

	STANDARD OPERATING PROCEDURE State Form 39870(R/S-06)	Reference Number HMR-036
	Subject Drug-Testing Policy	
	Special Instructions Replaces TRA-005 dated April 20, 2018	Effective Date June 1, 2018

I. PURPOSE

The purpose of this policy is to provide all Department personnel with notice of the provisions of the Department employee drug-free awareness and Drug-Testing Program (DTP) and establish procedures for the program.

II. POLICY

The Department has adopted this written employee drug-free awareness program and drug-testing policy to: ensure an employee's fitness for duty as a condition of employment; ensure drug-tests are ordered on a reasonable, objective basis; follow an established written policy and procedure; and educate the employee about testing requirements, assistance offered by the Department and other options available to the individual.

III. DEFINITIONS

A. Alcohol (Ethyl alcohol or ethanol) – Any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits.

B. Applicant – Any candidate for a sworn or public safety-sensitive position with the Department.

C. Commission – Department owned or leased vehicles and equipment wherever located. This term also includes any vehicle authorized and utilized for duty by State Police personnel (e.g., vehicles used by but not owned by the Department).

D. Department premises or facilities – All property of Indiana State Police including, but not limited to: the offices, facilities, and surrounding areas on Indiana State Police owned or leased property, parking lots and storage areas.

E. Donor – Employee or applicant who has been ordered to report for drug-testing for any of the stated reasons in Section IV. B. and C.

F. Drug – Any controlled substance, prescription drug or any substance qualifying as a drug defined pursuant to [IC 16-42-19-2](#).

G. Drug Program Coordinator (DPC) – Superintendent or designee.

H. Drug-test – Production and submission of urine, blood or breath by an employee or applicant; in accordance with Departmental procedures, rules and Indiana statutes; for scientific analysis to detect drugs or alcohol.

I. Employee – All personnel who work full-time, part-time or under contract for the Department.

J. Medical Review Officer (MRO) – State of Indiana licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate drug-test results.

K. Reasonable Suspicion – Good faith belief based on specific articulable facts or evidence an employee has violated the policy and substance testing could reveal evidence related to that violation. Evidence of tampering, countermeasures or substituting a test sample shall constitute reasonable suspicion.

L. Safety-Sensitive Employee – As defined below:

1. Is authorized to drive a Department commission in emergency status and/or carry firearms;
2. Has access to sensitive documents such as confidential information, classified information and/or other documents which have restricted dissemination by state or federal law;
3. Employees whose work product could have a bearing on an individual's guilt or innocence;
4. Employees who handle or possess evidence;
5. Employees whose job duties include operating or maintaining equipment or devices which could cause serious bodily injury or death to themselves or to others if handled improperly;
6. Employees who possess a Commercial Driver's License (CDL) for purposes of employment with the Department.

M. Substance – Alcohol or drugs.

N. Sworn Employee – Those employees vested with full law enforcement powers and authority.

O. Test Result-Inconclusive – Drug-test analysis which is unable to either identify/quantify the presence of drugs or confirms the absence of drugs.

P. Test Result-Negative – Drug-test analysis which measures below the Substance Abuse and Mental Health Services Administration (SAMHSA) cutoff standards via EMIT and/or Gas Chromatographic/Mass Spectrometer (GC/MS) confirmation.

Q. Test Result-Positive – Drug-test analysis that measures above the SAMHSA cutoff standards via GC/MS confirmation.

IV. **PROCEDURES**

A. Prohibited employee activity:

1. Unlawful ingestion, possession, sale or distribution of illicit drugs or controlled substances or simulated use of a controlled substance is prohibited;

2. An employee's consumption of controlled substances or other drugs without a prescription is prohibited;

NOTE: All employees will be subject to discipline for a positive drug test for THC (tetrahydrocannabinol); this will include any positive test results from the use of CBD oil or other legalized, low-THC hemp product.

3. The Department at all times reserves the right to judge the affect a legal drug (prescription drug) may have on job performance and to restrict the using employee's work activity or presence at the workplace accordingly;

4. No employee shall ingest prescribed medication in amounts beyond the recommended dosage, unless directed by a licensed physician;

5. Operating a Department commission after having ingested alcohol is prohibited and is governed by Departmental rules, regulations and standard operating procedures.

B. Applicant drug testing:

1. All candidates for employment (sworn and civilian) are subject to pre-employment drug testing.

2. All other applicants for employment, including those for part-time, seasonal positions and applicants who are former employees, may also be subject to drug-testing.

3. The applicant must pass the drug-test to be considered for employment.

4. An applicant will be provided written notice ([Notification of Procedures Form](#)) (by signature) receipt and understanding of the policy. The signed Notification of Procedures Form shall be forwarded to the DPC upon completion.

NOTE: An applicant who refuses to undergo such testing will be removed from the pre-employment selection process.

C. Employee Drug-testing:

1. Employees may be ordered to take drug-tests as a condition of continued employment in order to ascertain prohibited drug use, as provided below:

a. Upon reasonable suspicion an employee is or has been using drugs;

NOTE: Refer to [Supervisor's Checklist](#).

b. As part of a physical exam, as ordered by the Department;

c. As part of a post-accident or vehicle crash investigation;

d. As part of return to duty

e. Follow-up on positive test results

2. When testing is initiated by the Superintendent, sworn and safety-sensitive employees shall be randomly selected for drug-testing by the DPC's drug and alcohol data management software.

3. An employee who refuses to undergo such testing will be subject to discipline.

D. Drug-testing Procedures:

1. The Department's drug-testing procedure shall follow the steps as described in this SOP, the Drug Testing Procedure [Flowchart](#) and the [Drug Testing Procedures Manual](#).

2. The preferred method for employee alcohol testing is a breath test administered by a qualified breath-test operator as identified in [IC 9-30-6-5](#) and [260 IAC 1.1](#). Employees shall not be randomly tested for alcohol ingestion.

3. In the case of random drug-testing, the DPC shall produce computer-generated lists quarterly or as directed by the Superintendent.

4. The DPC will notify the employee's Commander when an employee under their command has been selected for a random drug-test.

5. The Commander shall notify the selected unit to report the following day for the drug-test.

6. The employee shall report to the drug-testing collection site during regular work hours and resume normal duties immediately after having provided the required sample. If an employee is involved in an assignment at the time of the scheduled test, the employee shall report immediately following the assignment unless excused by the Superintendent or designee.

7. An employee shall be excused from random drug testing if the employee is:

a. On approved extended disability leave from the Department;

b. On a previously approved leave, which includes but not limited to: vacation, compensatory time, personal leave or extended military leave;

c. On a regularly scheduled day off; or

d. Not available due to a previously approved duty assignment which cannot be reasonably suspended or completed, the Superintendent or designee may excuse the employee from the random selection process.

8. If, after an employee has been notified to provide a urine sample and the employee claims to be ill and/or refuses to report to the collection site or provide a sample, the Commander shall immediately notify the DPC. The Commander shall require a physician's report indicating the unit is too ill to report to work.

9. A review of the "refusal" shall be initiated by the employee's Commander.

10. If it is determined the alleged illness was a pretext to avoid providing a drug-test sample, an internal investigation shall be initiated.

NOTE: The Superintendent or designee may order an employee who claims to have been ill or unable to provide a urine sample to provide a proper urine sample for drug-test analysis when the employee returns to duty.

11. All personnel selected and tested for a random drug-test will be subject to all future random drug-tests.

E. Once the Employee Reports to the Testing Site:

1. The employee must provide appropriate identification. Acceptable forms of identification are:

a. A photo identification (e.g., Department identification, LEOSA card, or any other picture identification issued by a Federal, state or local government agency).

2. All employees shall be expected to follow all reasonable requests of the personnel involved in the drug-testing as it pertains to the testing.

3. The employee shall leave extraneous items outside the collection room. These include, but are not limited to: jackets, sports coats, outer sweaters, pocketbooks, briefcases, bags and/or other paraphernalia.

4. Upon completion of the collection process, the employee will receive COPY 5 of the CCF (Custody Control Form).

F. Consequences for policy violations:

Any employee found to be in violation of the drug-testing policy may face discipline pursuant to [Indiana Code IC 10-11-2-15](#), [Regulation 7](#) and [SOP IIS-001](#).

G. Employee Assistance Program:

1. The Department's [Employee Assistance Program \(EAP\)](#) is designed to help employees where personal problems; such as those related to alcoholism, drug-abuse, etc.; adversely affect or could adversely affect the employee's work performance.

2. The Department's EAP uses prevention, education, crisis management and referral to help Department employees. Employees are urged to contact EAP, whenever needed. All EAP cases are considered confidential. It is not the intent of the EAP to eliminate or intervene in disciplinary action for any employee but rather to work with the employee to resolve the problem.

NOTE: For more information on EAP, see Standard Operating Procedure [ENF-040](#).

H. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies and procedures.