



Drug-Free Workplace and Workforce

Policy Number: 2.01.0302

Effective Date: 03/19/2015

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Related Policies: CDPS Policy 7.1.02.016

PURPOSE

This policy provides guidelines to follow for a [drug-free workplace](#) and workforce.

POLICY STATEMENT(S)

Within the State Patrol, there will be a [Drug-Free Workplace and Workforce program](#).

Use of [controlled substances](#) and alcoholic beverages in violation of the Drug-Free Workplace policy will not be tolerated. Violation of this policy may result in disciplinary action up to and including termination and, when appropriate, referral for criminal prosecution.

[Members](#) are prohibited from possession, use, acquisition, sale, manufacture, or transportation of controlled substances except when prescribed by an attending physician or as part of official duties with the State Patrol. The manufacture or sale of controlled substances in the performance of a work assignment must receive prior authorization from the Chief or designee.

[Safety-related workers](#) are prohibited from having any detectable amount of any controlled substance (as defined by this policy), [marijuana](#), or [alcohol](#) in their system while performing CDPS business or while in a CDPS facility.

Non-Safety-Related Workers are members who are not classified as [Safety-Related Workers](#). Non-safety-related workers are prohibited from having any detectable amount of any [controlled substance](#), as defined above by this policy, or [alcohol](#) in their system while performing CDPS business or while in a CDPS facility. **Non-safety-related workers should refer to CDPS Policy 7.1.02.016 Drug and Alcohol Use for additional guidance.**

Any [member](#) who unintentionally ingests, or is made to ingest, a drug or controlled substance will immediately report the incident to an immediate supervisor so that steps may be taken to ensure the employee's health and safety.

Legally prescribed drugs and medication will only be used in the dosage and frequency as prescribed by a licensed medical professional. Members will notify an immediate supervisor when required to use prescription medication, which has the potential to impair job performance.

Except with prior approval of the Chief, the consumption of alcohol while on duty, including rest and meal breaks, or reporting to duty with the apparent odor of an alcoholic beverage on the breath or while under the influence of an alcoholic beverage is prohibited for all members.

Members will provide their immediate supervisor with a CSP 705—Essential job functions criteria trooper return to duty form certifying that any prescribed medication does not impair the member's performance in operating a State of Colorado-owned vehicle or equipment after consuming prescribed medication that warns against such activity.

Post-conditional offer, pre-employment drug testing will be conducted on all State Patrol applicants.

The State Patrol will use a [random selection drug testing](#) method to test a minimum of 10% of its workforce annually.

Workers employed by a temporary labor service performing job tasks for the State Patrol are not subject to pre-employment or random selection drug testing.

OPERATIONAL PROCEDURES

A. Pre-Employment Testing Requirements

1. Applicant Drug Testing

- a. All applicants for employment will be required to participate in a post-conditional offer and pre-employment drug test.
 - I. Colorado Department of Public Safety Human Resources (CDPS HR) is responsible for ensuring that all State Patrol applicants meet drug-testing requirements.

B. Member Drug and [Alcohol](#) Testing

1. [Random Selection Drug Testing](#)

- a. All [members](#) are subject to a random selection drug testing process and have an equal chance of being selected throughout the year.
 - I. Because the selection is random, some members may be selected more than once during the year.
- b. The program coordinator will provide each selected member's immediate commander with an Employee Test Notification Order that must be provided to each selected member's immediate supervisor within three days of the Employee Test Notification Order.
- c. The [member](#)'s immediate supervisor will determine the date, time, and location the member is to report to an authorized [collection site](#) and inform the program coordinator.
 - I. The date and time will be within five days of the receipt of the order.
 - II. Whenever possible, the member will be scheduled for specimen collection during the member's regularly scheduled shift.
 - III. A member required to complete the specimen collection process during any time other than an assigned shift will be appropriately compensated for the actual time spent, including travel to and from the collection site and the time spent completing the specimen collection process.
- d. A supervisor will personally deliver the order, record the notification time on the order, and instruct the member to report to the designated collection site within two hours of receiving the order.

- e. After receiving an Employee Test Notification Order, the member will sign the notification order and report to the designated collection site to complete the specimen collection process.
 - l. The collection site person will provide the member with a [chain of custody](#) form, which the [member](#) will give to their immediate supervisor when a test has been completed.
 - f. The immediate supervisor will notify the program coordinator when the member has completed the requirements of the notification order.
2. Program Compliance
- a. When a member fails to report within two hours of being notified, the member will immediately notify a supervisor, specifying the reason for the inability to comply with the order.
 - b. If the member does not have justification for the absence, the supervisor will place the [member](#) on administrative leave, initiate a memorandum documenting the circumstances, and forward the memorandum to the program coordinator, who will notify the Chief or designee.
 - l. An unexcused absence, failure to notify, failure to report, or failure to provide a urine specimen when directed will be considered a refusal and may result in disciplinary action.
 - c. A justifiable absence may result in rescheduling the test by the end of the shift or as soon as possible.
3. For-Cause (Reasonable Suspicion) Testing Notification
- a. Any member will be subject to drug and/or [alcohol](#) testing whenever reasonable suspicion exists to believe that a member has used a [controlled substance](#) or an alcoholic beverage in violation of this policy.
 - b. Any member having credible information about another member regarding illegal possession, use, or sale of any controlled substance, [marijuana](#), or alcohol in violation of this policy will document the circumstances and immediately bring this information to the attention of a supervisor.
 - c. If a [member](#) refuses to submit to drug or alcohol testing, the supervisor will place the member on administrative leave pending further investigation and advise the member that refusal to submit to a drug or [alcohol](#) test may result in disciplinary action.
 - d. Member refusal documentation will be forwarded to the Professional Standards Section (PSS) for investigation.
4. For-cause (Reasonable Suspicion) Drug Test Collection Procedures
- a. The immediate supervisor of a member suspected of consumption or impairment in violation of this policy will complete the [CDPS Reasonable Suspicion Checklist](#) and review the circumstance with the next available supervisor in the chain of command.
 - b. A [member](#) required to perform a test as the result of a for-cause (reasonable suspicion) circumstance will be escorted to a [collection site](#).
 - l. The immediate supervisor will completely disarm a trooper, including weapons, ammunition, oleoresin capsaicin spray, electro-muscular disruption technology device, and the expandable baton.

- II. A civilian supervisor may contact a uniformed supervisor to assist in transporting a civilian member.
- c. Whenever a member is unable to provide a urine specimen for a for-cause drug test, a blood specimen will be collected at an approved collection site.
- 5. For-cause (Reasonable Suspicion) [Alcohol](#) Testing Procedures
 - a. The immediate supervisor of a member suspected of consumption or impairment in violation of this policy will complete the CDPS Reasonable Suspicion Checklist and review the circumstance with the next available supervisor in the chain of command.
 - b. Breath alcohol specimens will be collected at an approved contracted collection site. If not available, a specimen may be collected at the nearest Colorado Department of Public Health and Environment CDPHE-certified location for evidentiary breath tests by a peace officer certified in the use of an approved evidentiary breath collection device.
 - c. If a [member](#), for verifiable and documented medical reasons, is unable to provide a breath sample for testing, a blood sample may be obtained.
- 6. Blood Specimen Collection Procedures
 - a. All for-cause blood sample collections will be completed at an approved collection site by a physician, registered nurse, certified medical technician, certified phlebotomist, or person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse.
- C. Positive Test Result and Retesting
 - 1. Notification Procedures
 - a. When a drug or [alcohol](#) test result of a member is verified positive, the program coordinator will provide written notification of the test result to the member's Appointing Authority and the PSS supervisor within 72 hours of receiving Medical Review Officer (MRO) notification if applicable.
 - b. Upon the member's Appointing Authority being notified of the positive test result, the Appointing Authority will notify the [member](#) and place them on paid administrative leave pending an internal investigation.
 - 2. Retesting
 - a. A member must request any retest of an MRO-verified positive test result sample within 72 hours of Appointing Authority notification of a positive test result. The State Patrol will pay for testing.
- D. Voluntary Acknowledgment
 - 1. Any member who admits to drug or alcohol use after being notified to submit to random selection testing will be required to comply with for-cause testing procedures.
- E. Self-Initiated Assistance
 - 1. When a member recognizes a personal substance abuse problem prior to random selection or for cause testing, prior to being charged or convicted of a violation of law, or prior to an investigation for violation of State Patrol policy, the member is encouraged to use the confidential Colorado State Employee's Assistance Program (CSEAP) to obtain resource information and referral assistance.

F. Use of Positive Test Results

1. [Alcohol](#) and drug testing requirements of the [Drug-Free Workplace and Workforce program](#) are administrative in nature.
 - a. Random selection test results will not be used for purposes of criminal prosecution.
 - b. For-cause test results may be used for an administrative action.
 - c. Positive random selection test results will only be used in administrative actions in accordance with State Personnel Rules and Regulations, the State of Colorado Department or Personnel Administration Drug and [Alcohol Abuse](#) Policy, and the Federal Drug-Free Workplace Act of 1988.

G. Mandatory Evaluation Procedure

1. Determination of Mandatory Evaluation

- a. Any employee obtaining an MRO-verified positive test result or any employee in violation of this policy, or at the discretion of the appointing authority, will be required to submit to substance abuse evaluation by a State Patrol contracted substance abuse professional.
- b. Evaluations will be arranged through the [Drug-Free Workplace](#) and Workforce program coordinator. The program coordinator will complete and sign the top portion of a Mandatory Substance Abuse Evaluation Order and ensure that the order is issued to the member.
- c. The member will give the notification order to the substance abuse professional when reporting for an evaluation.
- d. The substance abuse professional will complete the lower portion of the notification order, provide recommendations to the Patrol, and mail the recommendations to the program coordinator.
- e. The State Patrol will be responsible for the cost of the evaluation.
- f. The member will be required to complete any counseling or rehabilitation program recommended by the substance abuse professional.
 - I. The [member](#) is encouraged to consult their individual healthcare provider, as the member will be responsible for any cost incurred during rehabilitation and/or counseling.
- g. Prior to returning to work, the member will submit to a drug and/ or [alcohol](#) test, the results of which must be negative.
 - I. A Return-to-Duty (RTD) agreement may be implemented when a member violates this policy but remains employed or is otherwise retained by the State Patrol.
 - II. RTD agreements are implemented to ensure that members abide by the provisions set forth in the agreement while performing their job duties.
 - III. An Appointing Authority that wishes to develop an RTD agreement will coordinate with the CDPS HR and the CDPS Compliance Office. CDPS HR will coordinate the testing of the RTD agreement.
 - IV. A member who violates an RTD agreement may be subject to corrective and/or disciplinary action, up to and including termination.
 - V. The program coordinator will notify the member's immediate supervisor of the test result.
 - VI. If the test result is negative, the immediate supervisor will notify the member of the return-to-duty assignment.

- VII. If the test result is positive, the member will remain on administrative leave pending the result of an administrative investigation.
- h. Upon recommendation of the substance abuse professional, the State Patrol may order the member to submit to unannounced substance abuse testing for a period of time and at a frequency specified by the substance abuse professional.
- i. The program coordinator will schedule follow-up substance abuse testing for the member when recommended by the substance abuse professional and approved by the State Patrol.
- j. Any [member](#) receiving an MRO positive test result during the follow-up testing period may be subject to disciplinary action.
- k. The State Patrol may approve a member's use of sick leave, annual leave, compensatory hours, or upon approval of the Chief, unpaid leave for the member to obtain counseling or rehabilitative assistance.
- l. Member compliance with substance abuse evaluation and rehabilitation requirements does not exempt the member from disciplinary action resulting from an administrative investigation of the member's violation of State Patrol policies and procedures.

H. Disciplinary Action

1. Disciplinary Action

- a. Any [member](#) who knowingly consumes, distributes, sells, or attempts to sell illegal [controlled substance](#), [marijuana](#), or [alcohol](#) on State Patrol premises or while on duty may be subject to disciplinary action up to and including termination and, when appropriate, referral for criminal prosecution.
- b. Any member found in violation of this policy may be subject to disciplinary action, up to and including termination.
 - I. The member may be offered an opportunity to complete an approved rehabilitation program.
 - II. During rehabilitation, the employee will be subject to unannounced drug or alcohol testing.
- c. Any [member](#) found to have an MRO verified positive or suspicious test result for a [controlled substance](#) or a positive breath [alcohol](#) test result in violation of this policy will be immediately placed on paid administrative leave. At the same time, the PSS conducts an administrative investigation.

2. Refusal to Take Drug and Alcohol Tests

- a. Any member who refuses to be tested when directed, fails to appear at the [collection site](#) without prior approval, or does not have an excused absence may be subject to disciplinary action.
 - I. An attempt to alter or substitute a urine specimen will be considered a refusal to take the required drug test.
- b. Failure to provide a sufficient breath sample for [alcohol](#) testing without a medical reason certified by a medical professional will be considered a refusal.

DRUG	SCREEN	CONFIRM	DRUG	SCREEN	CONFIRM
AMPHETAMINES			Cannabinoids (marijuana)	50 ng/ml	15 ng/ml
D-Amphetamine	300 ng/ml	500 ng/ml	Cocaine <metabolites>	300 ng/ml	150 ng/ml
Methamphetamine	300 ng/ml	500 ng/ml	Phencyclidine (PCP)	25 ng/ml	25 ng/ml
MDMA (ecstasy)	1000 ng/ml	500 ng/ml	NARCOTICS		
MDA (adam)	1000 ng/ml	500 ng/ml	Codeine	300 ng/ml	300 ng/ml
BARBITURATES			Hydrocodone (lortab)	300 ng/ml	300 ng/ml
Amobarbital (amytal)	300 ng/ml	200 ng/ml	Hydromorphone (dilaudid)	300 ng/ml	300 ng/ml
Butabarbital (butisol)	300 ng/ml	200 ng/ml	Methadone (dolophine)	300 ng/ml	300 ng/ml
Butalbital (fiorinal)	300 ng/ml	200 ng/ml	Morphine	300 ng/ml	300 ng/ml
Pentobarbital (nembutal)	300 ng/ml	200 ng/ml	Oxycodone (percodan)	100 ng/ml	100 ng/ml
Phenobarbital (luminal)	300 ng/ml	200 ng/ml	Oxymorphone (numorphan)	100 ng/ml	100 ng/ml
Secobarbital (seconal)	300 ng/ml	200 ng/ml	Propoxyphene (darvon)	300 ng/ml	300 ng/ml
BENZODIAZEPINES					
Alprazolam (xanax)	300 ng/ml	100 ng/ml			
Chlordiazepoxide (librium)	300 ng/ml	100 ng/ml			
Clonazepam (klonopin)	300 ng/ml	100 ng/ml			
Clorazepate (tranxene)	300 ng/ml	100 ng/ml			
Diazepam (valium)	300 ng/ml	100 ng/ml			
Flurazepam (dalmane)	300 ng/ml	100 ng/ml			
Lorazepam (ativan)	300 ng/ml	100 ng/ml			
Midazolam (versed)	300 ng/ml	100 ng/ml			
Oxazepam (serax)	300 ng/ml	100 ng/ml			
Prazepam (centrax)	300 ng/ml	100 ng/ml			
Temazepam (restoril)	300 ng/ml	100 ng/ml			
Triazolam (halcyon)	300 ng/ml	100 ng/ml			

RELATED RESOURCES AND FORMS

- [CDPS Reasonable Suspicion Checklist](#)
- [CSP 705 - Essential job functions criteria trooper return to duty](#)