

Asa Hutchinson
Governor

Wendy Kelley
Secretary



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July 8, 2019

Senator Lance Eads, Co-Chair
Arkansas Legislative Council
Administrative Rules and Regulations Subcommittee
Via Email

Representative Dan Sullivan, Co-Chair
Arkansas Legislative Council
Administrative Rules and Regulations Subcommittee
Via Email

Dear Co-Chairs,

Please consider this letter as the Division of Correction's quarterly report on new and revised administrative directives issued in the previous quarter. Submitted along with this letter are the following administrative directives:

AD #	AD Title	Superseded AD #	Effective Date	Summary	Page #
AD 2019-13	Employee and Applicant Drug Testing	AD13-18	4/11/2019	This Administrative Directive is amended to comply with the passage of Amendment 98 to the Arkansas Constitution and subsequent enabling and clarifying legislation, including Act 593 of 2017. The Administrative Directive designates all Department positions as "Safety Sensitive Positions" as that term is defined in Act 593 and the Administrative Directive.	Redline (1-23) Clean (24-45)
AD 2019-14	Employment	AD19-11	4/11/2019	This Administrative Directive (AD) was amended to include the definition of "Safety Sensitive Position"	Redline (46-54) Clean (55-63)
AD 2019-15	Employee Orientation and Training	AD19-07	4/11/2019	This Administrative Directive (AD) was amended to clarify the procedure for employees on Extended Military Leave, Family Medical Leave or Catastrophic Leave during their performance evaluation period.	Redline (64-71) Clean (71-78)
AD 2019-16	Security Audits	AD13-81	4/11/2019	This Administrative Directive (AD) was revised to remove Division of the Youth Services at (DYS) from the Administrative Directive. The Division of Correction is not responsible for conducting security audits, for DHS.	Redline(79-80) Clean (81-82)

AD #	AD Title	Superseded AD #	Effective Date	Summary	Page #
AD 2019-17	Anti-Fraud/Code of Ethics Policy	AD13-02	4/11/2019	This Administrative Directive (AD) was revised in order to reflect that the annual Code of Ethics acknowledgement is now met through a mandatory training course.	Redline (83-93) Clean (94-103)
AD 2019-13	Employee and Applicant Drug Testing	AD13-18	5/9/2019	This Administrative Directive number was not changed but the directive was amended to clarify that the Central Drug Testing Coordinator will schedule Division-wide training at least once a year.	Redline (104-125) Clean (126-147)
AD 2019-18	Inmate Withdrawal Requests	AD12-18	5/9/2019	This Administrative Directive (AD) was amended to include the procedure for inmates transferring money from their work release saving account to their ADC account. The procedure applies to inmate returned to a correctional facility from a work release center.	Redline (148-154) Clean (155-161)
AD 2019-19	Work/Study Release Program	AD18-14	5/9/2019	This Administrative Directive (AD) was amended to allow for the transfer of an inmate to a Work/Study Release Program upon completion of the inmates initial sixty (60) day assignment. An inmate remains ineligible to transfer to a community job until they have served at least six (6) months in the division.	Redline (162-171) Clean (172-181)
AD 2013-128	Boot Camp Administrative	Repealed	4/11/2019	The Boot Camp Program was suspended in 2016.	Repeal (182-187)
AD 2015-20	Boot Camp Eligibility	Repealed	4/11/2019	The Boot Camp facility was suspended in 2016.	Repeal (188-194)

There were no new or revised administrative memoranda issued during the previous quarter. Please do not hesitate to contact me with any questions or comments.

Sincerely,



Solomon Graves
Chief of Staff
Arkansas Department of Corrections

CC: Ms. Wendy Kelley, Secretary, Arkansas Department of Corrections
Ms. Christine Cryer, Chief Legal Counsel, Arkansas Department of Corrections
Ms. Takelia McDaniel, Agency Policy Coordinator, Division of Correction
Mr. Benny Magness, Chairman, Arkansas Board of Corrections
File



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee and Applicant Drug Testing

NUMBER: 19-13-18

SUPERSEDES: 1342-18-25

APPLICABILITY: Employees, applicants, agents and volunteers of the Arkansas Department of Correction.

REFERENCE: AR 202: Drug-Free Workplace

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APPROVED: Original signed by Ray Hobbs
DATE: 06/14/2013

_____ **EFFECTIVE**

I. POLICY:

It is the policy of the Arkansas Department of Correction to provide a drug-free workplace and to ensure, to the maximum degree possible, that no employees are impaired in the performance of their public duties by intoxicating substances.

II. EXPLANATION:

All staff, including support staff, working in a correctional environment are responsible for the good order and safety of facilities and must be fully alert, capable of good judgment, and physically able to respond as required. No staff member, on or off duty, will have any involvement with illegal drugs.

III. DEFINITIONS

- A. Adulteration Check: A field or laboratory test to indicate whether the specimen submitted matches certain parameters of human urine. Adulteration will be considered to have occurred if the creatinine level is below 20 milligrams per deciliter on laboratory analysis.

- B. Alcohol Test: Any standardized field or breathalyzer test accepted by the Arkansas Department of Correction and as specified in A.C.A. §§ 5-65-204, et seq.
- C. Applicant: An individual who is seeking employment with the Arkansas Department of Correction.
- D. Confirmation: A retest of the sample using current scientifically accepted confirmation technology conducted on a positive specimen, or conducted when the results of the first test are inconclusive, or conducted when adulteration is suspected, or to test for drugs not covered in the screening test.
- E. Critical Incident: An incident involving on-duty staff, and causing, or having the potential to cause, substantial property damage, physical injury or death.
- F. Direct Observation: Visualization of the urine stream leaving the body and entering the test cup. Indirect Observation: Presence in the immediate area balancing the need for privacy with prudent measures for prevention of adulteration or substitution of samples.
- G. Documented Drug or Alcohol Abuse History: Any reported history of drug abuse or alcohol abuse for which the individual must maintain recovery as a condition of employment.
- H. Drug Test: Any of a number of standardized and generally accepted tests for the presence of mind altering drugs or substances meeting or exceeding DOT Standards. Drug Tests may include urine, sweat, saliva or hair samples. Drug Tests may be conducted on-site and sent for confirmation.
- I. Drug Testing Coordinator: An individual at each unit appointed by the Warden to be responsible for coordination and administration of drug testing.
- J. His, Him, and He: Refers to staff of both genders.
- K. Policy Testing: Tests required by unit or department policy.
- L. Positive test result for marijuana: a result that is at or above the concentration level established by the United States Department of Transportation or Arkansas laws regarding being under the influence, whichever is lower.

- ~~L.M.~~ Random Testing: Unannounced testing of the staff, or of a representative sample of the staff of a facility or division, in which each of those to be sampled has an equal chance of being selected.
- ~~M.N.~~ Reasonable Suspicion: This may include, but is not limited to, a pattern of one or more of the following: observed decrease in the level of work performance, misconduct, excessive absenteeism and tardiness, history of complaints from supervisors or colleagues about poor work performance, excessive use of sick leave, negligent accidents, poor traffic safety record, reports of drug involvement from reliable sources, or other documented acts of omission or commission often associated with drug or alcohol abuse.
- ~~O.~~ Safety Sensitive Position: any position involving a safety sensitive function, which shall include any position which requires any of the following activities: (a) carrying a firearm, (b) performing life-threatening procedures, (c) working with confidential information or documents pertaining to criminal investigations, (d) working with hazardous or flammable materials, controlled substances, food, or medicine, or (e) a position in which a lapse of attention could result in injury, illness, or death, including without limitation a position that includes the operating, repairing, maintaining, or monitoring of heavy equipment, machinery, aircraft, motorized watercraft, or motor vehicles as part of job duties.
- ~~P.~~ Staff/Employee: Any individual employed full or part-time by the Arkansas Department of Correction or agent thereof, including supervisory and support staff.
- ~~N.~~ ~~Q.~~ _____
- Suspicion Testing: Testing based on a previous positive or adulterated test, testing based on reasonable suspicion documented on official forms, such as 005 Incident Report, or a memorandum to the Warden.
- ~~Q.~~ _____
- ~~R.~~ _____
- Testing Employee: Any employee authorized by the Warden and trained by the Central Drug Testing Coordinator, or by the Unit Drug Testing Coordinator, who is registered with the Central Drug Testing Coordinator to conduct on-site and laboratory-based testing.
- ~~P.~~ _____
- ~~S.~~ _____
- ~~Q.~~ Under the Influence: Any amount of illegal drug above threshold for a positive Drug Test. Any prescription or over-the-counter (OTC) medication demonstrably impairing alertness, judgment or behavior to the

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degree that proper and efficient job performance is jeopardized. Blood Alcohol Content (BAC) of 0.02% or higher.

TR. Unit: Any facility operated by the Arkansas Department of Correction to include programs, farm and industry, construction, central office, jails, work release centers, pre-release centers, and private prisons operated on behalf of the Arkansas Department of Correction.

US. Volunteer: Any individual who is provided an identification badge and is regularly admitted into secured areas of the Arkansas Department of Correction or any facility operated under contract for the Arkansas Department of Correction.

V.
W. Warden: Chief operating officer of a "unit" to include center supervisors and administrators of programs.

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IV. APPLICABILITY:

- A. All staff and applicants through all levels of the chain of command, including staff and applicants of private prisons operated for the Arkansas Department of Correction are subject to conditions of testing specified in this Administrative Directive.
- B. Volunteers who are provided identification badges and afforded unescorted movement within institutions of the Department of Correction.
- C. Contract staff whose regular duties are within facilities of the Department of Correction.
- D. Staff of the Arkansas Correctional School District and Riverside Vo-Tech employees.
- E. All staff positions and other positions in Subsections A, B, C, and D of this Section are designated as Safety sensitive positions as defined in Section III herein and as defined in Amendment 98 of the Arkansas Constitution.

V. GUIDELINES:

- A. General:
 - 1. This Administrative Directive is to be the guiding document for drug testing. It may be supplemented by drug test instructions from the manufacturer, and ~~semiannual~~ periodic training. Any lapses in implementation should be called to the attention of the

Central Drug Testing Coordinator who will consult appropriate authorities to determine whether the lapse is sufficient considered to invalidate the test.

2. Every unit shall designate a Unit Drug Testing Coordinator to coordinate and administer drug and alcohol tests.
3. All applicants shall be tested. ~~Refusal to submit to a test or a positive test result will result in any offer of employment being withdrawn. A positive test result for marijuana will result in any offer of employment being withdrawn for any safety sensitive position.~~ Any positive test results will be documented by Human Resources. Unit Human Resources Manager may check with Central Human Resources for the previous test results of any applicant. Previous positive test results may preclude processing of an application. A positive test result for marijuana will result in any offer of employment being withdrawn for any safety sensitive position.
4. All current employees and every new employee shall be advised of the existence of this Administrative Directive.
 - a. Each employee shall be asked to sign an acknowledgement (Attachment #1) indicating that ~~they have~~ he has been made aware of the general provisions of this Administrative Directive, and that he agrees to support a drug-free workplace.
 - b. This shall include signing a release of information for any physician conducting drug or alcohol testing following a critical incident.
 - c. All employees may review this Administrative Directive on Spotlight or from Unit Human Resources Managers, Drug Testing Coordinators, or the Central Human Resources Office.
5. Random testing may be conducted as authorized by the Warden. The Director, Chief Deputy Director, any Deputy Director, or Assistant Director may authorize testing of his staff.
6. Any supervisor suspecting that a member of staff is impaired by drugs or alcohol is to contact the Warden or senior staff authorized by the Warden to arrange drug or alcohol testing.

7. The supervisor shall document any referral for drug or alcohol testing. -The rights and privacy of employees will be safeguarded to the maximum extent possible. Revealing the results of alcohol or drug tests to those not having a need to know will be considered cause for disciplinary action according to the provisions of the policies governing employee conduct.
8. Any employee may refuse testing. If this occurs, the employee is to be relieved of duty and placed on unpaid administrative leave pending disciplinary action. Appropriate notifications will be made to the Unit Human Resources Manager, the Deputy or Assistant Director in that employee's chain of command, and any other individual designated by the Warden. For purposes of employee discipline, refusal of testing will be considered equivalent to a positive test and subject to disciplinary actions pursuant to the Employee Conduct Standards policy.
9. The processing of an application will be stopped for any applicant who refuses testing. The Volunteer Agreement will be voided for any volunteer who refuses to be tested. In either case, the applicant or volunteer will not be eligible to reapply for one year.
10. A testing employee of the same gender as the person being tested will accompany that person to a restroom for collection of a urine specimen for drug testing. A pat search may be conducted and/or the individual may be asked to secure bags, brief cases, coats and the like outside.
11. Direct observation of collection of a urine specimen shall only occur if reasonable suspicion exists that the person providing the specimen is likely to attempt to substitute or adulterate it.
12. Once a specimen is provided, chain of custody procedures must be followed until the on-site test is read and/or the specimen is sent to the lab.
13. The employee/volunteer is entitled to see the readings or visual change of any test conducted on-site. The employee is entitled to receive written results of any laboratory or confirmation test performed. Notification of results should be done as soon as possible.
14. On-site tests may be used on all applicants and staff. All positive on-site alcohol or drug test results will be confirmed by the laboratory. Lab drug screens may be done upon request, but will be limited due to cost. Positive and confirmed on-site alcohol and

drug tests will result in discipline as provided in the Employee Conduct Standards Administrative Directive. A positive and confirmed test for marijuana for any employee in a safety sensitive position will result in discipline as provided in the Employee Conduct Standards Administrative Directive.

15. The employee has the right to request independent confirmation by a lab other than that used by the Department of Correction. The right of independent confirmation must be exercised within 24 hours upon notification of the laboratory results. The employee must choose a College of American Psychologists (CAP) or Substance Abuse Mental Health Services Administration (SAMHSA) approved laboratory, and will be responsible for the cost plus shipping and handling.
16. Adulteration checks may be run on specimens. If adulteration or substitution of any sample is indicated by a creatinine level of less than 20 milligrams per deciliter, a hair sample may be taken, and the employee may be placed on suspicion testing.
17. Any employee taking a prescribed or an over-the-counter medication that affects alertness, judgment or behavior in ways that are likely to impair job performance **MUST** notify his supervisor of that fact **PRIOR** to assuming his post. Failure to do so may result in disciplinary action up to and including suspension.
18. Any employee may come forward and admit an alcohol or other drug problem to his supervisor and request referral to the Employee Assistance Program (EAP). This must be done at least 24 hours prior to any random or suspicion testing.
 - a. This action will not keep drug testing from occurring, nor will admitting an alcohol or other drug problem mitigate the seriousness of a rule infraction.
 - b. An employee freely admitting a problem will be tested immediately.
 - c. If the employee currently registers drug/alcohol-free, he may continue work but will be tested regularly at his own expense as part of the EAP.
 - d. If the drug test is positive, the employee will be immediately relieved of duty.

- e. At the discretion of the supervisor, the employee may be allowed to take accrued vacation, holidays or compensatory time until he is cleared by the Employee Assistance Program to come back to work.
 - f. Staff enrolled in a treatment program certified by the Bureau of Alcohol and Drug Abuse Prevention may request sick leave.
 - g. If these options are not available or contraindicated by other rule violations, the employee may be allowed the choice of being placed on leave without pay, or resigning. If the employee resigns, the termination report must show drug/alcohol abuse as the reason.
19. Services directly provided by the Employee Assistance Program, other than drug testing, are free. However, referrals to other programs may be made, and the employee will be responsible for payment required by outside programs.
20. Employees found to be in violation of this AD will be disciplined according to procedures outlined in the AD on Employee Conduct Standards.
21. Employees terminated or resigning for being under the influence while on duty or for use of illegal drugs may apply for rehire no sooner than twelve (12) months after termination. Rehire is not a right, regardless of any treatment received in the interim. The recommendations of the Employee Assistance Program or other provider certified through the Arkansas Department of Health must be provided, and may be considered, but do not guarantee rehire.
22. The person, vehicle and belongings of any employee on state property are subject to search, ion scanning and examination by drug sniffing dogs. Employees found to be in possession of illegal drugs in a measurable amount will be detained arrested and turned over to the proper authorities.

B. Conditions of Testing:

1. Pre-employment testing:
- a. All applicants will be advised of the requirements for drug testing by the Human Resources Manager or other appropriate official.

- b. Refusal or a positive test will result in the offer of employment being withdrawn.
- 2. Random testing:
 - a. Any Warden may conduct unannounced drug testing of a sample of, or ~~of~~ the entire population of any section of employees supervised. Sampling will be conducted by acceptable statistical means such that every member of the employee group has an equal chance of being tested.
 - b. At a minimum, 5% of employees will be tested quarterly.
 - c. Employees on initial hire probation, or those for whom such tests have been made a condition of continued employment, may be tested as often as requested by the Warden/Drug Coordinator.
- 3. Employees returning from any absence from duty of six months duration or more may be required to submit to a drug or alcohol test.
- 4. Employees who have been previously disciplined and/or referred to the Employee Assistance Program for drug problems may be subject to unannounced testing as a condition of continued employment.
- 5. All employees are subject to suspicion testing provided there are behavioral observations and/or reliable information that would lead a reasonable person to believe that the employee had been using illegal drugs or alcohol. Additionally, any previous positive test result is considered grounds for suspicion testing. A written report of the incident shall be prepared with all suspicion testing.
- 6. Critical Incident Testing
 - a. Employees involved in a critical incident will be referred for alcohol or drug testing.
 - b. Testing shall be performed as soon as possible by trained agency staff or hospital personnel.
- 7. Policy Testing
 - a. All testing employees are to be tested at least quarterly. This is in addition to random testing.

- b. All employees involved in substance abuse treatment or a program of recovery are to be tested at least quarterly.
- c. Any member of staff whose job duties require him/her to hold a Commercial Driver's License (CDL) must be tested by a the Department of Transportation (DOT) testing contractor for CDL drug testing. This DOT testing is in addition to drug testing procedures described in this policy.
- d. Any employee in a critical position may be tested at the frequency prescribed by the Warden in unit policy.

VI. TESTING PROCEDURES:

A. Preparation for Testing

- 1. The Unit Drug Testing Coordinator or the testing employee should check the number and expiration dates of any on-site drug tests to be used. If the plastic envelope in which the drug test is packaged has been compromised, the drug test should not be used. If this appears to be a manufacturing defect, the drug test should be returned to the Central Drug Testing Coordinator.
- 2. If a breath alcohol test is to be run, the machine should be checked according to the manufacturer's instructions and the date next due calibration noted.
- 3. If the sample is to be sent to the laboratory a new cup, chain of custody documentation and sealed plastic bag must be obtained for shipment.
- 4. The Unit Drug Testing Coordinator or the testing employee must have the chain of custody form, prior to testing.
- 5. The testing employee should carefully check the identification badge of the employee to ensure that it matches the data on the form.
- 6. Upon reaching the testing site, the employee should be asked to empty his pockets. Personal property should be placed where it can be examined by the testing employee, but remains in clear view of staff being tested. Personal property should be handled by the testing employee as little as possible. The escorting employee or the testing employee should then pat search staff. Most personal property should then be retrieved by the employee being tested.

Exceptions are drugs, prescribed or over-the-counter, nose or eye-drops, and any other chemical substance subject to being used to adulterate a specimen. These items may be secured, preferably in a clear plastic sealable bag, and held by the testing employee until the specimen has been collected and sealed.

7. Employees selected for testing should be asked to immediately remove anything from their mouth and instructed to keep their hands away from their mouth and out of their pockets.

B. Specimen Collection and Testing: Alcohol

1. The testing employee must observe the person being tested for 20 minutes before administering any breath or saliva test.
2. The testing employee should remove the mouthpiece from its protective covering, in the presence of the employee and a witness, and insert it into the breath alcohol analyzer. The employee is then instructed to blow into the mouthpiece until the equipment indicates that an adequate sample has been obtained.
3. The reading from the machine is shown to the employee who is asked to state what he sees. The reading is shown to the witness who also reads the number aloud. The reading from the machine is then documented on a Drug Request Form.
4. If the test is positive, the employee should be given, in the presence of a witness, the document *Notification of a Positive Test* (attachment 3).
 - a. If the employee accepts the test results, he signs the *Notification of a Positive Test* so indicating.
 - b. If the employee wishes confirmation of the results, he is asked to provide a urine sample. The urine sample will be confirmed with a field test kit in the presence of the employee, or sealed with evidence tape and sent to the laboratory.
5. No staff person legally under the influence of alcohol should be allowed to operate a motor vehicle. The Warden may arrange for the staff person to be driven home. If the staff person insists on

driving, law enforcement is to be notified, with a description of the car and license plate.

C. Specimen Collection and Testing: Illegal Drugs

1. Any staff selected for testing should be under continuous observation by the testing employee or another member of staff at all times. The testing employee must be of the same gender as the staff being tested.
2. The testing employee should check the location where collection of the specimen is to occur. Cleansers or any other foreign material that could be used to contaminate the sample should be removed or secured.
3. The testing employee should obtain a collection cup; and should use an on-site test; and show the employee the expiration date and that the plastic envelope is intact. The envelope should not be opened until it is time to obtain the specimen.
4. The employee should be asked to remove any bulky outer clothing. If a foreign substance is noted under his fingernails during shakedown, he should then be asked to thoroughly wash his hands in clear water only, with particular attention to his fingernails. Hands should be thoroughly dried and any paper towel material discarded.
5. The testing employee should enter the restroom with the employee to be tested. If the restroom is too small to accommodate two persons, the testing employee may stand outside with the door slightly open to provide a view of the washbasin if possible. Direct observation is not required unless there is reasonable suspicion that the staff person may attempt to contaminate the sample. Male staff should be asked to stand away from toilets or urinals containing liquid.
6. The envelope containing the on-site drug test is then opened. If a temperature strip is available and not already affixed to the collection cup, it should be placed on the cup. The testing employee then hands the on-site test or collection cup to the employee. In handing the collection cup to the employee, the testing employee instructs him to fill the cup to a depth of about two fingers to half-full.
7. Should the employee be unable to produce a specimen, he is asked to be seated in an office or other place where he can be observed.

If the package containing the on-site drug test has been opened, the drug test and collection cup should remain in his sight, but out of his reach until he is ready to provide a specimen. He may be given up to two glasses of water or a soft drink or cup of coffee. He is asked to remain until he can produce a specimen, or for at least two hours. If he does not produce a specimen within two hours, he may be considered to have refused the test. At the discretion of the Warden, he may be offered hair analysis. Longer time may be allowed at the discretion of the testing employee if the employee can give a plausible explanation for his inability to provide a sample. If there is a medical reason for difficulty in producing a urine sample, a hair sample may be taken instead.

8. When the sample has been collected, the employee is asked to hand the cup to the testing employee who secures the lid. The testing employee then returns the collection cup to the employee who, under the supervision of the testing employee, carries the cup to the location where the on-site test is to be read, or the laboratory test is to be secured for shipping.
9. The testing employee shows the staff person a label with their name and AASIS/social security number on it, and places it on the collection cup. The temperature strip, if available, is then read. The on-site drug test is conducted according to the instructions of the manufacturer. The collection cup and the drug test are to be left in the sight of the employee until all test procedures have been concluded or the sample is packaged for sending to the laboratory. The cup should be sealed with evidence tape or the computer-generated label in the presence of the employee, and then sealed in the plastic shipping bag.
10. If the on-site drug test fails to validate, it should be reactivated and checked to make sure that the manufacturer's instructions have been followed. If the drug test still does not validate, the sample cup should be sealed with evidence tape, and forwarded to the laboratory for independent analysis.
11. If any test window of an on-site test reads positive, a witness is called and asked to also read the test. In the presence of the witness, the applicant, volunteer or employee should be asked to list any and all medications recently taken that might account for the positive result.
12. If the person being tested is an employee, he is called in by the Unit Drug Testing Coordinator or the Warden when the laboratory results are received. A *Notification of a Positive Test* (attachment

3) will be completed and the employee will be given a copy of the laboratory results.

13. The employee may, at his own expense, choose to use an approved reference laboratory other than that regularly used by the Department of Correction. If he chooses this option, he must pay the lab charges plus shipping and handling within 24 hours of notification.
14. When on-site drug test results on staff are awaiting confirmation, the Warden/Administrator should be advised that preliminary results are positive. The Warden or Administrator shall place the employee on Administrative Leave pending confirmation and immediately notify the Human Resources Administrator.

D. Action upon a Positive Test

1. The identity of any employee-testing positive on an on-site test should not be revealed except to the Warden or Duty Warden of the employee and those directly involved in drug testing of that person. Staff are not considered guilty of any wrong doing until or unless they accept the test results, admit the drug use, or admit to being under the influence of alcohol while on duty, or the test is confirmed.
2. Some tests are positive because of prescribed drugs. Any employee who is able to produce a prescription for such drugs within 24 hours of notification will not be penalized, unless it appears the drugs are at a level that impairs work performance and the individual has failed to notify his supervisor that he/she is working in an impaired state.
3. Any employee-testing positive on-site will be escorted to the Warden/Administrator or senior staff person on duty. The testing employee is to notify the Central Drug Testing Coordinator.
 - a. The Warden/Administrator is to notify the Deputy or Assistant Director in the employee's chain of command and the Human Resources Administrator.
 - b. The employee shall be placed on Administrative Leave immediately pending disciplinary action if illegal drugs are involved or if a reasonable suspicion exists that chronic or episodic alcohol use is likely to continue impairing the employee's ability to perform job requirements.

- c. If the employee wishes to be paid, he may take annual leave or other forms of leave as allowed in the personnel policy. If the confirmation comes back negative, the leave taken will be restored to the employee's account, or the employee will be reimbursed for any Leave without Pay (LWOP).
 - d. Pending laboratory results and/or termination of employment with the Department of Correction, the employee may request or agree to referral to the Employee Assistance Program. The employee is to be advised that accepting referral to the EAP does not minimize the seriousness of the conduct violation, nor does it stand in the place of disciplinary action. It may or may not have a bearing on future eligibility for rehire.
- 4. Confirmation of an on-site drug test or results of a laboratory test are returned to the Unit Drug Testing Coordinator electronically. A copy of the report should be sent registered mail or handed to the employee. The Warden/Administrator is to be provided a copy of the results and will take appropriate action, if this has not already been done.

VII. DOCUMENTATION AND CHAIN OF CUSTODY:

A. Sample for random testing

- 1. A random testing sample should be drawn at unpredictable intervals at each unit, no less frequently than twice weekly. The Unit Drug Testing Coordinator, in consultation with the Warden/Administrator of the unit, will determine the number of staff to be tested, but not less than 5% quarterly.

B. Notification of a Positive Test

- 1. The *Notification of a Positive Test* is to be completed by the Testing Employee at the time the on-site test is read or the results are received from laboratory analysis.
- 2. Confirmation processes are explained to the employee by the testing employee, and all appropriate spaces are signed or initialed.
- 3. The *Notification of a Positive Test* is taken to the Warden/Administrator.

C. _____ Monthly Report

1. The Unit Drug Testing Coordinator is responsible to report to the Central Drug testing coordinator the number and results of applicant and employee tests conducted each month, by the fifth day of each succeeding month.
2. _____ These quarterly reports are summarized quarterly by the Central Drug Testing Coordinator and reported to the Director.

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VIII. PROGRAM MANAGEMENT AND TRAINING:

- A. It is the responsibility of the Warden/Administrator to ensure that the Unit Drug Testing Coordinator under his supervision is alcohol and drug tested at unannounced intervals, at least quarterly. Such testing should be documented in the monthly report.
- B. It is the responsibility of the Unit Drug Testing Coordinator to maintain a current list of all individuals on the unit trained and approved as testing employees. A copy of this list should accompany the monthly report to the Central Drug Testing Coordinator.
- C. It is the responsibility of the Unit Drug Testing Coordinator to observe the work of each testing employee at least quarterly, and to document this supervision in a unit training file.
- D. It is the responsibility of the Central Drug Testing Coordinator to schedule system-wide training at least twice a year, and to provide unit training as requested by the Warden/Administrator or the Unit Drug Testing Coordinator. All training conducted should be documented in a training file, as well as to the personnel file of the employee.
- E. Questions that arise about procedures, policy or the law are to be referred to the Central Drug Testing Coordinator, the Chief Deputy Director or to the appropriate Deputy/Assistant Director.

EMPLOYEE DRUG TESTING ADVISORY RECEIPT

I have received the document titled "Employee Drug Testing Advisory." I recognize that this is not a complete description of the drug-testing program, and that I am entitled to review the AD, Employee Drug Testing, which is available to me through the Unit Human Resources Manager, Central Human Resources Administrator, or the Central Drug Testing Coordinator.

I understand that as an employee of the Arkansas Department of Correction, I am expected to support the concept of a Drug Free Workplace. I agree to submit to testing as required in the AD, Employee Drug Testing.

Should I be in a critical incident as described in the Administrative Directive, Employee Drug Testing, my signature below authorizes medical staff treating me to test for the presence of alcohol and other drugs, and to release the results of such tests to the Arkansas Department of Correction.

PRINT YOUR NAME

POSITION

UNIT OR SERVICE

SIGNATURE

DATE

SOCIAL SECURITY NUMBER

COPY: CENTRAL PERSONNEL FILE
UNIT OR SUPERVISOR'S FILE
EMPLOYEE (if requested)

EMPLOYEE DRUG TESTING ADVISORY

This Administrative Directive, Employee Drug Testing, supersedes all previous Employee Drug testing Administrative Directives. The following is an advisory of some of the highlights of this Directive that supports AR 202, Drug Free Workplace. A complete copy of the AD, Employee Drug Testing, is available through the Unit Human Resources Manager, Central Human Resources Administrator, or the Central Drug Testing Coordinator's office. Questions should be directed to the Chief Deputy Director or the Central Drug Testing Coordinator.

- All applicants for employment, and volunteers issued ADC identification, are subject to testing at the time of initial processing.
- All staff who works inside secure facilities is subject to random testing. Groups, up to the whole staff of a unit, may be tested at the Warden's request.
- Any employee is subject to testing if there is reasonable suspicion of involvement with illegal drugs, or a level of alcohol use that may impair work performance.
- Staff involved in incidents or accidents posing danger to persons or property are subject to drug/alcohol testing.
- Staff in certain positions (e.g., holding a Commercial Driver's License, providing substance abuse treatment to inmates) are subject to testing by policy.
- Drug testing is usually done by urinalysis, but may be done by hair or sweat analysis.
- Urine samples are provided under indirect observation allowing some privacy while preserving the integrity of the test, unless there is reason to suspect adulteration or substitution. Adulteration tests may be conducted.
- Confirmation of positive drug screening tests is done routinely. Confirmation is done through gas chromatography/mass spectrometry.
- Any employee may request confirmation through a laboratory outside ADC. An independent lab may be used provided the lab is a CAP or SAMHSA approved, and the expenses are paid by the employee.
- Involvement with illegal drugs is considered a termination offense. Staff terminated for association with illegal drugs may not apply for rehire for one year. Documentation of treatment in an Arkansas Health Department approved program will be requested.

- Staff must notify supervisors of any legal drugs being taken that may impair their ability to carry out job functions prior to assuming their posts.
- Blood alcohol testing is usually done with a machine that detects alcohol on the breath. Confirmation may be done with a second machine or through urinalysis.
- Blood alcohol of 0.02% or higher while on duty will be considered to be “under the influence” and subject the employee to suspension or termination.
- Outcome of drug/alcohol tests is kept as confidential as possible, consistent with the needs of the agency.
- The person and property of any employee on state property is subject to search, examination by drug sniffing dogs, or ion scanning for the presence of illegal drugs. Any person bringing illegal drugs onto ADC property will be subject to arrest and prosecution.
- Testing is conducted by trained staff using reliable methods. Procedures for conducting tests are spelled out in the AD, Employee Drug Testing.
- Staff who have an alcohol or drug problem may seek help through their supervisor or Unit Human Resources Manager. Disciplinary action will not be taken on admission of an alcohol or drug problem, provided the admission is made more than a day before a scheduled drug screening.

NOTIFICATION OF A POSITIVE TEST

(EMPLOYEE'S NAME, PRINTED OR TYPED) ____/____/____
(DATE OF TEST) _____
UNIT

You are hereby advised of a positive result on your drug/alcohol test.

If the test is an alcohol test, you have the right to accept the result shown to you, **or** to request confirmation by urinalysis **or** to request confirmation by use of a second breath analyzer, if one is available.

If the test is a drug test, you have the right to accept the result shown to you. If the test is an on-site test, the results will be confirmed by an independent laboratory at the expense of the Department of Correction. If the test was conducted by a laboratory, it has been confirmed.

I accept the result shown to me _____ (initial)

You have the right to request confirmation of the results of an alcohol or drug test at a SAMSHA or CAP approved laboratory, other than the one used by ADC, provided you are willing to pay the cost of confirmation plus shipping and handling. These costs must be paid by check or money order payable to the Arkansas Department of Correction within 24 hours.

I request independent confirmation by

(Name of approved laboratory) _____ (initial)

I have also been advised that, if my position has grievance rights, I may grieve any disciplinary action that may follow a positive test by contacting the EEOC Grievance Coordinator at 267-6370 within 5 working days.

(EMPLOYEE'S SIGNATURE)

(WITNESSED BY)

Note: Your signature indicates only that you have been notified. Not that you are admitting an alcohol or drug use, unless you initial that you accept the results shown.

COPIES: HUMAN RESOURCES MANAGER
CENTRAL DRUG TESTING COORDINATOR
EMPLOYEE

DRUG TESTING REQUEST FORM

NAME	CODE	UNIT	IDENTIFIER ADC
REASON FOR TEST	<input type="checkbox"/> 01 RANDOM <input type="checkbox"/> 06 FURLOUGH <input type="checkbox"/> 12 APPLICANT	<input type="checkbox"/> 02 SUFFICIENT <input type="checkbox"/> 07 VIOLENCE <input type="checkbox"/> 13 CONTRABAND	<input type="checkbox"/> 04 RETEST <input type="checkbox"/> 08 ACCIDENT <input type="checkbox"/> 10 OTHER
			<input type="checkbox"/> 05 WORK RELEASE <input type="checkbox"/> 09 PRE-REL. <input type="checkbox"/> 11 POLICY

LIST ALL CURRENT MEDICATIONS _____

VERIFIED? ☐ NO ☐ YES, BY _____

COLLECTED BY	PRINTED NAME	ID	SIGNATURE	DATE / TIME
TEST RUN BY:				
WITNESSED BY:				
RECEIVED BY:				
RECEIVED BY:				

DRUGS TESTED FOR	TEST RESULTS OR READINGS			TO BE CONFIRMED
<input type="checkbox"/> AMPHETAMINE/Meth	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> COCAINE	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> MARIJUANA	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> OPIATES/Mop	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> ALCOHOL	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> BENZODIAZEPINES	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> Oxy	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> K-2	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO

I HEREBY ACKNOWLEDGE THAT THE SPECIMEN WAS KEPT WHERE I COULD SEE IT FROM THE TIME I PROVIDED IT UNTIL THE RESULTS OF THE TEST WERE SHOWN TO ME. ☐ DO ☐ DO NOT ACCEPT THE RESULTS OF THE TEST.
 (COMMENTS MAY BE WRITTEN IN THE COMMENT SPACE BELOW)

SIGNATURE OF PERSON TESTED	WITNESS TO SIGNATURE OR REFUSAL	DATE	TIME
----------------------------	---------------------------------	------	------

REACTION OF PERSON TESTED	<input type="checkbox"/> 01 COOPERATIVE <input type="checkbox"/> 04 REFUSED TEST	<input type="checkbox"/> 02 DELAYED OR SLOW <input type="checkbox"/> 05 ADULTERATED	<input type="checkbox"/> 03 ARGUMENTATIVE <input type="checkbox"/> 06 UNABLE TO COMPLY
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ACTION TAKEN ON RESULTS OF TEST	<input type="checkbox"/> 01 DISCIPLINARY WRITTEN <input type="checkbox"/> 03 PLACED ON SUSPICION TESTING <input type="checkbox"/> 06 REFERRED TO CLASS. <input type="checkbox"/> 08 SUSPEND FROM TREATMENT PROG. <input type="checkbox"/> 07 FURTHER ANALYSIS REQUESTED <input type="checkbox"/> 08 ACTION PENDING <input type="checkbox"/> 09 REMOVE FROM WORK RELEASE <input type="checkbox"/> 10 NO ACTION REQUIRED
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COMMENTS



PO Box 8707
Pine Bluff, AR 71611-8707
Phone: 870-267-6299
Fax: 870-267-6244
www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee and Applicant Drug Testing

NUMBER: 19-13

SUPERSEDES: 13-18

APPLICABILITY: Employees, applicants, agents and volunteers of the Arkansas Department of Correction.

REFERENCE: AR 202: Drug-Free Workplace

Page 1 of 22

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 4/11/19

I. POLICY:

It is the policy of the Arkansas Department of Correction to provide a drug-free workplace and to ensure, to the maximum degree possible, that no employees are impaired in the performance of their public duties by intoxicating substances.

II. EXPLANATION:

All staff, including support staff, working in a correctional environment are responsible for the good order and safety of facilities and must be fully alert, capable of good judgment, and physically able to respond as required. No staff member, on or off duty, will have any involvement with illegal drugs.

III. DEFINITIONS

- A. Adulteration Check: A field or laboratory test to indicate whether the specimen submitted matches certain parameters of human urine. Adulteration will be considered to have occurred if the creatinine level is below 20 milligrams per deciliter on laboratory analysis.

- B. Alcohol Test: Any standardized field or breathalyzer test accepted by the Arkansas Department of Correction and as specified in A.C.A. §§ 5-65-204, et seq.
- C. Applicant: An individual who is seeking employment with the Arkansas Department of Correction.
- D. Confirmation: A retest of the sample using current scientifically accepted confirmation technology conducted on a positive specimen, or when the results of the first test are inconclusive, or when adulteration is suspected, or to test for drugs not covered in the screening test.
- E. Critical Incident: An incident involving on-duty staff and causing, or having the potential to cause, substantial property damage, physical injury or death.
- F. Direct Observation: Visualization of the urine stream leaving the body and entering the test cup. Indirect Observation: Presence in the immediate area balancing the need for privacy with prudent measures for prevention of adulteration or substitution of samples.
- G. Documented Drug or Alcohol Abuse History: Any reported history of drug abuse or alcohol abuse for which the individual must maintain recovery as a condition of employment.
- H. Drug Test: Any of a number of standardized and generally accepted tests for the presence of mind altering drugs or substances meeting or exceeding DOT Standards. Drug Tests may include urine, sweat, saliva or hair samples. Drug Tests may be conducted on-site and sent for confirmation.
- I. Drug Testing Coordinator: An individual at each unit appointed by the Warden to be responsible for coordination and administration of drug testing.
- J. His, Him, and He: Refers to both genders.
- K. Policy Testing: Tests required by unit or department policy.
- L. Positive test result for marijuana: a result that is at or above the concentration level established by the United States Department of Transportation or Arkansas laws regarding being under the influence, whichever is lower.

- M. Random Testing: Unannounced testing of the staff, or of a representative sample of the staff of a facility or division, in which each of those to be sampled has an equal chance of being selected.
- N Reasonable Suspicion: This may include, but is not limited to, a pattern of one or more of the following: observed decrease in the level of work performance, misconduct, excessive absenteeism and tardiness, history of complaints from supervisors or colleagues about poor work performance, excessive use of sick leave, negligent accidents, poor traffic safety record, reports of drug involvement from reliable sources, or other documented acts of omission or commission often associated with drug or alcohol abuse.
- O. Safety Sensitive Position: any position involving a safety sensitive function, which shall include any position which requires any of the following activities: (a) carrying a firearm, (b) performing life-threatening procedures, (c) working with confidential information or documents pertaining to criminal investigations, (d) working with hazardous or flammable materials, controlled substances, food, or medicine, or (e) a position in which a lapse of attention could result in injury, illness, or death, including without limitation a position that includes the operating, repairing, maintaining, or monitoring of heavy equipment, machinery, aircraft, motorized watercraft, or motor vehicles as part of job duties.
- P. Staff/Employee: Any individual employed full or part-time by the Arkansas Department of Correction or agent thereof, including supervisory and support staff.
- Q. Suspicion Testing: Testing based on a previous positive or adulterated test, testing based on reasonable suspicion documented on official forms, such as 005 Incident Report, or a memorandum to the Warden.
- R. Testing Employee: Any employee authorized by the Warden and trained by the Central Drug Testing Coordinator, or by the Unit Drug Testing Coordinator, who is registered with the Central Drug Testing Coordinator to conduct on-site and laboratory-based testing.
- S. Under the Influence: Any amount of illegal drug above threshold for a positive Drug Test. Any prescription or over-the-counter (OTC) medication demonstrably impairing alertness, judgment or behavior to the degree that proper and efficient job performance is jeopardized. Blood Alcohol Content (BAC) of 0.02% or higher.
- T. Unit: Any facility operated by the Arkansas Department of Correction to include programs, farm and industry, construction, central office, jails,

work release centers, pre-release centers, and private prisons operated on behalf of the Arkansas Department of Correction.

- U. Volunteer: Any individual who is provided an identification badge and is regularly admitted into secured areas of the Arkansas Department of Correction or any facility operated under contract for the Arkansas Department of Correction.
- V. Warden: Chief operating officer of a "unit" to include center supervisors and administrators of programs.

IV. **APPLICABILITY:**

- A. All staff and applicants through all levels of the chain of command, including staff and applicants of private prisons operated for the Arkansas Department of Correction are subject to conditions of testing specified in this Administrative Directive.
- B. Volunteers who are provided identification badges and afforded unescorted movement within institutions of the Department of Correction.
- C. Contract staff whose regular duties are within facilities of the Department of Correction.
- D. Staff of the Arkansas Correctional School District and Riverside Vo-Tech employees.
- E. All staff positions and other positions in Subsections A, B, C, and D of this Section are designated as Safety Sensitive Positions as defined in Section III herein and as defined in Amendment 98 of the Arkansas Constitution.

V. **GUIDELINES:**

- A. General:
 - 1. This Administrative Directive is to be the guiding document for drug testing. It may be supplemented by drug test instructions from the manufacturer, and periodic training. Any lapses in implementation should be called to the attention of the Central Drug Testing Coordinator who will consult appropriate authorities to determine whether the lapse is sufficient to invalidate the test.
 - 2. Every unit shall designate a Unit Drug Testing Coordinator to coordinate and administer drug and alcohol tests.

3. All applicants shall be tested. Refusal to submit to a test will result in any offer of employment being withdrawn. Any positive test results will be documented by Human Resources. Unit Human Resources Manager may check with Central Human Resources for the previous test results of any applicant. Previous positive test results may preclude processing of an application. A positive test result for marijuana will result in any offer of employment being withdrawn for any Safety Sensitive Position.
4. All current employees and every new employee shall be advised of the existence of this Administrative Directive.
 - a. Each employee shall be asked to sign an acknowledgement (Attachment #1) indicating that he has been made aware of the provisions of this Administrative Directive, and that he agrees to support a drug-free workplace.
 - b. This shall include signing a release of information for any physician conducting drug or alcohol testing following a critical incident.
 - c. All employees may review this Administrative Directive on Spotlight or from Unit Human Resources Managers, Drug Testing Coordinators, or the Central Human Resources Office.
5. Random testing may be conducted as authorized by the Warden. The Director, Chief Deputy Director, any Deputy Director, or Assistant Director may authorize testing of his staff.
6. Any supervisor suspecting that a member of staff is impaired by drugs or alcohol is to contact the Warden or senior staff authorized by the Warden to arrange drug or alcohol testing.
7. The supervisor shall document any referral for drug or alcohol testing. The rights and privacy of employees will be safeguarded to the maximum extent possible. Revealing the results of alcohol or drug tests to those not having a need to know will be considered cause for disciplinary action according to the provisions of the policies governing employee conduct.
8. Any employee may refuse testing. If this occurs, the employee is to be relieved of duty and placed on unpaid administrative leave pending disciplinary action. Appropriate notifications will be made to the Unit Human Resources Manager, the Deputy or Assistant Director in that employee's chain of command, and any other

individual designated by the Warden. For purposes of employee discipline, refusal of testing will be considered equivalent to a positive test and subject to disciplinary actions pursuant to the Employee Conduct Standards policy.

9. The processing of an application will be stopped for any applicant who refuses testing. The Volunteer Agreement will be voided for any volunteer who refuses to be tested. In either case, the applicant or volunteer will not be eligible to reapply for one year.
10. A testing employee of the same gender as the person being tested will accompany that person to a restroom for collection of a urine specimen for drug testing. A pat search may be conducted and/or the individual may be asked to secure bags, brief cases, coats and the like outside.
11. Direct observation of collection of a urine specimen shall only occur if reasonable suspicion exists that the person providing the specimen is likely to attempt to substitute or adulterate it.
12. Once a specimen is provided, chain of custody procedures must be followed until the on-site test is read and/or the specimen is sent to the lab.
13. The employee/volunteer is entitled to see the readings or visual change of any test conducted on-site. The employee is entitled to receive written results of any laboratory or confirmation test performed. Notification of results should be done as soon as possible.
14. On-site tests may be used on all applicants and staff. All positive on-site alcohol or drug test results will be confirmed by the laboratory. Lab drug screens may be done upon request, but will be limited due to cost. Positive and confirmed on-site alcohol and drug tests will result in discipline as provided in the Employee Conduct Standards Administrative Directive. A positive and confirmed test for marijuana for any employee in a Safety Sensitive Position will result in discipline as provided in the Employee Conduct Standards Administrative Directive.
15. The employee has the right to request independent confirmation by a lab other than that used by the Department of Correction. The right of independent confirmation must be exercised within 24 hours upon notification of the laboratory results. The employee must choose a College of American Psychologists (CAP) or Substance Abuse Mental Health Services Administration

(SAMHSA) approved laboratory, and will be responsible for the cost plus shipping and handling.

16. Adulteration checks may be run on specimens. If adulteration or substitution of any sample is indicated by a creatinine level of less than 20 milligrams per deciliter, a hair sample may be taken, and the employee may be placed on suspicion testing.
17. Any employee taking a prescribed or an over-the-counter medication that affects alertness, judgment or behavior in ways that are likely to impair job performance **MUST** notify his supervisor of that fact **PRIOR** to assuming his post. Failure to do so may result in disciplinary action up to and including suspension.
18. Any employee may come forward and admit an alcohol or other drug problem to his supervisor and request referral to the Employee Assistance Program (EAP). This must be done at least 24 hours prior to any random or suspicion testing.
 - a. This action will not keep drug testing from occurring, nor will admitting an alcohol or other drug problem mitigate the seriousness of a rule infraction.
 - b. An employee freely admitting a problem will be tested immediately.
 - c. If the employee currently registers drug/alcohol-free, he may continue work but will be tested regularly at his own expense as part of the EAP.
 - d. If the drug test is positive, the employee will be immediately relieved of duty.
 - e. At the discretion of the supervisor, the employee may be allowed to take accrued vacation, holidays or compensatory time until he is cleared by the Employee Assistance Program to come back to work.
 - f. Staff enrolled in a treatment program certified by the Bureau of Alcohol and Drug Abuse Prevention may request sick leave.
 - g. If these options are not available or contraindicated by other rule violations, the employee may be allowed the choice of being placed on leave without pay, or resigning.

If the employee resigns, the termination report must show drug/alcohol abuse as the reason.

19. Services directly provided by the Employee Assistance Program, other than drug testing, are free. However, referrals to other programs may be made, and the employee will be responsible for payment required by outside programs.
20. Employees found to be in violation of this AD will be disciplined according to procedures outlined in the AD on Employee Conduct Standards.
21. Employees terminated or resigning for being under the influence while on duty or for use of illegal drugs may apply for rehire no sooner than twelve (12) months after termination. Rehire is not a right, regardless of any treatment received in the interim. The recommendations of the Employee Assistance Program or other provider certified through the Arkansas Department of Health must be provided, and may be considered, but do not guarantee rehire.
22. The person, vehicle and belongings of any employee on state property are subject to search, ion scanning and examination by drug sniffing dogs. Employees found to be in possession of illegal drugs will be detained and turned over to the proper authorities.

B. Conditions of Testing:

1. Pre-employment testing:
 - a. All applicants will be advised of the requirements for drug testing by the Human Resources Manager or other appropriate official.
 - b. Refusal or a positive test will result in the offer of employment being withdrawn.
2. Random testing:
 - a. Any Warden may conduct unannounced drug testing of a sample of, or the entire population of any section of employees supervised. Sampling will be conducted by acceptable statistical means such that every member of the employee group has an equal chance of being tested.
 - b. At a minimum, 5% of employees will be tested quarterly.

- c. Employees on initial hire probation, or those for whom such tests have been made a condition of continued employment, may be tested as often as requested by the Warden/Drug Coordinator.
- 3. Employees returning from any absence from duty of six months duration or more may be required to submit to a drug or alcohol test.
- 4. Employees who have been previously disciplined and/or referred to the Employee Assistance Program for drug problems may be subject to unannounced testing as a condition of continued employment.
- 5. All employees are subject to suspicion testing provided there are behavioral observations and/or reliable information that would lead a reasonable person to believe that the employee had been using illegal drugs or alcohol. Additionally, any previous positive test result is considered grounds for suspicion testing. A written report of the incident shall be prepared with all suspicion testing.
- 6. Critical Incident Testing
 - a. Employees involved in a critical incident will be referred for alcohol or drug testing.
 - b. Testing shall be performed as soon as possible by trained agency staff or hospital personnel.
- 7. Policy Testing
 - a. All testing employees are to be tested at least quarterly. This is in addition to random testing.
 - b. All employees involved in substance abuse treatment or a program of recovery are to be tested at least quarterly.
 - c. Any member of staff whose job duties require him/her to hold a Commercial Driver's License (CDL) must be tested by a the Department of Transportation (DOT) testing contractor for CDL drug testing. This DOT testing is in addition to drug testing procedures described in this policy.
 - d. Any employee in a critical position may be tested at the frequency prescribed by the Warden in unit policy.

VI. TESTING PROCEDURES:**A. Preparation for Testing**

1. The Unit Drug Testing Coordinator or the testing employee should check the number and expiration dates of any on-site drug tests to be used. If the plastic envelope in which the drug test is packaged has been compromised, the drug test should not be used. If this appears to be a manufacturing defect, the drug test should be returned to the Central Drug Testing Coordinator.
2. If a breath alcohol test is to be run, the machine should be checked according to the manufacturer's instructions and the date next due calibration noted.
3. If the sample is to be sent to the laboratory a new cup, chain of custody documentation and sealed plastic bag must be obtained for shipment.
4. The Unit Drug Testing Coordinator or the testing employee must have the chain of custody form, prior to testing.
5. The testing employee should carefully check the identification badge of the employee to ensure that it matches the data on the form.
6. Upon reaching the testing site, the employee should be asked to empty his pockets. Personal property should be placed where it can be examined by the testing employee, but remains in clear view of staff being tested. Personal property should be handled by the testing employee as little as possible. The escorting employee or the testing employee should then pat search staff. Most personal property should then be retrieved by the employee being tested. Exceptions are drugs, prescribed or over-the-counter, nose or eye-drops, and any other chemical substance subject to being used to adulterate a specimen. These items may be secured, preferably in a clear plastic sealable bag, and held by the testing employee until the specimen has been collected and sealed.
7. Employees selected for testing should be asked to immediately remove anything from their mouth and instructed to keep their hands away from their mouth and out of their pockets.

B. Specimen Collection and Testing: Alcohol

1. The testing employee must observe the person being tested for 20 minutes before administering any breath or saliva test.
2. The testing employee should remove the mouthpiece from its protective covering, in the presence of the employee and a witness, and insert it into the breath alcohol analyzer. The employee is then instructed to blow into the mouthpiece until the equipment indicates that an adequate sample has been obtained.
3. The reading from the machine is shown to the employee who is asked to state what he sees. The reading is shown to the witness who also reads the number aloud. The reading from the machine is then documented on a Drug Request Form.
4. If the test is positive, the employee should be given, in the presence of a witness, the document *Notification of a Positive Test* (attachment 3).
 - a. If the employee accepts the test results, he signs the *Notification of a Positive Test* so indicating.
 - b. If the employee wishes confirmation of the results, he is asked to provide a urine sample. The urine sample will be confirmed with a field test kit in the presence of the employee, or sealed with evidence tape and sent to the laboratory.
5. No staff person legally under the influence of alcohol should be allowed to operate a motor vehicle. The Warden may arrange for the staff person to be driven home. If the staff person insists on driving, law enforcement is to be notified, with a description of the car and license plate.

C. Specimen Collection and Testing: Illegal Drugs

1. Any staff selected for testing should be under continuous observation by the testing employee or another member of staff at all times. The testing employee must be of the same gender as the staff being tested.
2. The testing employee should check the location where collection of the specimen is to occur. Cleansers or any other foreign material that could be used to contaminate the sample should be removed or secured.

3. The testing employee should obtain a collection cup; and should use an on-site test; and show the employee the expiration date and that the plastic envelope is intact. The envelope should not be opened until it is time to obtain the specimen.
4. The employee should be asked to remove any bulky outer clothing. If a foreign substance is noted under his fingernails during shakedown, he should then be asked to thoroughly wash his hands in clear water only, with particular attention to his fingernails. Hands should be thoroughly dried and any paper towel material discarded.
5. The testing employee should enter the restroom with the employee to be tested. If the restroom is too small to accommodate two persons, the testing employee may stand outside with the door slightly open to provide a view of the washbasin if possible. Direct observation is not required unless there is reasonable suspicion that the staff person may attempt to contaminate the sample. Male staff should be asked to stand away from toilets or urinals containing liquid.
6. The envelope containing the on-site drug test is then opened. If a temperature strip is available and not already affixed to the collection cup, it should be placed on the cup. The testing employee then hands the on-site test or collection cup to the employee. In handing the collection cup to the employee, the testing employee instructs him to fill the cup to a depth of about two fingers to half-full.
7. Should the employee be unable to produce a specimen, he is asked to be seated in an office or other place where he can be observed. If the package containing the on-site drug test has been opened, the drug test and collection cup should remain in his sight, but out of his reach until he is ready to provide a specimen. He may be given up to two glasses of water or a soft drink or cup of coffee. He is asked to remain until he can produce a specimen, or for at least two hours. If he does not produce a specimen within two hours, he may be considered to have refused the test. At the discretion of the Warden, he may be offered hair analysis. Longer time may be allowed at the discretion of the testing employee if the employee can give a plausible explanation for his inability to provide a sample. If there is a medical reason for difficulty in producing a urine sample, a hair sample may be taken instead.

8. When the sample has been collected, the employee is asked to hand the cup to the testing employee who secures the lid. The testing employee then returns the collection cup to the employee who, under the supervision of the testing employee, carries the cup to the location where the on-site test is to be read, or the laboratory test is to be secured for shipping.
9. The testing employee shows the staff person a label with their name and AASIS/social security number on it, and places it on the collection cup. The temperature strip, if available, is then read. The on-site drug test is conducted according to the instructions of the manufacturer. The collection cup and the drug test are to be left in the sight of the employee until all test procedures have been concluded or the sample is packaged for sending to the laboratory. The cup should be sealed with evidence tape or the computer-generated label in the presence of the employee, and then sealed in the plastic shipping bag.
10. If the on-site drug test fails to validate, it should be reactivated and checked to make sure that the manufacturer's instructions have been followed. If the drug test still does not validate, the sample cup should be sealed with evidence tape, and forwarded to the laboratory for independent analysis.
11. If any test window of an on-site test reads positive, a witness is called and asked to also read the test. In the presence of the witness, the applicant, volunteer or employee should be asked to list any and all medications recently taken that might account for the positive result.
12. If the person being tested is an employee, he is called in by the Unit Drug Testing Coordinator or the Warden when the laboratory results are received. A *Notification of a Positive Test* (attachment 3) will be completed and the employee will be given a copy of the laboratory results.
13. The employee may, at his own expense, choose to use an approved reference laboratory other than that regularly used by the Department of Correction. If he chooses this option, he must pay the lab charges plus shipping and handling within 24 hours of notification.
14. When on-site drug test results on staff are awaiting confirmation, the Warden/Administrator should be advised that preliminary results are positive. The Warden or Administrator shall place the

employee on Administrative Leave pending confirmation and immediately notify the Human Resources Administrator.

D. Action upon a Positive Test

1. The identity of any employee-testing positive on an on-site test should not be revealed except to the Warden or Duty Warden of the employee and those directly involved in drug testing of that person. Staff are not considered guilty of any wrong doing until or unless they accept the test results, admit the drug use, or admit to being under the influence of alcohol while on duty, or the test is confirmed.
2. Some tests are positive because of prescribed drugs. Any employee who is able to produce a prescription for such drugs within 24 hours of notification will not be penalized, unless it appears the drugs are at a level that impairs work performance and the individual has failed to notify his supervisor that he/she is working in an impaired state.
3. Any employee-testing positive on-site will be escorted to the Warden/Administrator or senior staff person on duty. The testing employee is to notify the Central Drug Testing Coordinator.
 - a. The Warden/Administrator is to notify the Deputy or Assistant Director in the employee's chain of command and the Human Resources Administrator.
 - b. The employee shall be placed on Administrative Leave immediately pending disciplinary action if illegal drugs are involved or if a reasonable suspicion exists that chronic or episodic alcohol use is likely to continue impairing the employee's ability to perform job requirements.
 - c. If the employee wishes to be paid, he may take annual leave or other forms of leave as allowed in the personnel policy. If the confirmation comes back negative, the leave taken will be restored to the employee's account, or the employee will be reimbursed for any Leave without Pay (LWOP).
 - d. Pending laboratory results and/or termination of employment with the Department of Correction, the employee may request or agree to referral to the Employee Assistance Program. The employee is to be advised that accepting referral to the EAP does not minimize the

seriousness of the conduct violation, nor does it stand in the place of disciplinary action. It may or may not have a bearing on future eligibility for rehire.

4. Confirmation of an on-site drug test or results of a laboratory test are returned to the Unit Drug Testing Coordinator electronically. A copy of the report should be sent registered mail or handed to the employee. The Warden/Administrator is to be provided a copy of the results and will take appropriate action, if this has not already been done.

VII. DOCUMENTATION AND CHAIN OF CUSTODY:

A. Sample for random testing

1. A random testing sample should be drawn at unpredictable intervals at each unit, no less frequently than twice weekly. The Unit Drug Testing Coordinator, in consultation with the Warden/Administrator of the unit, will determine the number of staff to be tested, but not less than 5% quarterly.

B. Notification of a Positive Test

1. The *Notification of a Positive Test* is to be completed by the Testing Employee at the time the on-site test is read or the results are received from laboratory analysis.
2. Confirmation processes are explained to the employee by the testing employee, and all appropriate spaces are signed or initialed.
3. The *Notification of a Positive Test* is taken to the Warden/Administrator.

C. Monthly Report

1. The Unit Drug Testing Coordinator is responsible to report to the Central Drug testing coordinator the number and results of applicant and employee tests conducted each month, by the fifth day of each succeeding month.
2. These quarterly reports are summarized quarterly by the Central Drug Testing Coordinator and reported to the Director.

VIII. PROGRAM MANAGEMENT AND TRAINING:

- A. It is the responsibility of the Warden/Administrator to ensure that the Unit Drug Testing Coordinator under his supervision is alcohol and drug tested at unannounced intervals, at least quarterly. Such testing should be documented in the monthly report.
- B. It is the responsibility of the Unit Drug Testing Coordinator to maintain a current list of all individuals on the unit trained and approved as testing employees. A copy of this list should accompany the monthly report to the Central Drug Testing Coordinator.
- C. It is the responsibility of the Unit Drug Testing Coordinator to observe the work of each testing employee at least quarterly, and to document this supervision in a unit training file.
- D. It is the responsibility of the Central Drug Testing Coordinator to schedule system-wide training at least twice a year, and to provide unit training as requested by the Warden/Administrator or the Unit Drug Testing Coordinator. All training conducted should be documented in a training file, as well as to the personnel file of the employee.
- E. Questions that arise about procedures, policy or the law are to be referred to the Central Drug Testing Coordinator, the Chief Deputy Director or to the appropriate Deputy/Assistant Director.

EMPLOYEE DRUG TESTING ADVISORY RECEIPT

I have received the document titled "Employee Drug Testing Advisory." I recognize that this is not a complete description of the drug-testing program, and that I am entitled to review the AD, Employee Drug Testing, which is available to me through the Unit Human Resources Manager, Central Human Resources Administrator, or the Central Drug Testing Coordinator.

I understand that as an employee of the Arkansas Department of Correction, I am expected to support the concept of a Drug Free Workplace. I agree to submit to testing as required in the AD, Employee Drug Testing.

Should I be in a critical incident as described in the Administrative Directive, Employee Drug Testing, my signature below authorizes medical staff treating me to test for the presence of alcohol and other drugs, and to release the results of such tests to the Arkansas Department of Correction.

PRINT YOUR NAME

POSITION

UNIT OR SERVICE

SIGNATURE

DATE

SOCIAL SECURITY NUMBER

COPY: CENTRAL PERSONNEL FILE
UNIT OR SUPERVISOR'S FILE
EMPLOYEE (if requested)

EMPLOYEE DRUG TESTING ADVISORY

This Administrative Directive, Employee Drug Testing, supersedes all previous Employee Drug testing Administrative Directives. The following is an advisory of some of the highlights of this Directive that supports AR 202, Drug Free Workplace. A complete copy of the AD, Employee Drug Testing, is available through the Unit Human Resources Manager, Central Human Resources Administrator, or the Central Drug Testing Coordinator's office. Questions should be directed to the Chief Deputy Director or the Central Drug Testing Coordinator.

- All applicants for employment, and volunteers issued ADC identification, are subject to testing at the time of initial processing.
- All staff who works inside secure facilities is subject to random testing. Groups, up to the whole staff of a unit, may be tested at the Warden's request.
- Any employee is subject to testing if there is reasonable suspicion of involvement with illegal drugs, or a level of alcohol use that may impair work performance.
- Staff involved in incidents or accidents posing danger to persons or property are subject to drug/alcohol testing.
- Staff in certain positions (e.g., holding a Commercial Driver's License, providing substance abuse treatment to inmates) are subject to testing by policy.
- Drug testing is usually done by urinalysis, but may be done by hair or sweat analysis.
- Urine samples are provided under indirect observation allowing some privacy while preserving the integrity of the test, unless there is reason to suspect adulteration or substitution. Adulteration tests may be conducted.
- Confirmation of positive drug screening tests is done routinely. Confirmation is done through gas chromatography/mass spectrometry.
- Any employee may request confirmation through a laboratory outside ADC. An independent lab may be used provided the lab is a CAP or SAMHSA approved, and the expenses are paid by the employee.
- Involvement with illegal drugs is considered a termination offense. Staff terminated for association with illegal drugs may not apply for rehire for one year. Documentation of treatment in an Arkansas Health Department approved program will be requested.

- Staff must notify supervisors of any legal drugs being taken that may impair their ability to carry out job functions prior to assuming their posts.
- Blood alcohol testing is usually done with a machine that detects alcohol on the breath. Confirmation may be done with a second machine or through urinalysis.
- Blood alcohol of 0.02% or higher while on duty will be considered to be “under the influence” and subject the employee to suspension or termination.
- Outcome of drug/alcohol tests is kept as confidential as possible, consistent with the needs of the agency.
- The person and property of any employee on state property is subject to search, examination by drug sniffing dogs, or ion scanning for the presence of illegal drugs. Any person bringing illegal drugs onto ADC property will be subject to arrest and prosecution.
- Testing is conducted by trained staff using reliable methods. Procedures for conducting tests are spelled out in the AD, Employee Drug Testing.
- Staff who have an alcohol or drug problem may seek help through their supervisor or Unit Human Resources Manager. Disciplinary action will not be taken on admission of an alcohol or drug problem, provided the admission is made more than a day before a scheduled drug screening.

NOTIFICATION OF A POSITIVE TEST

(EMPLOYEE'S NAME, PRINTED OR TYPED)

____/____/____
(DATE OF TEST)

UNIT

You are hereby advised of a positive result on your drug/alcohol test.

If the test is an alcohol test, you have the right to accept the result shown to you, **or** to request confirmation by urinalysis **or** to request confirmation by use of a second breath analyzer, if one is available.

If the test is a drug test, you have the right to accept the result shown to you. If the test is an on-site test, the results will be confirmed by an independent laboratory at the expense of the Department of Correction. If the test was conducted by a laboratory, it has been confirmed.

I accept the result shown to me _____ (initial)

You have the right to request confirmation of the results of an alcohol or drug test at a SAMSHA or CAP approved laboratory, other than the one used by ADC, provided you are willing to pay the cost of confirmation plus shipping and handling. These costs must be paid by check or money order payable to the Arkansas Department of Correction within 24 hours.

I request independent confirmation by

_____ (initial)
(Name of approved laboratory)

I have also been advised that, if my position has grievance rights, I may grieve any disciplinary action that may follow a positive test by contacting the EEOC Grievance Coordinator at 267-6370 within 5 working days.

(EMPLOYEE'S SIGNATURE)

(WITNESSED BY)

Note: Your signature indicates only that you have been notified. Not that you are admitting an alcohol or drug use, unless you initial that you accept the results shown.

COPIES: HUMAN RESOURCES MANAGER
CENTRAL DRUG TESTING COORDINATOR
EMPLOYEE

DRUG TESTING REQUEST FORM

NAME	CODE	UNIT	IDENTIFIER ADC (OR SS# NUMBER)
REASON FOR TEST	<input type="checkbox"/> 01 RANDOM <input type="checkbox"/> 06 FURLOUGH <input type="checkbox"/> 12 APPLICANT	<input type="checkbox"/> 02 SUSPICION <input type="checkbox"/> 07 VIOLENCE <input type="checkbox"/> 13 CONTRABAND	<input type="checkbox"/> 04 RETEST <input type="checkbox"/> 08 ACCIDENT <input type="checkbox"/> 10 OTHER
			<input type="checkbox"/> 05 WORK RELEASE <input type="checkbox"/> 09 PRE-REL. <input type="checkbox"/> 11 POLICY

LIST ALL CURRENT MEDICATIONS _____

VERIFIED? ☐ NO ☐ YES, BY _____

COLLECTED BY	PRINTED NAME	ID	SIGNATURE	DATE / TIME
TEST RUN BY:				
WITNESSED BY:				
RECEIVED BY:				
RECEIVED BY:				

DRUGS TESTED FOR	TEST RESULTS OR READINGS			TO BE CONFIRMED
<input type="checkbox"/> AMPHETAMINE/Meth	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> COCAINE	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> MARIJUANA	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> OPIATES/Mop	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> ALCOHOL	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> BENZODIAZEPINES	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> Oxy	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> K-2	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> Buprenorphine	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> MDMA	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO

I HEREBY ACKNOWLEDGE THAT THE SPECIMEN WAS KEPT WHERE I COULD SEE IT FROM THE TIME I PROVIDED IT UNTIL THE RESULTS OF THE TEST WERE SHOWN TO ME. ☐ DO ☐ DO NOT ACCEPT THE RESULTS OF THE TEST.
 (COMMENTS MAY BE WRITTEN IN THE COMMENT SPACE BELOW)

SIGNATURE OF PERSON TESTED _____ WITNESS TO SIGNATURE OR REFUSAL _____ DATE _____ / _____ TIME _____

REACTION OF PERSON TESTED	<input type="checkbox"/> 01 COOPERATIVE <input type="checkbox"/> 04 REFUSED TEST	<input type="checkbox"/> 02 DELAYED OR SLOW <input type="checkbox"/> 05 ADULTERATED	<input type="checkbox"/> 03 ARGUMENTATIVE <input type="checkbox"/> 06 UNABLE TO COMPLY
---------------------------	---	--	---

ACTION TAKEN ON RESULTS OF TEST (INITIAL ALL THAT APPLY) OTHER _____	<input type="checkbox"/> 01 DISCIPLINARY WRITTEN <input type="checkbox"/> 05 REFERRED TO CLASS. <input type="checkbox"/> 07 FURTHER ANALYSIS REQUESTED <input type="checkbox"/> 10 NO ACTION REQUIRED	<input type="checkbox"/> 03 PLACED ON SUSPICION TESTING <input type="checkbox"/> 06 SUSPEND FROM TREATMENT PROG. <input type="checkbox"/> 08 ACTION PENDING <input type="checkbox"/> 09 REMOVE FROM WORK RELEASE
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COMMENTS _____



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employment

NUMBER: 19-44

SUPERSEDES: ~~19-118-18~~

APPLICABILITY: All Employees and Applicants

REFERENCE: AR-204 Employment Policy

PAGE: 1 of 28

APPROVED: Original signed by Wendy Kelley
2/25/2019

EFFECTIVE

DATE:

I. POLICY:

It shall be the policy of the Arkansas Department of Correction (ADC) to ensure all applicants are given fair and equal opportunity for employment in accordance with all state and federal guidelines.

II. PURPOSE:

The Arkansas Department of Correction is an Equal Opportunity Employer. All positions are open equally to qualified male and female applicants.

III. DEFINITIONS:

- A. Employee. A person regularly appointed or employed in a position of the Department of Correction for which he or she is compensated on a full-time basis and which has a class title and pay grade in Arkansas Code Annotated § 21-5-208.
- B. Class or Classification. A group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training and experience or skill, and other characteristics that the same title, the same test of fitness, and the same scale of compensation have been or may be applied.

- C. Promotion. A change in duty assignment of an employee from a position in one classification to a position in another classification of a higher salary and/or grade requiring higher qualifications, such as greater skill and longer experience, and involving a higher level of responsibility.

In accordance with the AD governing Employee Conduct Standards, an employee is not eligible to apply for or receive a promotion or transfer while on probation as a result of disciplinary action unless a waiver has been granted by the Director.

An employee who applies for and receives a demotion, or who has been administratively demoted, will not be eligible to receive a promotion to a higher classification during the twelve (12) months following the demotion.

If an employee promotes to a classification one or more grades higher than the current classification within their current pay grid, a 10% salary increase on the salary, less any enhancements or differentials, will normally be awarded. If an employee promotes from the career service pay grid to the professional and executive pay grid, a 12% salary increase on the salary, less any enhancements or differentials, will normally be awarded. However, provisions of the state pay plan will govern in all situations as years of service and other applicable situations may limit the increase that may be awarded.

- D. Demotion. A change in duty assignment of an employee from a position in one classification to a position in another classification of a lower salary and grade requiring fewer qualifications such as lower skill requirements, less job-related experience, and a lower level of responsibility. When an employee voluntarily or is administratively demoted to a classification one or more grades below the current classification within their current pay grid, a salary decrease of 10% or 12%, less any enhancements or differentials, will normally be required. However, provisions of the state pay plan will govern in all situations as years of service and other applicable situations may limit the decrease that may be required. An employee who applies for and receives a demotion, or who has been administratively demoted, will not be eligible to receive a promotion to a higher classification during the twelve (12) months following the demotion.
- E. New Hire. Employees entering state service for the first time.
- F. Rehire. Employees returning to state service after a break in employment of two or more pay periods.
- G. Displaced Worker. An individual who has worked for an employer that has downsized or closed within the last twelve (12) months, in which they were continuously employed for three (3) or more years, will be considered for hire with the ADC without a high school diploma or GED. All other criteria

must be successfully completed. This individual will not be eligible for any type of promotion and/or merit increase/promotion until he/she has acquired a GED.

- H. Transfer. Employees transferring between state agencies or institutions or laterally within the Department of Correction without a break in service.
- I. Hiring Authority. Human Resources Administrator/Wardens/Center Supervisors/Administrators are authorized to make final selection of applicants for positions available within the Arkansas Department of Correction.
- J. Human Resources. Any employee assigned or designated by a Deputy/Assistant Director, Warden, Center Supervisor, or Administrator, whether within a division, unit, or Central Human Resources, to perform employment-related functions.
- K. Safety Sensitive Position: any position involving a safety sensitive function which shall include any position which requires any of the following activities: (a) carrying a firearm, (b) performing life-threatening procedures, (c) working with confidential information or documents pertaining to criminal investigations, (d) working with hazardous or flammable materials, controlled substances, food, or medicine, or (e) a position in which a lapse of attention could result in injury, illness, or death, including without limitation a position that includes the operating, repairing, maintaining, or monitoring of heavy equipment, machinery, aircraft, motorized watercraft, or motor vehicles as part of job duties. Every position in the Department is a Safety Sensitive Position.

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IV. PROCEDURES:

A. Position Vacancies:

1. The Hiring Authority must initiate a Position Vacancy Request in order to fill any vacant position. This document must be submitted to the Central Human Resource Office.
2. Positions assigned to GS13 and above, IT08 and above, MP03 and above, or Senior Executive position vacancies, are not required to be advertised. The Director has the authority and discretion to appoint or transfer individuals into these classifications.
3. Classified position vacancies within the general salary pay plan must be advertised according to procedures established by the Department of Finance and Administration, Office of Personnel Management, except when an emergency hire is warranted.

4. Requests for recruitment or advertisement of positions that require additional actions, (e.g., newspapers, mail-outs, etc.), must be submitted to and coordinated by the Central Human Resource Office.
5. Applications received must be complete and will be reviewed to determine if the applicant meets minimum qualifications for the vacancy. Work credit will only be given for paid positions, or internship under a higher education program relative to the qualifications for the position. All qualified applications will be submitted to the Hiring Authority after the closing date of the advertised vacancy.

B. Employment/Selection Process:

1. The Rating System set forth in this policy shall be utilized by the Hiring Authority and/or interview committee for scoring applicants selected for interview. Scoring shall be conducted in a manner that ensures objective criteria are used for selection of the most qualified applicants for vacant positions. Points shall be awarded to applicants for the following criteria: education, experience, and military service. The Rating System shall include:
 - a. Related Education. The applicant must meet minimum requirements for the job classification or must be approved as a qualified applicant per state requirements. A maximum of ten (10) points may be awarded to an applicant for completion of Related Education above and beyond the Minimum Educational Requirements for the position. (For example: If the Minimum Qualifications require a high school diploma, and the applicant possesses a related Associate's degree, two and one-half (2.5) points will be awarded; if the applicant possesses a related Bachelor's degree, five (5) points will be awarded, and if the applicant possesses a related Master's degree, ten (10) points will be awarded. If a Bachelor's degree is required and the applicant possesses a related Master's degree, five (5) points will be awarded, and if the applicant possesses a related Doctorate's degree, ten (10) points will be awarded.) A copy of the diploma or degree showing the award of the educational level is required. All diplomas received must be from an institution accredited by the Department of Education for the applicable state. All degrees received must be from a college or university accredited by one of the Regional Institutional Accrediting agencies recognized by the United States Department of Education.

- b. Related Experience. An applicant's experience level for the job classification is awarded one-quarter (.25) points for each month of related experience exceeding the minimum requirements, up to a maximum of ten (10) points.
 - c. Veteran's Status. An applicant may qualify for five (5) or ten (10) points in accordance with provisions of the Arkansas Veteran's Preference Law. To claim Veteran's Preference, an applicant must be honorably discharged from a tour of active duty, other than active duty for training only, with the Armed Forces of the United States, or served honorably in the National Guard or Reserve Forces of the United States for a period of at least six (6) years, whether retired or discharged. Five (5) points are awarded for standard veteran's preference. A disability discharge is ten (10) points. Discharge must be for "Honorable" or "Under Honorable Conditions" only. Disabled veterans or the spouse of a disabled veteran shall have ten (10) points added to his/her final rating score. The applicant must produce a copy of their DD214 long form or NGB form 22 to receive veteran's preference points. Total points awarded for veteran's status cannot exceed ten (10) points.
 - d. Interview. Scoring for interviews shall be determined by assessing 1) the completed application form, 2) other written material gathered or presented and the applicant's responses to questions which support the knowledge, skills, and abilities (KSA's) of each job specification. The rating shall be multiplied times the numerical weight (importance) assigned for each KSA to determine the interview score, which must be 60% or higher. Any supervisory position requires an interview score of 70% or higher.
2. The Hiring Authority shall appoint the interview committee, which will consist of three (3) to five (5) members of the Department. These committee members must be representative of the racial and gender composition of the applicant pool, the same or higher grade as the advertised position, and familiar with the knowledge, skills, and abilities of the position to be filled or positions consisting of General Salary 1-4 can be interviewed by the immediate supervisor of the position without a committee. The Hiring Authority may also bypass the committee system if there are three (3) or fewer applicants eligible for the position. At least one (1) member of the interviewing process must have successfully completed Structured Interviewing Training. The Hiring Authority may select the top-scoring applicant if the Hiring Authority sat on the original interview panel; or, prior to making a final selection, the Hiring Authority may elect to re-interview the top three (3) applicants if the

Hiring Authority did not sit on the original interview panel. Written justification in clear and unambiguous terms is required if the applicant selected did not receive the highest score, and this justification must state why this person was selected over the top scoring applicant.

3. Interviews will be conducted for advertised positions if there are applicants with a natural, maximum pre-score cut-off of ten (10) points based on: education, military service, and work experience. Work experience and education must be applicable to the advertised position in order to receive points. However, no applicant can receive more than thirty (30) pre-score points. There is no minimum or maximum number of applicants that can be interviewed for a position. All applicants with military service, who provide a copy of their DD214 showing an honorable discharge, will receive veteran's preference points and must be interviewed, regardless of their pre-score points.

If the Hiring Authority chooses to interview only those applicants with a minimum pre-score, then all applicants with that pre-score, or above, must be interviewed.

4. The Hiring Authority or Human Resources must conduct a background check on all new employees, contractors, volunteers, and Interns/Student Services prior to them assuming their duties, in order to identify whether there are criminal convictions that have a specific relationship to the job performance. The background check shall include comprehensive identifier information to be collected and run against law enforcement indices. If suspect information on matters with a potential terrorism connection is returned on an applicant, it is forwarded to the local Joint Terrorism Task Force (JTTF) or other similar agency. The background check shall include, but is not limited to, NCIC/ACIC record review, Justice Exchange, two (2) or more favorable employment reference checks, and Maltreatment Registries check. If the NCIC/ACIC report reveals ten (10) or more points assessed against an applicant's driver's license, or reveals that a license is suspended or not valid, the applicant is not eligible for hire if the position applied for requires a driver's license or requires driving a state vehicle. If the applicant only has one (1) favorable employment reference, or has no employment history, approval to hire may be granted by Central Human Resource.
5. Incumbent staff who promote or demote to business positions in areas such as accounting, inmate banking, commissary, or any other area which has access to agency financial accounts, must have a background check completed and submitted as part of the packet for approval. This also applies to staff that promote or demote to a position in Information Technology. Employees occupying these

positions will have an updated background check every five (5) years. Although a criminal conviction, (i.e. embezzlement, fraud, etc.), does not automatically eliminate an applicant, approval may not be granted due to the nature of the criminal charge if it may conflict with the type of duties being performed.

6. Pre-employment screenings as may be required by department policy or procedure will be conducted prior to final review and approval of selectee. Such screenings may include, but are not limited to: 1) a drug test, 2) a physical assessment, 3) a tuberculosis test, and 4) the ability to perform essential job functions. Applicants rejected for failing to pass a test for drugs will not be reconsidered for twelve (12) months from the date of rejection and upon reapplication must have successfully completed a state licensed drug rehabilitation program during the twelve-month period. A final offer of employment may not be made until approved by Central Human Resource.
7. Positions classified as GS09 and above; IT08 and above; and MP03 and above will be approved by the Director. GS07 and GS08; IT06 and IT07; and MP02 and below will be approved by the applicable Deputy/Assistant Director. GS06 and below will be approved by the Hiring Authority and the Human Resources Administrator.
8. Following acceptance of an offer of employment, all other applicants will be notified of the decision by the Central Human Resource Office. Approved promotions and transfers should occur within two (2) weeks following the employee's acceptance of the position and notice to his/her supervisor, unless alternative arrangements are authorized by the gaining and losing Hiring Authority.

C. Transfer:

1. Administrative Transfer. The Director may at any time transfer employees and/or their positions to another location when the transfer is in the best interest of the Department.
2. Voluntary Transfer. An Employee of the Department of Correction may request a voluntary transfer from a position classification at one location to the same position classification at another location provided there is an open advertisement for that position at the desired unit. The applicant will route requests for voluntary transfers through the Hiring Authority (releasing and receiving) for consideration and approval. The Hiring Authority has the option of selecting a transfer applicant in lieu of interviewing for the vacant position.

D. Demotion:

1. Administrative Demotion. Employees may be demoted to a lower-graded position classification in accordance with provisions of the department's employee conduct standards policy. All demotions must be approved by the applicable Deputy/Assistant Director or Administrator.
2. Voluntary Demotion. Employees of the Department of Correction may request a voluntary demotion from their current position classification at one location to a lower graded position classification at the same or at another location provided a vacancy has been advertised. A completed state application must be received during the advertisement period. The applicant will be considered with all other qualified applicants in the interview process.

E. Rehire:

1. The Hiring Authority will review Rehire applications and related previous work history to determine the reason(s) the employee terminated employment with the Department of Correction. Applications from persons not recommended for Rehire will not be considered for at least twelve (12) months from date of termination; however, the Human Resources Administrator may approve rehire after six (6) months if termination was unrelated to either (1) contraband or (2) inappropriate relationships with inmates, unless the employee left pending an investigation. Applications from persons terminated for violation of the drug testing policy will not be considered for at least six (6) months, and the applicant must have successfully completed a state licensed drug rehabilitation program since termination to qualify for rehire consideration.

A rehire applicant that has not been gone for at least ninety (90) days will be considered for re-employment only at his or her previous unit of assignment unless this requirement is waived by the Director. A rehired employee with a NO for rehire status that has been waived by the director will not be eligible for promotion for 12 months from rehire date.

2. The Hiring Authority will include the Rehire application, along with the applicant's previous termination notice(s) and all documentation of previous employment periods with the Department of Correction. This information must be submitted with the Rehire packet and forwarded to Central Human Resources.

3. The Director or Human Resources Administrator will make the final decision regarding all Rehire applicants.

F. Procedures Manual/Required Forms:

The Human Resources office shall develop detailed administrative procedures and required forms to guide the employment process. The forms will be placed on the Department intranet site.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employment

NUMBER: 19-14

SUPERSEDES: 19-11

APPLICABILITY: All Employees and Applicants

REFERENCE: AR-204 Employment Policy

PAGE: 1 of 9

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 4/11/19

I. POLICY:

It shall be the policy of the Arkansas Department of Correction (ADC) to ensure all applicants are given fair and equal opportunity for employment in accordance with all state and federal guidelines.

II. PURPOSE:

The Arkansas Department of Correction is an Equal Opportunity Employer. All positions are open equally to qualified male and female applicants.

III. DEFINITIONS:

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- B. Class or Classification. A group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training and experience or skill, and other characteristics that the same title, the same test of fitness, and the same scale of compensation have been or may be applied.

- C. Promotion. A change in duty assignment of an employee from a position in one classification to a position in another classification of a higher salary and/or grade requiring higher qualifications, such as greater skill and longer experience, and involving a higher level of responsibility.

In accordance with the AD governing Employee Conduct Standards, an employee is not eligible to apply for or receive a promotion or transfer while on probation as a result of disciplinary action unless a waiver has been granted by the Director.

An employee who applies for and receives a demotion, or who has been administratively demoted, will not be eligible to receive a promotion to a higher classification during the twelve (12) months following the demotion.

If an employee promotes to a classification one or more grades higher than the current classification within their current pay grid, a 10% salary increase on the salary, less any enhancements or differentials, will normally be awarded. If an employee promotes from the career service pay grid to the professional and executive pay grid, a 12% salary increase on the salary, less any enhancements or differentials, will normally be awarded. However, provisions of the state pay plan will govern in all situations as years of service and other applicable situations may limit the increase that may be awarded.

- D. Demotion. A change in duty assignment of an employee from a position in one classification to a position in another classification of a lower salary and grade requiring fewer qualifications such as lower skill requirements, less job-related experience, and a lower level of responsibility. When an employee voluntarily or is administratively demoted to a classification one or more grades below the current classification within their current pay grid, a salary decrease of 10% or 12%, less any enhancements or differentials, will normally be required. However, provisions of the state pay plan will govern in all situations as years of service and other applicable situations may limit the decrease that may be required. An employee who applies for and receives a demotion, or who has been administratively demoted, will not be eligible to receive a promotion to a higher classification during the twelve (12) months following the demotion.
- E. New Hire. Employees entering state service for the first time.
- F. Rehire. Employees returning to state service after a break in employment of two or more pay periods.
- G. Displaced Worker. An individual who has worked for an employer that has downsized or closed within the last twelve (12) months, in which they were continuously employed for three (3) or more years, will be considered for hire with the ADC without a high school diploma or GED. All other criteria must be successfully completed. This individual will not be eligible for any

type of promotion and/or merit increase/promotion until he/she has acquired a GED.

- H. Transfer. Employees transferring between state agencies or institutions or laterally within the Department of Correction without a break in service.
- I. Hiring Authority. Human Resources Administrator/Wardens/Center Supervisors/Administrators are authorized to make final selection of applicants for positions available within the Arkansas Department of Correction.
- J. Human Resources. Any employee assigned or designated by a Deputy/Assistant Director, Warden, Center Supervisor, or Administrator, whether within a division, unit, or Central Human Resources, to perform employment-related functions.
- K. Safety Sensitive Position: any position involving a safety sensitive function, which shall include any position which requires any of the following activities: (a) carrying a firearm, (b) performing life-threatening procedures, (c) working with confidential information or documents pertaining to criminal investigations, (d) working with hazardous or flammable materials, controlled substances, food, or medicine, or (e) a position in which a lapse of attention could result in injury, illness, or death, including without limitation a position that includes the operating, repairing, maintaining, or monitoring of heavy equipment, machinery, aircraft, motorized watercraft, or motor vehicles as part of job duties. Every position in the Department is a Safety Sensitive Position.

IV. PROCEDURES:

- A. Position Vacancies:
 - 1. The Hiring Authority must initiate a Position Vacancy Request in order to fill any vacant position. This document must be submitted to the Central Human Resource Office.
 - 2. Positions assigned to GS13 and above, IT08 and above, MP03 and above, or Senior Executive position vacancies, are not required to be advertised. The Director has the authority and discretion to appoint or transfer individuals into these classifications.
 - 3. Classified position vacancies within the general salary pay plan must be advertised according to procedures established by the Department of Finance and Administration, Office of Personnel Management, except when an emergency hire is warranted.
 - 4. Requests for recruitment or advertisement of positions that require additional actions, (e.g., newspapers, mail-outs, etc.), must be

submitted to and coordinated by the Central Human Resource Office.

5. Applications received must be complete and will be reviewed to determine if the applicant meets minimum qualifications for the vacancy. Work credit will only be given for paid positions, or internship under a higher education program relative to the qualifications for the position. All qualified applications will be submitted to the Hiring Authority after the closing date of the advertised vacancy.

B. Employment/Selection Process:

1. The Rating System set forth in this policy shall be utilized by the Hiring Authority and/or interview committee for scoring applicants selected for interview. Scoring shall be conducted in a manner that ensures objective criteria are used for selection of the most qualified applicants for vacant positions. Points shall be awarded to applicants for the following criteria: education, experience, and military service. The Rating System shall include:
 - a. Related Education. The applicant must meet minimum requirements for the job classification or must be approved as a qualified applicant per state requirements. A maximum of ten (10) points may be awarded to an applicant for completion of Related Education above and beyond the Minimum Educational Requirements for the position. (For example: If the Minimum Qualifications require a high school diploma, and the applicant possesses a related Associate's degree, two and one-half (2.5) points will be awarded; if the applicant possesses a related Bachelor's degree, five (5) points will be awarded, and if the applicant possesses a related Master's degree, ten (10) points will be awarded. If a Bachelor's degree is required and the applicant possesses a related Master's degree, five (5) points will be awarded, and if the applicant possesses a related Doctorate's degree, ten (10) points will be awarded.) A copy of the diploma or degree showing the award of the educational level is required. All diplomas received must be from an institution accredited by the Department of Education for the applicable state. All degrees received must be from a college or university accredited by one of the Regional Institutional Accrediting agencies recognized by the United States Department of Education.
 - b. Related Experience. An applicant's experience level for the job classification is awarded one-quarter (.25) points for

each month of related experience exceeding the minimum requirements, up to a maximum of ten (10) points.

- c. Veteran's Status. An applicant may qualify for five (5) or ten (10) points in accordance with provisions of the Arkansas Veteran's Preference Law. To claim Veteran's Preference, an applicant must be honorably discharged from a tour of active duty, other than active duty for training only, with the Armed Forces of the United States, or served honorably in the National Guard or Reserve Forces of the United States for a period of at least six (6) years, whether retired or discharged. Five (5) points are awarded for standard veteran's preference. A disability discharge is ten (10) points. Discharge must be for "Honorable" or "Under Honorable Conditions" only. Disabled veterans or the spouse of a disabled veteran shall have ten (10) points added to his/her final rating score. The applicant must produce a copy of their DD214 long form or NGB form 22 to receive veteran's preference points. Total points awarded for veteran's status cannot exceed ten (10) points.
 - d. Interview. Scoring for interviews shall be determined by assessing 1) the completed application form, 2) other written material gathered or presented and the applicant's responses to questions which support the knowledge, skills, and abilities (KSA's) of each job specification. The rating shall be multiplied times the numerical weight (importance) assigned for each KSA to determine the interview score, which must be 60% or higher. Any supervisory position requires an interview score of 70% or higher.
2. The Hiring Authority shall appoint the interview committee, which will consist of three (3) to five (5) members of the Department. These committee members must be representative of the racial and gender composition of the applicant pool, the same or higher grade as the advertised position, and familiar with the knowledge, skills, and abilities of the position to be filled or positions consisting of General Salary 1-4 can be interviewed by the immediate supervisor of the position without a committee. The Hiring Authority may also bypass the committee system if there are three (3) or fewer applicants eligible for the position. At least one (1) member of the interviewing process must have successfully completed Structured Interviewing Training. The Hiring Authority may select the top-scoring applicant if the Hiring Authority sat on the original interview panel; or, prior to making a final selection, the Hiring Authority may elect to re-interview the top three (3) applicants if the Hiring Authority did not sit on the original interview panel. Written justification in clear and unambiguous terms is required if the

applicant selected did not receive the highest score, and this justification must state why this person was selected over the top scoring applicant.

3. Interviews will be conducted for advertised positions if there are applicants with a natural, maximum pre-score cut-off of ten (10) points based on: education, military service, and work experience. Work experience and education must be applicable to the advertised position in order to receive points. However, no applicant can receive more than thirty (30) pre-score points. There is no minimum or maximum number of applicants that can be interviewed for a position. All applicants with military service, who provide a copy of their DD214 showing an honorable discharge, will receive veteran's preference points and must be interviewed, regardless of their pre-score points.

If the Hiring Authority chooses to interview only those applicants with a minimum pre-score, then all applicants with that pre-score, or above, must be interviewed.

4. The Hiring Authority or Human Resources must conduct a background check on all new employees, contractors, volunteers, and Interns/Student Services prior to them assuming their duties, in order to identify whether there are criminal convictions that have a specific relationship to the job performance. The background check shall include comprehensive identifier information to be collected and run against law enforcement indices. If suspect information on matters with a potential terrorism connection is returned on an applicant, it is forwarded to the local Joint Terrorism Task Force (JTTF) or other similar agency. The background check shall include, but is not limited to, NCIC/ACIC record review, Justice Exchange, two (2) or more favorable employment reference checks, and Maltreatment Registries check. If the NCIC/ACIC report reveals ten (10) or more points assessed against an applicant's driver's license, or reveals that a license is suspended or not valid, the applicant is not eligible for hire if the position applied for requires a driver's license or requires driving a state vehicle. If the applicant only has one (1) favorable employment reference, or has no employment history, approval to hire may be granted by Central Human Resource.
5. Incumbent staff who promote or demote to business positions in areas such as accounting, inmate banking, commissary, or any other area which has access to agency financial accounts, must have a background check completed and submitted as part of the packet for approval. This also applies to staff that promote or demote to a position in Information Technology. Employees occupying these positions will have an updated background check every five (5) years. Although a criminal conviction, (i.e. embezzlement, fraud, etc.), does

not automatically eliminate an applicant, approval may not be granted due to the nature of the criminal charge if it may conflict with the type of duties being performed.

6. Pre-employment screenings as may be required by department policy or procedure will be conducted prior to final review and approval of selectee. Such screenings may include, but are not limited to: 1) a drug test, 2) a physical assessment, 3) a tuberculosis test, and 4) the ability to perform essential job functions. Applicants rejected for failing to pass a test for drugs will not be reconsidered for twelve (12) months from the date of rejection and upon reapplication must have successfully completed a state licensed drug rehabilitation program during the twelve-month period. A final offer of employment may not be made until approved by Central Human Resource.
7. Positions classified as GS09 and above; IT08 and above; and MP03 and above will be approved by the Director. GS07 and GS08; IT06 and IT07; and MP02 and below will be approved by the applicable Deputy/Assistant Director. GS06 and below will be approved by the Hiring Authority and the Human Resources Administrator.
8. Following acceptance of an offer of employment, all other applicants will be notified of the decision by the Central Human Resource Office. Approved promotions and transfers should occur within two (2) weeks following the employee's acceptance of the position and notice to his/her supervisor, unless alternative arrangements are authorized by the gaining and losing Hiring Authority.

C. Transfer:

1. Administrative Transfer. The Director may at any time transfer employees and/or their positions to another location when the transfer is in the best interest of the Department.
2. Voluntary Transfer. An Employee of the Department of Correction may request a voluntary transfer from a position classification at one location to the same position classification at another location provided there is an open advertisement for that position at the desired unit. The applicant will route requests for voluntary transfers through the Hiring Authority (releasing and receiving) for consideration and approval. The Hiring Authority has the option of selecting a transfer applicant in lieu of interviewing for the vacant position.

D. Demotion:

1. Administrative Demotion. Employees may be demoted to a lower-graded position classification in accordance with provisions of the department's employee conduct standards policy. All demotions must be approved by the applicable Deputy/Assistant Director or Administrator.
2. Voluntary Demotion. Employees of the Department of Correction may request a voluntary demotion from their current position classification at one location to a lower graded position classification at the same or at another location provided a vacancy has been advertised. A completed state application must be received during the advertisement period. The applicant will be considered with all other qualified applicants in the interview process.

E. Rehire:

1. The Hiring Authority will review Rehire applications and related previous work history to determine the reason(s) the employee terminated employment with the Department of Correction. Applications from persons not recommended for Rehire will not be considered for at least twelve (12) months from date of termination; however, the Human Resources Administrator may approve rehire after six (6) months if termination was unrelated to either (1) contraband or (2) inappropriate relationships with inmates, unless the employee left pending an investigation. Applications from persons terminated for violation of the drug testing policy will not be considered for at least six (6) months, and the applicant must have successfully completed a state licensed drug rehabilitation program since termination to qualify for rehire consideration.

A rehire applicant that has not been gone for at least ninety (90) days will be considered for re-employment only at his or her previous unit of assignment unless this requirement is waived by the Director. A rehired employee with a NO for rehire status that has been waived by the director will not be eligible for promotion for 12 months from rehire date.

2. The Hiring Authority will include the Rehire application, along with the applicant's previous termination notice(s) and all documentation of previous employment periods with the Department of Correction. This information must be submitted with the Rehire packet and forwarded to Central Human Resources.
3. The Director or Human Resources Administrator will make the final decision regarding all Rehire applicants.

F. Procedures Manual/Required Forms:

The Human Resources office shall develop detailed administrative procedures and required forms to guide the employment process. The forms will be placed on the Department intranet site.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee Orientation and Training

NUMBER: 19-~~1507~~

SUPERSEDES: 19-~~074~~

APPLICABILITY: All Employees

REFERENCE: AR-204 Employment

PAGE: 1 of 7

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 2/8/19

I. POLICY:

It is the policy of the Arkansas Department of Correction (ADC) to provide initial training for all newly hired employees and on-going annual training for current employees to ensure compliance with all applicable laws, standards, regulations, policies and post orders. Continuing education is a critical requirement of continued employment with the Department to maintain accreditation with the American Correctional Association (ACA) and to provide employees with the knowledge necessary to provide for the safe and humane treatment of inmates while maintaining the safety, security and good order of all its institutions. All management level employees shall be required to participate in supervisory management level classes as a requirement for the position that those individuals hold or for which they may apply.

II. PURPOSE:

Governor's Executive Order 94-07 ordered the establishment of the State Supervisory Management Institute within the Department of Finance and Administration, Office of Personnel Management (OPM). Approved classes should provide training to management level employees that will teach sound management practices and principles, while increasing the efficiency of the organization and improve the services provided.

All Department of Correction personnel who are considered management level shall participate in training classes, as required and approved by the Department of Correction and the Office of Personnel Management/State Supervisory Management Institute.

III. DEFINITIONS:

- A. New Hire: Employees entering state service for the first time.
- B. Rehire: Employees returning to state service after a break in employment of two or more pay periods.
- C. Transfer: Employees transferring between state agencies and/or institutions or laterally within the Department of Correction without a break in service.

IV. PROCEDURES:

It shall be the policy of the Arkansas Department of Correction (ADC) to provide orientation and training to all newly hired employees, recognized as the Basic Correctional Officer Training for security employees, and Correctional Security for Non-Security Training for non-security employees. Employees who promote or are newly hired and supervise one or more full-time employee(s) shall be required to complete the classes designated for their Management Level Training classification. Principles of this policy are:

- A. Any newly hired security employee must complete the Basic Correctional Officer Training (BCOT) before starting a security position at a unit and/or division. This training shall consist of correctional security training in accordance with ACA and ADC departmental standards.
- B. Any rehired or incumbent security employee who has had a break in security service for more than one year, but less than two (2) years, must re-take the BCOT final examination and score 70% or above before being allowed to start a position at a unit and/or division. After a break of more than two (2) years, the rehire or incumbent must complete the entire BCOT training.
- C. Any security employee who is a transfer from another state agency, with or without security experience, must complete the Basic Correctional Officer Training.
- D. Any security new hire from another State Department of Correction must complete the Arkansas Basic Correctional Officer Training.

- E. All new full-time employees must complete a 40-hour orientation program before undertaking their assignments. Non-security employees will complete the Correctional Security for Non-Security class during the first year of employment with a portion of this during orientation. Orientation training requirements are in addition to agency annual requirements (see attachment).
- F. Any non-security rehire who has had a break in service for more than one (1) year, but less than two (2) years, must re-take the Correctional Security for Non-Security final examination and score 70% or above within ninety (90) days of their rehire date. After a break of more than two (2) years, the rehire must complete the entire Security for Non-Security training, within (ninety) 90 days of their rehire date.
- G. Non-Security employees who work around or supervise inmates may be sent to Basic Correctional Officer Training at the Warden/Administrator's discretion.
- H. Medical/Mental Health professionals (i.e., M.D., Ph.D., and D.D.S.) may be exempted by the Deputy Director of Health & Correctional Programs, except for those classes mandated by Governor's Executive Order 94-07.
- I. Due to enrollment levels and/or other factors, class length of hours may be shorter than listed. Therefore, in gaining certification of any Management Level, the deciding approval factor is not the amount of hours completed, but rather the completion of the course(s) itself.

V. TRAINING:

ADC will ensure that all new employees/volunteers will receive the ACA/ADC mandatory training requirements. Each year following, the employee will be responsible for obtaining their required yearly ACA/ADC mandatory training within the calendar year (January 1st through December 31st). All employees shall have half of their training completed by June 30th and the remaining half by December 31st.

Training will be based on ACA/ADC Standards (See Attachment 1). ALL SECURITY STAFF ARE REQUIRED TO OBTAIN 40 TRAINING HOURS ANNUALLY. All Non-Security Employees who supervise one or more employees or have daily contact with inmates are required to obtain 40 or more training hours annually. All Non-Security Employees who do not supervise other employees and only have minimal contact with inmates will only be required to obtain a minimum of 16 training hours annually. Off-site training and conference training must be approved in advance in accordance with ADC policy. Thirty (30) hours is the maximum amount of e-Learning and/or e-CADEMY training hours that will be approved to meet the ACA/ADC Mandatory Training Requirements. Failure to

complete job related training will result in disciplinary action being taken in accordance with Employee Conduct Standards.

Employees on Extended Military Leave, Family Medical Leave or Catastrophic Leave during their performance evaluation period will have the equal amount of time that they are on leave not to exceed six months to complete the ACA/ ADC Mandated training upon their return.

Central Human Resources management will review this policy annually to ensure it is current.

VI. REFERENCES:

Adult Correctional Institutions ACA Standards
Governor's Executive Order 94-07
Administrative Directive on Emergency Preparedness
Office of Personnel Management, Interagency Training Program
Administrative Regulation on Employee Conduct Standards (AR 225)
Administrative Directive on Employee Conduct Standards

Attachment 1

Required ACA/ADC Training for Security Personnel

- ☐ **Ethics/Conduct Standards**
- ☐ **Firearms Qualification**
- ☐ **CPR/CPR Refresher (Sgt & Above) (every 2 yrs.)**
- ☐ **Suicide Prevention/Intervention**
- ☐ **Supervising IM & IM Rights & Responsibilities**
- ☐ **Use of Force Refresher**
- ☐ **Use of Restraints**
- ☐ **Emergency Preparedness**
- ☐ **Fire Safety**
- ☐ **Chemical Safety/Chemical Right to Know**
- ☐ **Sexual Abuse/Assault (PREA)**
- ☐ **Sexual Harassment**
- ☐ **Sexual Misconduct**

Required ACA/ADC Training for Non-Security Personnel

- ☐ **Emergency Preparedness**
- ☐ **Chemical Safety/Chemical Right to Know**
- ☐ **Fire Safety**
- ☐ **Sexual Abuse/Assault (PREA)/ Sexual Misconduct**
- ☐ **Sexual Harassment Sexual Misconduct**
- ☐ **Ethics/Conduct Standards**

Management Level Training

- ☐ **Level I training for Security (Sergeant and Food Preparation Manager) or Non-Security Grades GS5/6, IT03, MP04 and higher who supervise one or more employees shall consist of the following classes:**
 - **Administering Discipline**
 - **Hiring Talent**
 - ***CPR/First Aid/AED**
 - **Fair Labor Standards Act**
 - **Grievance Prevention and Handling**
 - **HRkansas**
 - **Interpersonal Communications**

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- Introduction to Management
- Performance Evaluation

***CPR/First Aid/AED is required for security personnel and must be completed at the unit of assignment prior to attending the Management Level I class. CPR/First Aid/AED is not required for non-security staff.**

- ☐ **Level II training is designed for staffs that are grades GS7, IT03, MP04 and higher that supervise one or more staff members. Management Level I training is required prior to attending. This training shall consist of the following:**
 - Ethics in Leadership
 - Management Effectiveness
 - PREA Investigations
 - Rethinking Retention
 - Solutions for Health Care in a Correctional Environment
- ☐ **Level III training is designed for staff that are grades GS8/9, IT05, MP04 and higher that supervise one or more staff members. Management Level I and Level II training are required prior to attending. This training shall consist of Advance Management Training.**
- ☐ **Level IV training is designed for staff that are grades GS10, IT05, MP04 and higher that supervise one or more staff members. Management Level I, Level II, and Level III training are required prior to attending. This training shall consist of Executive Training.**

***The Department of Correction, with the approval of OPM/State Supervisory Management Institute may make changes in the mandatory classes/training, as needed, to address the operational needs of the Department.**

National Incident Management Systems (NIMS) Training

- ☐ **In coordination with the Secretary of Department of Homeland Security, the Attorney General, and other appropriate Federal departments and agencies and in consultation with State and local governments, shall establish and maintain a comprehensive training program to meet the national preparedness goal. The program will identify standards and maximize the effectiveness of existing Federal programs and financial assistance and include training for the Nation's first responders, officials, and others with major event preparedness, prevention, response, and recovery roles.**

Attachment 2

ADC /NIMS Training Matrix

Entry Level Employees: <ul style="list-style-type: none"> • Non-Security Personnel • BCOT Cadets 	Required Training: <ul style="list-style-type: none"> • ICS 100, Introduction • IS-700, NIMS, an Introduction • Emergency Preparedness 	Training Location: Training Academy: Security for Non-Security and BCOT
First Line Supervisor: <ul style="list-style-type: none"> • Sgt and above • Lt and above (security) • Supervisor and above (non-security) 	All of the above plus: <ul style="list-style-type: none"> • ICS 200, Basic ICS 	Unit Level FEMA Website http://training.fema.gov
Middle Management: <ul style="list-style-type: none"> • Deputy Wardens, Wardens, Chiefs of Security, and EP Coordinators, ERT Leaders, and Upper level Supervisors 	All of the above plus: <ul style="list-style-type: none"> • ICS 300, Intermediate • ICS-400 Advanced • IS 800, National Response Plan 	ADEM Class, FEMA Website http://training.fema.gov
Command and general staff: Department Heads (Management Team and Administrators, Directors, Public Information, Dept. Heads, and persons assigned to the EOC)	All of the above	ADEM Class, FEMA Website http://training.fema.gov

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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee Orientation and Training

NUMBER: 19-15

SUPERSEDES: 19-07

APPLICABILITY: All Employees

REFERENCE: AR-204 Employment

PAGE: 1 of 7

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 4/11/2019

I. POLICY:

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- **Fire Safety**
- **Chemical Safety/Chemical Right to Know**
- **Sexual Abuse/Assault (PREA)**
- **Sexual Harassment**
- **Sexual Misconduct**

Required ACA/ADC Training for Non-Security Personnel

- **Emergency Preparedness**
- **Chemical Safety/Chemical Right to Know**
- **Fire Safety**
- **Sexual Abuse/Assault (PREA)/ Sexual Misconduct**
- **Sexual Harassment**
- **Ethics/Conduct Standards**

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 - Hiring Talent
 - *CPR/First Aid/AED
 - Fair Labor Standards Act
 - Grievance Prevention and Handling
 - HRkansas
 - Interpersonal Communications
 - Introduction to Management
 - Performance Evaluation

***CPR/First Aid/AED is required for security personnel and must be completed at the unit of assignment prior to attending the Management Level I class. CPR/First Aid/AED is not required for non-security staff.**

- **Level II training is designed for staffs that are grades GS7, IT03, MP04 and higher that supervise one or more staff members. Management Level I training is required prior to attending. This training shall consist of the following:**
 - **Ethics in Leadership**
 - **Management Effectiveness**
 - **PREA Investigations**
 - **Rethinking Retention**
 - **Solutions for Health Care in a Correctional Environment**
- **Level III training is designed for staff that are grades GS8/9, IT05, MP04 and higher that supervise one or more staff members. Management Level I and Level II training are required prior to attending. This training shall consist of Advance Management Training.**
- **Level IV training is designed for staff that are grades GS10, IT05, MP04 and higher that supervise one or more staff members. Management Level I, Level II, and Level III training are required prior to attending. This training shall consist of Executive Training.**

***The Department of Correction, with the approval of OPM/State Supervisory Management Institute may make changes in the mandatory classes/training, as needed, to address the operational needs of the Department.**

National Incident Management Systems (NIMS) Training

- **In coordination with the Secretary of Department of Homeland Security, the Attorney General, and other appropriate Federal departments and agencies and in consultation with State and local governments, shall establish and maintain a comprehensive training program to meet the national preparedness goal. The program will identify standards and maximize the effectiveness of existing Federal programs and financial assistance and include training for the Nation's first responders, officials, and others with major event preparedness, prevention, response, and recovery roles.**

Attachment 2

ADC /NIMS Training Matrix

Entry Level Employees: <ul style="list-style-type: none"> • Non-Security Personnel • BCOT Cadets 	Required Training: <ul style="list-style-type: none"> • ICS 100, Introduction • IS-700, NIMS, an Introduction • Emergency Preparedness 	Training Location: Training Academy: Security for Non-Security and BCOT
First Line Supervisor: <ul style="list-style-type: none"> • Sgt and above • Lt and above (security) • Supervisor and above (non-security) 	All of the above plus: <ul style="list-style-type: none"> • ICS 200, Basic ICS 	Unit Level FEMA Website http://training.fema.gov
Middle Management: <ul style="list-style-type: none"> • Deputy Wardens, Wardens, Chiefs of Security, and EP Coordinators , ERT Leaders, and Upper level Supervisors 	All of the above plus: <ul style="list-style-type: none"> • ICS 300, Intermediate • ICS-400 Advanced • IS 800, National Response Plan 	ADEM Class, FEMA Website http://training.fema.gov
Command and general staff: Department Heads (Management Team and Administrators, Directors, Public Information, Dept. Heads, and persons assigned to the EOC)	All of the above	ADEM Class, FEMA Website http://training.fema.gov



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Security Audits

NUMBER: 19-13-81

SUPERSEDES: 06-0713-81

APPLICABILITY: ADC Employees

REFERENCE: AR 020 – Emergency Preparedness **PAGE 1 of 2**

APPROVED: Original signed by ~~Ray Hobbs~~

EFFECTIVE DATE: ~~11/22/2013~~

I. POLICY:

It shall be the policy of the Arkansas Department of Correction to develop and maintain a security audit team and procedures for auditing the security practices and procedures at ADC correctional facilities.

II. PHILOSOPHY:

Protecting the community, staff, visitors and inmates is the primary mission of the Department of Correction and the individual institutions within the department. An audit of the security policies and procedures is consistent with that mission.

III. EXPLANATION:

The purpose of this procedure is to specify the essential requirements for conducting annual security audits for the Arkansas Department of Correction. An audit validates a comprehensive security system, and also provides an opportunity to evaluate or re-evaluate security practices and procedures.

IV. PROCEDURES:

A. The purpose of the Security Audit teams shall include but not limited to:

1. Plan and schedule audits ~~for~~ of the facilities of the department and the Youth Services at Alexander, Arkansas. This schedule of audits must be approved by the Director or designee.
 2. Conduct/coordinate yearly Security Audit inspections and/or exercises for facility security systems and training purposes.
 3. A minimum of one (1) annual security audit of each facility within the Department of Correction shall be conducted by a security audit team.
 4. Participate in the Security Audit Committee and develop security procedures, practices and updates, training, audit standards and audit instruments.
 5. Provide a complete report of the findings of the audit. This report shall be forwarded to the Assistant Director, Warden and the Emergency Preparedness Coordinator.
- B. Each facility shall maintain on-staff persons who are in a command/supervisory level and able to serve on the Security Audit Committee. The persons selected shall have the required skills, knowledge and ability to carry out the duties assigned.
- C. All selections must be approved by the Chief Deputy Director and the Emergency Preparedness Coordinator. The Security Auditor, while assigned to a committee, is responsible to the chairman of the committee and the Emergency Preparedness Coordinator.
- D. Selectees for committee members shall be trained in conducting security audits by the Department of Correction Training Academy and/or the National Institute of Corrections. The Training Academy Administrator should coordinate the training of the auditors with the National Institute of Corrections to ensure the latest updates are available.

V. **REFERENCES:**

ACA Standards

Attachments: A – Security Audit Checklists

A.C.A. 9-28-302 – Security Inspections



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Security Audits

NUMBER: 19-16

SUPERSEDES: 13-81

APPLICABILITY: ADC Employees

REFERENCE: AR 020 – Emergency Preparedness

PAGE 1 of 2

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 4/11/19

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