

DRUG TESTING POLICY

Originally Created 12/1/97

This policy is in compliance with the Connecticut General Statutes, Article 37 of the NP-4 contract, Article 53 of the NP-8 contract and Article 55 (sec 10) of the P3B contract. All DOC and Board of Parole employees in these bargaining units as well as all managerial and executive level employees shall be subject to a drug testing/screening program. Drugs are defined as those controlled substances categorized by the Federal Controlled Substances Act or the CT Department of Consumer Protection regulations on controlled substances, these include, but are not limited to, amphetamine-type drugs, barbiturate-type drugs, cannabis-type drugs, cocaine-type drugs, hallucinogenic-type drugs, morphine-type drugs, anabolic steroids and other illegal substances causing stimulant and/or depressant effects. Legal use of prescription drugs is not covered. Therefore, employees are required to notify their immediate supervisor if they are taking any prescribed medications.

An employee shall be subject to immediate drug testing if probable cause has been determined by his/her supervisor, Warden or designee. Probable cause is defined as a reasonable belief by management that an employee is using drugs. This reasonable belief should be based on specific information or observation concerning the employee in question. Sources of information may include reports of on or off-duty drug use by an identified source who has given a written statement, reports determined by the unit head or designee to be valid that a staff member is conveying drugs to an inmate, the public or other staff members, verified information that a staff member is in possession of drug paraphernalia or that drug paraphernalia has been observed in or found in the employee's personal property. Observation may include a determination made by a supervisor that an employee has reported to work in a condition that renders him/her as unfit for duty, or that an employee has been observed to be engaged in erratic or bizarre behavior while on or off-duty. These examples are not all inclusive and there may be instances other than the types described above in which management determines there is probable cause for the drug testing of an employee. When it is determined by a supervisor that an employee should be sent for a drug test, the unit head or duty officer shall be contacted for approval.

The drug test should be supervised by a qualified physician of the Department's choice. The initial method of testing shall use an immunoassay. All specimens identified as positive on the initial test shall be confirmed using the chromatography/mass spectrometry test. If such test is again positive, a third, more complex test on the same specimen can be administered at the request and expense of the employee. All initial tests shall be paid for by the Department.

Drug Testing Policy

An employee shall be subject to termination if they refuse to be administered the test. Positive findings from both drug tests will result in the employee being relieved of duty and placed on sick or vacation leave, pending completion of a departmental approved drug rehabilitation program. If an employee does not have enough accruals to cover their time in the program, they may request a Leave of Absence without pay for the required time period of the program. Termination of an employee will result if he/she refuses to participate in or fails to complete such program.

Upon return to duty after successful completion of the drug rehabilitation program, the employee will be subject to drug screening based on probable cause for a period of two (2) years. In addition all NP4 and NP8 employees will be subject to a maximum of three random drug screens for the first (18) months following return to duty. During this time if the employee tests positive for drug use he/she will be subject to termination. Any employee refusing to be administered a drug test during this two (2) year period when requested by his/her supervisor, Warden or designee, shall be terminated.

If an employee is arrested by a law enforcement agency for a drug-related offense, they shall be subject to a departmental investigation into the incident(s) which resulted in the charges. The department's practice of dismissing employees who are arrested and/or convicted of a criminal drug-related offense shall remain in effect, when a departmental investigation subsequent to an arrest determines they have engaged in illegal activity. An employee found to be in possession of drugs while on duty shall also be subject to dismissal.

Federal Regulations also require that all Commercially Licensed Drivers must complete a drug test prior to assuming CDL driving duties and that CDL drivers are subject to random drug testing. In accordance with these Federal Regulations, which supersede any agreed upon contractual language, DOC employees assigned to the Central Transportation Unit must successfully complete a drug/alcohol test prior to their transfer into the unit and shall be subject to Random Drug/Alcohol and any other testing required or mandated by the Federal Regulations testing upon assignment to the unit. Other CDL licensed drivers assigned to facilities may be subject to the same procedures. If any of these employees test positive for drugs and/or alcohol, they will be required to complete a department approved drug or alcohol rehabilitation program before being considered for reinstatement. Upon successful completion of a drug or alcohol rehabilitation program, employees assigned to Central Transportation or other CDL positions shall be subject to the two (2) year period of testing in accordance with Federal Regulations and shall be reassigned out of the Central Transportation Unit to a Correctional facility or to other duties if they are already a facility based employee.