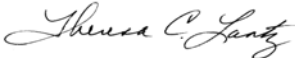
 <p>State of Connecticut Department of Correction</p> <p><b>ADMINISTRATIVE DIRECTIVE</b></p>	<p>Directive Number 2.21</p>	<p>Effective Date 1/1/2008</p>	<p>Page 1 of 4</p>
<p>Approved By</p> 	<p>Supersedes Smoke and Drug Free Workplace, dated 5/30/2005</p> <p>Title  Smoke and Drug Free Workplace</p>		

1. **Policy.** The Department of Correction shall maintain the workplace free from illegal substances and the unauthorized use of nicotine products in order to promote a healthy work and living environment.
  
2. **Authority and Reference.**
  - A. Connecticut General Statutes, Sections 18-81, 19a-342, 21a-266, 21a-267, 21a-278, 21a-279 and 31-51.
  - B. Office of Policy and Management, Office of Labor Relations General Notice 2007-08, Connecticut's Drug Free Workplace Policy.
  - C. Collective Bargaining Contracts:
    1. Connecticut State Employees Association (P3-B) Bargaining Unit, July 2001, Article 55.
    2. American Federation of State, County and Municipal Employees (NP-4) Bargaining Unit, July 2004, Article 37.
    3. Connecticut State Employees Association (NP-8) Bargaining Unit, June 2005, Article 53.
  - D. American Correctional Association, Standards for Administration of Correctional Agencies, Second Edition, April 1993, Standard 2-CO-1C-20.
  - E. American Correctional Association, Standards for Adult Correctional Institutions, Fourth Edition, January 2003, Standard 4-4063.
  - F. American Correctional Association, Performance-Based Standards for Adult Local Detention Facilities, Fourth Edition, June 2004, Standards 4-ALDF-1A-21 and 4-ALDF-7C-01.
  - G. American Correctional Association, Standards for Adult Probation and Parole Field Services, Third Edition, August 1998, Standard 3-3060.
  - H. American Correctional Association, Standards for Correctional Training Academies, First Edition, May 1993, Standard 1-CTA-1C-07.
  - I. Administrative Directives 2.6, Employee Discipline; and 2.17, Employee Conduct.
  
3. **Definitions.** For the purposes stated herein, the following definitions apply:
  - A. **Conviction.** A finding or admission of guilt to a crime.
  - B. **Electronic Cigarette.** Device(s) that simulate smoking by producing vapor instead of smoke.
  - C. **Probable Cause.** Reasonable belief by management that an employee is under the influence of drugs based on specific information or observation of the employee.
  - D. **Smoking.** The burning or any other use of a tobacco product or any other matter or substance which contains tobacco with the exception of an authorized religious practice.
  - E. **Substance Abuse.** The use of alcohol or the misuse/illegal use of drugs which impair the physical, mental or social abilities.

Directive Number 2.21	Effective Date 1/1/2008	Page 2 of 4
Title Smoke and Drug Free Workplace		

F. Workplace. Any location owned, operated or controlled by the State of Connecticut, whether the employee is on duty or off duty, and any other locations while on duty where state business is conducted, including travelling on state time to or from such work locations.

4. General Provisions. The Department shall maintain a program for all employees that provides for a smoke and drug-free workplace. The program shall, at a minimum, contain provisions for notification, prohibitions, drug testing, drug rehabilitation programs, medications, enforcement and discipline. The Department, through the Employee Assistance Program (EAP), shall offer access to programs designed to assist staff, as appropriate. Each Unit Administrator shall manage and enforce this policy, which shall be reviewed annually.

A. Employee Awareness and Notification.

1. New Employees. New employees shall receive orientation regarding the Employee Assistance Program and the services EAP provides. In addition, new employees shall receive a copy of this policy.
2. Current Employees. Each Unit Administrator shall ensure that all staff are familiar with this policy and any other policy regarding the use of prescription/non-prescription medication, alcohol, marijuana, drugs (illegal) and smoking/nicotine products.
3. Posting of Policy. Each Unit Administrator shall ensure that the Connecticut Drug Free Workplace Policy shall be posted in a prominent location for employee review.
4. Documentation of Employee Notification. Each facility and unit shall document the method of distribution and receipt of the policy by all employees in accordance with this Directive and OPM General Notice 2007-08, Connecticut's Drug Free Workplace Policy.
5. Notification Regarding No Smoking and Designated Smoking Areas. "No Smoking" signs shall be posted at each entrance and throughout the workplace. Staff shall be notified of the authorized area(s) of the workplace designated for staff smoking. All designated smoking area(s) shall be located in an area outside of the senses of other persons.

B. Expectations. All staff members are expected to report to duty free from the influence of drugs (illegal), marijuana and alcohol. Staff shall be aware that the unlawful manufacture, distribution, dispensing, possession or use of drugs (illegal), marijuana and alcohol is prohibited in state workplaces. Violation of this standard may subject staff to discipline, up to and including dismissal from state service in accordance with Administrative Directives 2.6, Employee Discipline and 2.17, Employee Conduct.

C. Prohibitions. Staff shall be prohibited from: (1) smoking or the use of electronic cigarettes in the workplace unless within a designated smoking area; (2) bringing more than one (1) pack of cigarettes or nicotine product into the secure area of the facility or beyond restricted areas as designated by the Unit Administrator; (3) conveying any drugs, alcohol and/or nicotine products to an inmate; (4) possessing drugs (illegal), marijuana

Directive Number 2.21	Effective Date 1/1/2008	Page 3 of 4
Title Smoke and Drug Free Workplace		

or alcohol while on duty or in the workplace, except in the performance of official duties; (5) using drugs (illegal), marijuana or alcohol while on duty or in the workplace; and, (6) reporting to work with any detectable level of drugs or alcohol.

- D. Drug Testing. The following procedures shall govern the administration of Department drug testing:
1. Prior to hire, a prospective employee may be tested for use of drugs.
  2. A member of the P-3B, NP-4 or NP-8 bargaining units, a managerial employee or an executive staff member shall be subject to an immediate drug test if the Unit Administrator or designee, has determined probable cause. A qualified physician of the Department's choice shall oversee the drug testing process. The initial method of testing shall be immunoassay. All specimens identified as positive on the initial test shall be confirmed using the gas chromatography/mass spectroscopy test. If such a test is again positive, a third, more complex test on the same specimen may be administered at the request and expense of the employee. The Department shall pay for all initial tests.
  3. Refusal on the part of a P-3B, NP-4 or NP-8 bargaining unit member, managerial or executive employee to submit to a drug test shall be grounds for termination.
  4. Positive findings from both initial and confirming drug tests shall result in the employee being relieved of duty and placed on sick or vacation leave, pending successful completion of a Department-approved drug rehabilitation program. If an employee does not have enough accruals to cover their time in the program, a leave of absence without pay may be requested.
  5. Upon return to duty after successful completion of the drug rehabilitation program, the P-3B, NP-4 or NP-8 bargaining unit member, managerial or executive employee shall be subject to drug screening based on probable cause for a period of two (2) years, during which time the employee shall be subject to termination for a positive drug test. Any staff member refusing to submit to a drug test during this two (2) year period shall be terminated.
- E. Commercial Driver's License (CDL). Staff who are required to possess a CDL as part of their employment shall be subject to random drug testing in addition to any other testing requirements in accordance with this Directive and State and/or Federal regulations. As a result of probable cause or behavioral observations, any employee may be ordered to submit to drug or alcohol testing. Department employees assigned to the Correctional Transportation Unit shall successfully complete a drug and alcohol test prior to the transfer to the unit and any other testing required or mandated by Federal Regulations upon assignment to the unit. CDL licensed drivers assigned to facilities may be subject to the same procedures. If any employee named in this section tests positive for drugs or alcohol, the employee shall be required to successfully complete a Department-approved drug or alcohol rehabilitation program before being considered for reinstatement. Upon successful completion of the

Directive Number 2.21	Effective Date 1/1/2008	Page 4 of 4
Title Smoke and Drug Free Workplace		

drug or alcohol rehabilitation program, employees assigned to the Correctional Transportation Unit or other CDL positions shall be subject to monthly drug screening for a period of two (2) years, during which time the employee shall be subject to termination for a positive drug test. In addition, the employee shall be subject to reassignment out of the Correctional Transportation Unit to a correctional facility or to other duties if already assigned to a correctional facility.

- F. Medication. Staff taking prescribed medication shall notify their supervisor prior to, or immediately upon, reporting for duty and shall also include the possible side effects of the medication in accordance with Administrative Directive 2.17, Employee Conduct. A written physician's statement verifying the effect(s) of the medication on the employee's ability to perform assigned duties may be required. Medications shall be secured in an area that is not accessible to inmates.
  - G. Reporting Violations.
    - 1. Department Employees. Department employees must inform a supervisor in their chain-of-command and Human Resources within 48 hours of any drug arrest or conviction for violation of a state or federal drug statute if the violation occurred in the workplace.
    - 2. Federal Grant or Contract Employees. Federal grant or contract employees must inform a supervisor in their chain-of-command and Human Resources within 48 hours of any drug arrest or conviction for violation of a state or federal drug statute if the violation occurred in the workplace. The Human Resources Unit must notify the appropriate federal or contracting agency within ten (10) days of receiving notice that one of its employees funded under a federal grant or contract has been convicted for a violation of a state or federal drug statute occurring in the workplace.
    - 3. Notification to the Office of Labor Relations. The Department's Human Resources Unit shall notify the Office of Labor Relations of any workplace drug convictions occurring since October 1, 2005.
  - H. Enforcement and Discipline. Each Unit Administrator shall ensure that the enforcement of this policy is carried out. Violation of the policy shall lead to disciplinary action in accordance with Administrative Directive 2.6, Employee Discipline.
5. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.