

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

Mark Martin

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204) Legal Notice Published _____

☐ 10 Days After Filing (ACA 25-15-204) Final Date for Public Comment _____

☐ Other _____ Reviewed by Legislative Council _____
(Must be more than 10 days after filing date.)

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)


Signature

Phone Number

E-mail Address

Title

Date

 <div style="text-align: center;"> ADMINISTRATIVE RULES STATE OF ARKANSAS BOARD OF CORRECTIONS </div>	Section Number: ADC 202 DCP 3.2	Page Number: 1 of 2
	Board Approval Date: 7/18/96	
	Supersedes: ADC 202 DCP 3.2	Dated: 2/17/94 2/17/94
	Reference:	Effective Date: 10/1/96
SUBJECT: Drug-Free Workplace		

I. AUTHORITY:

The Board of Correction and Community Punishment (BCCP) is vested with the authority to promulgate this administrative rule by Ark. Code Ann. §§ 12-27-105, 16-93-1203 and 16-93-1205 (Michie Supp. 1995).

II. APPLICABILITY:

This rule applies to the Arkansas Department of Correction (ADC) and Department of Community Punishment (DCP) employees and applicants.

III. POLICY:

It is the policy of the Department of Correction and the Department of Community Punishment to provide a drug-free work environment. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance by an employee is prohibited. Employees are also prohibited from being under the influence of alcohol during duty hours.

IV. EXPLANATION:

It is well recognized that drug abuse in the workplace has a deleterious effect on public health and safety, the welfare of the employee, and on morale and productivity. Drug abuse is also contrary to the missions of ADC and DCP.

V. GUIDELINES:

The ADC and DCP shall implement a drug testing program using reasonable test procedures employed to protect the privacy rights of employees and applicants and to achieve reliable and accurate results. The ADC/DCP Director will develop program guidelines and procedures which comply with the Drug-Free Workplace Act of 1988 and shall include at a minimum:

- A. Testing of applicants being considered for positions which require supervising offenders, after a conditional offer of employment has been made;
- B. Random testing of employees that supervise offenders;
- C. Testing of all employees based on reasonable suspicion and following critical incidents;
- D. Testing as a condition of continued employment where an employee has a documented drug history or tests positive for drugs;
- E. Referral to the Arkansas Employee Assistance Program when appropriate;
- F. Notification to ADC/DCP Internal Affairs when there is reasonable suspicion of illegal activity, to include positive alcohol/drug tests; and,
- G. Notice to employees of the penalties for violation of the policy.

VI. STANDARDS:

American Correctional Association (ACA)

Standards for Adult Community Residential Services 3d Edition 3-ACRS-1C-06

ACA Standards for Adult Correctional Facilities, 3rd Edition 3-4601

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