



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 302.12

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Effective Date: December 1, 2015

Distribution: A

Supersedes: 302.12 (8/5/12)
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Approved by: Derrick D. Schofield

Subject: DRUG-FREE WORKPLACE

- I. AUTHORITY: TCA 4-4-103, TCA 4-3-603, TCA 4-3-606, TCA 39-16-201, TCA 50-9-101 et seq., 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, and the laboratory can confirm what the specific adulterant is.
 - 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 (C.F.R.) 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 begun offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test.
 - E. CAP-FUT Program: The College of American Pathologists-Forensic Drug Testing accreditation program.
 - F. 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 all such materials or substances, and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.
 - G. Confirmation Test: A second analytical procedure to identify the presence of alcohol or a specific drug or its metabolites in a specimen.
 - H. 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.

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- I. Drug: Any drug subject to testing pursuant to drug testing regulations adopted by the United States Department of Transportation.
- J. 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.
- K. 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.
- L. Employee: For purposes of this policy, any person employed full-time or part-time by the Department of Correction.
- M. 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; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work.
- N. Employee Drug Testing Coordinator (EDTC): Individual appointed by the Commissioner to administer the Department's employee drug testing program.
- O. Fit for Duty: For purposes of this policy, Fit for Duty refers to a test performed by a licensed doctor to ensure that individuals are able to perform their duties in a Safety sensitive position.
- P. 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).
- Q. Invalid Sample: Any sample that appears to have evidence of dilution, contamination, or tampering, before, during, or after the test collection, and the laboratory cannot confirm what the specific adulterant is.
- R. Medical Review Officer (MRO): A licensed physician employed by the State contracted vendor who has knowledge of substance abuse 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 individual's medical history or other relevant biomedical information.
- S. 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.

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- T. 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.
 - U. 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 or alcohol.
 - V. 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.
 - W. Return to Duty Testing: 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.
 - X. 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 another person.
 - Y. 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 abuse disorders.
 - Z. Zero Tolerance: Appropriate employee disciplinary or corrective action, up to or including termination, upon the confirmation of alcohol or drug usage by the employee while in the workplace.
- 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 drugs 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 personnel file. Copies of these acknowledgement forms may be obtained through the Human Resources Division.

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- 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 abuse issue, may contact his or her supervisor and/or the personnel department for a referral to the EAP program and begin treatment process without penalty.
 2. Once the employee enters the EAP program he or she must sign a release of information with the EAP to release information to the TDOC concerning the employee's assessment and progress made with the substance abuse issue. All employees who are offered the EAP program shall submit to follow-up testing as indicated in Section VI. (E)(3).
 3. 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 personnel at that time seeking help through EAP to avoid sanctions 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 testing requirement.
- 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 visibly 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.
- E. Types of Testing
1. Applicant Drug Testing: All applicants for safety-sensitive positions within the Department will be required to submit voluntarily to a drug test after a conditional offer of employment.
 2. Reasonable Suspicion Drug and Alcohol Testing: Reasonable Suspicion Drug Testing: Employees shall be required to submit to drug and alcohol testing as a condition of continued employment to ascertain prohibited drug use in any case in which an individualized "reasonable suspicion" exists that the employee uses and/or is abusing prescription, illegal drugs or is using alcohol on the job. This may be based upon the following reasons:

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- a. Observable phenomena, such as direct observation of drug or alcohol use or possession or the physical symptoms of being under the influence of 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 or independently corroborated
 - e. Newly discovered information indicating that the employee may have tampered with a previous drug or alcohol test
3. Follow-up Drug Testing: 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 Warden, Superintendent, District Director, or 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.
4. 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.
 - b. An employee who is authorized to carry a firearm shall be required to submit to drug testing after any discharge of the firearm involving death or personal injury.
 - c. 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).
 - d. The employee shall be taken to a medical facility for immediate treatment of injury. Specimens shall be obtained at the treating facility or a designated collection site and transported to an approved testing laboratory.

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- e. No specimens shall be taken prior to the administration of emergency medical care. Once this condition has been satisfied, an injured employee must submit to testing.
- 5. Random Testing: Employees in safety-sensitive positions shall be subject to mandatory, random drug and alcohol testing.
- F. 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.
- G. As a condition of continued employment, an employee who is arrested for or charged with any criminal drug offense shall notify the employee's supervisor no later than one working day after such arrest or charge. (See Policy #302.06)
- H. If an employee is convicted of violating any criminal drug statute and is found guilty of any disciplinary 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 abuse program sponsored by an approved private or governmental institution.
- I. 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.
- J. Testing:
 - 1. All testing thresholds shall comply with SAMHSA testing threshold guidelines:
 - a. All specimens will be tested for the following
 - (1) Expanded Amphetamines (including MDA and/or MDMA)
 - (2) Barbiturates
 - (3) Benzodiazepines
 - (4) Cannabinoids
 - (5) Cocaine Metabolite
 - (6) Methadone
 - (7) Methamphetamine
 - (8) Opiates (including Codeine, Morphine and Heroin)
 - (9) Phencyclidine
 - (10) Propoxyphene
 - (11) Oxycodone
 - (12) Buprenorphine

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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:

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

2. 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 photograph 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 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.
3. 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).
4. A SAMHSA licensed and approved contract laboratory shall conduct an initial drug screening test using an immunoassay testing method. If a positive result is found, the laboratory shall immediately perform a confirmation test using gas chromatography/mass spectrometry (GC/MS).
5. 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.(L).

K. 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.(K)(2-7).
 - 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.

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- (2) Should the follow up test produce a second invalid result, the employee will be referred for a Fit for Duty test.
 - (3) During the Fit for Duty 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 within 24 hours to privately discuss any issues that might have affected the urine sample.
 - a. An employee 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 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.
 - b. The MRO shall review all medical records made available by the employee, 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 does not challenge the test result, the tests shall be considered verified. The MRO shall promptly report the verified test result to the Warden or Superintendent/designee for facilities, the District Director for Probation/Parole offices, or the EDTC for central Office Employees.
 - c. Employees who test positive for legally prescribed drugs or who have produced two invalid tests may be asked to submit to a Fit for Duty test, as determined by the MRO, to determine their ability to function in a safety sensitive position.
 - (1) Individuals who pass the Fit for Duty test shall be allowed to return to work as scheduled.
 - (2) Individuals who fail the Fit for Duty test shall have their results and all information leading up to the failure forwarded to the Warden and facility Human Resources Manager. The Warden shall review and decide upon the outcome on a case by case basis.
 - (3) Should further clarification be needed by the Warden and facility Human Resources Manager, the TDOC Director of Human Resources will be available for consultation.

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3. If the MRO is unable to make contact with the employee within 24 hours after a minimum of three reasonably spaced attempts over the 24-hour period, he/she shall contact the Warden or Superintendent/designee for facilities, District Director for probation/parole offices and the EDTC for Central Office to contact the employee and inform the employee to contact the MRO. The MRO shall not inform the Warden or Superintendent/designee for facilities and the EDTC for Central Office that the employee has a confirmed positive, adulterated, substituted or invalid test result.
 - a. The Warden or Superintendent/Designee for facilities, District Director for probation/parole offices and the EDTC for Central Office shall attempt to contact the employee and instruct him/her to call the MRO. The employee must contact the MRO within 72 hours after the notification by the Warden or Superintendent/designee for facilities, District Director for probation/parole offices and the EDTC for Central Office. If the employee does not contact the MRO within 72 hours after being contacted by the Warden or Superintendent/designee for facilities, District Director for Probation/Parole Offices and the EDTC for Central Office, the MRO may verify the test result as positive or refusal to test, as applicable.
 - b. If the MRO contacts the Warden or Superintendent/designee for facilities, District Director for probation/parole offices and the EDTC for Central Office as authorized above, and the Warden or Superintendent/designee for facilities, District Director for probation/parole offices and the EDTC for Central Office is unable after reasonable efforts to contact the employee by telephone or to locate the employee through his/her supervisor, the Warden or Superintendent/designee for facilities, District Director for probation/parole offices and the EDTC for Central Office may place the employee on temporary medical leave. The Warden or Superintendent/designee for facilities, District Director for probation/parole offices and the EDTC for Central Office must leave a message for the employee by any practicable means (such as voicemail, e-mail, or letter) to contact the MRO. The Warden or Superintendent/designee for facilities, District Director for probation/parole offices and the EDTC for Central Office inform the MRO of the date and time of the attempted contact. Reasonable efforts include, at a minimum, three attempts, spaced reasonably over a 24-hour period, to reach the employee at the day and evening telephone numbers listed on the chain of custody form.
4. Upon being notified by the MRO of an employee's verified test result, the Warden or Superintendent/designee for facilities District Director for probation/parole offices and the EDTC for Central Office shall notify the employee of his/her positive drug test.

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5. Upon notification by the MRO, the employee 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 TDOC contractor.
 - b. The reconfirmation test shall be at the employee's expense
6. Results from the analysis of the second test on the split specimen sample shall be evaluated by the MRO and be the final step for determining positive or negative findings.
7. If there is a positive result, the employee shall be subject to disciplinary action up to and including termination.

L. Failure to Provide an Immediate Specimen

1. If the employee 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 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 Warden or Superintendent/designee for facilities, District Director for probation/parole offices and the EDTC for Central Office employees.
3. Any employee 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 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 Warden or Superintendent/designee for facilities, District Director for probation/parole offices, and the EDTC for Central Office employees 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.

M. Additional Procedures for Random Testing

1. At each facility, probation/parole office, the Training Academy, and Central Office, 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.

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2. On a schedule established by the Department and using the list of TDOC employees in safety-sensitive positions supplied by TDOC Human Resources, the Contractor will notify the appropriate Warden or Superintendent/designee for facilities, District Director for probation/parole offices and the EDTC for Central Office employees, that an employee has been randomly selected for drug testing. The Warden or Superintendent/designee for facilities, District Director for probation/parole offices and the EDTC for Central Office employees 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 as soon as practicable after the employee is notified of his/her selection.
3. The test shall be at the Department's expense.

N. Additional Procedures for Reasonable Suspicion Drug Testing

1. Employees shall be required to submit to drug and alcohol testing as a condition of continued employment to ascertain prohibited drug use in any case which an individualized "reasonable suspicion" exists that the employee uses or is using drugs or alcohol. This may be based upon the reasons set forth in Section VI.(F)(2).
2. If any employee is suspected of using drugs or of using alcohol, the Warden or Superintendent/designee for facilities, District Director for probation/parole offices and the EDTC for Central Office and Office of Investigation and Compliance employees 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 Warden or Superintendent/designee for facilities, District Director for probation and parole offices, and the EDTC for Central Office employees shall notify the employee through the Reasonable Suspicion of Substance Abuse Testing Notice, CR-3676, which he or she must submit to testing. The written report of the Warden or Superintendent/designee for facilities, District Director for probation/parole offices and the EDTC for Central Office employees shall become part of the file and created and maintained by the Director of Human Resources/designee for each reasonable suspicion drug test ordered.
3. An employee shall be escorted to a test site (where the initial test shall be conducted) determined by the Warden or Superintendent/designee for facilities, District Director for probation/parole offices and by the EDTC for Central Office employees. A staff member of the Division of OIC shall provide escort for any Central Office employee who is to be tested due to reasonable suspicion. Wardens (for institutional staff) District Director (for probation/parole staff) the TCA Superintendent (for Academy staff) shall identify staff member(s) who shall provide 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.(J) and VI.(K) above.

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4. If the employee fails to provide a specimen immediately, the procedures outlined in Section VI. (L) Above shall be followed. If the employee cannot provide a specimen during the three-hour timeframe, the escorting supervisor shall ensure that contact is made with the Warden or Superintendent/designee for facilities, District Director for probation/parole offices and the EDTC for Central Office employees for further instruction
5. TDOC reserves the right to request observed collection of samples at their discretion. Based on SAMHSA guidelines, all follow up tests due to an initial result will be an observed collection.

- O. Confidentiality: Subject to federal and state law, employee drug and alcohol testing results and records shall be maintained under strict confidentiality. The contractor, 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.
- P. 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.
- Q. 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 TAC 0800-2-12.
- R. Employees who are confirmed to have a positive drug screen result, or who refuse a required drug screen, or who have a positive drug screen result reconfirmed, or who have altered their specimen or drug screen results are subject to disciplinary action.

VII. ACA STANDARDS: 4-4063.

VIII. EXPIRATION DATE: December 1, 2018.



TENNESSEE DEPARTMENT OF CORRECTION

**ACKNOWLEDGMENT OF RECEIPT OF TDOC DRUG-FREE WORKPLACE POLICY
(EFFECTIVE DATE 11/1/2006)**

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

Institution

Witness Signature



TENNESSEE DEPARTMENT OF CORRECTION

ACKNOWLEDGMENT OF RECEIPT
OF NOTICE OF DESIGNATION OF POSITION AS SAFETY SENSITIVE
(EFFECTIVE DATE 11/1/2006)

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

Institution

Witness Signature



**STATE OF TENNESSEE
DEPARTMENT OF CORRECTION
EMPLOYEE SUBSTANCE ABUSE PROGRAM
REASONABLE SUSPICION OF SUBSTANCE ABUSE
TESTING NOTICE**

All parts, A through D, must be completed by a trained supervisor and signed by both the supervisor and the Warden/Superintendent (or 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: _____ Facility: _____

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

Date

Warden/Superintendent (or 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