

PROPOSED TEXT

In the following text:

single underline indicates added or amended text

single strikeout indicates deleted text

Title 15. Crime Prevention and Corrections

Division 8. California Prison Industry Authority

Chapter 1. Rules and Regulations of California Prison Industry Authority

Section 8200 is amended to read:

8200. Personnel Testing Program Purpose and Goals.

(a) The purpose of CALPIA's testing program is to ensure CALPIA workplaces are safe and free from the adverse effects of drug, alcohol and substances that impair work performance and work safety. CALPIA's testing program also provides information regarding the administration of the testing program for the purpose of clarity, uniformity, and fundamental fairness within CALPIA.

(b) The goals of CALPIA's testing program include addressing drug, alcohol and substance use in CALPIA's workplace, promoting a safe drug, alcohol, and substance use-free workplace environment, and reducing and eliminating disruptions and disciplinary problems due to substance use.

Authority: Sections 2801 and 2809, Penal Code; Sections 19572 and 11349(e), Gov't Code.

Reference: Sections 2801 and 2809, Penal Code.

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Title 15. Crime Prevention and Corrections

Division 8. California Prison Industry Authority

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Section 8205 is amended to read:

8205. Reasonable Suspicion Testing.

(a) An employee may be tested when there is a reasonable suspicion that the employee may have engaged in drug, alcohol or substance use or appears by observable subjective factors to be impaired. The determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations (seen, heard or smelled) concerning the appearance, behavior, speech or body odors of the employee. Testing is not based on conjecture or assumption, a feeling or guess based on intuition rather than known facts, or solely on the report of others.

(b) Reasonable belief for employee drug testing observed facts and behaviors may include:

- (1) Observable phenomena such as direct observation of drug or alcohol use, possession, or physical symptoms of being under the influence.
- (2) A pattern of abnormal conduct or erratic behavior.
- (3) Arrest or conviction for a drug-related offense, or the identification of an employee as the subject of a criminal investigation into illegal drug possession, use or trafficking.
- (4) Information provided by a third party independently corroborated.
- (5) Newly discovered evidence the employee tampered with a previous drug test.

(c) Reasonable suspicion testing is conducted only after the General Manager or designee considers the facts, evidence, and totality of circumstances and concurs in writing.

(d) The General Manager's designee is an individual other than the suspected employee's immediate direct report supervisor and other than the person who made the initial observation leading to the question of reasonable suspicion.

Authority: Sections 2801 and 2809, Penal Code; Sections 11349~~€~~(e) 19572, Gov't Code.

Reference: Sections 2801 and 2809, Penal Code.