



Illinois Department of Corrections

Administrative Directive

Number:
03.02.200

Title:
Drug Testing for Employees

Effective:
2/1/2022

Authorized by:

[Original Authorized Copy on File]

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Director

Supersedes:

03.02.200 effective 12/1/2020

Authority:

720 ILCS 550/3 and 570/100 et seq.
730 ILCS 5/3-2-2, 3-7-2.5 and 3-7-4
State of Illinois and AFSCME 2003 Memorandum of Agreement on Drug Testing

Related ACA Standards:

5-ACI-1A-07, 10, 12 – 14
5-ACI-1C-01, 02, 16, 17, 20, 21, 23 – 25
5-ACI-1D-01, 03, 11
5-ACI-2F-01 – 03

Referenced Policies:

03.02.205

Referenced Forms:

DOC 0152 – Verification of Substance Abuse Treatment
DOC 0272 – Employee Notice of Drug Test

I. POLICY

The Department shall test for the use of illegal drugs in order to identify possible illegal drug usage and to curtail the introduction of illegal drugs into Department facilities. The use of unauthorized drugs by an employee, regardless of the position held, adversely affects the accomplishment of the Department's ability to safely confine and supervise individuals in custody, impairs the efficiency of the workforce, endangers the lives and security of employees and individuals in custody, undermines the public's trust, and is therefore prohibited.

II. PROCEDURE

A. Purpose

The purpose of this directive is to establish a written procedure for reasonable suspicion drug testing of all employees when there is reasonable suspicion that an employee is under the influence of or using unauthorized drugs and random drug testing of all employees who work for the Department.

B. Applicability

This directive is applicable to all correctional facilities, offices, programs and parole services within the Department.

C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

D. Designees

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

E. Definitions

Bona fide drug treatment program – a substance abuse treatment program that is licensed by the Illinois Department of Human Services' Office of Alcohol and Substance Abuse.

Collector – medical personnel or an individual designated by the Chief 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.

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Employee – all Department personnel and, for purposes of this directive, shall also include contractual personnel, employees of contractors, interns and volunteers who work at correctional facilities on a regular, on-going basis.

Medical Review Officer – a licensed physician who has knowledge of substance abuse disorders and who is qualified to interpret and evaluate an individual's confirmed positive test result.

Outer garment – for the purpose of this directive, shall mean any article of clothing not identified as essential to an individual's attire or uniform and that may conceal items or substances that could be used to tamper with or adulterate the urine specimen. This shall include, but not be limited to, jackets, coats, hats, duty belts, holsters, etc.

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

F. General Provisions

1. The Chief Administrator or Deputy Director 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. Employees whose positions require a commercial drivers license (CDL) and authorization to operate a commercial motor vehicle in interstate or intrastate commerce are subject to subsequent testing and discipline in accordance with Administrative Directive 03.02.205.

NOTE: CDL drivers being tested for reasonable suspicion may only be tested in accordance with Administrative Directive 03.02.205 immediately before, during or immediately following the performance of their driving duties. However, they may be tested and disciplined in accordance with this directive at any other time.

4. With respect to contractual personnel, employees of contractors, interns and volunteers who have a positive finding, appropriate action such as lock out from the facility shall be taken by the Department.
5. 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 a positive finding cannot be justified, employees shall be discharged after a pre-disciplinary meeting and shall not be eligible for rehire.
6. 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 random drug test.
7. A union representative shall be provided the opportunity to be present during testing of a bargaining unit employee.
8. 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 Department approved SAMHSA certified laboratory that shall screen the sample and confirm all positive samples for drugs. The above shall not preclude the use of

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authorized field tests for initial screening purposes.

1. Upon the arrival of the employee at the collection site, the collector shall instruct him or her to present photo identification. If an employee does not have proper identification, the collector shall contact the Chief Administrator to confirm identification.
2. The collector shall instruct the employee to remove any unnecessary outer garments and empty his or her pockets. 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 substances that 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 that is free from any substances that may be used to contaminate the specimen and that allows for individual privacy unless direct observation is required by the collector or the Chief 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 such as substituting urine in plain view or possessing equipment or implements that may be used to tamper with urine specimens.
 - (b) 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 20mg/dL.
 - (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 eight ounces of water every thirty minutes, with the amount not to exceed 40 ounces. This information shall be recorded on the Department's copy of the Employee Notice of Drug Test, DOC 0272.
5. Any employee who does not provide a sufficient urine sample after three hours shall be directed to obtain an evaluation as soon as possible from a licensed physician, acceptable to the union, if applicable, and the Department, concerning the employee's inability to provide an adequate amount of urine. The physician must provide the Medical Review Officer with a brief written statement setting forth his or her conclusion regarding the employee's medical condition that may have precluded the employee from providing an adequate amount of urine. The Medical Review Officer shall report his or her conclusions to the Department Drug Screening Coordinator in writing.

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6. For reasonable suspicion and random testing, 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 bottle 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.
7. 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 labeled and sealed.
 - b. If the samples do not meet the above criteria, the employee shall be required to provide another specimen prior to leaving the specimen collection site and within the original three hours time period provided in accordance with Paragraph II.G.4. Such action shall be documented.
8. Following the giving of the specimen, the employee shall sign a chain-of-custody form certifying that the urine in the bottles came from his or 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.
9. If the employee's drug test results are negative, the laboratory must notify the Department Drug Screening Coordinator who shall notify the respective Chief Administrator.
10. If the employee's test results are positive, the laboratory must report the results to the Medical Review Officer normally within 72 hours after the test. 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.
 - a. 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 Department approved SAMHSA certified laboratory for analysis at the Department's expense. The employee shall be placed on paid leave during the processing of the split specimen, if requested by the employee. The Department shall not initiate discipline of any employee until the Department receives the test results of the split specimen evidencing a positive finding.
 - b. 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 that unavoidably prevented the contacting of the Medical Review Officer. If the Medical Review Officer concludes there is a legitimate explanation, he or she shall initiate the process for analysis of the split specimen.
 - c. 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.
11. The Medical Review Officer shall report employees' positive test results to the Department Drug Screening Coordinator.
12. The Department Drug Screening Coordinator shall notify the respective Chief Administrator of the positive test result.

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13. The testing laboratory must maintain control of all positive test samples for at least one year or, upon notification by the Department, indefinitely.

H. Reasonable Suspicion

Paragraph II.H. applies to all employees. CDL drivers are subject to reasonable suspicion testing in accordance with Administrative Directive 03.02.205 immediately before, during or immediately after their driving duties.

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 that is independently corroborated.
2. The Chief Administrator, based on a review of the facts, may recommend to the respective Deputy Director 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 Deputy Director believes there is reasonable suspicion that an employee is using or under the influence of drugs, the Chief Administrator shall notify the Department Drug Screening Coordinator. The Chief Administrator shall then notify the employee that a urine or blood sample or both are required. The employee shall be escorted to the location where 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 Paragraph II.G. shall be followed, as applicable.
5. Positive findings that cannot be justified shall result in the employee being placed on paid non-work status pending the results of the test or a disciplinary hearing or both.

I. Random Testing

Random drug testing shall be conducted for all employees who work for the Department.

1. Individuals shall be selected at random and up to 20 percent of the eligible test population shall be tested annually. Union representation and the Chief Administrator shall be allowed to be present during the selection draw and shall receive a copy of the random pool. 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 Department Drug Screening Coordinator. The master list shall be provided on a semi-annual basis to the union.

NOTE: Employees who are subject to random testing in accordance with Administrative Directive 03.02.205 shall not be included on the master list.

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3. When necessary, the Information Services Unit, the Chief Administrator, the Department Personnel Office or the respective Deputy Director shall ensure that updates to the list of employees eligible for testing are submitted to the Department Drug Screening Coordinator.
4. The collector shall notify the respective Chief Administrator of the employees who are selected for testing.
5. The collector shall ensure that written notification is provided to the selected employees and 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 shall be approved by the Chief Administrator or above of the respective division. An employee who is unavailable for testing when selected shall be excused from the test for the following reasons:
 - a. Pre-approved time off for vacation, personal, accrued holiday, authorized dock, compensatory time, A-1 time or sick time;
 - b. Any authorized leave of absence;
 - c. Suspension from duty;
 - d. Military leave or weekend drills;
 - e. Travel outside of the proximity of the collection site, providing the travel was scheduled and approved prior to the date of the scheduled test and the employee is unable to return prior to the conclusion of testing that day;
 - f. Emergency situations; or
 - g. Documentation already on file with the Department's Drug Screening Coordinator verifying that the employee is in a bona fide drug treatment program.

NOTE: The employee shall ensure a completed Verification of Substance Abuse Treatment, DOC 0152, is sent to the Department's Drug Screening Coordinator upon enrollment in a Substance Abuse Treatment Program and every 30 days thereafter during on-going treatment. The Department Drug Screening Coordinator shall advise the employee's Chief Administrator not to assign the employee to safety sensitive positions such as towers or writs during the time that random testing is being suspended. Upon completion of treatment, the employee shall provide documentation using a DOC 0152 to notify the Department's Drug Screening Coordinator that he or she has satisfactorily completed a licensed substance abuse treatment program.
7. The Chief Administrator shall notify the Department Drug Screening Coordinator in writing of the names of all employees excused from Random Testing and the reasons for the exclusion.
8. If an employee who has been excused pursuant to Paragraph II.1.7. because of unavailability and returns to work within three days of the date he or she would have been randomly tested, the Chief Administrator shall make arrangements with the Department Drug Screening Coordinator's Office to have the employee tested.
9. The union shall be notified monthly of those employees by facility and bargaining unit who were tested and the overall number of employees who tested positive. The names of the individuals shall be retained by the union in a confidential manner.

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J. Disciplinary Procedures

Paragraph II.J. shall only apply to Department employees and shall not apply to contractual personnel, employees of contractors, interns and volunteers.

1. Non-Merit Compensation Employees

If just cause is established as a result of the pre-disciplinary meeting for non-merit compensation employees who have a positive finding discipline for violations shall be discharge.

2. Merit Compensation Employees

Merit compensation employees who have a positive finding shall be discharged after a pre-disciplinary meeting.

K. Employee Assistance

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