



Illinois Department of Corrections

Administrative Directive

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| Number: 03.02.205 | Title: Drug and Alcohol Testing for Commercial Drivers | Effective: 12/1/2020 |
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| Authorized by: | <i>[Original Authorized Copy on File]</i> Rob Jeffreys Acting Director |
| Supersedes: | 03.02.205 effective 5/1/2005 |

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| Authority: 730 ILCS 5/3-2-2, 3-7-2.5 and 3-7-4 49 USCA 31306 49 CFR 1.48, 1.51, 40, 382 and 654 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: 02.75.149, 03.02.201 | Referenced Forms: DOC 0152 – Verification of Substance Abuse Treatment DOC 0272 – Employee Notice of Drug Test DOC 0273 – Notice of Alcohol Test for Commercial Driver’s License Holders |

I. POLICY

The Department shall conduct drug and alcohol tests for drivers who possess a commercial driver's license and who are authorized to operate a commercial motor vehicle in the performance of their duties to ensure compliance with regulations issued by the Federal Highway Administration.

II. PROCEDURE

A. Purpose

The purpose of this directive is to establish written procedures for conducting drug and alcohol tests for drivers who operate commercial motor vehicles in interstate or intrastate commerce and are required to possess a commercial driver's license. The following tests are required:

1. Pre-Duty.
2. Reasonable Suspicion.
3. Random.
4. Post Accident.

B. Applicability

This directive is applicable to all drivers who possess a commercial driver's license and are authorized to drive a commercial motor vehicle in interstate or intrastate commerce in the performance of their job duties, the facilities that employ these drivers, and the Drug Screening Unit.

C. Facility Reviews

A facility review of this directive shall be conducted at least annually. The review shall include an inspection and evaluation of laboratory testing services and procedures.

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D. Designees

The Chief Administrator or above may delegate stated responsibilities to another person or persons unless otherwise directed.

E. Definitions

Alcohol – the intoxicating agent in beverage alcohol, ethyl alcohol or other molecular weight alcohols including methyl and isopropyl alcohol.

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.

Breath Alcohol Technician – an individual who instructs and assists individuals in the alcohol testing process and is certified in the operation of an Evidential Breath Testing (EBT) device.

Collector – medical personnel or an individual who has been trained regarding the collection procedures.

Client service center – a facility authorized by the Department Drug Screening Coordinator to provide drug and alcohol testing.

Driver – for the purposes of this directive, department employees and contractual personnel, employees of contractors, interns and volunteers who perform regular, ongoing services at correctional facilities and who are required to possess a commercial driver's license and are authorized to operate a commercial motor vehicle in interstate or intrastate commerce in the performance of their job duties.

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

Evidential Breath Testing (EBT) device – a device approved by the National Highway Traffic Safety Administration for the evidential testing of breath for alcohol concentration levels.

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

Safety-sensitive function – for the purposes of this directive, operating a state-owned or leased motor vehicle in interstate or intrastate commerce when required to be operated by a holder of a commercial driver's license.

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

Substance Abuse Professional – a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors' Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug related disorders.

F. General Provisions

1. The Department Drug Screening Coordinator shall ensure Supervisors of drivers are trained on this procedure.

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2. The Chief Administrator shall ensure all drivers are provided with a copy of this directive. Drivers covered by the American Federation of State, County, and Municipal Employees (AFSCME) bargaining unit shall also be provided with the 2003 Memorandum of Agreement on Drug Testing between AFSCME and the State.
3. A driver shall not be on duty or operate a commercial motor vehicle while in possession of alcohol or unauthorized drugs.
4. The Department prohibits drivers from:
 - a. Performing safety-sensitive functions while using alcohol.
 - b. Performing safety-sensitive functions within 4 hours after the use of alcohol.
 - c. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.02 or greater.
5. The Chief Administrator shall ensure that a driver found to have an alcohol concentration of 0.02 or greater:
 - a. Is provided transportation from the facility to his or her home or other home such as that of a friend or relative.
 - b. Is placed on Administrative Leave pending an Employee Review Board Hearing.
6. Drivers required to perform safety-sensitive functions shall not report for duty or remain on duty while using or under the influence of any drug, unless a physician has prescribed the medication and has advised the driver that the medication will not adversely effect his or her ability to safely operate a commercial motor vehicle. Upon request, drivers shall be required to inform their supervisors of the use of any therapeutic medication.
7. Refusal to submit to an alcohol or 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, drivers shall be discharged after a pre-disciplinary meeting.
8. Drivers with positive test results of 0.02 or greater for alcohol concentration or drugs shall be referred for disciplinary action.
9. Appropriate actions shall be taken by the Department and if applicable by the contractor for drivers who have positive findings such as discipline, lock out from the facility or referral to a rehabilitation program.
10. Alcohol and drug testing documents and test results shall be maintained in a confidential manner.

G. Alcohol Testing Procedures

Alcohol testing shall be conducted in a location that affords visual and aural privacy to the individual being tested, to the greatest extent possible, sufficient to prevent unauthorized persons from seeing or hearing test results.

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1. Alcohol tests shall be conducted by a Breath Alcohol Technician using an EBT device to evaluate a breath specimen.
2. Upon arrival of the driver at the collection site, the collector shall instruct the driver to present photo identification. If the driver does not have proper identification, the collector shall contact the driver's supervisor to confirm identification.
3. Prior to each test, the Breath Alcohol Technician shall obtain written consent of the driver and explain the testing procedures to the driver. If the driver refuses to sign, then the test shall be ended and considered a refusal.
4. The Breath Alcohol Technician shall open and attach an individually sealed mouthpiece to the EBT device in view of the driver.
5. The driver shall be directed to blow forcefully into the EBT device until an adequate amount of breath has been maintained.
6. Results for the alcohol test shall be generated immediately after the test is administered via a printer attached to the EBT device.
 - a. An alcohol concentration level of less than 0.02 shall be reported as a negative test result. An alcohol concentration of 0.02 or greater is a positive test result.
 - b. Positive test results require a second confirmatory test. The confirmation test shall be conducted not less than 15 minutes but within 30 minutes of the initial screening test. The driver shall be instructed not to eat, drink, put any substance in his or her mouth, and to the extent possible, not to belch during the waiting period. Refusal to follow these instructions shall be noted in the remarks section on the U.S. Department of Transportation Alcohol Testing Form by the collector. In the event the screening and the confirmation test results are not identical, the confirmation test results shall be deemed the final result.
7. The Breath Alcohol Technician shall ensure that all test results are immediately transmitted to the Chief Administrator and the Department Drug Screening Coordinator who shall ensure that a referral to a Substance Abuse Professional is given to the employee.

H. Drug Testing Procedures

All drug tests shall be performed by a Department approved Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory.

1. Upon the arrival of the driver at the collection site, the collector shall instruct the driver to present photo identification. If the driver does not have proper identification, the collector shall contact the driver's supervisor to confirm identification.
2. The collector shall request the driver sign a consent form or document the driver's refusal to sign.
3. The collector shall instruct the driver to remove any unnecessary outer garments such as a coat or jacket that might 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.

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4. The driver may provide the specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy unless direct observation is required by the collector, Chief Administrator or above. Direct observation may be required where:
 - a. There is a reasonable basis to believe a particular driver may alter or substitute the specimen, specifically if:
 - (1) The collector observes conduct indicating an attempt to substitute or adulterate the sample such as substituting urine in plain view or possession of equipment or implements that may be used to tamper with urine specimen.
 - (2) The driver 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.
 - (3) The last urine specimen provided by the driver was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g\L.
 - (4) The driver has used drugs without medical authorization and the test is being conducted pursuant to disciplinary procedures.
 - b. There is reasonable suspicion to believe a driver is using or under the influence of drugs.
5. 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 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. Following the giving of the specimen, the driver 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.
7. Results of the drug tests shall be sent to the Medical Review Officer normally within 72 hours after the test.
8. If the laboratory reports a negative test result, the Medical Review Officer shall notify the Department Drug Screening Coordinator who shall notify the driver's Chief Administrator.
9. If the laboratory reports a positive test result, the Medical Review Officer shall contact and interview the driver to determine if there is an alternative medical explanation for the drugs found in the driver'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

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Department receives the test results of the split sample evidencing a positive finding.

- b. If the driver has not contacted the Medical Review Officer within 72 hours, the driver 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 driver 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.
10. The Medical Review Officer shall report verified positive test results to the Department Drug Screening Coordinator and the Substance Abuse Professional.
 11. The Department Drug Screening Coordinator shall notify the driver's Chief Administrator of the verified positive test result.
 12. The testing laboratory shall maintain control of all positive test samples for at least one year or, upon notification by the Department, indefinitely.

I. Pre-Duty Testing

Prior to the first time a driver performs a safety-sensitive function, the driver shall have undergone testing for drugs in accordance with Administrative Directive 03.02.201, Drug Testing for Applicants.

J. Reasonable Suspicion Testing

Drivers shall be subject to alcohol and drug testing based on reasonable suspicion.

1. Reasonable suspicion exists if specific objective facts and circumstances warrant rational inferences that a person may be under the influence of alcohol or 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 alcohol or drugs including, 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. Observation that would raise reasonable suspicion must be made immediately before, during or immediately after the performance of a safety-sensitive function to be considered for testing.
3. Reasonable suspicion observations for alcohol or drugs shall be reported and subsequently submitted in writing to the Chief Administrator.

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4. The Chief Administrator shall review the reported observations and may recommend to the respective Deputy Director that an alcohol or drug test or both be conducted on the driver. The driver's performance of safety-sensitive functions shall be delayed until the issue has been resolved.
5. If the Deputy Director believes there is reasonable suspicion that a driver is using or under the influence of alcohol or drugs, the Chief Administrator shall notify the Department Drug Screening Coordinator. The Chief Administrator shall then notify the driver that a breath or urine specimen or both is required. The driver shall be escorted to the nearest client service center for testing. A union representative shall be present for bargaining unit drivers, if reasonably available. The driver and, if applicable, the union representative shall be provided with an explanation. The driver, escort, and if applicable, union representative shall be paid for the time spent in compliance with the testing procedures in accordance with applicable contract or timekeeping procedures, or both.
6. Whenever possible, the alcohol tests shall be performed at a client service center within two hours of the determination that reasonable suspicion exists. In any event, alcohol tests must be performed within eight hours. No testing may be performed if not completed within these timeframes. Reasons for failing to test shall be documented by the Chief Administrator and reported to the Department Drug Screening Coordinator.
7. Direct observation may be maintained throughout the specimen collection process.

K. Random Testing

Drivers shall be eligible for random alcohol and drug testing.

1. Random alcohol and drug tests shall be conducted during work hours.
2. Alcohol testing shall be conducted immediately before, during or immediately after the performance of safety-sensitive functions.
3. Drivers shall be selected at random and shall be alcohol tested, drug tested or both. The testing dates and times shall be unannounced with unpredictable frequency and shall be spread reasonably throughout the calendar year.
4. A master list identifying drivers eligible for testing shall be maintained by the Department Drug Screening Coordinator and the collector.
5. The Chief Administrator shall ensure that updates to the list of drivers eligible for testing are submitted to the Department Drug Screening Coordinator.
6. The collector shall notify the respective Chief Administrator of the drivers who are selected for testing.
7. Upon receipt of the list, the collector shall ensure that written notification is provided to the selected drivers and local union within one hour of the test time using the appropriate notification form; Employee Notice of Drug Test, DOC 0272, or Notice of Alcohol Test for Commercial Driver's License Holders, DOC 0273. Drivers shall be instructed to stay at the work site until the tests are completed.

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8. Authorization to be excused from testing must be approved by the Chief Administrator or above of the respective division. A driver who is unavailable for testing when selected may be excused from the test for the following reasons:
 - a. A day off for vacation, compensatory, personal or sick time, if approved prior to notification of the scheduled test;
 - 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 driver 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 he or she 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 after 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.

9. The Chief Administrator shall notify the Department Drug Screening Coordinator of the names of all drivers excused from Random Testing and the reasons for the exclusion.
10. If the driver has been excused by the Chief Administrator because of unavailability and returns to work within three days of the date he or she would have been randomly tested, the Chief Administrator may send the driver to an authorized client service center to be tested.

L. Post Accident Testing

All automobile accidents shall be reported in accordance with Administrative Directive 02.75.149.

1. When a driver is involved in an accident involving the loss of human life or the driver receives a citation for a moving traffic violation arising from the accident, the driver shall be tested for alcohol and drugs.
2. Whenever possible, the alcohol testing shall be performed within two hours of the accident at a client service center. Alcohol tests that cannot be performed within eight hours shall not be performed.

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3. Drug testing shall be performed within 32 hours of the accident.

M. Disciplinary Procedures

For any drug or alcohol violation on or after January 1, 2001, discharge shall result if just cause is established as a result of the pre-disciplinary meeting.

N. Employee Assistance Program

The Department fully supports the employee assistance programs and encourages drivers to seek the confidential services of the employee assistance program at the work place or, for AFSCME bargaining unit employees, AFSCME's Personal Support Program. These programs play an important role by providing employees an opportunity to eliminate alcohol abuse and illegal drug use. Referrals can be made to appropriate treatment and rehabilitative facilities that follow up with individuals during their rehabilitation period to track their progress and encourage successful completion of the program.
