

Department of Correction  
Personnel Manual

Section No. : 8  
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Subject:

**GENERAL POLICIES**

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Subject:

**DRUG TESTING POLICY**

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**POLICY AND PURPOSE**

Due to the critical mission of Certified Criminal Justice Officers, and the reliance by the citizens of the state upon this department for general safety and protection, it is the policy of this department to maintain a drug-free work environment through the use of an applicant and reasonable suspicion testing program.

Anyone employed effective July 1, 1990 as a North Carolina Criminal Justice Officer, must submit to drug screening through urinalysis as part of the application process. For such an individual to be eligible for certification, the screening must produce a negative result for the presence of illegal drugs.

The criminal justice profession is a demanding and challenging one. It is a profession that commands and deserves the public's trust and confidence. To ensure a safe work environment for those in criminal justice, and to guarantee that the public interest is well served, it is incumbent that the Department seek only the most qualified and capable men and women to serve as criminal justice officers. Implementation of this mandatory drug screening policy is another step toward this end.

**CATEGORIES**

- A. All applicants for employment as criminal justice officers are subject to mandatory urinalysis drug testing.
- B. Current certified employees whose actions or conduct produces reasonable suspicion that drugs are a contributing factor to their actions or conduct are subject to mandatory urinalysis drug testing.
- C. All former Department of Correction employees, regardless of the length of time since their separation and whether or not they were previously subject to urinalysis drug testing as a condition of employment, shall be subject to urinalysis drug testing upon reinstatement.

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**DEFINITIONS**

- A. Criminal Justice Officer or Certified Employee** - Any employee in the Department of Correction who is employed, appointed, or occupies a position that requires the employee to be certified by the Criminal Justice Education and Training Standards Commission. The term does not include personnel not required to obtain or maintain certification. The terms are interchangeable in this policy.
- B. Applicant** - A person who applies for employment or appointment as a criminal justice officer. Additionally, a certified employee who applies for a certified position under another certification grouping.
- Example: Probation/Parole Officer applies for Correctional Superintendent.*
- C. Drug Test or Drug Testing** - The compulsory production and submission of urine for chemical analysis to detect prohibited drug use.
- D. Reasonable Suspicion** - An articulable belief that an employee used or is using illegal drugs. This belief must be based on specific objective facts and the rational inferences that may be drawn from those facts.
- E. Employee** - Any employee in DOC who occupies a position which requires the employee to become certified.

**PROCEDURES/RULES**

**A. Prohibited Activity**

The following rules shall apply to all applicants, certified and non-certified employees, while on and off duty.

1. No employee shall illegally possess any controlled substance.
2. No employee shall knowingly ingest any controlled substance, unless as prescribed by a licensed physician.

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3. Employees shall notify their immediate supervisor on the **AMedication/Side Effects Report** when required to use medication(s) that they have been informed has the likelihood to make the employee a danger to him/herself or others in performing his/her duties. Where an employee is unsure if a medication has such a likelihood, the employee has a duty to ask questions of his/her supervisor to determine if he/she should report the medication. The employee shall advise the supervisor of the known side effects of such medication as well as the prescribed period of use. This notice shall be provided prior to the employees assumption of duties. Supervisors shall advise employee of any special instructions, document this on the AMedication/Side Effects Report, and maintain this form in a secured file.

**B. Applicant Drug Testing**

1. Applicants applying for certified positions shall be required to submit to a drug test as a condition of employment during the application process (*but not more than sixty (60) days prior to the date of employment*).
2. Applicants shall be disqualified from further consideration for employment under the following circumstances:
  - a. Refusal to submit to a required drug test; or
  - b. A confirmed positive drug test indicating drug use prohibited by this policy.

**C. Reasonable Suspicion Testing**

Criminal Justice Officers will be required to submit to drug testing as a condition of continued employment in order to ascertain prohibited drug use in any case where there exists an individualized "reasonable suspicion" that the officer uses or is using illegal drugs may be based upon the following. Any other reasons are subject to approval of the Secretary.

1. Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug;

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2. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;
3. Information provided either by reliable and credible sources or independently corroborated;
4. Evidence that an employee has tampered with a previous drug test; or
5. Facts or circumstances alleging drug use developed in the course of an authorized investigation of an accident or unsafe working practice.

*NOTE: The Reasonable Suspicion Documentation Form shall be completed immediately.*

**DRUG TESTING PROCEDURES**

- A. Agency will follow testing procedures adopted by the Criminal Justice Education and Training Standards Commission.
  1. Urine specimen collection will be conducted by non-DOC persons trained to collect said specimens.
  2. Specimens will be tested by a laboratory approved by the National Institute for Drug Abuse (N.I.D.A.).
  3. The drugs whose use shall be tested for shall include cannabis, cocaine, phencyclidine (PCP), opiates and amphetamines or their metabolites.
  4. The laboratory will conduct an initial screening test using an immunological testing method. If a positive result is found, the laboratory will immediately perform a second test. Known as a confirmation test, the second screening involves a more accurate gas chromatography/mass spectrometry (GC/MS) testing method.
  5. Positive results on both testing methods will be reported to a non-DOC medical review officer, a licensed physician.

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6. The medical review officer (MRO) may interview the applicant or employee, secure medical histories, shall review medical records made available by the tested person. The MRO may deem the results scientifically insufficient and declare the results negative based on his review.
7. Results will be reported to the unit upon completion.
8. Records of the MRO shall be released to the Agency and, when necessary, to the Criminal Justice Education and Training Standards Commission.
9. All records relative to personnel action shall be maintained in the DOC unit and/or personnel file.

**MANAGEMENT ACTION: APPLICANTS**

**A. Scheduling**

1. Request applicant read and sign the ADrug and/or Alcohol Screening Consent Form.≡
2. The manager or designee shall schedule an appointment with a local specimen collector. The applicant will be advised on the date, time, and place to appear for drug testing. If the applicant fails to appear as scheduled, the manager shall eliminate the applicant from further consideration.
3. A refusal to submit to a drug screening or a positive test result that cannot be explained to the satisfaction of the North Carolina Criminal Justice Education and Training Standards Commission may result in suspension, revocation or denial or certification for the individual involved for a period of not less than five (5) years.
4. A letter from the manager through the Chain-of-Command or the Personnel Director shall explain failures to appear for drug testing or refusals to submit to drug testing. Also, the ADrug Testing Report≡ shall be completed and attached to the letter.

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**B. Positive Results**

In instances when the manager receives notice of a positive drug test, the manager shall notify the applicant that the results were positive. The applicant shall be informed that he/she is therefore disqualified from further consideration for employment. Additionally, the applicant shall be informed that their Personnel Director and the Criminal Justice Education Standards Commission will be notified. **If an applicant is a current non-certified employee, a positive test result will require separation/dismissal of that employee for unacceptable conduct.** The ADrug Testing Report Form<sup>≅</sup> shall be completed and forwarded to the Personnel Director.

**C. Negative Results**

Upon notice that an applicant has tested negatively, the manager may continue processing the applicant for further consideration. The notice of the negative results shall be attached to the paperwork that is normally required to process an applicant for employment consideration.

**MANAGEMENT ACTION: REASONABLE SUSPICION**

When observation or other information leads the manager to believe that drug usage has or is occurring, reasonable suspicion criteria (IV. C. 1-5) shall be followed. The manager shall require the suspected Certified Employee(s) to submit to drug testing.

Normal procedures should be followed thereafter as required by the Department's Disciplinary Policy, keeping in mind that test results do not necessarily have to be the sole factor in a disciplinary matter.

**A. Investigatory Placement**

1. The manager or designee shall articulate the situation through the Chain-of-Command to obtain approval of an investigatory placement. This must also be approved by the Personnel Director.

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2. Upon approval to place the employee on investigatory status, the employee shall be advised in writing that he/she has been placed on investigatory status. As a part of the investigation, the employee shall be required to submit to drug testing. The employee shall be advised to read and sign the ADrug and/or Alcohol Screening Consent Form.≡
  - a. The manager will schedule the drug testing in this situation in the same manner as required for applicants.
  - b. If the employee is on duty, he/she must be escorted to the collector site for drug testing.
  - c. If collector site is not open for business because of off-hours, employees shall be ordered to report to the work site at the beginning of the first work day when the collector site is open for drug testing.
  - d. Appointment for drug testing and escort arranged.

**B. Positive Results**

The manager must notify the Chain-of-Command when and if a positive result is received. Additionally, the Personnel Director is required to provide notice to the Criminal Justice Standard Division. Completion of the ADrug Testing Report Form≡ is required. Test results shall be made a part of any disciplinary package.

Refusal to submit to drug testing or failure to appear for scheduled drug testing shall result in dismissal for unacceptable conduct. The ADrug Testing Report Form≡ shall be completed.

In accordance with the Disciplinary Policy, the employee shall be given the opportunity to explain his/her actions during the Pre-disciplinary conference. The employee's explanation shall be considered before disciplinary action can occur.

The Personnel Director shall report the details to the Criminal Justice Education and Training Standards Commission.

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**C. Negative Results**

The Manager will:

1. Notify the employee of the test results. Notify the chain of command.
2. Return the employee previously placed on investigatory status to work status.
3. Contact the Payroll Office to request that paycheck not be cancelled if a stop order had been previously placed.
4. The investigatory placement shall be documented on the Employee Time Report (DC-113) as AZ≅ time and recorded under Other Pay Status with an explanation in the comments/justification section indicating that the employee had been placed on investigatory status.

**EMPLOYEE RESPONSIBILITY**

Any employee having a reasonable basis to believe that another employee is illegally using, or is in possession of, any controlled substance shall immediately report the facts and circumstances to his supervisor.

**ASSISTANCE**

- A. Requests for assistance with questions or difficult situations should be addressed to the Personnel Director or Personnel Staff through the Chain-of-Command.
- B. Additional on-site training may be arranged as required.

**NOTICE:**

Nothing should be construed in this policy to mean that employees have a "right" to a drug test upon demand. The decision to require an employee to submit to drug testing is a managerial one. Any disciplinary action subsequently deemed appropriate by management is not required to be based wholly or in part upon the test results.

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**ALCOHOL AND DRUG TESTING POLICY**

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**PREFACE**

The Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of employees in transportation who drive commercial motor vehicles (CMV) requiring a Commercial Driver's License (CDL) to operate. The U.S. Department of Transportation expanded coverage to include State governments. Therefore, effective January 1, 1995, the Department of Correction was required to implement an Alcohol and Drug Testing Program consistent with the rules published by the U.S. Department of Transportation (USDOT).

**POLICY**

It is the policy of the Department of Correction to administer a Drug Testing Program for applicants of positions requiring a CDL and for current employees occupying positions requiring a CDL and an Alcohol Testing Program for current employees occupying positions requiring a CDL in accordance with the rules published by the USDOT.

**DEFINITIONS**

1. **Alcohol** - the intoxicating agent in the beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
2. **Alcohol Use** - the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.
3. **CDL** - Commercial Driver's License.
4. **Commercial Motor Vehicle (CMV)** - a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle -
  - a. Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
  - b. Has a gross vehicle weight rating of 26,001 or more pounds; or
  - c. Is designed to transport 16 or more passengers, including the driver; or
  - d. Is of any size and is used in the transportation of hazardous materials requiring placards.

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5. **Confirmation Test** - for alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.
6. **FHWA** - Federal Highway Administration.
7. **Performing a Safety Sensitive Function** - any period in which the driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.
8. **Refusal to submit to an alcohol or controlled substance test** - this occurs when a driver:
  - a. Fails to provide adequate saliva for testing without a valid medical explanation after he/she has received notice of the requirement for testing;
  - b. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he/she has received notice of the requirement for urine testing, or
  - c. Engages in conduct that clearly obstructs the testing process.
9. **Safety-Sensitive Function** - Any of the following functions.
  - a. All time at the employee's duty station waiting to be dispatched, unless the employee has been relieved from duty by the employer.
  - b. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations or otherwise inspecting, servicing, or conditioning any CMV at anytime.
  - c. All time spent at the driving controls of a CMV.
  - d. All time, other than driving time, spent on or in a CMV (*except time spent resting in the sleeper berth*).
  - e. All time loading or unloading a CMV, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.

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- f. All time spent performing the driver requirements associated with an accident.
- g. All time repairing, obtaining assistance, or attending a disabled vehicle.

10. **Screening test** -

- a. In alcohol testing it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his/her system.
- b. In controlled substance testing it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

**CATEGORIES OF SUBJECTS**

1. All **applicants** for employment for positions requiring a CDL shall be subject to **pre-employment mandatory urinalysis drug testing**. This includes:
  - a. All external applicants applying for positions requiring a CDL,
  - b. Current employees of the Department of Correction that do not occupy a position requiring a CDL, but who apply for a transfer, reassignment, or promotion to a position requiring a CDL,
  - c. Current employees of the Department of Correction not occupying assignments requiring a CDL but who are reassigned to an assignment or post requiring a CDL,
  - d. Current employees of the Department of Correction who assume duties or responsibilities that require him/her to possess a CDL,
  - e. Current employees of other state agencies who apply for a position with Department of Correction requiring a CDL, and
  - f. Former Department of Correction employees applying for a position requiring a CDL.
  
2. All **current employees** occupying positions/assignments requiring a CDL shall be subject to:
  - random** alcohol and urinalysis drug testing.
  - reasonable suspicion** alcohol and urinalysis drug testing.
  - post-accident** alcohol and urinalysis drug testing.
  - return-to-duty** and **follow-up** alcohol testing.

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**POSTING OF POLICY AND NOTIFICATION TO SUBJECT EMPLOYEES**

All employees subject to drug and alcohol testing under this policy shall be given a copy of the policy. Management shall be responsible for developing a method whereby the employee acknowledges receipt of the copy of the policy and maintaining a record to the acknowledgements. Furthermore, a copy of this policy shall be posted in a location where employees subject to testing under this policy have easy access.

**PROHIBITED ACTIVITIES**

Consistent with the Department's Drug Testing Policy for Criminal Justice Certified Officers and the Department's Disciplinary Policy and Procedures, the following rules shall apply to all applicants and employees, while on and off duty:

1. No employee shall illegally possess any controlled substance.
2. No employee shall knowingly ingest any controlled substance, unless as prescribed by a licensed physician.
3. No employee shall report to work under the influence of alcohol or controlled substances or partake of such on the job.
4. No employee shall bring controlled substances onto any state owned or leased property or property entered in the course of employment.
5. No employee shall bring intoxicating beverages onto state owned or leased property or onto property entered in the course of employment.

Consistent with the Department's Drug Testing Policy, an employee shall notify his/her supervisor using the AMedication/Side Effects Report<sup>≡</sup> when required to use medication that the employee has been informed has the likelihood to make the employee a danger to him/herself or others in performing his/her duties. The employee shall advise the supervisor of the known side effects of such medication and the prescribed period of use. This notice shall be provided prior to the employees assumption of duties. Supervisors shall advise the employee of any special instructions, document this on the AMedications/Side Effects Form<sup>≡</sup>, and maintain this form in the employee's unit medical file separate and apart from his/her personnel file.

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In addition to the above, in accordance with the Alcohol and Drug Testing Rules published by the FHWA, the following activities are prohibited for drivers of CMV's. No employee subject to the FHWA's Alcohol and Drug Testing Rules shall:

1. Report for duty or remain on duty with an alcohol level of 0.04 or greater.
2. Be on duty or operate a CMV while in possession of alcohol. This includes the medicines containing alcohol (*prescription or over-the-counter*).
3. When required to take a post-accident test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident breath alcohol test, whichever comes first.
4. Refuse to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
5. Report for duty or remain on duty after having used a controlled substance, unless the controlled substance has been prescribed by a licensed physician and that physician has advised the employee in writing that the substance does not adversely affect his/her ability to safely operate a CMV.

**REQUIRED TESTS AND PROCEDURES**

**1. Pre-employment Drug Test**

All applicants applying for positions requiring a CDL shall be required to submit to a urinalysis drug test as a condition of employment during the application process. Prior to submitting to a Pre-employment drug test, the applicant shall read and sign the Drug and/or Alcohol Screening Consent Form.

***NOTE: The USDOT approved form "Federal Drug Testing Custody and Control Form" shall be used if the individual is being employed in a position requiring criminal justice certification and will also perform responsibilities requiring that he/she possess a CDL.***

The individuals subject to pre-employment drug testing under this policy include:

- a. All external applicants applying for positions requiring a CDL,
- b. Current employees of the Department of Correction that do not occupy a position requiring a CDL, but who apply for a transfer, reassignment, or promotion to a position requiring a CDL,

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- c. Current employees of the Department of Correction not occupying assignments requiring a CDL but who are reassigned to an assignment or post requiring a CDL,
- d. Current employees of the Department of Correction who assume duties or responsibilities that require him/her to possess a CDL,
- e. Current employees of other state agencies who apply for a position with Department of Correction requiring a CDL, and
- f. Former Department of Correction employees applying for a position requiring a CDL.

Coordinating the pre-employment drug testing of applicants shall be the responsibility of the employing work unit and shall be conducted during the pre-employment process following a conditional offer of employment. Copies of the test results for new hires shall be attached to the "Commercial Driver's License (CDL) Drop/Add Form" and submitted to the Personnel Office with the employment package.

Pre-employment drug testing of current employees shall be conducted prior to the employee assuming the duties of his/her new position or assignment.

For transfers, reassignments, promotions or any other personnel transaction requiring the processing of personnel forms, copies of the drug test results shall be attached to the "CDL Drop/Add Form" and submitted to the Personnel Office with the personnel transaction package, *i.e.*, *DC-154*.

For those employees being reassigned to another post or assuming duties requiring that he/she possess a CDL, copies of the drug test results shall be attached to the "CDL Drop/Add Form" and submitted to the Personnel Office.

Applicants shall be disqualified from further consideration for employment under the following circumstances:

- a. Refusal to submit to a required drug test; or
- b. A confirmed positive drug test indicating drug use prohibited by this policy.

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All current employees subject to pre-employment drug testing as a result of a promotion, transfer, reassignment change in post assignment, or assumption of duties requiring that the employee possess a CDL shall be required to submit to a urinalysis drug test as a condition of promotion, transfer, reassignment, or change in post assignment. Action taken based on positive results or refusal to submit to the test shall be in accordance with the section regarding Consequences of Engaging in Prohibited Activities.

As part of the employment process, the employing work unit shall be responsible for obtaining from all previous employers of the applicant in the preceding two (2) years, provided the applicant has given his/her written consent, any information concerning the applicant's participation in a controlled substances and alcohol testing program. This includes current employees who through transfer, promotion, position or post reassignment, or change in duties will perform duties requiring that the employee have or obtain a CDL. The request for this information shall be initiated prior to the effective date of the personnel transaction, *i.e., new hire, transfer, promotion, reassignment, assumption of CDL duties, etc.* The information shall be requested and obtained using the "Release of Alcohol and Controlled Substance Test Information" form. In general, the information requested/obtained shall include:

Information the applicant's alcohol test in which a breath alcohol concentration of 0.04 or greater was indicated.

Information on the applicant's controlled substances test in which a positive result was indicated.

Any refusal to submit to a required alcohol or controlled substance test.

The employing manager shall give the applicant/employee the "Release of Alcohol and Controlled Test Information" form and have the applicant/employee review the information to be requested and the consent statement and then sign in the designated space indicating that he/she gives his/her written consent for the Department of Correction to obtain the requested information. This form shall be given to the applicant/employee after the conditional offer of employment has been extended and accepted by the applicant but prior to the applicant beginning work, or prior to the current employee assuming CDL duties as a result of transfer, reassignment, promotion. If the current employee will be assuming CDL duties due to a post reassignment or change in his/her key responsibilities, and therefore, a conditional offer of employment is not necessary, then the employee shall be given the form at a time determined by management, but prior to the employee assuming the CDL duties.

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If the applicant refuses to sign the form, then the conditional offer of employment shall be withdrawn and the applicant shall be removed from further consideration for employment. If the current employee refuses to sign the form, then the conditional offer of employment shall be withdrawn, if applicable, and the employee shall remain in his/her current position or post assignment.

**NOTE:** *If the applicant is also a current employee of the Department of Correction and has been employed with the Department of Correction for two (2) years or more, it is not necessary to obtain information from previous employers during the preceding two (2) years.*

After obtaining the applicant's/employee's signature on the form giving the Department of Correction consent to obtain the requested information, the employing manager shall send a copy of the form by certified mail, return receipt requested, to each of the applicant's/ employee's previous employers in the past two (2) years.

A copy of the form shall be submitted to the Personnel Office with the employment package (*i.e., DC154, CDL Drop/Add Form, and other attachments*) for new hires, the personnel transaction package (*i.e., DC154, CDL Drop/Add Form, and other attachments*) for promotions, transfers, and reassignments, and the "CDL Drop/Add Form" for those employees who are assuming CDL responsibilities through post reassignment.

**NOTE:** *Failure to include a copy of the "Release of Alcohol and Controlled Test Information Form" with the employment package, personnel transaction package, or CDL Drop/Add Form shall delay the processing of the package until a copy is received in the Personnel Office.*

The applicant/employee may begin work or assume the CDL duties prior to the return of the completed "Release of Alcohol and Controlled Test Information" form(s). However, information received may impact the employee's continued employment or at least his/her continued performance of CDL responsibilities.

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Upon receipt of the requested information, the employing manager shall review the information. If the information obtained indicates that the driver has tested positive for controlled substances, tested at or above 0.04 breath alcohol concentration, or refused to test and there is no evidence that the applicant/employee was evaluated by a substance abuse professional, completed any required counseling, passed a return-to-duty test, and was subject to follow-up testing, the employing manager may not use the applicant/employee for CDL responsibilities. The employee may be reassigned to another post, if possible, or the employee may be subject to dismissal in accordance with the Disciplinary Policy and Procedures.

2. **Random Testing**

A list of randomly selected employees with the appropriate identifying information to be tested for alcohol and controlled substances in accordance with guidelines listed below shall be provided by the Personnel Office to the appropriate manager(s), *i.e.*, *Superintendent, Section Chief, or other designated personnel*, on a monthly basis. This notification shall be by telephone to ensure confidentiality. Due to the random selection process, managers may or may not receive a list of employees subject to testing every month.

**NOTE:** *Generally, more than the required minimum percentage of the total pool of individuals subject to testing shall be selected and included on the lists provided. This will ensure that the agency meets the required minimum percentage in cases where an employee may not be available for testing.*

Distribution of the lists of employees randomly selected shall be handled confidentially to ensure that no identifying information, *i.e.*, *name, social security number, position number, location number, etc.*, is divulged to individuals other than those managers and designees with a "need to know."

Prior to submitting to a Random drug and/or alcohol drug test, the applicant shall read and sign the ADrug and/or Alcohol Screening Consent Form.≡

a. **Random Alcohol Testing**

- (1) Random alcohol testing shall be administered at a minimum annual rate of 25 percent of the average number of positions requiring a CDL.

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- (2) Random alcohol testing shall be conducted on a monthly basis.
- (3) Employees randomly selected to submit to an alcohol test shall receive no prior advance notification. Such employees shall proceed immediately to the testing site upon notification of selection.
- (4) In the event the employee randomly selected for alcohol testing is unavailable the manager may wait until the employee returns to work to administer the test, provided the employee is expected to return within ten (10) calendar days. If it is anticipated that the employee will not return within ten (10) calendar days, then the Personnel Office shall be notified that the employee was unavailable for testing.

**b. Random Drug Testing**

- (1) Random drug testing shall be administered at a minimum annual rate of 50 percent of the average number of positions requiring a CDL.
- (2) Random drug testing shall be conducted on a monthly basis.
- (3) Employees randomly selected to submit to a urinalysis drug test shall be given no prior advance notification. Such employees shall proceed immediately to the testing site upon notification of selection.
- (4) In the event the employee selected for drug testing is unavailable the manager may wait until the employee returns to administer the test, provided the employee is expected to return within ten (10) calendar days. If it is anticipated that the employee will not return within ten (10) calendar days, then the Personnel Office shall be notified that the employee was unavailable for testing.

**3. Reasonable Suspicion Testing**

Covered employees shall be required to submit to an alcohol or urinalysis drug test when the supervisor has **reasonable suspicion** to believe the employee has engaged in activities prohibited by this policy and the FHWA guidelines. Prior to submitting to a Reasonable Suspicion drug and/or alcohol drug test, the applicant shall read and sign the ADrug and/or Alcohol Screening Consent Form.≡ The determination to test for reasonable suspicion shall be based on:

- a. The manager or supervisor's specific, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

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- b. Alcohol testing shall be authorized only if the observations are made during, just before, or just after the period of the work day the employee is required to be in compliance, *i.e., driving*. For example, if the employee was seen at a party Saturday night and was displaying behavior consistent with alcohol use, but was not expected to report for work until Tuesday, such observations would not be sufficient to authorize a reasonable suspicion alcohol test.

**NOTE:** *For those employees also subject to the Department's Drug Testing Policy for criminal justice certified positions, the factors for a determination of reasonable suspicion drug testing as listed in that policy shall apply in addition to the factors listed in this policy. For example, a certified employee arrested for possession of marijuana may not be subjected to reasonable suspicion drug testing under this policy, but may be subject to reasonable suspicion drug testing under the Drug Testing Policy for criminal justice certified employees.*

- c. **A reasonable suspicion test shall be conducted only after receiving authorization from the Personnel Director or his/her designee.**
- d. A reasonable suspicion alcohol test shall be administered within at least eight (8) hours following the observations and preferably within two (2) hours following the observations. If the alcohol test is not administered within two (2) hours following the observations, the manager or supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not administered promptly.
- e. There is no mandatory time frame for administering a reasonable suspicion urinalysis drug test; however, it is recommended that such a test be administered within at least thirty-two (32) hours following the observation(s) that brought about the request for a reasonable suspicion drug test.
- f. The manager or supervisor making the observation and the decision to request a reasonable suspicion test shall have received the mandatory training for detection of potential alcohol or controlled substances use.
- g. The manager or supervisor making the observation and requesting authorization to conduct a reasonable suspicion alcohol test shall not administer the test.

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- h. A written record shall be made of the observations leading to an alcohol and/or controlled substances test, and signed by the supervisor or manager who made the observations.

4. **Post-Accident Testing**

Covered employees involved in a car accident while driving the vehicle shall be tested for alcohol and controlled substances when:

A life was lost, **or**

If operating a motor vehicle, the driver was cited for a moving traffic violation **and**:

Any individual involved in the accident was transported for medical treatment, **or**  
A vehicle involved was disabled and removed from the scene by other than its own power.

As soon as practical following the accident, the employee to be tested shall submit to the alcohol test and proceed to the specimen collection site for the controlled substance test. Prior to submitting to a Post Accident drug and/or alcohol drug test, the applicant shall read and sign the ADrug and/or Alcohol Screening Consent Form.

a. **Post-accident Alcohol Testing**

- (1) Post-accident alcohol testing shall be done within two (2) hours of the accident.
- (2) If the employee has not been tested within the two (2) hour timeframe, the supervisor shall prepare and maintain on file a record stating the reason the test was not promptly administered within two (2) hours.
- (3) If the alcohol test has not been accomplished within eight (8) hours of the accident, efforts to administer the alcohol test shall be ceased and the supervisor shall prepare and maintain a record stating the reason the test was not promptly administered.
- (4) An employee subject to post-accident alcohol testing shall refrain from consuming alcohol for eight (8) hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

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**b. Post-accident Drug Testing**

- (1) Post-accident urinalysis drug testing shall be done within thirty-two (32) hours following the accident.
- (2) If the employee has not submitted to a urinalysis drug test within the required time frame, attempts to administer the test shall be ceased and the supervisor shall prepare and maintain a record stating the reason the test was not promptly administered.

***NOTE:*** *Employees are required to submit to post-accident testing. An employee subject to post-accident testing must remain available, otherwise he/she may be considered to have refused to submit to testing. If an employee refuses to be tested or avoids meeting the time requirements identified, he/she will be subject to the consequences of a positive test result.*

***NOTE:*** *None of the previously stated requirements should be construed as to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.*

**5. Return-To-Duty Alcohol Testing**

Employees covered under this policy shall be subject to a return-to-duty alcohol test prior to returning to work after having been removed from the work site due to engaging in prohibited activities. The test results must indicate an alcohol level of less than 0.02 in order for the employee to return to work.

Any time a covered employee is subject to one of the tests required by this policy and the FHWA guidelines, *i.e., random, post-accident, etc.*, and the results of the alcohol test indicate an alcohol level of 0.04 or greater, the employee shall be subject to a return-to-duty alcohol test prior to returning to work.

**6. Follow-Up Alcohol Testing**

Covered employees shall be subject to unannounced follow-up alcohol tests upon the recommendations of the EAP counselor, but no less than six (6) tests during the first twelve (12) months. Thus, such tests shall only be required when an employee has been referred to the EAP as a result of engaging in prohibited activities.

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**NOTE:** *Positive drug test results shall generally result in dismissal in accordance with the Department's Disciplinary Policy and Procedures; therefore, return-to-duty drug testing and follow-up drug testing shall not be necessary.*

**CONSEQUENCES OF ENGAGING IN PROHIBITED ACTIVITIES**

**1. Alcohol**

- a. Alcohol test results indicating an alcohol level of 0.04 or greater but less than 0.08 shall result in:
- (1) removal from work status
  - (2) A minimum of a written warning for unacceptable personal conduct and may result in dismissal depending on the facts, employee's conduct, performance history, etc.
  - (3) a management directed referral to the Employee Assistance Program
  - (4) At least six (6) unannounced follow-up tests during the first year after returning to duty as recommended by the EAP counselor if dismissal is not being recommended.

The employee shall be unable to return to duty until he/she submits to a return-to-duty alcohol test with test results indicating an alcohol level of less than 0.02 and the employee has complied with the EAP's recommendations.

- b. An alcohol test result of 0.08 or greater shall result in dismissal in accordance with the Department's Disciplinary Policy and Procedures. The employee shall be placed on investigation status. For further details regarding the disciplinary process, refer to the Department's Disciplinary Policy and Procedures in Section One of this manual.
- c. Alcohol test results indicating an alcohol level of 0.02 or greater but less than 0.04 shall result in:
- (1) removal from work status for twenty-four (24) hours, unless a return-to-duty breath alcohol test is conducted with a test result indicating an alcohol level of less than 0.02 prior to the twenty-four (24) hour period expiring, and,

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- (2) may result in discipline suitable to the circumstances of the particular case.
- d. A refusal to submit to an alcohol test shall at a minimum result in the same consequences of an alcohol level of 0.04 and may result in more severe disciplinary action up to and including dismissal for unacceptable personal conduct.
- e. When an employee has been removed from work status due to an alcohol level of 0.02 or greater but less than 0.08, the employee shall use vacation leave. If the employee has insufficient vacation leave credits, the employee may be docked for the balance of time not covered by vacation leave.

**2. Controlled Substances**

- a. Employees testing positive for a controlled substance shall be subject to dismissal for unacceptable personal conduct consistent with the Department's Disciplinary Policy and Procedures.

***NOTE: All positive drug test results shall be reported to the Personnel Office. This includes refusals to submit to a drug test. Additional action may be necessary, i.e., notification of the Criminal Justice Standards Division, etc.***

***NOTE: Employees testing positive for a controlled substance shall be placed on investigation status. For further details regarding the disciplinary process, refer to the Department's Disciplinary Policy and Procedures in Section One of this manual.***

- b. Employees testing positive for a controlled substance shall be referred to the State Employee Assistance Program. Since the employee shall be subject to dismissal, the referral shall generally be for an initial assessment and further referral only.
- c. A refusal to submit to a drug test shall result in the same consequences as a positive drug test result.

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**PROCEDURES FOR THE ADMINISTRATION OF REQUIRED TESTS and  
MAINTENANCE OF TEST RESULTS IN THE DATA BASE**

All required tests shall be conducted in accordance with the following guidelines.

1. **Alcohol**

- a. Alcohol testing shall be conducted by individuals employed with the Department of Correction who have received training and certification in the administration of the alcohol test.
- b. The designated individual at the work location certified to conduct alcohol tests and the employee being tested shall be the only individuals present during the administration of the alcohol test.
- c. Upon completion of the screening test and confirmation of the results, further action shall depend on the test results and shall be in accordance with the guidelines in this policy.
- d. Negative alcohol test results (*less than 0.02*) shall be attached to the "CDL Drug and Alcohol Test Results Cover Sheet" and forwarded to the Personnel Office for data collection and will be filed in the employee's medical file. No further action shall be required.
- e. If the alcohol test results for the screening test indicate an alcohol level of 0.02 or greater, a second confirmation test will be necessary. The confirmation test shall be administered by a Blood Alcohol Technician (BAT) using an evidential breath testing (EBT) device that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. The employee shall be escorted to the testing site by the person who administered the screening test or, if not possible, another management designated representative. Under no circumstances shall an employee be permitted to drive him/herself to the testing site. The confirmation test results shall determine any further actions to be taken and shall be in accordance with the guidelines in this policy.

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- f. If the confirmation test results are negative (*less than 0.02*) then the screening alcohol test results and the confirmation test results shall be attached to the "CDL Drug and Alcohol Test Results Cover Sheet" and forwarded to the Personnel Office for data collection and will be filed in the employee's medical file. No further action shall be required.
- g. If the confirmation test results are positive (*0.02 or greater*) then further action taken shall be in accordance with the requirements of the section of this policy entitled "Consequences of Engaging in Prohibited Activities." The manager shall maintain a copy of the alcohol test results (*screening and confirmation*) to use to support the action taken against the employee and shall attach the original screening and confirmation alcohol test results to the "CDL Drug and Alcohol Test Results Cover Sheet" and forwarded to the Personnel Office for data collection.

2. **Controlled Substance**

Tests for controlled substances shall be conducted by individuals employed with the company on contract with the Department of Correction. Pre-employment drug testing shall be accomplished through existing procedures. All other drug testing required by this policy shall be accomplished as follows:

- a. Any employee required to submit to a drug test shall be escorted to the testing site by the manager or his/her designee (*i.e., another authorized manager or the supervisor*) for purposes of collecting a specimen;

**NOTE:** *The USDOT approved form "Federal Drug Testing Custody and Control Form" shall be used if the individual is being employed in a position requiring criminal justice certification and will also perform responsibilities requiring that he/she possess a CDL.*

- b. Action taken following collection of a specimen shall depend on the reason for the test and other circumstances that may be unique to the situation.
  - (1) random - the employee may return to his/her regular duties;

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- (2) reasonable suspicion - the employee shall generally have been placed on investigation status to have received approval to order a reasonable suspicion drug test and therefore, the employee shall not return to work;
  - (3) post-accident - the employee may or may not be able to return to work; individual circumstances unique to the situation shall be considered;
- c. Upon receipt of the confirmed test results, further action shall depend on the test results (*i.e., positive vs. negative*) and shall be in accordance with the guidelines in this policy. Specifically, a positive drug test result shall result in dismissal in accordance with the Department's Disciplinary Policy and Procedures.
- d. A refusal to submit to a drug test shall be treated the same as a positive drug test result.
- e. Negative drug test results shall be attached to the "CDL Drug and Alcohol Test Results Cover Sheet" and forwarded to the Personnel Office for data collection and will be filed in the employee's medical file. No further action shall be required.
- f. If the drug test results are positive, then further action taken shall be in accordance with The requirements of the section of this policy entitled "Consequences of Engaging in Prohibited Activities." The manager shall maintain a copy of the drug test results to use to support the action taken against the employee and shall attach the original test results to the "CDL Drug and Alcohol Test Results Cover Sheet" and forwarded to the Personnel Office for data collection.

**PROCEDURES FOR MAINTAINING ROSTER OF SUBJECT EMPLOYEES**

A record of all individuals subject to the drug and alcohol testing mandated by the FHA shall be maintained in a centralized database managed by the Department of Correction Personnel Office. All new hires employed in a position requiring a CDL and all current employees who through promotion, demotion, transfer, reassignment, or assumption of duties requiring a CDL shall be included in the database. The following procedures control the addition and removal of individual from this database.

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**To Add an individual to the CDL Database:**

1. Before CDL duties can be authorized, the individual shall submit to a drug test using the federal CDL form labeled "Federal Drug Testing Custody and Control Form."
2. For initial drug testing, it shall be indicated on the form that the reason for the drug test is "Pre-Employment."

**NOTE:** *The "Federal Drug Testing Custody and Control Form" is designed specifically and exclusively for CDL drug testing and therefore, shall not be used for non-CDL drug tests. Furthermore, any previous non-CDL drug tests do not and will not fulfill the Federal drug testing requirement.*

3. When adding individuals to the database, the "CDL Drop/Add Form" shall be completed and submitted to the Personnel Office with the drug test results attached.
  - a. If the individual is a new hire, this form and the results shall be submitted with the new hire employment package.
  - b. If the individual is a current employee being transferred, promoted, demoted, reassigned, etc. where a personnel transaction package shall be submitted to the Personnel Office, *i.e.*, DC-154, the form and drug test results shall be submitted with the personnel transaction package, *i.e.*, DC-154.
  - c. If the individual is a current employee who is subject to testing as a result of a change in assignment or post or is assuming duties requiring the possession of a CDL, the "CDL Drop/ Add Form" and drug test results shall be submitted to the Personnel Office. No other paperwork is required in this case.

**To Drop an individual from the CDL Database**, the separating unit shall be responsible for completing the "CDL Drop/Add Form" and submitting it to the Personnel Office when any one of the following occurs:

1. An employee permanently separates from the Department of Correction (*submit the CDL Drop/Add Form with the separation package, i.e., DC-154S, employee time reports, etc.*)

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2. An employee transfers to another work location in the Department of Correction and will not continue performing duties requiring a CDL,
3. An employee transfers from the Department of Correction to another state agency (*submit the CDL Drop/Add Form with the separation package, i.e., DC-154S, employee time reports, etc.*)
4. An employee's CDL duties are terminated, *i.e., reassignment within the work unit, promoted to a position not requiring CDL duties, etc.*

**NOTE:** *When an employee performing CDL duties transfers from one unit to another unit, maintains his/her CDL duties, and has previously submitted to a CDL Federal drug test, no pre-employment drug test shall be required; however, it shall remain the separating unit's responsibility to complete the Drop/Add form to remove the employee from their facility's list and the receiving unit shall be responsible for submitting the Drop/Add form to add the employee to their facility's list.*

**NOTE:** *Other informational changes to data contained in the CDL database may be necessary, i.e., name changes, etc. If such a change not already addressed on the CDL Drop/Add Form is needed, please contact the Personnel Office, Pre-Employment Section for guidance.*

**TRAINING FOR SUPERVISORS**

Training shall be required for all employees responsible for determining whether employees should undergo testing for reasonable suspicion. Training shall consist of:

1. At least one (1) hour on alcohol misuse.
2. At least one (1) hour on controlled substance use.

The required training shall be coordinated and facilitated by the Personnel Office and provided by the State Employee Assistance Program.

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**AREAS OF RESPONSIBILITY**

**Personnel Office**

1. The Personnel Office shall be responsible for developing and maintaining the Department policy and procedures governing Drug and Alcohol Testing.
2. The Personnel Office shall be responsible for authorizing all reasonable suspicion drug and alcohol tests.
3. The Personnel Office shall be responsible for coordinating and facilitating supervisory training as required by this policy and the FHWA guidelines.
4. The Personnel Office shall be responsible for maintaining the records database of applicant and employee test results.
5. The Personnel Office shall be responsible for disseminating the lists of the randomly selected individuals to the appropriate managers for action.
6. The Personnel Office shall be responsible for obtaining/providing records/reports as requested/required by the Federal Highway Administration.

**State Employee Assistance Program**

1. The State Employee Assistance Program shall be responsible for developing and conducting supervisory training in consultation with the Personnel Office as required by this policy and the FHWA guidelines.
2. The State Employee Assistance Program shall be the designated Substance Abuse Professional to which employees engaging in prohibited activities shall be referred where required by this policy and the FHWA guidelines.

**Division Management**

1. Division management shall be responsible for ensuring that the requirements of this policy and the FHWA guidelines are followed.
2. Division management shall be responsible for providing identifying information to the Personnel Office of all current and future subject employees. This includes notification when a current employee either becomes subject or is no longer subject due to reassignment of job duties.
3. Division management shall be responsible for ensuring that subject employees are informed of this policy, activities prohibited by the policy and the FHWA guidelines, and the consequences of violating this policy and/or engaging in prohibited activities.

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4. Division management shall be responsible for identifying all supervisors, current and future, required to undergo training as required by this policy and the FHWA guidelines.
5. Division management shall be responsible for developing a records maintenance system to ensure availability of records upon request from the FHWA.

**Employees**

Subject employees shall be responsible for refraining from engaging in activities prohibited by this policy and the FHWA guidelines or suffer the consequences as required by this policy and the FHWA guidelines.

**RETENTION OF RECORDS**

All records associated with the required drug and alcohol testing are considered confidential and shall be maintained in a secure location with controlled access.

The FHWA has the authority to review and inspect records relevant to the required drug and alcohol testing. Upon request, the agency is compelled to make records available for inspection at the employer's principle place of business within two (2) business days after a request has been made by an authorized representative of the FHWA. Therefore, all records associated with any of the tests required by this policy and the FHWA guidelines shall be maintained in a manner to ensure that, upon request, such records may be easily retrieved within one (1) business day.

Except as required by law, the Department shall not release employee information contained in any records associated with drug and alcohol testing required by the policy and the FHWA guidelines. Records/reports shall be provided to the FHWA as requested and required by the FHWA's guidelines.

**RELEASE OF ALCOHOL AND CONTROLLED SUBSTANCE TEST INFORMATION**

The Department of Correction is required by FHA regulations to release upon request, provided the requesting employer has furnished a written consent for release from the employee, information regarding the employee's participation in a controlled substance and alcohol testing program. In general, the information requested/obtained shall include:

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1. Information the applicant's alcohol test in which a breath alcohol concentration of 0.04 or greater as indicated.
2. Information on the applicant's controlled substances test in which a positive result was indicated.
3. Any refusal to submit to a required alcohol or controlled substance test.

The Department is only required to release information concerning an employee's participation in the drug and alcohol testing mandated by this policy. If the employee did not perform safety-sensitive duties requiring that he/she obtain/maintain a CDL for the Department of Correction, then any information regarding drug testing shall not be released.

A copy of the request for the release of the above-listed information shall be maintained and forwarded to the Personnel Office for inclusion in the former employee's medical file.

**DISCIPLINARY ACTION**

Managers, supervisors, and subject employees are required to abide by this policy and procedures contained herein. Willful violation of this policy and/or the procedures shall result in discipline consistent with the Department's Disciplinary Policy and Procedures.

Employees engaging in activities prohibited by this policy and the FHWA guidelines shall be subject to discipline in accordance with the Department's Disciplinary Policy and Procedures.

**N.C. DEPARTMENT OF CORRECTION  
DRUG and/or ALCOHOL SCREENING CONSENT FORM**

**Rev (06/06)**

**INSTRUCTIONS:**

**Refer to “Instructions for Drug &/or Alcohol Screening Consent Form.”**

This form is to be used for drug screening mandated under Criminal Justice Regulations, for drug and alcohol screening under the FHA Drug and Alcohol Testing Program, and for all other reasonable suspicion drug and alcohol testing. Please complete this form indicating whether the person being tested is an applicant, external to the Department of Correction, or a current DOC employee. Indicate which test the applicant/employee is submitting to and the reason for the test. The applicant/employee shall read the applicable statement on the reverse side of this form and sign in the space provided.

**To Be Completed by Work Unit Representative:**

Person to be Tested (*Check One*):                     Applicant                     Employee

Type of Test (*Check One or Both*):             Drug                     Alcohol

Reason for Test (*Check only ONE block*):

**Criminal Justice**  
(*Drug Test Only*)

Pre-Employment  
 Reasonable  
Suspicion

*Use Chain of Custody  
Form (non Federal)*

**CDL Requirement**  
(*Drug &/or Alcohol*)

Pre-Employment  
(*Pre-CDL Assignment - Drug Only*)  
 Random (*Drug &/or Alcohol*)  
 Reasonable Suspicion  
(*Drug &/or Alcohol*)  
 Post Accident (*Drug & Alcohol*)  
 Return to Duty (*Alcohol Only*)  
 Follow-Up (*Alcohol Only*)

*Use the Federal Drug Testing Form  
for drug testing.*

**Other Employees**  
(*Drug &/or Alcohol*)

Reasonable  
Suspicion

*Use Chain of Custody  
Form (non Federal)*

**NOTE:**

If an individual is submitting to a drug test as a result of a new appointment, transfer, reassignment, promotion to a certified position AND as a result of newly acquired CDL duties, only one drug test shall be conducted. This drug test MUST be conducted on the Federal Drug Testing Form. Check the block under “CDL Requirement” labeled “Pre-Employment (Pre-CDL Assignment).” This is the ONLY block that should be checked for “Reason for Test.” Applicants shall be given no more than 24 hours advance notice of the exact testing date and time. If more than 24 hours elapses, then it may be considered a refusal to submit to a drug test.

**N.C. DEPARTMENT OF CORRECTION  
DRUG and/or ALCOHOL SCREENING CONSENT FORM Rev. (06/06) Side Two**

To Be Completed by Test Candidate & Witness:

**Drug Screening Statement:**

I, \_\_\_\_\_, understand that as part of the process as indicated above I must submit to a urinalysis drug screening.

I do hereby voluntarily consent to the sampling and submission for testing of my urine for the purpose of screening for the presence of illegal drugs. I understand that a negative result from drug screening is a condition of employment. I understand that I will be given no more than 24 hours advance notice of the exact testing date and time and that failure to keep the appointment may be considered a refusal to submit to a drug test. I also understand that refusal to supply the necessary samples in a reasonable and timely manner or producing a positively confirmed test result for the presence of illegal drugs may result in my being denied certification as a criminal justice officer and, if a current employee, shall result in my dismissal from employment with the Department of Correction. I also understand that in the case of a positive result and/or a refusal to submit to the drug test, if I am a certified criminal justice officer, my name will be forwarded to the North Carolina Criminal Justice Standards Division, which serves as the central agency for documentation of such results. My signature below authorizes the release of a certified true copy of my drug test results to the Department of Correction and the Criminal Justice Standards Division. I understand that a confirmed positive test result indicating the presence of illegal drugs and/or a refusal to submit to the drug test may bar me from securing criminal justice employment as a criminal justice officer for a period of at least three (3) years.

**Alcohol Screening Statement:**

I, \_\_\_\_\_, understand that as part of the process as indicated above I must submit to an alcohol screening.

I do hereby voluntarily consent to the submission of a saliva alcohol test for the purpose of screening for the presence of alcohol in my system. I understand that an alcohol test result of less than 0.02 is a condition of my continued employment and that an alcohol test result of 0.02 or greater may result in disciplinary action up to and including dismissal. I also understand that refusal to supply the necessary samples in a reasonable and timely manner may result in disciplinary action up to and including dismissal.

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Name of Test Candidate (print)	Signature of Test Candidate	Date
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Name of Witness (print)	Signature of Witness	Date
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Test Candidate refused to sign consent form (Check, if applicable): \_\_\_\_\_



**N.C. DEPARTMENT OF CORRECTION  
CRIMINAL JUSTICE DRUG TESTING REPORT FORM**

**Rev. (04/09)**

for Positive Drug Test Results &/or Drug Test Refusals

All positive drug test results and/or drug test refusals of both applicants and employees of certified positions MUST be reported to the Criminal Justice Standards Division by DOC Personnel. Please complete this form and attach appropriate paperwork (*i.e. positive drug test results, memos to applicants, other relevant information*) and submit to DOC Personnel.

**Testees Name:** \_\_\_\_\_

**Last 4 digits of Social Security Number:** \_\_\_\_\_

**BEACON Number (if current employee):** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_

**Testees Home Address:** \_\_\_\_\_

**Unit Name:** \_\_\_\_\_ **Unit#:** \_\_\_\_\_

Check ONE of the following:

\_\_\_ Drug test administered to applicant (*external to Department of Correction*).

\_\_\_ Drug test administered to current DOC employee.

**Date Test Administered:** \_\_\_\_\_

**OR**

**Date of Refusal to Submit to Test:** \_\_\_\_\_

**Witness(es) of Refusal:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Supervisor**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**HR Director**

\_\_\_\_\_  
**Date**

**North Carolina Department of Correction (DOC)  
Release of (CDL) Alcohol & Drug Test Information**

**Rev. (12/05)**

**TO:** \_\_\_\_\_  
(Previous Employer'/Company Name) (Previous Employer's Phone #)  
\_\_\_\_\_  
(Previous Employer/Company Address) (Previous Employer's Fax #)

**FROM:** \_\_\_\_\_  
(Print Name of Requesting Official) (Unit's Phone #)  
\_\_\_\_\_  
(Unit's Address) (Unit's Fax #)

**DATE** (mailed or faxed): \_\_\_\_\_

The Federal Highway Administration (FHA) regulations governing drug & alcohol testing of employee's performing safety sensitive duties requires that an employer obtain from any former employer during the preceding 2 years, with the employee's written consent, information concerning the employee's participation in a drug & alcohol testing program. Failure to furnish such information is considered a violation of USDOT regulations & may result in a fine and/or civil liability. The below listed person has been/will be employed with DOC & will have duties requiring a Commercial Drivers License (CDL). This person listed your place of employment as a former employer during the preceding 2 years. In accordance with the above-described FHA regulations, we are requesting information concerning this person's participation in a drug & alcohol testing program. Please note the following:

Applicant's Name: \_\_\_\_\_ Last 4 digits of SSN: \_\_\_\_\_

Employing Work Unit: \_\_\_\_\_ Location #: \_\_\_\_\_

The above-listed person has given written consent to the DOC to obtain information concerning participation in a drug & alcohol testing program by signing the statement below. Your response to the questions on the opposite side of this form will be appreciated. This information is confidential and will be maintained as such. Thank you for responding to this request. Please return to the requesting unit (If faxing, please be sure to fax both sides).

**Applicant Consent Statement (Completed by Applicant)**

I am being employed by the DOC and will be performing safety-sensitive duties requiring CDL. In accordance with FHA Regulations governing drug & alcohol testing of employees performing safety sensitive duties, I hereby give my consent for representatives of the NCDOC to obtain information from my previous employers during the preceding 2 years concerning my participation in a drug & alcohol testing program.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**North Carolina Department of Correction (DOC)  
Release of (CDL) Alcohol & Drug Test Information**

**(revised 12/05) (continued)**

Did the person named on the opposite side of this form perform safety-sensitive duties requiring that he/she obtain and maintain a Commercial Drivers License while employed with your company? Yes \_\_\_\_\_ No \_\_\_\_\_

If no, then no further information is necessary. Thank you for your time.

If yes, then please respond to the following questions by circling the correct answer.

**Controlled Substances Testing**

Was this person subject to testing for controlled substances while employed with you? Yes No

If so, did this person submit to a controlled substance test? Yes No

If yes, were the results positive? Yes No

If yes, was the person evaluated by a substance abuse professional? Yes No

If yes, did the person complete any required counseling? Yes No

Was this person subject to return-to-duty testing? Yes No

If so, did he/she pass the return-to-duty test? Yes No

Was this person subject to follow-up testing? Yes No If so, how many? \_\_\_\_\_

Were all follow-up tests conducted? Yes No

If not, how many remained at the time he/she separated from your employ? \_\_\_\_\_

If this person was subject to testing for controlled substances while employed with you, did he/she ever refuse to submit to a controlled substance test? Yes No

**Alcohol Testing**

Was this person subject to testing for alcohol while employed with you? Yes No

If so, did this person submit to a breath alcohol test? Yes No

If yes, did the results indicate a breath alcohol concentration of 0.04 or greater? Yes No

If yes, was the person evaluated by a substance abuse professional? Yes No

If yes, did the person complete any required counseling? Yes No

Was this person subject to return-to-duty testing? Yes No

If so, did he/she pass the return-to-duty test? Yes No

Was this person subject to follow-up testing? Yes No If so, how many? \_\_\_\_\_

Were all follow-up tests conducted? Yes No

If not, how many remained at the time he/she separated from your employ? \_\_\_\_\_

If this person was subject to testing for alcohol while employed with you, did he/she ever refuse to submit to a breath alcohol test? Yes No

This form completed by: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please return this form to the requesting unit (If faxing, please be sure to fax both sides).

**N.C. DEPARTMENT OF CORRECTION**

**CDL DROP/ADD FORM (CDL DRUG &ALCOHOL TESTING)**

**Rev. (02/09)**

This form is to be used when adding or dropping an individual from the CDL Drug & Alcohol Testing Database. Complete the section below indicating the reason and submit to the Personnel Office with appropriate attachments. For reasons not listed, "X" OTHER and explain.

**To ADD:** An employee/applicant must be added to the CDL Database whenever his/her CDL is going to be used by DOC. The "Drop/Add" form may be submitted in a New Hire or Transfer package, or alone when an employee assumes CDL duties. Before CDL duties can be authorized, the employee must read and sign the "Drug/Alcohol Screening Consent Form" indicating that the reason for testing is "CDL Requirement" and "Pre-Employment (Pre-CDL Assignment)." They must then submit to a drug test using the Federal CDL drug testing form labeled "Federal Drug Testing Custody & Control Form" and indicate the reason for testing as "Pre-Employment." Since the federal form is designed specifically for CDL drug testing, any previous non-CDL drug tests do not and will not fulfill the federal drug testing requirement. Therefore, drug test results must be attached to this form when an applicant/employee is added to the database due to:

1. Applicant is hired for CDL duties (Please include in New Hire Package)
2. Employee acquires CDL duties

When a CDL employee transfers from one unit to another unit, maintains his/her CDL duties AND is currently in the database, no new drug test is needed.

**To DROP:** When a CDL employee permanently separates, transfers within DOC, transfers to another state agency, or CDL duties are terminated this form must be completed to drop the CDL employee from the database. The "Drop/Add" form can be submitted in a permanent separation package or submitted alone when an employee transfers within DOC or when CDL duties have been terminated. When a CDL employee transfers to another unit and maintains CDL duties, it is the separating unit's responsibility to submit this form to drop the employee from their facility and the receiving unit's responsibility to submit this form to add the employee to their facility.

\_\_\_ **ADD (CDL) due to:**

**OR**

\_\_\_ **DROP (CDL) due to:**

\_\_\_ CDL New Hire\*

\_\_\_ Permanent Separation

\_\_\_ Newly Acquired CDL Duties\*

\_\_\_ CDL Duties Terminated

\* (Attach Drug Test Results & Consent Form)

\_\_\_ Transferred to \_\_\_\_\_

\_\_\_ CDL Transfer w/ Continued CDL duties

\_\_\_ OTHER (Explain)

\_\_\_ OTHER (Attach explanation & Drug Test Results

& Consent Form, if applicable)

Applicant/Employee Name: \_\_\_\_\_ BEACON ID #: \_\_\_\_\_

Position Title: \_\_\_\_\_ Last 4 digits of SSN: \_\_\_\_\_

SAP Position #: \_\_\_\_\_ Location: \_\_\_\_\_ Unit #: \_\_\_\_\_

Effective Date: \_\_\_\_\_

(For CDL To be Added / Separated)

(Unit Approving Authority & Date)

NOTE: Attach the "Drug/Alcohol Screening Consent Form," the Blue Copy of the "Federal Drug Testing Form," the drug test results, and "Release of (CDL) Alcohol & Controlled Substances Test Information" Form, if applicable, and submit to DOC Personnel.

**N.C. DEPARTMENT OF CORRECTION  
REASONABLE SUSPICION DOCUMENTATION FORM**

**Rev (02/09)**

**Instructions:** A written record shall be made of the observations or other criteria leading to a request for a reasonable suspicion alcohol and/or drug test of an employee. This form shall be completed and signed by the manager or supervisor making the observations.

**Indicate the Type and Reason for the Test (*Check those that apply*):**

- Criminal Justice Reasonable Suspicion Drug Test
- CDL Reasonable Suspicion Drug Test
- CDL Reasonable Suspicion Alcohol Test
- Other Employee Reasonable Suspicion Alcohol Test
- Other Employee Reasonable Suspicion Drug Test

Name of Employee: \_\_\_\_\_ BEACON ID #: \_\_\_\_\_

Position Title: \_\_\_\_\_ SAP Position #: \_\_\_\_\_

Unit Name: \_\_\_\_\_ Unit#: \_\_\_\_\_

Date: \_\_\_\_\_

Person Who Observed the Incident: \_\_\_\_\_

Length of Time Observed: \_\_\_\_\_

Time and Date of Incident: \_\_\_\_\_

Place of Incident: \_\_\_\_\_

Details of Incident (*Describe the Employee's Actions*): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Names of Witnesses: \_\_\_\_\_

Action Taken by Supervisor or Other Responsible Person: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Signature of Official*

*Title of Official*

*Date*

**N.C. DEPARTMENT OF CORRECTION**

**CDL DRUG / ALCOHOL TEST RESULTS COVER SHEET**

**Rev. (02/09)**

**INSTRUCTIONS: (Refer to "Instructions for CDL Drug/Alcohol Test Results Cover Sheet")**

Attach the cover sheet to CDL Random, Reasonable Suspicion, Post-Accident, Return to Duty, Follow-Up DRUG and ALCOHOL screening results. Pre-Employment CDL drug test results should not be attached to this cover sheet. Rather, CDL pre-employment drug results must be attached to the "CDL Drop/Add Form" to add an individual to the CDL database. In completing this form, indicate the type of test done and reason. Attach the "Drug/Alcohol Screening Consent Form" and the White Copy of the "Breath Alcohol Testing Form" (and confirmation test results if applicable) and/or the Blue Copy of the "Federal Drug Testing Form," and the CDL federal drug test results whichever is applicable. This form must be completed and submitted for all random selection candidates even if the random test was not administered due to unavailability, refusals, etc. Indicate reason if the random test was not administered. Please note that a CDL is considered unavailable if he/she can not be tested within ten (10) calendar days from the date the CDL employee's work unit has been notified of random selection.

**Type of test administered:** Drug \_\_\_\_\_ and / or Alcohol \_\_\_\_\_

**Reason for Test (Check One):**

\_\_\_Random \_\_\_Reasonable Suspicion \_\_\_Post-Accident \_\_\_Return to Duty \_\_\_Follow-Up

Please provide the following information on the CDL employee being tested:

Name: \_\_\_\_\_

Last 4 digits of SSN: \_\_\_\_\_ BEACON ID #: \_\_\_\_\_

Position Title: \_\_\_\_\_ SAP Pos#: \_\_\_\_\_

Location: \_\_\_\_\_ Unit#: \_\_\_\_\_

**CDL Drug Testing:**

**CDL Alcohol Testing:**

Name of CDL Drug \_\_\_\_\_

Name of CDL Alcohol \_\_\_\_\_

Testing Coordinator: \_\_\_\_\_

Screening Technician: \_\_\_\_\_

Results of Drug Test: \_\_\_Neg \_\_\_Pos

Results of QED Alcohol Test (in %): \_\_\_\_\_

If positive, list type of Drug: \_\_\_\_\_

Results of EBT Device (if applicable): \_\_\_\_\_

**If "RANDOM" testing, please complete the following:**

\_\_\_\_\_  
Name of Person Notified of Random Selection      Date Person Notified of Random Selection

**If Random test was NOT administered, explain (Note Refusals):** \_\_\_\_\_

\_\_\_\_\_  
**Manager's Signature**

\_\_\_\_\_  
**Date**

**NC DEPARTMENT OF CORRECTION**

**REASONABLE SUSPICION ALCOHOL TEST FORM (NON-CDL) Rev. (04/09)**

**Instructions:** This form shall be completed by the Alcohol Screening Test Technician when administering an alcohol test on a non-CDL employee based on reasonable suspicion. If the test results indicate an alcohol level of 0.02 or greater, a second alcohol saliva test using the Q.E.D. test kit or a breathalyzer is recommended but not required. The “Reasonable Suspicion Documentation Form” and the “Drug and/or Alcohol Screening Consent Form” shall be attached.

**To be completed by the Alcohol Screening Test Technician:**

Employee Name: \_\_\_\_\_

Last 4 digits of SSN: \_\_\_\_\_ BEACON ID #: \_\_\_\_\_

Work Unit & Location Code: \_\_\_\_\_

I certify that I have conducted alcohol testing on the above named individual in accordance with the Department of Correction Alcohol and Drug Testing Policy and that I am certified to operate the testing device(s) identified, and that the results are as recorded.

Test Device: \_\_\_\_\_ Serial Number: \_\_\_\_\_

Test Result: \_\_\_\_\_

Remarks: \_\_\_\_\_

\_\_\_\_\_  
Name of Alcohol Screening Test Technician: \_\_\_\_\_

\_\_\_\_\_  
Signature of Alcohol Screening Test Technician

\_\_\_\_\_  
Date

**Second Test (If conducted)**

Test Device: \_\_\_\_\_ Serial Number: \_\_\_\_\_

Test Result: \_\_\_\_\_

Remarks: \_\_\_\_\_

\_\_\_\_\_  
I certify that I have submitted to the alcohol test & the results are accurately recorded on this form.

Signature of Employee: \_\_\_\_\_ Date: \_\_\_\_\_

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Subject:

**SECONDARY EMPLOYMENT**

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**POLICY**

It is the policy of the Department of Correction to consider employee requests for secondary employment consistent with the requirements established by the Office of State Personnel. Employees may accept employment in addition to their employment with the Department of Correction upon satisfying the requirements set forth in this policy. The employment responsibilities to the State are primary for any employee working full time. Any other employment in which that person chooses to engage is secondary.

The term secondary employment does not include a second job or assignment paid from State funds. Such jobs or assignments are covered under a separate policy governing dual employment.

Nothing in this policy is intended to supersede the regulations of the Office of State Personnel regarding dual employment.

The term employment includes self-employment, if the self-employment is income producing.

**PROVISIONS**

Secondary employment shall not be permitted when it may reasonably be expected that such employment would:

1. Impair in any way the employee's ability to perform all required duties and responsibilities or any other duties and responsibilities as assigned;
2. Impair in any way the employee's ability to make decisions and carry out in an objective fashion the responsibilities of the employee's position;
3. Result either directly or indirectly in a conflict of interest with the primary employment. The term "conflict of interest" shall include, but is not limited to, those situations where the secondary employment would compromise the position of the employee or the Department with respect to firms or individuals doing business or desiring to do business with the Department.

Subject:

**SECONDARY EMPLOYMENT**

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**REQUESTS AND APPROVALS**

1. An employee planning to undertake secondary employment shall disclose all facts concerning such employment in writing using the Request for Secondary Employment form to the appropriate manager/supervisor and receive written approval. This disclosure shall contain the name of the employer's business, the type of work to be performed by the employee, the proposed work schedule, and a stipulation that the employee will not be called off his primary job during working hours for the performance of any secondary work.
2. The request shall be reviewed by the appropriate manager/supervisor and the Division Director or designee(s). If the request is approved by the manager/supervisor and the Division Director or designee(s), the written disclosure and signed approval will be maintained by the appropriate manager/supervisor.
3. In reviewing the request, the employee and his immediate supervisor should discuss the various ramifications of the secondary employment upon the employee's primary job.
4. If the secondary employment has any impact on or may create any possibility of conflict with State Operations, the request should be disapproved. However, if the manager cannot determine if the secondary employment may impact or create a possible conflict of interest with State Operations, the request for secondary employment form shall be forwarded to the Director of Human Resources for consideration by and approval from the State Personnel Director in conjunction with the Board of Ethics.
5. The employee has the responsibility to notify his supervisor in writing of any major changes in the nature of the secondary employment.
6. The employee must request approval for secondary employment in writing on an annual basis or whenever the employee changes position (i.e., lateral transfer, promotion, reassignment, etc.), whichever occurs sooner.
7. Employee requests for approval of secondary employment, accompanied by any required supporting information, are considered public information and may be released upon request.

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Subject:

**SECONDARY EMPLOYMENT**

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**CONFIDENTIALITY AND MAINTENANCE OF RECORDS**

The original approved request shall be maintained in the employee's personnel record at the work unit/site. Employee secondary employment forms are considered public information subject to disclosure to third parties upon request. As with any production of public records, they must be made available within a reasonable period of time. To expedite the production of records upon request, it is recommended that a copy of all requests be maintained as a group for the work unit in a single file on a calendar year basis. This file shall be produced upon a request for secondary employment records. This file shall be retained so long as it serves a useful purpose, but not for longer than three (3) years.

**DISCIPLINARY ACTION**

1. Failure to request and obtain approval of secondary employment initially, annually, and/or when the employee changes position shall be grounds for disciplinary action up to and including dismissal.
2. The submission of falsified information to secure approval of secondary employment shall be grounds for disciplinary action up to and including dismissal.
3. The use of state resources or state time for the benefit of secondary employment shall grounds for disciplinary action up to and including dismissal.
4. Failure to notify the immediate supervisor of any major change in the nature of the secondary employment shall be grounds for either withdrawing approval for the secondary employment and/or disciplinary action up to and including dismissal.

**DEPARTMENT OF CORRECTION**

**REQUEST & APPROVAL OF SECONDARY EMPLOYMENT**

**Rev. (02/04)**

The employment responsibilities to the State are primary for any employee working full-time; any other employment in which that person chooses to engage is secondary. An employee shall have approval from the division director or designee before engaging in any secondary employment. The purpose of this approval procedure is to determine that the secondary employment does not have an adverse effect on the primary employment and does not create a conflict of interest. The provisions for secondary employment apply to all employment not covered by the policy on Dual Employment. Secondary employment shall not be permitted when it would create directly or indirectly a conflict of interest with the primary employment, or impair in any way the employee's ability to perform all expected duties, to make decisions and carry out in an objective fashion the responsibilities of the employee's position. Approval for secondary employment may be withdrawn at any time if it is determined that secondary employment has an adverse impact on primary employment.

Employee: \_\_\_\_\_ Position #: \_\_\_\_\_

Date of Request: \_\_\_\_\_ Work Location: \_\_\_\_\_

Name and Address of Secondary Employer: \_\_\_\_\_

Explain in detail, the type of work you will perform for the secondary employer. \_\_\_\_\_

Work Schedule (days/times of work): \_\_\_\_\_

Approval is made with the understanding that you may not be called off your Department of Correction job during work hours for the performance of any secondary work. Further, that no leave without pay will be granted for the purpose of secondary employment under any circumstance.

I have read or had read to me and I understand the policy governing secondary employment for the Department of Correction. The secondary work I have requested is, in my opinion, within the rules of this policy. I will inform my supervisor of any change in the type and hours of work that may occur contrary to this agreement. I understand that:

I must request approval annually or when I change positions, whichever occurs sooner;

Failure to provide accurate information regarding my secondary employment may be considered unacceptable personal conduct that could subject me to discipline up to and including dismissal;

Requests for approval of secondary employment, accompanied by any required supporting information, are considered public information and may be disclosed to third parties.

Signature of Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Approval Signatures:

Approved: Yes\_\_\_ No\_\_\_ Work Unit Manager \_\_\_\_\_ Date \_\_\_\_\_

Approved: Yes\_\_\_ No\_\_\_ Division Director \_\_\_\_\_ Date \_\_\_\_\_

Approved: Yes\_\_\_ No\_\_\_ State Personnel Director \_\_\_\_\_ Date \_\_\_\_\_

(if applicable)

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Subject:

**SEANC CONVENTION PARTICIPANTS - TIME REPORTING PROCEDURES**

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**POLICY**

It is the policy of the Department of Correction to grant time off from regular work assignments to approved employees for the purpose of attending the annual SEANC convention.

**PROCEDURES**

1. Employees shall notify their immediate supervisor, as far in advance as possible, of the dates of the convention and the required time off, and request approval at this time.
2. The Employee Time Report (DC113), should reflect 8/Z under the OPS column for the days the employee(s) attend the convention if the convention days correspond to one of their regular work days.
3. If the convention days correspond to the employee's regularly scheduled day off, the DC-113 should reflect an "E" day.
4. Days designated as 8/Z should not be added into the OPS total hours so as not to generate straight time hours for convention attendance.

**NOTE:** Time off from work to attend the convention is compensable only in the sense that the employee will not be charged vacation or compensatory time.

5. The justification section of the DC-113 should be completed explaining the "Z" time.

Any questions regarding SEANC convention attendance should be directed to the Personnel Office.

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Subject:

**POLITICAL ACTIVITY**

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**POLICY**

It is the policy of the Department of Correction to abide by all State and Federal laws, statutes, regulations, etc. regarding political activity of employees.

**GENERAL PROVISIONS**

The Department recognizes, in accordance with G.S. 126, Article 5, that "As an individual, each State employee retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America;" Thus, the Department cannot deny any employee the right or opportunity to seek an elective office, as long as it is done within the laws and statutes of the State of North Carolina.

G.S. 126, Article 5 clearly delineates what State employees may and may not do relevant to political activity during regularly scheduled working hours. No State employee subject to the Personnel Act or temporary State employee shall:

1. Take any active part in managing a campaign, or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which he/she is expected to perform services for which he/she receives compensation from the State;
2. Otherwise use the authority of his position, or utilize State funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof.

No head of any State department, agency, or institution or other State employee exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of which is to interfere with the right of any State employee as an individual to engage in political activity while not on duty or at times during which he/she is not performing services for which he receives compensation from the State. A State employee who is or may be expected to perform his/her duties on a 24 hour per day basis shall not be prevented from engaging in political activity except during regularly scheduled working hours or at other times when he/she is actually performing the duties of his office. The willful violation of this subdivision shall be a misdemeanor.

No State employee or official shall use any promise of reward or threat of loss to encourage or coerce any employee subject to the Personnel Act to support or contribute to any political issue, candidate, or party.

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**POLITICAL ACTIVITY**

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Any State employee subject to the Personnel Act, probationary State employee, or temporary State employee who without probable cause falsely accuses a State employee or a person appointed to State office of violating this section shall be subject to disciplinary action up to and including dismissal.

Failure to comply with G.S. 126, Article 5 is grounds for disciplinary action that, in cases of deliberate or repeated violation, may include dismissal or removal from office.

G.S. 128-1.1(a) and (b) authorizes an individual to hold two appointed offices in state or local government at the same time or to hold one elected and one appointed office.

**PURPOSE**

The intent of this policy is not to deny any Department employee the right or opportunity to participate in political activity during non-working hours, but rather to provide a set of procedures for notifying the appropriate manager(s) of an employee's intent to seek an elective office, either partisan or non-partisan, and to further notify the appropriate managers should the employee be successful in their bid for office. Immediate and advance notification is necessary for the Department to determine if the candidacy in question poses a conflict of interest situation.

**COVERAGE**

This policy covers all Department employees, whether probationary, non-probationary, or permanent, including those employees which are policy-making exempt. Those employees whose positions are either partially or entirely Federally funded are also subject to the Hatch Act, which may carry additional restrictions.

**NOTIFICATION**

This policy shall be posted in a conspicuous location accessible to all employees. It shall, furthermore, be read periodically at line-up, staff meetings, and any other function for which a group of employees may gather for work related reasons.

**PROCEDURES**

1. The employee shall, prior to filing for an elective office, notify the appropriate manager in writing of an intent to seek an elective office. This notification shall include:

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Subject:

**POLITICAL ACTIVITY**

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- a. Employee's name, position, and work location;
  - b. Title of the elective office the employee is seeking, whether it is partisan or non-partisan, the required timeframes, ( *i.e., full-time, part-time, time-limited, etc.*), and the filing period;
  - c. The date of the election and any subsequent elections, (*i.e., primary, general, etc.*);
  - d. Any anticipated leave request, (*i.e., LWOP, etc.*);
2. Upon receipt the manager shall review the employee's notification to determine the following:
- a. If the elective office would create any conflict of interest for the employee and/or the Department;
  - b. If the elective office would be a full-time, part-time, or time-limited.  
  
Full-time:      Approximately thirty (30) or more hours per week;  
  
Part-time:      Less than thirty (30) hours per week:  
  
Time-limited: Either full-time or part-time for a specific timeframe, *i.e., two (2) months, six (6) months, etc.*

If full-time, should the employee be successful with his/her bid for office, the employee would be required to select between the two (2) positions. If part-time or time-limited, should the employee be successful with their bid for office, the manager would have to determine if the situation would fall under the parameters of secondary employment or dual employment and then follow the appropriate procedures and approve/disapprove accordingly.

Under secondary employment the Department would remain the employee's primary employer; under dual employment, the Department would be the Parent Agency. Circumstances may dictate that the elective office is neither secondary employment nor dual employment (*i.e., part-time with no compensation, etc.*).

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If the employee has requested or anticipates requesting leave-without-pay (LWOP) prior to the election, the manager shall review and approve in accordance with existing criteria for such requests (*i.e., criticality of position, etc.*).

After reviewing the employee's written notification, the manager shall forward to the step two manager for review.

3. The step two manager shall review the employee's written notification and the step one manager's responses to the above (2. a & b) and forward to the step three manager.
4. The step three manager shall review the employee's written notification and the managers' responses to the above (2. a & b) and notify the employee of the final decision. The final decision shall clearly state whether or not there is a conflict of interest. If not, then it shall state whether the elective office would be part-time, full-time, or time-limited and whether it would be considered secondary employment or dual employment. The employee shall be advised of the appropriate request/approval procedures for secondary employment, dual employment, and LWOP. The employee shall be further advised to notify all managers of the final outcome of the election within 24 hours of the results being certified by the Board of Elections and being officially conveyed to the employee.

If it has been determined that the candidacy would create a conflict of interest then the employee shall be advised of such and given an explanation of the conflict. The employee may request LWOP for the duration of the campaign or an appropriate timeframe and if successful, select between the two; or the employee may choose not to seek the elective office. Any LWOP request shall be considered and approved/disapproved in accordance with existing criteria. If feasible, the employee may choose to request and exhaust vacation leave as opposed to LWOP. However, vacation leave may not be advanced for this purpose.

If it has been determined that the employee's candidacy would create a conflict of interest and the employee has been advised of such and the available options and the employee continues with their candidacy and does not request LWOP, then the employee shall be placed on LWOP pay immediately for the duration of the campaign, unless the employee withdraws from the race prior to the election.

In any event, if the employee has been on LWOP prior to the election and is unsuccessful at their bid for office, the employee shall be reinstated from LWOP in accordance with existing procedures.

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**POLITICAL ACTIVITY**

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**APPEAL PROCESS**

Should an employee disagree with the step three managers final decision, the employee may appeal the decision to the Secretary of the Department by filing his/her grievance with Mr. Jeffrey R. Becker, Personnel Director, 214 W. Jones Street, Raleigh, NC 27603 or Post Office Box 29540, Raleigh, NC 27626-0540 within fifteen (15) calendar days of receipt of the step three managers decision.

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**MANAGEMENT NOTIFICATION ROUTE**

	<b><u>STEP 1</u></b>	<b><u>STEP 2</u></b>	<b><u>STEP 3</u></b>
<b>DOC Administration</b>	Work Unit Supv.	Section Chief	Deputy/Asst. Sec.
<b>DAPP Administration</b>	Work Unit Supv.	Deputy Director	Division Director
<b>P/P Judicial District</b>	JDM	Judicial Div. Chif	Division Director
<b>DOP Administration</b>	Work Unit Supv.	Deputy Director	Division Director
<b>Regional Office</b>		Regional Director	Division Director
<b>Prison/Institution</b>	Supt./Inst. Head	Regional Director	Division Director
<b>Enterprise</b>	Work Unit Supv.	Enterprise Director	Assistant Secretary
<b>Alcohol &amp; Chemical Dependency Programs</b>	Work Unit Supv.	Corr. Admin.	Assistant Secretary

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Personnel Manual

Section No. : 8  
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**PERSONAL DEALINGS WITH OFFENDERS OF THE  
DEPARTMENT OF CORRECTION**

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**PREFACE**

The Department of Correction is entrusted with the responsibility of supervising inmates, probationers, and parolees. This can be an overwhelming responsibility for the employees having the daily task of dealing with such individuals. Employees may find themselves in compromising situations because of the offender=s ability to manipulate individuals and initiate inappropriate relationships with those responsible for their supervision. Any inappropriate relationship between an employee and an offender may also threaten the security of the work unit or facility in that the offender may acquire information from the employee that could disrupt the facility or aid offenders in an escape from the facility. Employees need to understand that such relationships are inappropriate, are a reflection of poor judgement and may be considered a breach of security. Therefore, this policy has been developed to provide guidelines to **all** Department employees describing what is acceptable and unacceptable regarding relationships with offenders and to provide procedures for reporting situations/relationships that may be considered inappropriate.

**POLICY**

It shall be the policy of the Department of Correction to require all employees to maintain professional relationships with offenders in accordance with the laws, regulations, and general statutes governing such relationships.

**COVERAGE**

This policy applies to all employees of the Department, including those with a probationary, trainee, temporary, time-limited, or permanent appointment whether part-time or full-time. It further applies to those individuals employed with the Department on a contractual basis or through an employment agency.

**GENERAL PROVISIONS**

The Division of Prisons is responsible for supervising individuals incarcerated in prison facilities. Such individuals are otherwise known as and referred to in this policy as inmates or offenders.

The Division of Adult Probation and Parole is responsible for supervising individuals that are on supervised probation and for individuals previously incarcerated but who have been paroled. Such individuals are otherwise known as and referred to in this policy as probationers and parolees or offenders.

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**PERSONAL DEALINGS WITH OFFENDERS OF THE**  
**DEPARTMENT OF CORRECTION**

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The Division of Alcohol and Chemical Dependency is responsible for supervising individuals incarcerated in prison facilities.

Correction Enterprise is responsible for supervising inmates while assigned to a Correction Enterprise operation.

\*

For purposes of this policy, family member of an employee includes spouse, parent, siblings, children, aunts, uncles, cousins and step, half, and in-law relationships of the above. It may also include other relationships not addressed above, but where it may be perceived as a potential problem.

**PROHIBITED ACTIVITIES**

**All** employees of the Department of Correction as described in the section entitled coverage shall treat offenders in a quiet, but firm manner and shall refrain from inappropriate and improper contact with them. Whenever there is reason to discuss an offender's (*i.e., inmate, probationer, or parolee*) problems with him/her, the employee shall exhibit a helpful but professional attitude consistent with his/her job responsibilities. No employee shall discuss his/her personal affairs, including work related issues, with an offender of this agency.

Employees of the Department of Correction shall **not**:

1. Borrow anything from an offender,
2. Lend anything to an offender,
3. Accept any gift or personal service from an offender, except as specifically authorized by law, regulation, or directive.
4. Tip an offender,
5. Make gifts to or perform personal services for an offender,
6. Sell or give any offender any intoxicating drink, barbituate or stimulant drug, or any narcotic, poison or poisonous substance, except upon the prescription of a physician,
7. Convey to or from an offender any letters or oral messages or any instrument or weapon by which to effect an escape, or that will aid in an assault or riot,
8. Trade with an offender for clothing or stolen goods, or
9. Sell to an offender any article forbidden by Division of Prison Division of Adult Probation and Parole rules,
10. Use abusive, indecent, or profane language in the presence of an offender,
11. Curse an offender,

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**PERSONAL DEALINGS WITH OFFENDERS OF THE  
DEPARTMENT OF CORRECTION**

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12. Knowingly make or maintain contact with or in any way associate with a member of an offender=s family or close associates (*i.e., friends, etc*), unless his/her assigned duties require such an association or unless he/she has been specifically authorized to do so by the Division Director or designee,
13. Engage in sexual relations with an offender. Sexual relations includes, but is not limited to, vaginal intercourse, fondling, kissing, hugging, or any other intimate contact. Such acts are prohibited regardless of the offender=s consent to the act.
14. Knowingly enter into a business relationship with an offender or their family member or close associate.

**This list is not an all inclusive list. Any time an employee is in doubt about an issue regarding dealings with a offender(s), the employee has an obligation to ask questions of his/her supervisor or other appropriate manager for clarification.**

**CONTACTS WITH OFFENDER=S FAMILY AND CLOSE ASSOCIATES**

If an employee is contacted by the family or close associate of an offender, the employee shall immediately report this fact to his/her supervisor. Any employee who knowingly associates with a offender=s family member or close associate in violation of this policy or fails to notify his/her supervisor that an offender=s family member or close associate has contacted him/her shall be subject to disciplinary action up to and including dismissal in accordance with the Department of Correction Disciplinary Policy and Procedures.

Relationships between an employee and an offender that existed prior to employment or incarceration, probation, etc. (*i.e., immediate family relative, former spouse, etc.*) shall be reported by the employee to his/her supervisor as soon as the employee becomes aware that the individual is now an offender and will be/is assigned to the facility where the employee works or under the supervision of the employee, *i.e., probation or parole*. A written follow-up to the supervisor shall be required. Situations where the offender will not be assigned to the facility where the employee works but where the employee will be placed on the offender=s list of approved visitors shall also be reported to the supervisor with a written follow-up.

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**PERSONAL DEALINGS WITH OFFENDERS OF THE**  
**DEPARTMENT OF CORRECTION**

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Any other situation where an employee may knowingly initiate a relationship with an offender or an inmate shall be reported by the employee to the his/her supervisor verbally with a written follow-up requesting approval of the relationship prior to the employee making contact with the offender or inmate. For example, an employee enters a business relationship with a lawn care service and discovers the individual that will be working at his/her home is on parole under the supervision of the Department of Correction. The relationship is not prohibited, however, the employee needs to notify his/her supervisor to prevent any appearance of impropriety.

Employees shall be responsible for bringing the above-cited situations or any other situation that could be considered personal to the attention of their supervisor and when in doubt about a particular situation, the employee shall be responsible for asking questions to seek clarification of their obligations under policy.

**DISCIPLINARY ACTION**

Violations of this policy may result in disciplinary action up to and including dismissal in accordance with the Department of Correction Disciplinary Policy and may result in criminal charges against the employee.

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Subject:

**PSYCHOLOGICAL SCREENING POLICY**

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**PREFACE**

Beginning January 1, 1995, all individuals employed as Certified Criminal Justice Officers with the State of North Carolina were required by the North Carolina Criminal Justice Education and Training Standards Commission to undergo a psychological screening to ensure that they possess the mental and emotional suitability to perform the essential job functions of the position.

Therefore, all individuals employed with the Department of Correction effective January 1, 1995 and after as a North Carolina Criminal Justice Officer, shall undergo a psychological screening as a part of the application and employment process.

**POLICY**

It is the policy of the Department of Correction to conduct psychological screenings as a part of the application and employment process to all individuals applying for positions requiring criminal justice certification consistent with the regulations published by the North Carolina Criminal Justice Education and Training Standards Commission.

**GENERAL PROVISIONS**

The Pre-Employment Psychological Screening is an assessment procedure used in the hiring process to help ensure that prospective employees have the skills and emotional fitness necessary to perform the job requirements efficiently and effectively of a position that requires certification by the North Carolina Criminal Justice Education and Training Commission. The psychological screening consists of two (2) parts: an educational test and a personality inventory. A trained Department employee shall administer these tests. For specific instructions regarding the administration of each test refer to the Standard Operating Procedures Manual for the Pre-Employment Psychological Screening Program published by the Personnel Office Testing Section.

**CATEGORIES OF TESTS**

The psychological screening consists of two (2) separate examinations designed to test:

1. educational level, and
2. psychological and emotional suitability to perform the essential job functions of the position.

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The test administered to measure educational level is the Test of Adult Basic Education or the TABE. The test administered to determine an individual's psychological and emotional suitability to perform the essential job functions of the position is the Minnesota Multiphasic Personality Inventory -2 or the MMPI-2.

**GUIDELINES**

The following is a description of the personnel transactions and an explanation of the required tests. This list may not be all-inclusive. Therefore, where a situation arises that is not described below, the manager shall seek clarification from the Regional Employment Office or the Personnel Office Testing Section, whichever is applicable.

1. **New Hires for Certified Positions:** Any applicant external to the Department of Correction (DOC), including current employees of other state agencies, applying for a position requiring criminal justice certification shall be subject to testing. The applicants must have a current TABE and MMPI-2 on record or submit to testing.

Ex: New hire Correctional Officer, Probation/Parole Officer, or a transfer from another state agency.

2. **Transfers/Promotions/Reassignments** (No Break in Service)

To determine whether an applicant applying for transfer/promotion/reassignment is subject to psychological screening, the applicant's electronic employment history on PMIS shall be carefully reviewed to determine current and/or previous position(s) occupied by the applicant, whether they required criminal justice certification, and the length of time the applicant has been separated.

NOTE: Employees subject to Reduction In Force (RIF) must follow the same transfer guidelines.

- a. From a non-certified position to a certified position and the employee has not held general certification previously - **ALL TESTING REQUIRED**. Must have a current TABE and MMPI-2 on record or submit to testing.

Ex: Employee hired effective 4/1/00 as an Office Assistant IV, no prior service. Promoted to Correctional Officer or Probation/Parole Officer effective 5/1/01.

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- b. From a non-certified position to a certified position and **has** held general certification previously and the change in certification status to a non-certified position was due to **career progression opportunities** and the employee has **been continuously employed with DOC** and was hired in original certified position **before January 1, 1995 - NO TESTING REQUIRED** (TABE or MMPI-2).
- Ex: Employee hired 6/1/83, promoted through the ranks. Promotion from Correctional Captain to Administrative Officer II resulted in loss of certification. Later promoted from Administrative Officer II to Superintendent. Because loss of certification was due to career progression, no testing required.
- Ex: Employee hired 6/1/90 as a Probation/Parole Surveillance Officer. Reassigned to Personnel Technician I 4/1/94. Employee promoted to Probation/Parole Officer. Because loss of certification was due to career progression, no testing required.
- c. From a non-certified position to a certified position and **has** held general certification previously and the change in certification status to a non-certified position was due to **career progression opportunities** and **has been continuously employed with DOC** and was hired in original certified position **on or after January 1, 1995** and:
- 1) Previous certified position required 9.0 TABE standard and new certified position requires 9.0 TABE standard. **NO TESTING REQUIRED** (TABE or MMPI-2)
- Ex: Employed as a Correctional Officer 6/1/95. Reassigned to Office Assistant IV 1/1/98. Promoted to Correctional Program Assistant II 7/1/00.
- Ex: Employed as a Probation/Parole Surveillance Officer 6/1/95. Reassigned to Office Assistant I 10/1/98. Promoted to Correctional Program Assistant II 12/1/00.

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- 2) Previous certified position required 10.0 TABE standard and new certified position requires 10.0 TABE standard. **NO TESTING REQUIRED** (TABE or MMPI-2)

Ex: Employed as a Probation/Parole Officer 6/1/95. Reassigned to Administrative Officer I 2/1/98. Promoted to Chief Probation/Parole Officer 3/1/01.

- 3) Previous certified position required 10.0 TABE standard and new certified position requires 9.0 TABE standard. **NO TESTING REQUIRED** (TABE or MMPI-2)

Ex: Employed as a Probation/Parole Officer 7/1/95. Reassigned to Administrative Assistant I 4/1/98. Promoted to Correctional Program Supervisor 5/1/01.

- 4) Previous certified position required 9.0 TABE standard and new certified position requires 10.0 TABE standard. **The 10.0 TABE Standard REQUIRED (No MMPI-2)**. Contact the Personnel Office Testing Section regarding TABE results.

Ex: Employed as a Correctional Program Assistant II 8/1/95. Reassigned to Office Assistant IV 9/1/98. Promoted to Probation/Parole Officer 4/1/01.

- d. From a non-certified position to a certified position and **has** held general certification previously and the change in certification status was based **on demotion or disciplinary action**. **ALL TESTING REQUIRED**. An employee transferring from a non-certified position to a certified position and has held general certification within the last twenty-four (24) months and the change was based on demotion or disciplinary action shall follow the reinstatement guidelines. **Must have a current TABE and MMPI-2 on record or submit to testing**. Contact the Personnel Office Testing Section for results.

Ex: Employed as a Correctional Program Assistant I 6/1/93. Demoted to Office Assistant IV 5/1/97. Promoted to Correctional Officer 6/1/00.

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- e. From a certified position to another certified position and was hired in original certified position prior to January 1, 1995. **NO TESTING REQUIRED.**
- Ex: Employed 6/1/88 as a Correctional Officer. Promoted to Probation/Parole Officer position 10/1/01.
- f. From a certified position to another certified position and was hired in original certified position on or after January 1, 1995 and
- 1) Current certified position requires 9.0 TABE standard and new certified position requires 9.0 TABE standard - **NO TESTING REQUIRED** (TABE or MMPI-2)

Ex: Employed 10/1/96 as a Correctional Officer. Promoted to Probation/Parole Surveillance Officer position 10/1/01.

  - 2) Current certified position required 10.0 TABE standard and new certified position requires 10.0 TABE standard - **NO TESTING REQUIRED** (TABE or MMPI-2)

Ex: Employed 4/1/96 as a Probation/Parole Officer. Promoted to Probation/Parole Intensive Case Officer 10/1/01.

  - 3) Current certified position requires 10.0 TABE standard and new certified position requires 9.0 TABE standard - **NO TESTING REQUIRED** (TABE or MMPI-2)

Ex: Employed 4/1/96 as a Probation/Parole Officer. Transferred to Correctional Program Supervisor 10/1/01.

  - 4) Current certified position requires 9.0 TABE standard and new certified position requires 10.0 TABE standard - **10.0 TABE STANDARD REQUIRED (No MMPI-2)**; the Personnel Office Testing Section shall be contacted to determine employee's previous TABE results.

Ex: Employed 4/1/96 as a Correctional Program Assistant II. Promoted to Probation/Parole Officer 10/1/01.

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3. **Reinstatements** (A Break in Service has occurred)

To determine whether an applicant applying for reinstatement is subject to psychological screening, the applicant's electronic employment history on PMIS shall be carefully reviewed to determine previous position(s) occupied by the applicant, whether they required criminal justice certification, and the length of time the applicant has been separated.

- a. From a non-certified position to a certified position - **ALL TESTING REQUIRED**. The applicant must have a current TABE and MMPI-2 on record or submit to testing.

Ex: Employed as an Office Assistant IV 6/1/95. Separated 4/30/97.  
Reinstated as a Correctional Officer 6/1/01.

NOTE: An applicant that occupied a non-certified position at the time of separation returning to a certified position, but had been in a certified position within the last twenty-four (24) months, shall follow reinstatement guidelines c and d.

- b. From a certified position to another certified position and more than twenty-four (24) months have passed since the date of separation (regardless of whether the employee held general or probationary certification at the time of separation) – **ALL TESTING REQUIRED**. The applicant must have a current TABE and MMPI-2 on record or submit to testing.

Ex: Employed as a Correctional Officer 6/1/95. Separated 8/31/97.  
Reinstated as a Probation/Parole Officer 6/1/01.

- c. From a certified position to another certified position and less than twenty-four (24) months but more than twelve (12) months have passed since the date of separation (regardless of whether the employee had general or probationary certification when separated) and:

- 1) Previous certified position required 9.0 TABE standard and new certified position requires 9.0 TABE standard. **MMPI-2 REQUIRED**.

Ex: Employed as a Correctional Officer 6/1/95. Separated 4/30/00.  
Reinstated as a Correctional Program Assistant I 6/1/01.

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- 2) Previous certified position required 10.0 TABE standard and new certified position requires 10.0 TABE standard. **MMPI-2 REQUIRED.**  
  
Ex: Employed 6/1/95 as a Probation/Parole Officer. Separated 4/1/00.  
Reinstated 6/1/01 as a Probation/Parole Officer.
  - 3) Previous certified position required 10.0 TABE standard and new certified position requires 9.0 TABE standard. **MMPI-2 REQUIRED.**  
  
Ex: Employed 6/1/95 as a Probation/Parole Officer. Separated 4/1/00.  
Reinstated 6/1/01 as a Correctional Program Assistant II.
  - 4) Previous certified position required 9.0 TABE standard and new certified position requires 10.0 TABE standard and was hired in original certified position before January 1, 1995. **MMPI-2 REQUIRED (No TABE).**  
  
Ex: Employed 6/1/93 as a Correctional Officer. Separated 4/1/00.  
Reinstated 6/1/01 as a Probation/Parole Officer.
  - 5) Previous certified position required 9.0 TABE standard and new certified position requires 10.0 TABE standard and was hired in original certified position on or after January 1, 1995. **10.0 TABE Standard and MMPI-2 Required.** Contact the Personnel Office Testing Section for TABE results.  
  
Ex: Employed 6/1/96 as a Correctional Officer. Separated 4/1/00.  
Reinstated 6/1/01 as a Probation/Parole Officer.
- d. From a certified position to another certified position and LESS THAN twelve (12) months have past since the date of separation (regardless of whether the employee was holding GENERAL or PROBATIONARY certification when separated) and:
- 1) Previous certified position required 9.0 TABE standard and new certified position requires 9.0 TABE standard. **NO TESTING REQUIRED (TABE or MMPI-2).**  
  
Ex: Employed 6/1/96 as a Correctional Officer. Separated 7/1/00.  
Reinstated 4/1/00 as a Correctional Program Assistant II.

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- 2) Previous certified position required 10.0 TABE standard and new certified position requires 10.0 TABE standard. **NO TESTING REQUIRED** (TABE or MMPI-2).  
  
Ex: Employed 6/1/96 as a Probation/Parole Officer. Separated 7/1/00. Reinstated 4/1/01 as a Probation/Parole Officer.
- 3) Previous certified position required 10.0 TABE standard and new certified position requires 9.0 TABE standard. **NO TESTING REQUIRED** (TABE or MMPI-2).  
  
Ex: Employed 6/1/96 as a Probation/Parole Officer. Separated 7/1/00. Reinstated 4/1/01 as a Correctional Program Assistant II.
- 4) Previous certified position required 9.0 TABE standard and new certified position requires 10.0 TABE standard and was hired in original certified position before January 1, 1995. **NO TESTING REQUIRED** (TABE or MMPI-2).  
  
Ex: Employed 6/1/92 as a Correctional Officer. Separated 7/1/00. Reinstated 4/1/01 as a Probation/Parole Officer.
- 5) Previous certified position required 9.0 TABE standard and new certified position requires 10.0 TABE standard and was hired in original certified position on or after January 1, 1995. **10.0 TABE Standard REQUIRED (No MMPI-2)**. Contact the Personnel Office, Testing Section for TABE results.  
  
Ex: Employed June 1, 1995 as a Correctional Officer. Separated July 1, 2000. Reinstated April 1, 2001 as a Probation/Parole Officer.

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**PROCEDURES**

**ACADEMIC ACHIEVEMENT TEST**

**Correctional Officer Positions:** The academic achievement is administered before the interview process to all minimally qualified applicants that are *subject* to the screening as determined by the guidelines listed on the previous pages. Those applicants selected for an interview not subject to the screening as determined by the guidelines listed on the previous page need not be tested.

**Correctional Program and Correction Food Service certified positions:** The academic achievement test will only be administered to the selected candidate after interviews, but prior to the conditional offer of employment. The conditional offer of employment may only be extended after the selected candidate has taken the academic achievement test and passed.

**Division of Community Corrections and Parole Commission certified positions:** Both parts of the psychological screening are administered at the same time to the selected candidate following the conditional offer of employment. Therefore, all applicants selected for an interview will not be administered the academic achievement test.

Following the administration of the test, completed test answer sheets shall be forwarded in a sealed envelope labeled as confidential to the Personnel Office Testing Section for scoring and analysis. The Regional Employment Office or Division of Community Corrections Judicial Division Office shall be notified of the test results indicating whether the individual met the standard for the position classification. The actual result shall not be released.

The individual's test score shall determine his/her eligibility for employment in a certified position. The acceptable standard varies depending on the certification class. For example, the acceptable standard for a correctional officer is different from the acceptable standard for a Probation/Parole Officer position.

Applicants whose test results **meet** the established standard for the certification class shall be eligible for employment in a certified position in that certification class. An acceptable score shall be valid for five (5) years.

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Applicants whose test results **do not meet** the established standard for the certification class shall be offered a retest. If the **retest results do not meet** the established standard for the certification class, the applicant shall not be eligible for employment in a criminal justice certified position in that certification class with the Department of Correction. Unacceptable test scores shall be valid for five (5) years.

If the final test results after all available retests do not meet the established standard for the certification class, the **applicant may reapply for employment** for a certified position in that certification class and be retested **only after producing evidence of completion of an appropriate remedial education course**. The position for which the applicant applied need not be held open for that applicant.

If the applicant has previously been tested, the employing work unit manager or designee shall request in writing the test results from the Personnel Office Testing Section. A determination will be made regarding whether the applicant's test results are current and meet the agency standard. The Regional Employment Office or Division of Community Corrections Judicial Division Office shall be notified of the test results indicating whether the individual met the acceptable standard.

**PERSONALITY INVENTORY**

The personality inventory shall be administered to all selected applicants subject to the screening as determined by the guidelines, and shall be administered **only after obtaining the signed acknowledgment of the conditional offer of employment**.

Following the administration of the test, the completed answer sheets shall be forwarded in a sealed envelope labeled as confidential, to the Personnel Office Testing Section for scoring and analysis. The Regional Employment Office or Division of Community Corrections Judicial Division Office shall be notified of the test results indicating whether the individual met the acceptable standard. The test results are very specific, indicating that the applicant is:

- eligible for employment,
- needs a screening interview.

Applicants whose test results meet the established standard indicating they possess the psychological and emotional suitability to perform the essential job functions of the position shall be eligible for employment in a certified position and may continue the employment process. Acceptable test results are valid for one (1) year.

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An applicant whose test results are inconclusive shall be given the opportunity to have a screening interview with an agency psychologist.

If the applicant is eligible for a screening interview, the response from the Personnel Office Testing Section will identify the name of the psychologist who will conduct the screening interview. The Regional Employment Office shall notify the applicant and make the necessary arrangements. Following the interview, the psychologist will provide a report to the clinical manager of the testing program who will make the final decision regarding the individual's eligibility for employment. If the applicant is deemed *eligible* for employment, the employment process may continue. If the applicant is deemed *ineligible* for employment, the clinical manager shall determine whether the applicant is ineligible for six (6) months or five (5) years. The position for which the applicant applied shall be held open until a determination is made regarding his/her eligibility for employment in a certified position.

If the applicant refuses the opportunity for a screening interview with an agency psychologist, the designated psychologist shall notify the Personnel Office Testing Section, who will notify the Regional Employment Office. The applicant shall not be eligible for the position for which he/she applied and the conditional offer of employment shall be withdrawn. A copy of the applicant's refusal for a screening interview and/or letter withdrawing the conditional offer of employment shall be forwarded to the Personnel Office, Testing Section. If the applicant applies for employment in the future, he/she shall be required to take the personality inventory as the original personality inventory results shall be considered to have expired.

If an applicant previously denied employment in a certified position based on his/her personality inventory results chooses to apply for employment in a non-certified position, or reapplies for a certified position after his/her reapply time (i.e., six months, five years) has elapsed, he/she shall be treated as a new applicant and the previous personality inventory results shall not be considered by the employing work unit/manager.

If the applicant has previously been tested, after extending a conditional offer of employment to the applicant, the Regional Employment Office shall request in writing the personality inventory results from the Personnel Office Testing Section. A determination will be made regarding whether the applicant's personality inventory results are current and meet the agency standard. The Regional Employment Office shall receive an electronic notice with a written notice to the facility/work unit manager (Supt., Inst. Head, Asst. Judicial Div. Chief, etc.) or designee of the test results indicating whether the individual met the acceptable standard.

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**NOTIFICATION OF TEST RESULTS TO EXTERNAL APPLICANTS**

**Academic Achievement Test**

An applicant whose academic achievement test results meet the DOC established standard may continue the employment process.

An applicant external to the Department (including applicants employed by other state agencies) whose final results after all available retests on the academic achievement test did not meet the established criteria shall be notified in writing that he/she is not eligible for employment in the position for which he/she applied because his/her academic achievement test score did not meet the DOC established standard and that they will receive no further consideration for employment.

The applicant shall be further advised that they will only be considered for employment in the position or a similar position after producing evidence that they have completed an appropriate remedial education course. Should the applicant reapply for the position or a similar position he/she shall not be eligible for consideration nor a retest unless he/she produces evidence that they have completed an appropriate remedial education course.

If an applicant wishes to know the estimated reading grade level as measured by the academic achievement test, he/she may submit a written request including his/her name and social security number to the Personnel Office Testing Section.

**Psychological Screening**

An applicant found suitable for employment by the designated psychologist may continue the employment process.

An applicant whose personality inventory results are inconclusive and who has been offered the opportunity for a screening interview shall be notified and instructed to contact a DOC Psychologist at a telephone number provided within three (3) working days to arrange for an interview. Finally, the applicant shall be advised that if he/she chooses not to interview with the psychologist or fails to keep a scheduled appointment, that the conditional offer of employment will be withdrawn.

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An applicant denied employment based on the personality inventory results shall be notified in writing that the conditional offer of employment is being withdrawn, that he/she is ineligible for employment and that it has been determined that no reasonable accommodation can be made to employ the applicant in a certified position with the Department of Correction. The applicant shall be further notified of how much time must pass before he/she may reapply for a certified position with the Department of Correction.

If an applicant chooses not to have a screening interview, he/she shall be notified in writing that the Conditional Offer of Employment is being withdrawn because he/she chose not to complete the psychological screening process.

**NOTIFICATION AND CONSEQUENCES OF TEST RESULTS FOR CURRENT EMPLOYEES**

**Academic Achievement Test**

Current Department employees applying for positions requiring criminal justice certification whose final test results on the academic achievement test after all available retests do not meet the established criteria shall be advised in writing of the test results and that no further consideration will be given for that position and that any future consideration for any other certified position will be given only after the applicant produces evidence showing completion of an appropriate remedial education course.

**NOTE:** Academic Achievement Test results may **not** be used by a supervisor as an indicator of an employee's ability to perform his/her current job duties.

**Psychological Screening**

Current Department employees applying for positions requiring criminal justice certification whose test results indicate a psychological status likely to interfere with their ability to perform the essential job functions of the position shall be treated in the same manner as external applicants, i.e., retest, interview, etc. The employing manager shall only be advised of whether the employee met the established standard for the personality inventory. Further, unacceptable test results shall only disqualify the employee for the position for which he/she has applied. Test results shall not be released to the employee's current supervisor(s) and shall not be used as a determination of the employee's ability to perform the essential job functions of his/her current position.

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**EMPLOYMENT PROCESS**

For those individuals that meet the established standard on the academic achievement test and the personality inventory test, the electronic message from the Personnel Office Testing Section reflecting the favorable test results shall be included in the final employment package submitted to the Personnel Office or Regional Employment Office. Failure to include the document shall result in a delay of the employment process. The Personnel Office or Regional Employment Office may not grant final approval for the selected candidate without this document.

**TEST MATERIALS, PERSONNEL RECORDS AND DISCIPLINARY ACTION**

All documents associated with the Psychological Screening Process, including test materials and their content, shall be considered confidential and maintained in a secure location in accordance with the guidelines set by the Personnel Office Testing Section and the test publisher.

Any employee who violates the guidelines set by the Personnel Office Testing Section and/or the licensing agreement with the publisher of the test may be subject to disciplinary action in accordance with the Department's Disciplinary Policy and Procedures.

All records associated with an individual's psychological screening are the property of the Department of Correction and shall be considered confidential personnel and/or medical records and maintained as such in the appropriate file. The academic achievement test results for those applicants not selected and a copy of the academic test result for the selected candidate shall be maintained in the position history file. The academic test results of the selected candidate shall be maintained in his/her personnel file. The personality inventory test results for the employed applicant shall be maintained in the employee's medical file. The personality inventory test results for those applicants that were tested but not selected shall be maintained in the position history file.

Note: Because of continuous posting for correctional officer positions, there is no position history file maintained at the work unit. Therefore, test results for unsuccessful candidates for correctional officer positions shall be maintained at the appropriate Regional Employment Office.

The release of confidential personnel records is governed by the State Personnel Act, G.S. 126-24. Unauthorized release of records shall be handled in accordance with the requirements of G.S. 126, and the Department's Disciplinary Policy and Procedures.

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Subject:

**EDUCATIONAL ASSISTANCE PROGRAM**

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**POLICY**

It is the policy of the Department of Correction to administer an educational assistance program consistent with the policies and procedures of the Office of State Personnel.

**PURPOSE**

The purpose of the educational assistance program is for workforce planning and development. The educational assistance program provides management with a means to support educational activities which are deemed beneficial to both the agency and employee, and which serve to develop the employee's knowledge, skills and abilities directly related to their current classification or the classification series in which they are working.

The educational assistance program is not an employee benefit, right or entitlement; it is a management program for workforce development. Denial of participation in the education assistance program is not grievable, except on grounds for discrimination.

The educational assistance program provides reimbursement of academic costs based on the **availability of funds** at the agency/university level, and/or time off the job if the course is available only during working hours.

**ELIGIBILITY**

**Eligible Employees:** Full-time or part-time (half-time or more) employees with a permanent or time-limited permanent appointment are eligible. Employees with a probationary or trainee appointment may be determined as eligible by management after satisfactory performance for a period of not less than three (3) months.

**Ineligible Employees:** Employees with a temporary appointment, part-time (less than half-time) appointment and intermittent appointment are not eligible.

For the purpose of administering this program in the Department of Correction, the Director of the Office of Staff Development and Training shall be responsible for determining employee eligibility (per division chain of command approval) and eligibility of sources for the educational assistance program. In exercising this responsibility, this position shall be guided by applicable State Personnel Policies, position classification documentation and accreditation documentation as may be required to determine eligibility per this policy.

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**EDUCATIONAL ASSISTANCE PROGRAM**

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**ACADEMIC SOURCES**

Academic courses/degrees from accredited community colleges/colleges/universities via traditional classroom, video-based, distance learning, web-based, e-learning and certain correspondence courses are eligible for consideration and approval.

Academic sources are defined as a course/degree provided by an accredited community college/college/university. The course must provide academic credit (as opposed to CEU's), be listed in the college/university course catalog and charge tuition in the traditional meaning of tuition (as opposed to only registration fees). Accreditation must be via an accrediting agency authorized by the US Department of Education.

Correspondence courses not accredited by the US Department of Education or the American Council on Education/CREDIT for academic credit, are not eligible under this policy.

**APPROVED COURSES**

Management shall make the determination whether to provide assistance for an employee to take a specific course based on the following principle:

**"Deemed beneficial to both the agency/university and the employee's knowledge, skills and abilities to do the job".**

In fulfilling this principle, each level of management must determine that the course or degree satisfies the requirement of being beneficial to both the Department and to the employee and that the improved knowledge, skills and abilities gained by the employee will benefit him/her in completion of his/her current and/or potential job duties. Management may consider workforce planning, succession planning and career development in approving employees for educational assistance. **The Director of OSDT shall make the final decision concerning course approval.** Please note the following:

1. Courses providing knowledge and skills directly related to maintaining or improving current job skills ("current job" means same status and pay); courses mandated by law or regulation or those required by the employer for the employee to retain the job.  
*Example: An employee in an administrative support position taking a word processing computer course at a community college to learn how to use new equipment and software at the work site. Knowledge and skills gained from the course will directly impact the employee's ability to do the job; therefore, this course is eligible for educational assistance.*

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2. Courses directly related to the profession in which the employee is currently working, current classification or classification series, other than courses for incumbent employees who do not meet the minimum educational and experience requirements for the job.  
*Example: An employee in a probation officer job classification taking a graduate course from a state university entitled Advanced Criminal Behavior Studies. This course is not required for the position of probation officer, however, information and knowledge obtained from this course can be deemed beneficial to the employee's knowledge and abilities to do the job. Therefore, this course is eligible for educational assistance.*
3. Courses included in an academic program directly related to the job or current classification or classification series, and which are necessary to complete a degree program other than courses for incumbent employees who do not meet the minimum educational and experience requirements for the job.

For the purpose of administering this program in the Department of Correction, this example is interpreted as providing for educational assistance for courses required to complete a degree program when the degree program is directly related to the position or position classification series of the employee. Once it has been established that the degree being sought is directly related to the employee's position and the course being taken is a requirement of the accredited educational institution, educational assistance can be provided for a course even though the course itself may not appear to be directly related to the position classification.

*Example: An employee in a correctional officer position and taking an undergraduate history course entitled Western Civilization when documentation from the university confirms that this course is required for a Bachelor of Science degree in Criminal Justice. While this history course is not directly related to the job of correctional officer, the degree in criminal justice is directly related; therefore, this course is eligible for educational assistance once documentation is provided that the employee is pursuing this specific degree and that this course is required for the degree sought.*

4. Courses outside the employee's current classification level where the coursework will help meet future work needs in hard to recruit classifications.  
*Example: Employees with experience or skills in the health care field participating in a nursing or other health care related program.*

**Assistance should not be granted in cases where management has determined that neither the course, nor the degree pursued, is of sufficient benefit to the agency/university.**

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**Audited courses**

Academic courses which are audited are eligible for educational assistance; however, an employee may be reimbursed for the same course or course equivalent only once. Reimbursement requires a statement written on school letterhead signed by the instructor that the employee attended at least 85% of the scheduled class meetings during the academic term.

**Thesis/Dissertation Research Courses**

Job-related thesis/dissertation research courses at the master/doctoral level are restricted as follows:

1. All required written examinations for the degree shall be successfully completed before the course is approved.
2. A maximum of 15 hours leave may be approved for each academic credit hour. All leave hours must be used during the academic term and may not be accumulated.
3. A maximum total of 9 academic credit hours is allowed for any one employee.

**EDUCATIONAL LEAVE**

Approved courses should be taken on the employee's own time. If a course can only be taken during an employee's work hours, educational leave may be requested. The request must be submitted prior to the beginning of the course to allow sufficient time for review. Requests for educational leave may be approved at the division level (see chart at end of policy); however, approvals shall be forwarded to the Office of Staff Development and Training for recordkeeping and reporting obligations.

Educational leave during work hours may be approved not to exceed one course per academic term (a semester, quarter or summer session) up to five (5) semester hours or eight (8) quarter hours credit. The supervisor shall determine reasonable travel time.

In the event an employee is approved for educational leave and subsequently fails or withdraws from the course, the employee must reimburse the Department through reduced vacation leave for the number of hours the employee was away from work. Exceptions may be made for unforeseen disabilities, military duty, changes in work locations, etc.

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**REIMBURSEMENT**

**Academic Costs** - Charges assessed by an eligible source to every person enrolling for the course. Academic costs include in-state tuition, fees and course/lab fees.

**Reimbursement of Academic Costs**

1. Eligible employees may be reimbursed academic costs charged by the eligible source attended (note the exceptions listed below):
  - a. University of North Carolina institutions: 100% of academic costs for up to ten (10) semester hours or sixteen (16) quarter hours credit per academic term. Employees may be reimbursed each fiscal year for a maximum of 20 semester hours or 32 quarter hours credit, but not for more than four (4) courses.
  - b. North Carolina Community/Technical Colleges (state-funded). 100% of academic costs for all courses per quarter up to a maximum of four quarters per fiscal year.
  - c. All other eligible sources. Up to the maximum academic cost charged by institutions of the University of North Carolina. Reimbursement is limited to ten (10) semester hours or sixteen (16) quarter hours credit per academic term. Employees may be reimbursed each fiscal year for a maximum of 20 semester hours or 32 quarter hours credit, but not for more than four (4) courses.
2. Exceptions: Graduate professional programs (medicine, veterinary medicine, etc.) with unusual course/lab fees, tuition or other fees will be considered on a course by course basis. Agency heads may approve payment of these academic costs.
3. Reimbursement shall not be made for charges, other than academic costs, specifically related to processing or receiving CEUs (continuing education units).
4. Reimbursement shall not be authorized for transportation costs, graduation fees, examination fees, textbooks and supplies.
5. Financial assistance from any other financial aid program shall not be duplicated under this program. However, the difference, if any, between such aid and the allowable costs under the State's plan may be reimbursed. This includes grants, stipends, loans, etc.

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6. When employees of an educational institution or any other State agency are granted free tuition, the value of this tuition must be considered as part of the allowable academic costs.

Note: Tuition waiver programs at institutions of The University of North Carolina are authorized by both state laws (NCGS 116-143) and governed by IRS regulation (US Code Title 26, IRS Section 117 (d)(2)). The education assistance policy is not applicable to tuition waiver programs.

7. The employee shall receive reimbursement, subject to the availability of funds, of approved academic costs upon submitting evidence of satisfactory completion of the course, and documenting academic costs. Requests for reimbursement should be submitted within 30 days of course completion.
8. If an employee transfers to another State agency/university, and subsequently completes an approved course, the employee should submit a request for reimbursement to the employing agency/university. The employing agency/university is responsible for processing the request per the provisions of this policy, and providing reimbursement if funds are available. Employees who separate from State service, except by reduction in force, are not eligible for reimbursement.

**Tax Status**

Congress enacted the Economic Growth and Tax Relief Reconciliation Act of 2001 which allows an employer to offer its employees up to \$5,250 in tax-free (job related and non-job-related) education assistance for undergraduate and graduate level courses begun after December 31, 2001. The exemption expires 12/31/2011, unless extended by Congress.

**APPLICATION PROCEDURES**

1. To apply for Educational Assistance, an employee shall complete a Form PD-136 including the following information:
- a. Name, Home Address, SSN, Date, Agency, Location, Work Phone, Job Title, Status, School Attended, Location, GI Benefit, and reimbursement expected.
  - b. The course title(s), number, academic credits, class schedule, and whether the course is for graduate or undergraduate, credit or non-credit, or for certification/licensing.

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- c. A description of the course(s), demonstrating how the course(s) meet criteria for the approved courses, or for certification/licensing.
- d. The amount of academic cost reimbursement, specifying tuition and/or fees, and any course/lab fees requested.
- e. Amount of time off from work for educational leave including all travel time.
- f. If time off from work is requested, a statement demonstrating unavailability of the course except during work hours.

The completed form shall be submitted to the employee's immediate supervisor and forwarded through the chain of command.

Requests for educational leave may be approved at the division level (see chart at end of policy); however, approvals shall be forwarded to the Office of Staff Development and Training for recordkeeping and reporting obligations.

Employees should receive a written response from management regarding approval/disapproval of educational assistance requests, noting any changes in the application or conditions of approval. The response shall also indicate whether the reimbursement for the course is subject to withholding taxes or not.

- 2. The application must be submitted in advance (preferably 60 days prior to course registration) to allow time for appropriate review, approval and notification to the employee. The Secretary, or designee, may approve an application received after class begins if circumstances warrant.
- 3. The OSDT will review the application for policy guidelines. If tuition is requested and funds are available, the request shall be forwarded to the Controller's Office for approval. After approval, the OSDT lists the request on a pre-approval form and returns the application with a note to the applicant.
- 4. Within a maximum of 30 days of course completion, the employee must sign the approved application, attaching his/her grade(s) and receipt and forward the request to the OSDT for final processing. Failure to do so could result in non-reimbursement.

Both courses taken at the agency request and courses taken under the Extended Educational Leave Policy require prior written approval of the agency/university head or their designee.

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**Courses Taken at Agency/University Request**

1. Because of specific high priority skill needs of the agency, employees may be asked by management to take specific courses or degree programs. Under these circumstances, all limitations under the provisions of this policy are waived, except requirements for withholding taxes and FICA. All expenses should be reimbursed. These include transportation costs; examinations and administrative fees; textbooks and other course materials. (Any books or materials paid for by the agency/university become the property of the agency.)
2. If the hours or number of courses involved exceed the limits of the educational assistance program, then the situation shall be administered under the policy provisions for Extended Educational Leave.
3. The designation, "At Agency Request," can only be determined with the approval of the Secretary or designee.

**Extended Educational Leave**

1. The agency may consider any employee (permanent, probationary or trainee) for extended educational leave to participate in job or career-related work study, scholarship or fellowship programs based upon the following criteria:
  - a. Verification that both labor market and organizational needs exist for development in program requested.
  - b. Equal opportunity provided in selection of candidate(s).
  - c. Employees are informed of agency policies and procedures regarding:
    - (1) Announcement and application procedures;
    - (2) Screening and selection of employees;
    - (3) Limitations and restrictions on training;
    - (4) Leave, salary and benefit conditions and any withholding taxes and FICA;
    - (5) Employment agreement.

Requests for extended educational leave initiated by the employee and not meeting the above criteria shall be administered according to the State Personnel policy on leave without pay.

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**Certification/Licensing**

1. Incumbent employees who must meet minimum educational requirements and for whom maintenance of certification/licensing is required after employment or is deemed desirable by management and approved by the Secretary or designee are eligible for educational assistance under the following conditions:
  - a. certification/licensing is mandated by act of General Assembly, or
  - b. certification/licensing is a policy requirement of the employing agency/university.
2. Educational leave is authorized for courses and examinations required for initial certification/license and renewal of the certification/license. Reimbursement is authorized for 100% of the academic costs, less any applicable withholding taxes and FICA.
3. Certification/licenses resulting solely from attainment of academic degrees shall be considered under educational assistance for academic course work.

**ADMINISTRATION RESPONSIBILITY**

The Office of State Personnel is responsible for the interpretation of the State Academic Assistance Policy; and approval of the agency policy and procedures, and subsequent revisions. The Department of Correction is delegated responsibility for, and authority to administer the program within the provisions of this policy in a fair, consistent and equitable manner. The responsibility for managing the Educational Assistance Program in the Department of Correction has been delegated to the Office of Staff Development and Training. Changes to this policy or procedures require prior written approval of the Office of State Personnel. State Equal Employment Opportunity policies and procedures are applicable to all Rules in this Section.

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**MAINTAINING RECORDS**

Each agency is responsible for retaining records, on a fiscal year basis, of academic assistance activity. This information shall be reported annually to the Office of State Personnel upon request and shall include the following:

Number employees participating in the program,  
Amount (tuition and fees) reimbursed,  
Number employees granted educational leave,  
Number employees taking courses at agency's request,  
Number employees granted extended education leave,  
Number of employees taking courses for mandated/required certification/licensing

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**Educational Leave Approving Authorities**

DOC Administration	Section Chief
Division of Community Corrections	Executive Officer
Division of Prisons	DOP Training Coordinator/ Administrative Officer II
Chemical & Alcohol Dependency Programs	Assistant Secretary
Enterprise	Enterprise Director
Parole Commission	Executive Director
Inmate Grievance Commission	Executive Director