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**KENTUCKY
STATE
POLICE
EMPLOYEES**



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GOVERNOR WALLACE G. WILKINSON
CAPITOL
FRANKFORT, KENTUCKY 40601

Kentucky State Police Employees:

The Kentucky State Police has long been in the forefront in our state's "War on Drugs." It is only fitting, then, that this agency be selected as the first agency in state government to implement a Drug Testing Policy.

As a logical extension of the Drug-free Workplace policies set forth at my direction by the Department of Personnel in 1989, the Kentucky State Police's new Drug Testing Policy will take the promotion of a Drug-free Workplace to its highest level. Upholding a tradition, the Kentucky State Police is again being asked for a higher accounting of itself than would routinely be expected of a state agency.



I would extend to each and every Kentucky State Police employee an invitation to participate voluntarily in your agency's new Drug Testing Policy. Your goal is to send a ringing message to the people of the Commonwealth that Kentucky State Police employees are 100% serious about the "War on Drugs."

Sincerely,

Wallace G. Wilkinson

NCJRS

OCT 9 1990

ACQUISITIONS



COMMONWEALTH OF KENTUCKY
KENTUCKY STATE POLICE
919 VERSAILLES ROAD
FRANKFORT 40601

WALLACE G. WILKINSON
GOVERNOR

W. MICHAEL TROOP
ACTING COMMISSIONER
AND
SECRETARY OF JUSTICE

Kentucky State Police Employees:

With great pride, I submit to you the drug testing policy recommendations of the Kentucky State Police Drug Testing Advisory Committee. The Committee - comprised of representatives from the Trooper Advisory Panel, the Civilian Advisory Panel, and other agency employees from relevant areas of expertise - was called upon to develop an agency drug testing policy that was fair, workable, and capable of validating the trust already placed by the public in a Kentucky State Police Drugfree Workplace. The Committee is to be applauded for its unqualified success in meeting these goals.

Drug testing is anticipated to begin in 1991. I would like to emphasize that every effort will be made to ensure employee privacy, integrity and dignity throughout the drug testing process.

Another point to be emphasized is that this drug testing policy is not enacted to response to any suspicion of a drug problem within this agency. Rather, it is a proactive approach to meeting the extraordinary expectations set for us by the general public. Kentucky State Police employees shall not only comport themselves above reproach but now, with pride, shall be able to prove it. I cannot imagine this agency delivering a stronger anti-drug message.




W. Michael Troop
Acting Commissioner

**DRUG TESTING POLICY
KENTUCKY STATE POLICE**

DRUG TESTING POLICY

- Expands the current Department of Personnel's Drugfree Workplace policies to include drug testing procedures for KSP employees

- **Scope**

- Certain categories of sworn employees
- Certain categories of civilian employees - subject to approval of Department of Personnel
- All cadet applicants
- All sworn employee promotions and certain categories of sworn employee transfers
- Any sworn employee upon documented reasonable suspicion of illegal drug use - upon which time the Commissioner may authorize an immediate non-disciplinary administrative leave.

- **Objective**

Guarantee a drug-free work force and workplace by . . .

- eliminating the use of illegal drugs
- controlling the misuse of prescription drugs and alcohol

DRUG TESTING POLICY

The KSP is concerned about Drug Abuse

■ Quality of KSP services depend on creative, clear thinking, productive employees.

■ Drugs change the way we feel . . .
think . . .
decide . . .
perform . . .
perceive . . .

■ Safety, security, and health

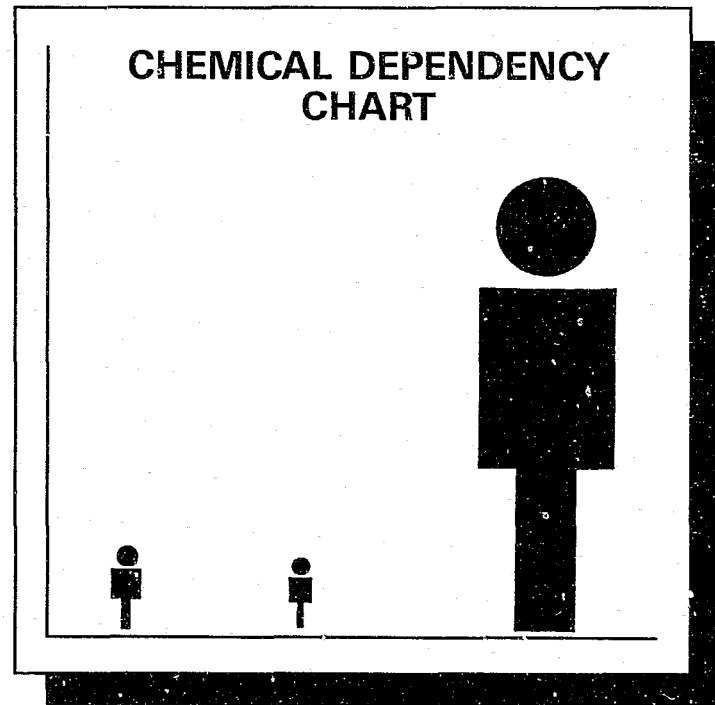
■ Workers who use drugs are involved in accidents 3-4 times more often than other employees

■ Drug-using employee:

- Cost to industry \$100 billion annually
- Late - 3 times the norm
- Absent - 3.6 times the norm
- Accident-prone - 3.6 times the norm
- Sick benefits - 3 times the norm
- Workers compensation - 5 times the norm

DRUG TESTING POLICY

- America's problem is ours
- U.S. comprises 6% of world population, consumes 60% of world's illegal drugs



POLIO
29 PER
100,000

AIDS
20 PER
100,000

**CHEMICAL
DEPENDENCY**
10,000 PER 100,000

DRUG TESTING POLICY

- Provides a total approach to the substance abuse issue. Besides testing, the approach includes:
 - Employee awareness/education programs
 - Supervisor/manager training
 - Employee and family counseling through the KSP's Employee Assistance Program
 - Support for long-term rehabilitation
 - Prohibitions against use, sale, possession, or manufacture of illegal drugs
 - Specific guidelines about the misuse of alcohol and prescription drugs

DRUG TESTING POLICY

Prohibits the Following:

- **Unlawful manufacture, distribution, dispensation, possession or use of any controlled substance-without proper medical approval**
- **Abuse of a medication/prescription prescribed in another person's name - including family members**
- **Refusal to submit to a mandated drug test**
- **Interference with the collection of or testing of a urine sample - such as specimen adulterating/switching**
- **Any other failure to comply with KSP rules with regard to testing**
- **Testing positive for use of illegal drugs or controlled substances - without proper medical approval**
- **Failure to enroll for treatment or counseling in adherence to Employee Assistance Program requirements - if referred to Program by supervisor**
- **Conviction on any criminal drug statute**
- **Failure to notify the agency within five days of a conviction on any criminal drug charge**

DRUG TESTING POLICY

Consequences for Policy Violations:

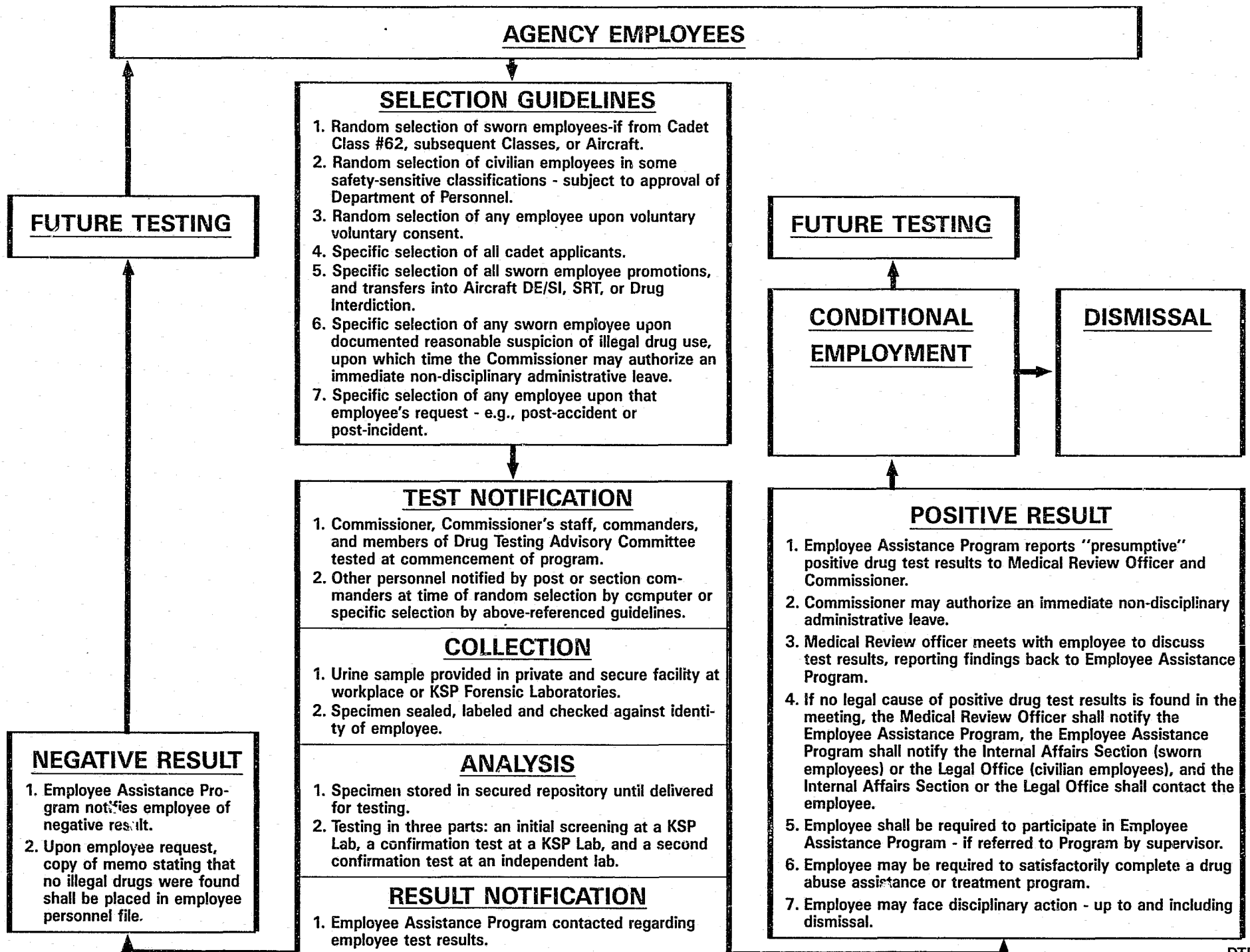
- **Shall be required to participate in Employee Assistance Program - if referred to Program by supervisor**

- **May be required to satisfactorily complete a drug abuse or treatment program**

- **May face disciplinary action - up to and including dismissal**

- **Frequent retesting**

FLOW CHART FOR DRUG TESTING OF AGENCY EMPLOYEES



DRUG TESTING POLICY

How does the random drug testing procedure work?

WHO

- Sworn employees, by random computer selection
 - Graduates of Cadet Class #62 and all subsequent Cadet Classes
 - Aircraft Support personnel
 - Volunteers
- Civilian employees, by random computer selection
 - Safety-sensitive classifications - subject to approval of Department of Personnel
 - Volunteers

WHEN

- Individual frequency of testing set by random computer selection - cap of two times in a two-year period
- Testing during working hours
- Same-day notification of and testing of employee

WHERE

- Notified by post or section commander, or acting post or section commander, as to exact location
- Private and secure facility at workplace or KSP Forensic Lab

HOW

- Forensic Lab personnel, post or section commanders, and acting post or section commanders are the only agency personnel authorized to administer drug tests
- Employee completes medical questionnaire
- Employee signs authorization form
- Employee provides urine sample to testing personnel
- Sample screened at Kentucky State Police Forensic Lab and, if confirmed positive for drugs, is sent for further confirmation testing to an independent lab
- Lab results forwarded to Employee Assistance Program

DRUG TESTING POLICY

What are the drugs subject to testing?

- Marijuana
- Cocaine
- Opiates
 - heroin
 - morphine
 - codeine
- Amphetamines
 - speed
 - uppers
 - cranks
- Barbiturates
 - phenobarbital
 - seconal
 - nembutal
- Benzodiazepine
 - valium
 - librium
 - activan
 - dalmane
- Propoxyphene
 - darvon
 - darvocet
- Such other drugs determined to be subject to abuse

DRUG TESTING POLICY

Test Notification Process

- Post or section commander, or acting post or section commander, coordinates the matching of those employees subject to and available for drug testing to identification numbers
- Identification numbers only are forwarded to the Personnel Branch for entry into computer.
- Computer randomly selects a subset of the identification numbers.
- Employee whose identification number matches a number in the randomly-selected subset is to be drug-tested within five working days.
- Post or section commander, or acting post or section commander, withholds notification of employee selected to be drug-tested until the day of the test
- Post or section commander, or acting post or section commander, schedules employee drug test to occur in a timely and efficient manner.
- Employee reports for drug-testing at time and place set by post or section commander, or by acting post or section commander.
- Specimen collection and chain-of-custody processes begin.

DRUG TESTING POLICY

“Not Available” Procedure

- **If a test is not taken on the day of notification, the post or section commander, or acting post or section commander, must notify Personnel Branch**

- **An employee who fails to report for his or her test will be listed on a “not available” report.**

- **Personnel Branch will be responsible for following up with an employee who is “not available”. The post or section commander, or acting post or section commander, will be responsible for verifying that an employee is aware that he or she has missed the scheduled testing appointment and that he or she is expected to report for the next scheduled testing.**

DRUG TESTING POLICY

The Collection Process

1

AUTHORIZATION FORM

At the specimen collection point, the employee will first be asked to complete an authorization form. The form covers:

- 1. the employee's authorization to collect a specimen and have it tested;**
- 2. list of drugs for which urine specimens will be tested;**
- 3. how the results from the test will be used and handled;**
- 4. to whom the results may be communicated;**
- 5. actions which will follow a positive test;**
- 6. consequences of violating any of the test procedures.**

The employee will also be asked to list any medications he or she has taken over the last 15 days.

DRUG TESTING POLICY

The Collection Process

2

COLLECTING AND VERIFYING SAMPLE

- Once the authorization form is read and signed, drug testing personnel will hand the employee a plastic container which has been sealed to prevent contamination.
- The employee will provide the urine specimen in privacy; no one will witness and no disrobing will be involved.
- When the employee hands the filled container to the drug testing personnel, it will be immediately checked for temperature.
- In the presence of the employee, the drug testing personnel may split the contents of the one container into two containers.
- The drug testing personnel will then explain the chain-of-custody form to the employee, who will attest that this is his or her specimen and that possession is being passed to the drug testing personnel.
- Whenever there is reason to believe that an employee may have altered or substituted the specimen, a second specimen shall be obtained the same day under direct observation of the drug testing personnel.

DRUG TESTING POLICY

The Collection Process

3

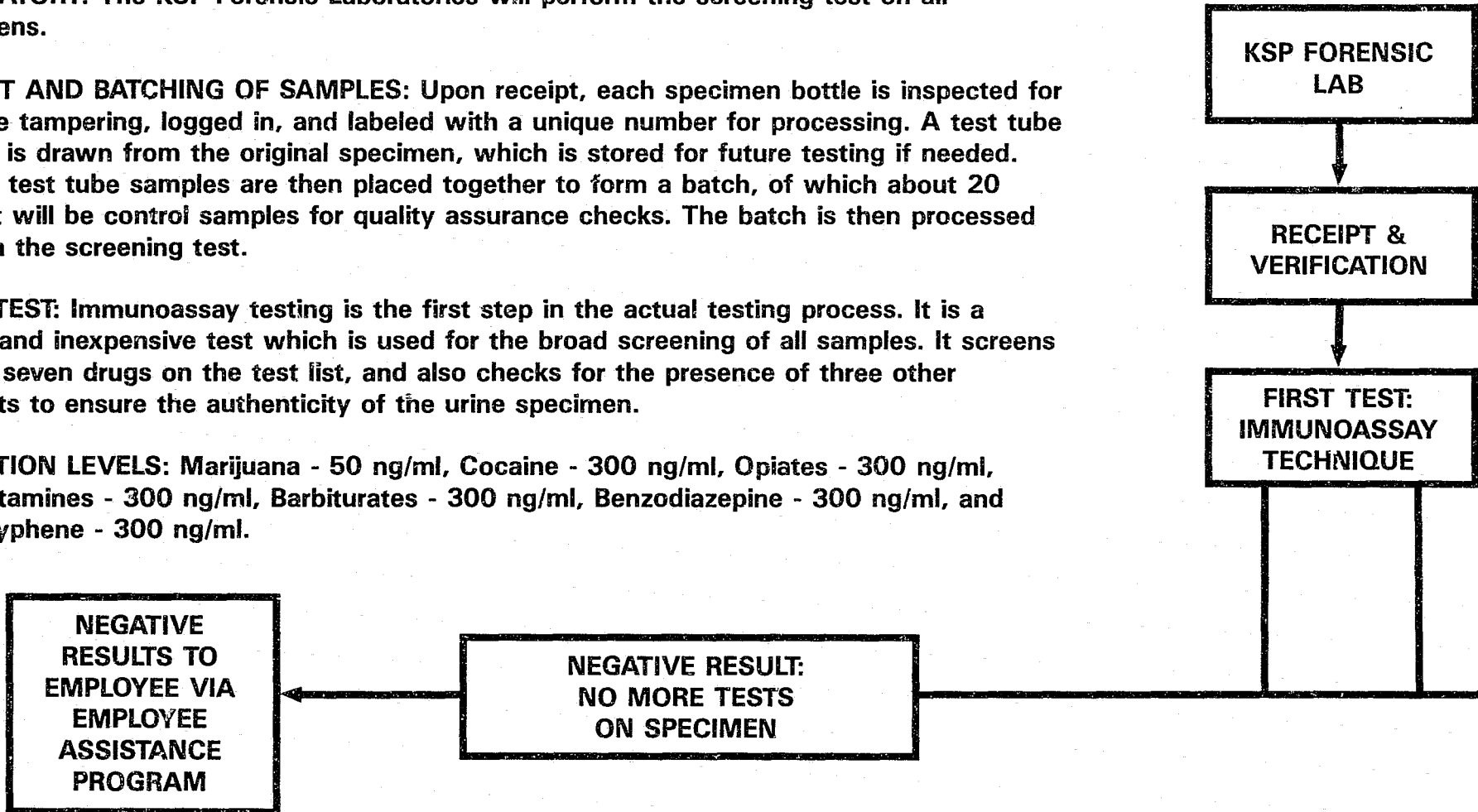
THE CHAIN-OF-CUSTODY PROCEDURE

- Once the chain-of-custody form is verified by the employee, the drug testing personnel will seal the specimen container(s) with a lid and then with tamper-proof sealing tape.
- A label, identifying the specimen only by identification number, is affixed to the container(s).
- The employee then ensures that his or her identification number on the label matches his or her identification number on the list held by the post or section commander, or acting post or section commander, and signs off on the list.
- The drug testing personnel will then fold the chain-of-custody form and place it and the container(s) in a secured repository.
- Drug testing personnel will forward chain-of-custody form and container(s) to lab for testing.
- Drug testing personnel will forward list matching employee identification numbers and employee name to Employee Assistance Program.

DRUG TESTING POLICY

The Analysis Process

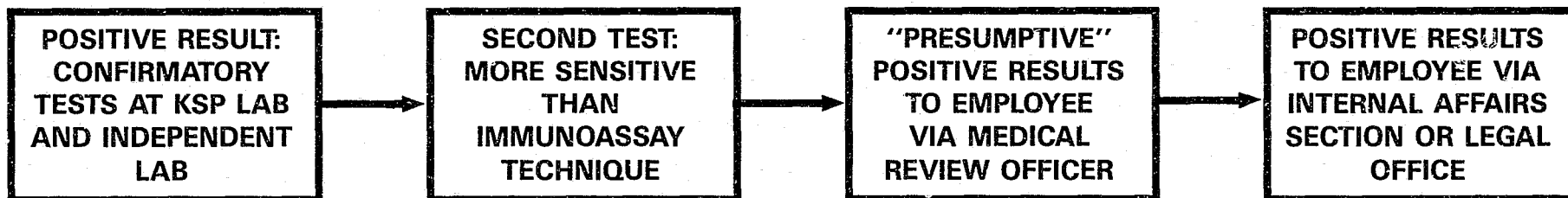
- **LABORATORY:** The KSP Forensic Laboratories will perform the screening test on all specimens.
- **RECEIPT AND BATCHING OF SAMPLES:** Upon receipt, each specimen bottle is inspected for possible tampering, logged in, and labeled with a unique number for processing. A test tube sample is drawn from the original specimen, which is stored for future testing if needed. Several test tube samples are then placed together to form a batch, of which about 20 percent will be control samples for quality assurance checks. The batch is then processed through the screening test.
- **FIRST TEST:** Immunoassay testing is the first step in the actual testing process. It is a simple and inexpensive test which is used for the broad screening of all samples. It screens for the seven drugs on the test list, and also checks for the presence of three other elements to ensure the authenticity of the urine specimen.
- **DETECTION LEVELS:** Marijuana - 50 ng/ml, Cocaine - 300 ng/ml, Opiates - 300 ng/ml, Amphetamines - 300 ng/ml, Barbiturates - 300 ng/ml, Benzodiazepine - 300 ng/ml, and Propoxyphene - 300 ng/ml.



DRUG TESTING POLICY

The Analysis Process - Positives Only

- Any samples which show positive for any drug element go on to the next step. All samples which do not show any drug content are recorded as negative at this step and are not tested further.
- **SECOND TEST FOR POSITIVES ONLY:** A technologically different and more sensitive method than the immunoassay technique is used to perform the confirmation test on any samples which test positive in the immunoassay screening. New test tube samples are drawn from the original specimen bottle to perform this test. This is a complex and expensive chemical analysis process, such as gas chromatography or mass spectrometry, which specifically identifies metabolites from any of the drugs included in the testing program.



DRUG TESTING POLICY

The Results Notification Process - Negative

- Lab results are forwarded to Employee Assistance Program and matched, through employee identification number, to employee name.
- Employee is notified: A notification letter will be sent to the employee. Letters for negative results will actually inform the employee that the test was negative, i.e., no illegal drugs were found to be present in the urine sample.
- Upon the request of the employee, a copy of this notification letter will be placed in his or her personnel record.
- Future testing as set out in selection guidelines.

DRUG TESTING POLICY

The Results Notification Process - "Presumptive" Positive

- Lab results are forwarded to Employee Assistance Program and matched, through employee identification number, to employee name.
- "Presumptive" positives are those specimens which have tested positive for the presence of drugs in the initial screening and the confirmatory tests.
- Employee Assistance Program notifies Medical Review Officer and Commissioner of sworn employee "presumptive" positive test result.
- Commissioner may authorize an immediate non-disciplinary administrative leave.
- Letters for a "presumptive" positive result will be sent out by the Medical Review Officer instructing the employee to contact his office within three days of receipt of the letter. A meeting will then be arranged to discuss the test results.
- During this private discussion, the Medical Review Officer will help the employee determine if any legal medications could have caused the "presumptive" positive result. If the result can be attributed to a legal medication, the employee will be asked to bring in a current doctor's prescription for the medication. If no legal cause is found, the result will be reported to the Employee Assistance Program as a positive and the record will be stored and retained by the Director of the Employee Assistance Program for a period of two years.
- A positive result due to an employee taking another person's prescribed medication, even a family member's, will still be recorded as a positive.

DRUG TESTING POLICY

The Results Notification Process - Positive

- Employee Assistance Program notifies Internal Affairs Section that no legal cause for a sworn employee positive test result was found; Internal Affairs Section notifies employee.
- Employee Assistance Program notifies Legal Office that no legal cause for a civilian employee positive test result was found; Legal Office notifies employee.
- Any employee who tests positive for drugs shall be directed by his supervisor to participate in the Employee Assistance Program, may be required to satisfactorily complete a drug abuse assistance or treatment program, and may face disciplinary action - up to and including dismissal.
- Any employee who tests positive for illegal drugs shall face disciplinary action - up to and including dismissal.
- Discipline for sworn employees in accordance with the due process rights provided under Kentucky Revised Statutes, Chapter 16.
- Discipline for civilian employees in accordance with the due process rights provided under Kentucky Revised Statutes, Chapter 18A.
- Any employee who breaches the confidentiality of test results shall also be subject to discipline.
- Future testing at any time, as warranted by the documented reasonable suspicion of illegal drug use.

DRUG TESTING POLICY

The Appeals Process

- An employee who refuses to accept a positive drug test result may ask that the original specimen be retested.
- The KSP Forensic Laboratories will keep the original specimen on all positive drug test results for two years.

KENTUCKY STATE POLICE DRUG TESTING ADVISORY COMMITTEE

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Commander
Operations Division East

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Commander
Legal Office

Captain Larry Lewis
Commander
Post 10

Captain Lonnie Moert
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Forensic Laboratories Section

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Communications Dispatcher
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