. Sharing information or using information for anything other than job related criminal justice duties constitutes a violation. Unauthorized requests, receipt, release, interception, dissemination, or discussion of CJIS data/CHRI could be considered a criminal offense and result in criminal prosecution.

3. Incident response.

All agency personnel shall be aware of the agency's procedures for reporting different types of incidents that might have an impact on the security of agency assets and be required to report them as quickly as possible to the designated agency point of contact.

4. Media protection.

Electronic and physical media must be stored within physically secure locations or controlled areas. The agency shall restrict access to electronic and physical media to authorized individuals.

5. Visitor control and physical access to spaces.

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect CJI and associated information systems. All physical access points must be controlled by the agency and they must verify individual access authorizations before granting access by maintaining a list of authorized individuals or issuing credentials to those authorized individuals. Additionally, visitors must be authenticated before authorizing escorted access to the physically secure location. Visitors shall be escorted at all times and their activity monitored.

Support personnel, contractors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based record check unless these individuals are escorted by authorized personnel at all times.

6. Protect information subject to confidentiality concerns.

When no longer necessary, the agency shall sanitize or degauss electronic media prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Sanitization or destruction is witnessed or carried out by authorized personnel.

7. Proper handling and marking of CJI.

The agency shall securely store electronic and physical media within physically secure locations or controlled areas to protect CJI from unauthorized disclosure, alteration or misuse.

8. Threats, vulnerabilities, and risks associated with handling of CJI.

Vulnerability is a condition or weakness in (or the absence of): security procedures, technical controls, physical controls, and other controls that could be exploited by a threat. Vulnerabilities include but are not limited to physical, natural, hardware, and software (e.g., computer placed in non-secure location, connection to internet without a firewall, no virus protection software, etc.).

9. Social Engineering.

Social engineering is the act of manipulating people into performing actions or divulging confidential information. While similar to a confidence trick or simple fraud, the term typically applies to trickery or deception for the purpose of information gathering, fraud, or computer system access; in most cases the attacker never comes face-to-face with the victim. Personnel should always ensure that the individual who is requesting CJI 1) is authorized to receive such data and 2) is who they say they are, and 3) is requesting such data for an authorized purpose.

10. Dissemination and destruction.

Dissemination is the transmission/distribution of CJI to authorized recipients within an agency. Secondary Dissemination is the re-dissemination of CJI from an authorized agency that has direct access to the data to another authorized agency. Secondary Dissemination is the same as “chain of custody” - not only the agency it is given to but

also whose hands it is put it in must be documented. CJI is sensitive information and should be safeguarded accordingly to prevent unauthorized/improper access, use, or dissemination/release. Agencies are required to adhere to all policies promulgated by CJIS, NCIC, TBI, etc. as it relates to the protection of CJI.

Physical media shall be securely disposed of when no longer required, using formal procedures. Formal procedures for the secure disposal or destruction of physical media shall minimize the risk of sensitive information compromise by unauthorized individuals. Physical media shall be destroyed by shredding or incineration. Agencies shall ensure the disposal or destruction is witnessed or carried out by authorized personnel.



RELEASE OF INFORMATION FORM ACKNOWLEDGEMENT



I hereby certify that I have read and am familiar with the information provided on the Release of Information Form and agree to be bound by those provisions.

I recognize that Criminal Justice Information (CJI) is sensitive and has potential for great harm if misused. I understand that misuse of CJI by, among other things: accessing it without authorization; accessing it by exceeding authorization; accessing it for an improper purpose; using, disseminating or re-disseminating information received for a purpose other than that envisioned by my job duties within this agency, may subject me to administrative and criminal penalties. I understand that accessing CJI for an appropriate purpose and then using, disseminating or re-disseminating the information received for another purpose other than my official criminal justice duties also constitutes misuse. Such exposure for misuse includes, but is not limited to, suspension or loss of employment and prosecution for state and federal crimes.

Printed Name of Employee

Title

Signature of Employee

Date

Agency Name



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 302.12

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Effective Date: January 1, 2022

Distribution: A

Supersedes: 302.12 (8/1/19)
PCN 21-9 (5/15/21)
PCN 20-2 (2/15/20)

Approved by: Lisa Helton

Subject: DRUG-FREE WORKPLACE

- I. AUTHORITY: TCA 4-4-103, TCA 4-3-603, TCA 4-3-606, TCA 39-16-201, TCA 41-1-121, TCA 50-9-101, et seq, TCA 50-9-105, and Tennessee Administrative Compilation (TAC) 0800-2-12.
- II. PURPOSE: To enhance professionalism and safety by promoting a drug-free workplace within the Tennessee Department of Correction (TDOC).
- III. APPLICATION: To all TDOC employees.
- IV. DEFINITIONS:
 - A. Adulterated Sample: Any sample that appears to have evidence of dilution, contamination, or tampering, before, during, or after the test collection with laboratory confirmation of the specific adulterant.
 - B. Alcohol: Has the same meaning as in the federal regulations describing procedures for the testing of alcohol by programs operating pursuant to the authority of the United States Department of Transportation as currently compiled at 49 Code of Federal Regulations (CFR) Part 40, as the same may be revised from time to time.
 - C. Alcohol Testing: The analysis of breath, blood, or any other analysis which determines the presence and level or absence of alcohol as authorized by the U.S. Department of Transportation in its rules and guidelines concerning alcohol testing and drug testing.
 - D. Applicant: A person who has applied for a safety-sensitive position within the Tennessee Department of Correction and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test.
 - E. Appointing Authority: A commissioner, warden or superintendent having power to make appointments to, and separations from, positions in state service.
 - F. Cancelled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is otherwise required to be cancelled. A cancelled test is neither a positive nor a negative test.
 - G. CAP-FUT Program: The College of American Pathologists-Forensic Drug Testing accreditation program.
 - H. Chain of Custody: The methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for specified materials or substances, and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.

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- I. Confirmation Test: A second analytical procedure to identify the presence of alcohol or a specific drug or its metabolites in a specimen.
- J. Conviction: A finding of guilt, including a plea of nolo contendere and/or imposition of sentence, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- K. Drug: Any chemical or substance subject to testing pursuant to toxicology testing regulations adopted by the United States Department of Transportation.
- L. Drug-free Workplace: A site for the performance of work done in connection with an employee's job whereby employees are prohibited from engaging in unlawful manufacture, distribution, dispensing, possession, or use of alcohol or drugs.
- M. Drug Test or Drug Testing: A chemical, biological or physical instrumental analysis administered by a laboratory authorized to do so pursuant to TCA 50-9-101 et seq., for the purpose of determining the presence or absence of a drug or its metabolites pursuant to regulations governing drug testing adopted by the United States Department of Transportation or such other recognized authority approved by rule by the Commissioner of Labor and Workforce Development.
- N. Employee: For purposes of this policy, any person employed full-time or part-time by the TDOC including interns and volunteers.
- O. Employee Assistance Program (EAP): An established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services regarding employee drug or alcohol abuse/use; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program and require monitoring after returning to work.
- P. Fitness-for-Duty: For purposes of this policy, Fitness-for-Duty refers to a test performed by a licensed professional medical provider skilled and qualified to do fitness evaluations for physical and/or psychological impairments, to ensure that individuals are able to perform their duties in a safety sensitive position.
- Q. Immediate Medical Treatment: For the purpose of this policy only, the management and care of a patient by a licensed medical or mental health provider (in a clinical setting or through tele-health services) for the purpose of combating disease, injury or disorder; to include but not limited to use of medication, immunizations, first aid, use of closing devices or immobilization devices, physical therapy or psychotherapy, chiropractic treatment, surgical procedures, etc. as prescribed by the medical or mental health provider.
- R. Initial Drug or Alcohol Test: The first alcohol or drug-screening test to determine the presence or absence of alcohol or drugs or their metabolites in a specimen(s).
- S. Invalid Sample: Any sample that appears to have evidence of dilution, contamination, or tampering, before, during, or after the test collection, if the laboratory cannot confirm the specific adulterant.

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- T. Medical Review Officer (MRO): A licensed physician employed by the State contracted Third Party Administrator (TPA) who has knowledge of substance use disorders, laboratory testing procedures, and chain of custody collection procedures who verifies positive and confirmed test results. This individual possesses medical training to interpret and evaluate positive test results in relation to the employee's/applicant's medical history or other relevant biomedical information.
- U. Metabolite: A substance that takes part in the process of metabolism. Metabolites are produced during metabolism or are constituents of food or substances taken into the body. When screening for drugs, laboratory personnel look for what is left in the urine after the body has broken down a complex drug into smaller pieces, i.e., they will find metabolites of the drug, not the original drug.
- V. Prescription or Non-Prescription Medication: A drug prescribed for use by a duly licensed physician, dentist, or other medical practitioner who is licensed to issue prescriptions or a drug that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, and/or injuries.
- W. Reasonable Suspicion: A belief based on specific, objective, articulable facts and the reasonable inferences that may be drawn from those facts, or knowledge sufficient under the circumstances, to cause an ordinary prudent and cautious person to believe that an employee used or is using illegal drugs, is misusing prescription drugs or is under the influence of alcohol.
- X. Reconfirmation Test: A third analytical procedure, paid for by the employee, to identify the presence of alcohol or a specific drug or its metabolites in a specimen.
- Y. Return to Duty Testing: For purposes of this policy only, the re-testing of an employee, prior to his/her returning to the workplace, after previously testing positive for the presence of drugs or alcohol.
- Z. Safety-Sensitive Position: A position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations or work with controlled substances, or a position in which momentary lapse in attention could result in injury or death to themselves or another person.
- AA. Substance Abuse and Mental Health Services Administration (SAMHSA): A Federal agency within the U.S. Department of Health and Human Services created to focus attention, programs, and funding on improving the lives of people with or who are at risk for mental and substance use disorders.
- BB. TDOC Site Manager: For purposes of this policy only, Wardens/Superintendents for prisons, Superintendent for the Tennessee Correction Academy (TCA), District Directors for probation/parole offices, Directors for Day Reporting Centers, Office of Inspector General, Office of Investigation and Conduct (OIC), Major Maintenance, Institutional Integrated Technology Services, and Central Office; or designee(s).
- CC. Third Party Administrator for Drug and Alcohol Testing (TPA): The company contracted by the Tennessee Department of Correction to handle drug and alcohol testing, collection of

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specimens, chain-of-custody, laboratory processes, and MRO follow-up for TDOC employees and applicants.

- DD. Zero Tolerance: Appropriate employee disciplinary or corrective action, up to or including termination, upon the confirmation of the illegal use of impairing substance(s), or the use of alcohol while in the workplace, by the employee.
- V. POLICY: The TDOC is committed to a drug-free environment and will implement an employee drug testing program to assist in that effort. The Department shall maintain a zero tolerance for the illegal use of impairing substances on or off the job and the use of alcohol on the job.
- VI. PROCEDURES:
- A. The Department's Drug-Free Workplace program will conform to the requirements of TCA 50-9-101 through 50-9-114 and the Rules of the Tennessee Department of Labor and Workforce Development, Division of Workers' Compensation, Drug-Free Workplace Programs, TAC 0800-2-12.
- B. Each employee shall be required to certify his/her acknowledgement of this policy and the action to be taken if a violation occurs by using the Acknowledgement of Receipt of TDOC Drug-Free Workplace Policy, CR-3679. The signed acknowledgement shall be maintained in the employee's human resources file. Copies of these acknowledgement forms may be obtained through the Human Resources Division.
- C. Employees shall be made aware of the Employee Assistance Program (EAP) and encouraged to seek assistance with any drug or alcohol related problems. All EAP procedures are to follow Policy #305.05.
1. An employee, who believes he or she has a substance use issue, may contact his or her supervisor and/or the Human Resources department for a referral to the EAP (See Policy #305.05) and begin a treatment process without penalty. Human Resources will review the EAP documentation and suggest accommodations as necessary.
 2. Once the employee enters the EAP he or she must sign a release of information with the EAP to provide to the TDOC information concerning the employee's assessment, any recommended job restrictions, and progress made with the substance use issue in order to participate in the process without penalty. All employees who enter the EAP shall submit to follow-up testing as indicated in Section VI. (C) (5) of this policy.
 3. Once an employee has entered a drug/alcohol treatment program if he or she is found to be non-compliant with the program requirements, follow-up testing may be conducted and appropriate disciplinary action may be taken, up to and including dismissal.
 4. Once an employee is informed of any form of impending drug test, he/she does not have the option of going to supervisors and/or Human Resources at that time seeking help through EAP to avoid discipline before the pending drug test is completed. EAP services are available to the employee for all other issues except to avoid drug testing after the employee has been notified of an impending drug test.

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5. An employee who, in the course of employment, enters an Employee Assistance Program for a drug or alcohol related problem or enters a drug or alcohol rehabilitation program shall be required to submit to drug and/or alcohol testing, as appropriate, as a follow-up to such program. Such testing shall be scheduled by the appropriate TDOC Site Manager/designee and shall occur at least quarterly for a two-year period after successful completion of the program. No advance notice of a follow-up testing date shall be given to the employee.

D. As a condition of employment or continued employment an employee shall not:

1. Use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
2. Work or report to work impaired or while possessing in his or her body, blood, or urine, illegal drugs in any detectable amount.
3. Report to work under the influence of or impaired by alcohol.
4. Use prescription drugs illegally, including using prescription drugs that have not been legally obtained or using prescription drugs in a manner or for a purpose other than as prescribed.
5. Tamper with a drug test being administered pursuant to this policy.
6. As a condition of continued employment, an employee who is arrested for or charged with any criminal drug offense shall notify his or her supervisor or the TDOC Site Manager, no later than one working day after such arrest or charge. If notification is made to the supervisor, the supervisor shall notify the TDOC Site Manager. (See Policy #302.06)
7. If an employee is convicted of violating any criminal drug statute or offense that involves the use of or possession of drugs or alcohol, he/she shall be subject to disciplinary action up to or including termination. If he/she is not terminated, the Department shall also require the employee to successfully complete a drug use treatment program sponsored by an approved private or governmental institution and submit to follow-up testing, as described in Section VI.(C) of this policy.
8. Employees who are confirmed to have a positive drug screen result, who refuse a required drug screen, or who are found to have an adulterated sample are subject to disciplinary action up to and including termination. The TDOC Site Manager shall be notified of these confirmed results and disciplinary action should occur in a timely manner, preferably within one week, provided there are no extenuating circumstances. The employee shall not be allowed to return to duty until having a negative result on a return to duty test as described in Section VI.(H)(7) of this policy.

E. Types of Testing

1. Applicant Drug Testing: Applicants will be notified of any drug testing requirements on vacancy announcements. All applicants, (including interns, and volunteers) for safety-sensitive positions within the Department will be required to submit to a drug test after a

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conditional offer of employment. A confirmed positive result or a refusal to test shall be grounds for non-selection or termination. Unacceptable test results shall be valid for one year. Candidates shall not be eligible for reconsideration until the one-year period has elapsed.

2. Reasonable Suspicion Drug and Alcohol Testing: Employees shall be required to submit to drug and/or alcohol testing as a condition of continued employment in any case in which an individualized “reasonable suspicion” exists that the employee uses illegal drugs and/or is misusing prescription drugs or is using alcohol on the job. A supervisor may recommend a reasonable suspicion drug or alcohol test be conducted; however, the test must be authorized by the appointing authority/designee prior to the test being administered. This may be based upon the following reasons:
 - a. Observable phenomena, such as direct observation of drug or alcohol use or possession or the physical symptoms of being impaired by a drug or alcohol;
 - b. A pattern of abnormal conduct or erratic behavior;
 - c. The identification of an employee as a suspect in a criminal investigation involving drug possession, use, distribution, or trafficking;
 - d. Information provided by reliable and credible sources, as determined by the appointing authority/designee, or independently corroborated by methods to include but not limited to audio or video recorded evidence;
 - e. Newly discovered information indicating that the employee may have tampered with a previous drug or alcohol test.
 - f. Additional procedures:
 - (1) If any employee is suspected of impairment or of using drugs or alcohol, the appropriate appointing authority/designee, supervisor and/or OIC shall gather all information, facts, and circumstances leading to and supporting this suspicion and shall document all the information used in forming the basis for testing. The appropriate appointing authority/designee shall notify the employee through the Reasonable Suspicion of Substance Use Testing Notice, CR-3676, that he or she must submit to testing. The written report of the appropriate appointing authority/designee, supervisor and/or OIC shall become part of the file created and maintained by human resources managers/designees for each reasonable suspicion drug/alcohol test ordered. The TDOC Director of Human Resources/designee must be notified within one business day of all reasonable suspicion test conducted.
 - (2) A staff member of the TDOC shall escort the employee to a test location where the initial test shall be conducted, at an approved collection site and processed by a certified laboratory.

The Human Resources staff or the Third Party Administrator (TPA) can advise of the location of an approved collection site. The appropriate TDOC Site Manager shall identify staff member(s) who shall provide

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escort for any employee who is to be tested due to reasonable suspicion. Procedures for the collecting and testing of urine specimens as well as the reporting and reviewing of results shall be in accordance with Sections VI.(G thru I) below.

- (3) If the employee fails to provide a specimen immediately, the procedures outlined in Section VI.(I) below shall be followed. If the employee cannot provide a specimen during the three-hour timeframe, the escorting employee shall ensure that contact is made with the appropriate TDOC Site Manager for further instruction.
 - (4) TDOC reserves the right to request observed collection of samples at their discretion. All follow up tests due to an initial positive result will be an observed collection. Observed collections will be based on US DOT's 49 CFR Part 40 guidelines.
3. Follow-up Drug Testing: Testing that is conducted as a follow-up for an employee that in the course of employment enters an employee assistance program for drug or alcohol-related problems as described in Section VI.(C)(5) of this policy.
4. Return to Duty Testing: An employee who had a positive test result and received discipline must submit to a drug or alcohol test and have a negative test result before returning to duty as described in Section VI.(H)(7) of this policy.
5. Post-Accident/Critical Incident Testing:
 - a. An employee shall be subject to drug and/or alcohol testing if he or she appears to have caused or contributed to a work-site accident resulting in:
 - (1) Death,
 - (2) Personal injury requiring immediate medical treatment away from the scene of the accident, or
 - (3) Any type of car accident in which the employee is operating a state vehicle and any form of damage is inflicted on the state and/or another vehicle or other property. If the accident involved the operation of a qualifying commercial motor vehicle, then post-accident testing may also be required under the authority of the Department of Transportation, Federal Highway Administration (DOT/FHWA).
 - b. An employee who is authorized to carry a firearm shall be required to submit to drug testing after any discharge of the firearm other than at the gun range.
 - c. If an employee is in an accident where a drug test is required these tests must be coordinated through the TDOC's TPA for drug and alcohol testing.
 - d. In the event of a serious or life-threatening injury requiring immediate medical attention the employee shall be taken to the most convenient medical facility/emergency room for treatment of the injury. No specimens shall be taken

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prior to the administration of emergency medical care. Once this condition has been satisfied, an injured employee must submit to testing. The Human Resources Division or the TPA can advise where testing should occur. If an employee is admitted to the hospital the provider designated to conduct after-hours collections may be contacted to collect the specimen.

- e. An employee who has a confirmed presence of drugs or alcohol or refuses to submit to a test for drugs or alcohol, following an accident or critical incident, may forfeit eligibility for workers' compensation medical and indemnity benefits and may be subject to disciplinary action including termination.
6. Random Testing: Employees in safety-sensitive positions shall be subject to mandatory, random drug and alcohol testing.
- a. At each Department of Correction work location, Human Resources shall maintain a current list of employees who are subject to random testing as the result of being assigned to a safety-sensitive position. All positions in the department shall be reviewed annually to determine whether a change in job functions necessitates a change in a position's designation or non-designation as safety sensitive.
 - b. Each employee in a position designated as safety-sensitive shall be notified of such designation and shall be required to certify his/her acknowledgment of the safety-sensitive designation by using Acknowledgment of Receipt of Notice of Designation of Position as Safety-Sensitive, CR-3678.
 - c. On a schedule established by the Department and using the list of TDOC employees in safety-sensitive positions supplied by TDOC Human Resources, the TPA will notify the appropriate TDOC Site Manager/designee, that an employee has been randomly selected for drug testing. The appropriate TDOC Site Manager/designee shall notify the employee that he/she has been randomly selected for a drug test and direct the employee to immediately report to the designated test site to provide a specimen. Notification to the employee shall occur during the employee's current shift or, if the employee is not on duty at the time, during the next shift the employee works. Testing shall occur during the period the employee is scheduled to work, and within two hours after the employee is notified of his/her selection.
 - d. The test shall be at the Department's expense.
 - e. When an individual is unable to provide a sufficient amount of urine for a valid drug test due to a medical condition the MRO may check with the physician to determine if there is clinical evidence that the individual is an illicit drug user. The MRO or the physician conducting the evaluation may conduct an alternative test (e.g., blood) as part of the medically appropriate procedures in determining clinical evidence of drug use. If the medical evaluation reveals no clinical evidence of drug use, the MRO must report the result to the employer as a negative test with written notations regarding results of both the evaluation conducted and any further medical examination.

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- 7. Fitness-for-Duty Testing: Employees in safety-sensitive positions may be required to submit to fitness-for-duty testing as described in Section VI.(H)(2)(c) of this policy.
 - a. If the drug testing result indicates that an employee’s ability to perform his or her duties and responsibilities may be impaired due to the presence of legally prescribed medication a recommendation for a fitness-for-duty examination may be received from the MRO.
 - b. If the MRO recommends a fitness-for-duty examination because the drug testing result indicates that an employee’s ability to perform his or her duties and responsibilities may be impaired due to the presence of legally prescribed medications, the TDOC Site Manager will heed those recommendations. With prior approval of the appropriate Assistant Commissioner, the fitness-for-duty physical or psychological shall be coordinated through the Director of Human Resources.
 - c. The fitness-for-duty test will be conducted by a licensed professional medical provider skilled and qualified to do fitness evaluations for physical and/or psychological impairments, to ensure that the employee is able to perform his/her duties in a safety sensitive position. See Section VI.(H)(2)(c) of this policy for additional information.

F. As a condition of receiving federal grant funding, if an employee participating in an activity funded by a federal agency is convicted of violating any criminal drug statute in the workplace, the Department shall notify the appropriate federal agency. Notification shall be within ten days of receipt of notice regarding such conviction.

G. Testing:

- 1. All testing thresholds shall comply with US DOT testing threshold guidelines:
 - a. All specimens will be tested for the following:
 - (1) Amphetamines/Methamphetamine (including MDA and/or MDMA)
 - (2) Barbiturates (BAR)
 - (3) Benzodiazepines (BZO)
 - (4) Buprenorphine (BUP)
 - (5) Cannabinoids (THC)
 - (6) Cocaine Metabolite (COC)
 - (7) Ecstasy
 - (8) Methadone (MTD)
 - (9) Opiates (OPI) (including Codeine, Morphine, and Heroin, Propoxyphene-PPX)
 - (10) Opiates (OPI) (Hydrocodone, Hydromorphone)
 - (11) Oxycodone (OXY), Oxymorphone
 - (12) Phencyclidine (PCP)
 - b. Specimens will also be examined for adulteration. The following are the standard, though not the only, indicators of adulteration that will be checked for:

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- (1) Temperature
- (2) Color/Appearance
- (3) Nitrates
- (4) Oxidants
- (5) Specific Gravity
- (6) PH Level
- (7) Creatinine

2. Those employees assigned to a position requiring him/her to maintain a specialized/commercial driver's license in order to complete his/her assigned duties shall be tested in compliance with USDOT 49 CFR Part 40 and Federal Motor Carrier Safety Administration (FMCSA) 49 CFR Part 382. Employees will also be tested in compliance with Policy #213.03.
3. Contract laboratory staff trained to collect urinalysis specimens shall conduct urine specimen collection. Employees to be tested shall be required to provide positive photograph identification before entering the testing area. A photographic TDOC identification card and/or driver's license may be used for this purpose. Collection procedures shall be in conformance with the procedures compiled at and required by USDOT 49 CFR, Part 40, and must be collected in accordance with those procedures using the split sample method. The chain of custody form developed by the Department of Labor for the Tennessee Drug Free Workplace Program shall be utilized.
4. Security of the collection site, chain of custody procedures, privacy of the individual, collection control, integrity, identity, and retention of the specimen, and transportation of the specimen to the laboratory shall be in accordance with the SAMHSA guidelines and United States Department of Transportation regulations (49 CFR, Part 40).
5. The lab must comply with the procedures established by the federal DOT. Labs that perform confirmation test must also be certified by either the SAMSHSA or by CAP-FUT. If a positive result is found, the laboratory shall immediately perform a confirmation test using gas chromatography/mass spectrometry (GC/MS).
6. Positive, adulterated, or invalid results attained on both testing methods shall be reported to the MRO who shall proceed as set forth in Section VI.(H).
7. If a test is cancelled due to an identified problem that cannot be corrected the test is considered neither negative nor positive.

H. Reporting and Review of Results by MRO:

1. The contract laboratory shall report any specimens with evidence of dilution, contamination, tampering or any question normally requiring an MRO opinion to the MRO for disposition. The MRO may determine the need to re-test, re-collect, or otherwise modify the collection procedure to ensure adequate and appropriate testing.
 - a. Samples which are confirmed as "Adulterated Samples" will be considered positive and will follow the procedures outlined in Section VI.(H)(2-7).

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- b. Employees whose samples are confirmed as “Invalid Samples” shall be required to do the following:
 - (1) Submit to an immediate follow up, observed collection.
 - (2) During the follow-up test, employees who have produced invalid results twice will be required to submit to an alternative form of testing (hair, blood, etc.) as determined appropriate by the physician conducting the test and the MRO.
2. The contract laboratory shall report confirmed positive tests to the MRO. After the laboratory has returned a confirmed positive test result to the MRO, he/she shall attempt to contact the employee/applicant within 24 hours to privately discuss any issues that might have affected the urine sample.
 - a. An employee/applicant who receives a positive confirmed test result from the MRO may contest or explain the result to the MRO within five working days after receiving such notification. The MRO may require the employee/applicant to submit additional evidence to justify a positive drug test result, including, but not limited to, a valid prescription or a letter from the individual’s physician verifying a valid prescription. The prescription must have been issued within six months prior to the positive confirmed drug result for purposes of determining a valid prescription and immunity from actions authorized by the drug-free workplace program following a positive confirmed drug result.
 - b. The MRO shall review all medical records made available by the employee/applicant, if any, and determine whether a confirmed positive test could have resulted from legally prescribed medication. If an employee’s or applicant’s explanation or challenge is unsatisfactory to the MRO, or if the employee/applicant does not challenge the test result, the tests shall be considered verified. The MRO shall promptly report the verified test result to the appropriate TDOC Site Manager/designee.
 - c. Employees who test positive for legally prescribed drugs or who have produced two invalid tests may be asked to submit to a fitness-for-duty test, as recommended by the MRO, to determine their ability to function in a safety sensitive position. A fitness-for-duty examination does not include an additional drug screen.
 - (1) Individuals who pass the Fitness-for-Duty test shall be allowed to return to work as scheduled.
 - (2) Individuals who fail the Fitness-for-Duty test shall have their results and all information leading up to the failure forwarded to the appropriate appointing authority/designee and the local Human Resources Staff. The appointing authority/designee shall review and decide upon the outcome on a case-by-case basis.

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- (3) Should further clarification be needed by the appointing authority/designee and/or the local Human Resources Staff, the TDOC Director of Human Resources will be available for consultation.
3. If the MRO is unable to make contact with the employee/applicant within 24 hours after a minimum of three reasonably spaced attempts over the 24-hour period, he/she shall request the appropriate TDOC Site Manager/designee contact the employee/applicant and inform the employee/applicant to contact the MRO. The MRO shall not inform the TDOC Site Manager/designee that the employee/applicant has a confirmed positive, adulterated, substituted or invalid test result.
 - a. The appropriate TDOC Site Manager/designee shall immediately attempt to contact the employee/applicant, by telephone and written notification instructing him/her to call the MRO. The employee must contact the MRO within five working days of the date on the notification from the TDOC Site Manager/designee.
 - b. The TDOC Site Manager/designee must leave a message for the employee/applicant by any practicable means (such as voicemail, e-mail, or letter) to contact the MRO. The TDOC Site Manager/designee shall inform the MRO of the date and time of the attempted contact. Reasonable efforts include, at a minimum, three attempts, spaced over a 24-hour period, to reach the employee at the day and evening telephone numbers listed on the chain of custody form, as well as written notification to the address on record.
 - c. Five working days after the written notification has been sent the Site Manager/designee shall inform the MRO that the five-day period has expired. If the employee/applicant does not contact the MRO within five working days after being contacted by the TDOC Site Manager/designee, the MRO may verify the test result as positive or refusal to test, as applicable.
4. Upon notification by the MRO, the employee/applicant may request a reconfirmation test using the same specimen sample previously taken.
 - a. The reconfirmation test shall be performed by an independent SAMHSA-certified or CAP-FUT program certified laboratory designated by the TPA.
 - b. The reconfirmation test shall be at the employee's/applicant's expense.
 - c. An employee that requests a reconfirmation test will be required to use their annual or compensatory leave while waiting for the results of the test.
5. Results from this analysis on the split specimen sample shall be evaluated by the MRO and be the final step for determining positive or negative findings.
6. Upon being notified by the MRO of an employee's verified test result, the TDOC Site Manager/designee shall notify the employee/applicant of his/her positive drug test.
7. If there is a positive result the employee shall not be permitted to return to work. The employee shall be subject to disciplinary action up to and including termination.

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Disciplinary action should take place as soon as practicable, within one week provided no extenuating circumstances exist. If the disciplinary action is less than termination and the employee will be returning to duty the employee must submit to a return-to-duty drug and/or alcohol test before their first scheduled day of duty. A positive test result on the return-to-duty test may result in disciplinary action including termination.

8. If an employee is terminated for a positive drug screen the unacceptable test results shall be valid for one year. Employees shall not be eligible for reconsideration for hire until the one year period has elapsed.

I. Failure to Provide an Immediate Specimen:

1. If the employee/applicant fails to provide a specimen immediately, he/she shall remain in the collection area with an escort and may be furnished up to a total of 40 ounces of fluids over a three-hour period.
2. If the employee/applicant has not provided a sufficient specimen within three hours of the first unsuccessful attempt, the collection site person shall discontinue the collection and notify the appropriate TDOC Site Manager/designee.
3. Any employee/applicant who fails to provide a sufficient urine specimen may have a licensed physician (who has performed an evaluation of the employee) submit to the MRO a brief written statement indicating the physician's conclusion as to the employee's/applicant's ability to provide an adequate amount of urine and the basis for the conclusion. The MRO shall consider the statement in determining whether the employee has willfully refused to provide the required specimen. After reviewing the physician's statement, the MRO shall report his/her determination to the appropriate TDOC Site Manager/designee in writing. For purposes of this paragraph, a medical condition includes an ascertainable physiological condition (e.g., a system dysfunction) or a documented pre-existing psychological disorder, but does not include unsupported assertions of "situational anxiety" or dehydration.

- J. Confidentiality: Subject to federal and state law, employee drug and alcohol testing results and records shall be maintained under strict confidentiality. The TPA, the MRO, and employees involved in the administration of this policy shall observe strict confidentiality of an employee's test results and treatment. Any employee violating this requirement of confidentiality will be subject to disciplinary action, up to and including termination.

- K. Any employee who compromises the integrity of the alcohol and drug testing program or who fails to enforce it shall also be subject to disciplinary action, up to and including termination.

- L. An employee or applicant shall be responsible for notifying the laboratory of any administrative or civil action brought pursuant to TCA 50-9-101 through 114 and/or Tennessee Administrative Compilation (TAC) 0800-2-12.

VII. ACA STANDARDS: 5-ACI-1C-16.

VIII. EXPIRATION DATE: January 1, 2025



TENNESSEE DEPARTMENT OF CORRECTION
ACKNOWLEDGMENT OF RECEIPT
OF NOTICE OF DESIGNATION OF POSITION AS SAFETY SENSITIVE

By signing this Acknowledgment form, I affirm that I have been notified in writing that my position has been designated as safety sensitive and that I will be subject to random drug/alcohol testing in accordance with Policy #302.12.

Employee Name (printed)

Employee Signature

Date

TDOC Work Location

Witness Signature



TENNESSEE DEPARTMENT OF CORRECTION

ACKNOWLEDGMENT OF RECEIPT OF TDOC DRUG-FREE WORKPLACE POLICY

By signing this Acknowledgment form, I affirm that I have received a copy of Policy #302.12 Drug-Free Workplace. I understand that it is my obligation to read, understand and comply with the procedures and provisions contained within this policy. I also understand that failure to comply with a drug and/or alcohol testing request or a positive confirmed test for the illegal use of drugs and/or alcohol may lead to disciplinary action up to and including termination of employment and/or loss of workers' compensation benefits.

Employee Name (printed)

Employee Signature

Date

TDOC Work Location

Witness Signature



**STATE OF TENNESSEE
DEPARTMENT OF CORRECTION
DRUG FREE WORKPLACE PROGRAM
REASONABLE SUSPICION OF SUBSTANCE USE
TESTING NOTICE**

All parts, A through D, must be completed by a trained supervisor and signed by both the supervisor and the Appointing Authority/Designee prior to directing an employee to undergo reasonable suspicion drug testing.

An employee is subject to reasonable suspicion testing when, after review of the specific facts and circumstances in a particular employee's case, a trained supervisor concludes that there exists a reasonable suspicion that an employee has engaged or is engaging in conduct prohibited under this policy. A trained supervisor must document the specific facts and circumstances that led to reasonable suspicion.

PART A

Employee _____ TDOC Work Location _____

Employee ID # (or SS#) _____ Date(s) of occurrence(s) _____

PART B Check all that apply.

1.

PERSONAL APPEARANCE

- | | |
|---|--|
| <input type="checkbox"/> Smells of alcohol | <input type="checkbox"/> Deteriorating personal appearance or change in appearance after lunch or breaks |
| <input type="checkbox"/> Slurred speech | <input type="checkbox"/> Unsteady walk |
| <input type="checkbox"/> Bloodshot eyes, apparent unfocused vision or wearing sunglasses at inappropriate times | |

MENTAL FACTORS

- | | |
|---|--|
| <input type="checkbox"/> Decreased concentration or increased confusion | <input type="checkbox"/> Repeated mistakes, increased carelessness, errors in judgment |
| <input type="checkbox"/> Difficulty understanding and following instruction | <input type="checkbox"/> Wide mood swings |

HEALTH & SAFETY

- | | |
|--|---|
| <input type="checkbox"/> High on-the-job accident rate | <input type="checkbox"/> Careless handling and maintenance of equipment |
| <input type="checkbox"/> Numerous accidents off the job that affect work performance | <input type="checkbox"/> Needless risk-taking |
| | <input type="checkbox"/> Disregard for others' safety |

GENERAL PERFORMANCE

- Failure to meet deadlines
- Continuing decrease in work quality and productivity
- Improbable excuses for poor job performance

PEER RELATIONSHIPS

- Altercations with others
- Avoidance of others
- Excessive co-worker complaints

- Threatening and intimidating behavior
- Borrowing money from co-workers

ATTENDANCE

- Frequent absences for questionable or unexplained reasons or a pattern of absences
- Unexcused absences

- Unexplained disappearances from the job
- Tardiness / leaving work early
- Long lunches or breaks

Comments made by employee: (Please quote any remarks, admissions, inappropriate language, etc. that may be pertinent to the employee's condition)

- 2.** Employee observed with drug paraphernalia while on duty or on State of Tennessee property

Reason for believing source is reliable and credible:

- 3.** Report of prohibited drug and/or alcohol use by employee provided by a reliable and credible source

Reason for believing source is reliable and credible:

Note to Supervisor: Each section of **Part B** will be reviewed independently. An absence of response(s) in any one section does not preclude the ordering of a reasonable suspicion test.

PART C: Provide any additional descriptions of the circumstances, including any facts, inferences drawn from those facts, which constitutes the reasonable suspicion held that the employee has engaged in prohibited drug or alcohol use.

Trained Supervisor Recommending Test

Date

Testing: Approved Not Approved

Appointing Authority/Designee

Date

The signatories are ordering the following reasonable suspicion test (check one):

____ drugs ____ alcohol ____ both

It is required that a copy of this Reasonable Suspicion Form be forwarded to Human Resources.

For purposes of Department of Transportation reporting, please check the following box if this employee is required to maintain a Commercial Drivers License (CDL).

CDL Holder