

March 18, 2003

I. POLICY

- A. Authority
730 ILCS 5/3-2-2 and 5/3-7-4
- B. Policy Statement

The use of unauthorized drugs by an employee, regardless of the position held, adversely affects the accomplishment of the Sheriff's department's ability to safely confine and supervise committed persons, impairs the efficiency of the workforce, endangers the lives and security of employees and committed persons, undermines the public trust, and is therefore prohibited. In order to identify possible illegal drug usage and to curtail the introduction of illegal drugs into the Correctional Center, the Sheriff's has established a program to test for the use of illegal drugs. At total cost to Rock Island County.

II. PROCEDURE

- A. Purpose

The purpose of this directive is to establish a written procedure for:

1. Reasonable suspicion drug testing of all employees when there is reasonable suspicion that an employee is under the influence of or using unauthorized drugs.
2. Random drug testing of all employees assigned to the Correctional Center under the Rock Island Sheriff.
3. Periodic follow-up drug testing of all employees who have had a positive test finding.

- B. Applicability

This directive is applicable to all AFSCME Local 2025 employees assigned to the Rock Island Correctional Center and non-bargaining unit employees within the Sheriff's Department.

- C. Internal Audits

An internal audit of this directive shall be conducted at least annually. The audit shall include an inspection and evaluation of laboratory testing services and procedures.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. Definitions

Collector - medical personnel or an individual designated by the Jail Administrator or above who has been trained on the collection procedures.

Drug- those substances identified in 720 ILCS 550/3 and 570/100 et seq., including cannabis.

Employee- all AFSCME Local 2025 employees assigned to the Correctional Center and non-bargaining unit employees of the Sheriff's department.

Split specimen - urine collection procedures whereby a urine specimen is poured into two specimen bottles.

F. General Provisions

1. The Jail administrator or his designee shall ensure that all employees are provided with a copy of this directive.
2. The laboratory selected to conduct the analysis must demonstrate technical expertise and proficiency in toxicology testing and be certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).
3. Refusal to submit to a drug test, attempts to tamper with or adulterate the specimen, or positive test results that cannot be justified shall be considered a positive finding. Where positive results cannot be justified:
 - A. Employees shall be referred for disciplinary action.
4. Drug tests shall normally be conducted during regularly scheduled work hours. However, employees shall be in paid status if drug tests are conducted outside of their regularly scheduled hours of work. Employees shall not be called back to work for the purpose of taking a drug test. Except in cases of reasonable suspicion.
5. A Union representative shall be provided the opportunity to be present during testing of a bargaining unit employee.

6. Drug testing documents and test results shall be maintained in a confidential manner.

G. Drug Testing Procedure

All drug tests shall be performed by a Rock Island County approved SAMHSA certified laboratory which will screen the sample and confirm all positive samples for drugs.

The above shall not preclude the use of authorized field tests for initial screening purposes.

1. Upon arrival of the individuals at the collection site, the collector instruct them to present photo identification. If an employee does not have proper identification, the collector shall contact the Jail Administrator to confirm identification.

2. The collector shall instruct the individual to remove any unnecessary outer garments such as coats or jackets that might be used to conceal items or substances that could be used to tamper with or adulterate the urine specimen. All personal belongings except a wallet shall remain with outer garments.

3. Urine Specimen Collection shall be as follows.

- A. For employees being tested due to reasonable suspicion, specimen collection shall occur in a private setting free of any substance which may be used to contaminate the specimen and shall be directly observed by a collector of the same gender as the employee being tested. Direct observation shall be maintained until the sample is provided.
- B. For other tests of employees, specimen collection may be provided in the privacy of a stall or otherwise partitioned area free from any substances which may be used to contaminate the specimen and that allows for individual privacy unless direct observation is required by the collector, Jail Administrator or above. Direct observation may be required where:
 - (1) There is a reasonable basis to believe a particular employee may alter or substitute the specimen, specifically if:
 - (A) The Collector observes conduct indicating an attempt to substitute or adulterate the sample (for example, substitute urine in plain view or possession of equipment or implements which may be used to tamper with urine specimens).

- (B) The employee has previously been determined to have tampered with a urine specimen or if the color or temperature of the urine specimen indicates possible adulteration or substitution.
 - (C) The last urine specimen provided by the employee was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L
- (2) The test is being conducted pursuant to disciplinary procedures.
 - (3) There is reasonable suspicion to believe an employee is using or under the influence of drugs.
4. Individuals who are unable to provide a specimen when requested shall be given a reasonable time period, up to three hours, to provide the sample. To encourage urination, they may be given up to an eight ounce glass of water every thirty minutes, with the amount not to exceed 24 ounces. This information shall be recorded on the chain of custody documentation.
 5. For reasonable suspicion, random testing and periodic follow-up for employees, the urine specimens shall be collected and stored in split specimen containers. At the time of collection, each urine specimen shall be divided into two bottles. One bottle shall be labeled as a primary specimen and the remaining specimen shall be labeled as a split specimen. Only the primary specimen shall be opened by the laboratory and used for the initial urine analysis. The split specimen shall remain sealed and stored at the laboratory.
 6. The specimen shall be given to the collector who shall examine the sample to determine that it is the appropriate color, clarity, temperature, and volume.
 - A. If the samples meet the above criteria, the samples shall be immediately label and sealed.
 - B. If the samples do not meet the above criteria, the individual shall be required to provide another specimen prior to leaving the specimen collection site. Such action shall be documented.
 7. Following the giving of the specimen, the individual shall sign a chain-of-custody form certifying that the urine in the bottles came from his/her body at the time of collection. Refusal to sign the statement shall be noted in the remarks section on the chain of custody documentation by the collector.

8. Employee drug test results shall be sent to the Medical Review Officer within 72 hours after the test.
 - A. If the employee's drug test results are negative the Medical Review Officer shall notify the Jail Administrator.
 - B. If the employee's test results are positive the laboratory shall report the results to the Medical Review Officer. The Medical Review Officer shall contact and interview the employee to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen and obtain a release of information when necessary.
 1. Upon notification of a positive test result the employee shall have 72 hours to request that the Medical Review Officer send the split specimen to another County approved SAMHSA certified laboratory for analysis at the County's expense.
 2. If the employee has not contacted the Medical Review Officer within 72 hours, the employee may present information documenting serious illness, injury, inability to contact, lack of actual notice of the positive test, or other circumstances which unavoidably prevented the contacting of the Medical Review Officer. If the Medical Review Officer concludes there is a legitimate explanation, he/she shall initiate the process for analysis of the split specimen.
 3. If the employee provides appropriate documentation and the Medical Review Officer determines that the positive result is due to legitimate medical use of the drug, the drug test shall be reported as negative.
 - C. The Medical Review Officer shall notify the Jail Administrator of the positive test result.
10. The testing laboratory shall maintain control of all positive test samples for at least one year or, upon notification the County, indefinitely.
 1. Reasonable Suspicion

Paragraph II.1 applies to all employees.

 1. Reasonable suspicion exists if specific objective facts and circumstances warrant rational inferences that the employee is using or is under the influence of drugs. Reasonable suspicion may be based upon, among other

matters:

- A. Observable phenomena, such as direct observation of use or the physical symptoms of using or being under the influence of drugs such as, but not limited to, slurred speech, direct involvement in a serious accident, or disorientation.
 - B. A pattern of abnormal conduct or erratic behavior.
 - C. Information provided either by reliable and credible sources or which is independently corroborated.
2. The Jail Administrator, based on a review of the facts may recommend that a drug test be conducted on an employee if there is reasonable suspicion that the employee is using or is under the influence of drugs.
 3. If the Jail administrator believes there is a reasonable suspicion that an employee is using or under the influence of drugs, the Jail administrator shall notify the employee that a urine or blood sample or both are required. The employee shall be escorted to the location at which the urine or blood sample will be secured. The employee and if applicable, the Union representative shall be provided with an explanation of the reasons for the test. The employees and their escorts shall be paid for the time spent in compliance with the testing procedures in accordance with applicable contract or timekeeping procedures or both.
 4. Blood samples shall be drawn by qualified medical personnel. Procedures designated in II.G shall be followed, as applicable.
 5. Refusal to provide a specimen, attempts to tamper with or adulterate the specimen, or positive results which cannot be justified shall result in the employee being placed on paid non-work status pending the results of the test or disciplinary hearing or both.

J. Random Testing

All employees shall be subject to random drug testing.

1. Individuals shall be selected at random and up to 20% of the eligible test population shall be tested annually. The testing dates and times shall be unannounced with unpredictable frequency.
2. A master list identifying employees eligible for testing shall be maintained by the

Jail administrator.

3. When necessary the Jail administrator shall ensure that updates to the list of employees eligible for testing are made.
 4. The collector shall notify the Jail Administrator of the employees who are selected for testing.
 5. The collector shall ensure that written notification is provided to the selected employees and the local union within one hour of the test time. Employees shall be instructed to stay at the work site until the tests are completed.
 6. Authorization to be excused from testing in emergency situations must be approved by the Jail administrator or above. An employee who is unavailable for testing when selected shall be excused from the test subject to the provisions of paragraph II.J8 for the following reasons:
 - A. Pre-approved time off for vacation, personal, accrued holiday, authorized absence, compensatory time, or sick time;
 - B. Any authorized leave of absence;
 - C. Suspension from duty;
 - D. Military leave or weekend drills;
 - E. Emergency situations.
 7. The Jail administrator shall document in writing the names of all employees excused from random drug testing and the reason for the exclusion.
 8. If an employee who has been excused pursuant to paragraph II.J.6 because of unavailability and returns to work within three days of the date he or she would have been randomly tested, the Jail administrator shall make arrangements with the laboratory to have the employee tested.
 9. The Union shall be notified monthly of those employees, via their ID #, who were selected for testing, who were excused from testing and the overall number of employees who tested positive. The ID #s of the individuals shall be retained by the Union in a confidential manner.
- K. Testing in connection with being present at a crime scene / named in a criminal

investigation

In the event that an employee is named in a criminal investigation involving drugs or is present at a location drugs as defined in II.E of this directive are found, the Jail Administrator shall determine that reasonable suspicion exists (II.G). A positive test finding shall result in immediate discharge of the employee. Positive test results are limited to use within this directive solely. This directive does not alter any potential criminal liability on the employee's part.

L. Periodic Follow-up Testing

Periodic follow-up testing for employees with positive test findings.

- 1. Following a positive test finding, the employee shall be subject to periodic follow-up tests 45 days after the date of the previous positive test finding. This does not preclude the County's right to administer a reasonable suspicion test during the 45 day period.
- 2. When a determination has been made that the employee needs assistance associated with drug use, periodic follow-up tests shall occur as recommended.
- 3. Periodic follow-up tests shall be unannounced and at least six tests shall be conducted in the first year after the employee returns to duty.

M. Disciplinary Procedures

Paragraph II.M shall apply to all AFSCME Local 2025 assigned to the Correctional Center and non-bargaining unit employees of the Sheriff's Department.

1. AFSCME Local 2025 Employees Assigned to the Correctional Center

- A. If just cause is established as a result of the pre-disciplinary meeting for AFSCME Local 2025 employees assigned to the Correctional Center who have a positive finding, discipline for violations shall be as follows:

OFFENSE	DISCIPLINE
First Offense	21 days suspension w/out pay
Second Offense	Discharge

- B. The employee shall be subject to periodic follow-up testing for 5 years

from the effective date of the suspension and mandatory enrollment in a rehabilitation program.

- C. Employees shall progress to the next level of discipline if at any time within five years from an offense, the employee:
 - (1) Refuses to submit to a test or attempts to tamper with or in any way adulterate the specimen; or
 - (2) Tests positive an additional time.
- D. Failure to enroll or satisfactorily participate in a rehabilitation program following the first or second offense shall result in discharge. Compliance shall be documented.

2. Non- bargaining unit Employees

Non-Bargaining Unit employees who have a positive finding shall be discharged after a pre-disciplinary meeting.

N. Employee Assistance

The County fully supports the Employee Assistance Program and encourages employees who are using unauthorized drugs to seek the confidential services of the EAP . The EAP play an important role by providing employees an opportunity to eliminate illegal drug use. Referrals can be made to appropriate treatment and rehabilitative facilities who will follow-up with employees during their rehabilitation period to track their progress and encourage successful completion of the program.