

**Amendment 1 to Drug Testing Services for
MDOC Job Applicants and Employees, RFP 15-033**

The following changes are made to the RFP:

1. Section 2.27 MRO means Medical Review Officer provided by the vendor.
2. Section 2.28 “Offeror” and 2.35.1 “Respondent” are defined the same.
3. The procurement schedule is changed as follows:

Section 4.8 Procurement Schedule

DAY	DATE	TIME	PROCUREMENT TASKS
Monday	3/23/2015		Advertise in MAGIC and in Newspaper
Monday	3/30/2015		Advertise in Newspaper
Friday	4/10/2015	4 p.m. CST	Deadline for Intent to Bid and Authorization Forms for Pre-Proposal Vendor Conference
Friday	4/17/2015	10 a.m. CST	Pre-Proposal Conference at MDOC Central Office
Friday	4/24/2015	4 p.m. CST	Deadline for Vendor Questions
Tuesday	5/7/2015		Answers to Vendor Questions sent via email to Vendors that submitted the Intent to Bid Form and Q & A Posted to MAGIC
Friday	5/15/2015	4 p.m. CST	Deadline for Proposals via MAGIC
Monday	5/18/2015		*Evaluation If Evaluators request Best and Final Offer: Oral Presentations on 5/21/2015
Monday	5/18/2015		Notice of Contract Award to all Respondents
Friday	5/22/2015		Debriefings, if requested by vendors
	5/18/2015 to 5/22/2015		Contract Negotiations and Discussions
Monday	5/25/2015		Memorial Day
Tuesday	5/26/2015		Submitted to the Personal Service Contract Review Board
Tuesday	6/16/2015	9 a.m.	PSCRB Monthly meeting
Wednesday	7/1/2015		Contract Begins

*MDOC reserves the right to request **Best and Final Offers (BAFO)** from the two (2) best offerors.

4. Section 5.1.3 was listed twice in the RFP. The second listing is changed to 5.1.4. The whole Section 5.1.3 is changed as follows:

5.1.3 The selected vendor may have to travel to MDOC facilities to conduct the services. MDOC employees are located at the facilities below:

1. Mississippi State Penitentiary (MSP), 590 Parchman Road 12, Parchman, MS 38738
2. Central Mississippi Correctional Facility (CMCF), 3794 Hwy 468, Pearl, MS 39208
3. South Mississippi Correctional Institution (SMCI), 22689 Mississippi 63, Leakesville, MS 39451
4. **Community Corrections:**
 - a. Alcorn County Community Work Center, 2407 Norman Road, Corinth, MS 38834
 - b. Bolivar County Community Work Center, 604 Hwy 8, Rosedale, MS 38769
 - c. Forrest County Community Work Center, 112 Alcorn Avenue, Hattiesburg, MS 39401
 - d. George County Community Work Center, 156 Industrial Park Drive, Lucedale, MS 39452
 - e. Harrison County Community Work Center, 3820 8th Avenue, Gulfport, MS 39501
 - f. Jackson County Community Work Center, 1717 Kenneth Avenue, Pascagoula, MS 39567
 - g. Jefferson County Community Work Center, 101 Corrections Road, Fayette, MS 39069
 - h. Leflore County Community Work Center, 3400 Baldwin County Road, Greenwood, MS 38930
 - i. Madison County Community Work Center, 140 Corrections Drive, Madison, MS 39046
 - j. Noxubee County Community Work Center, 110 Industrial park Road, Macon, MS 39341
 - k. Pike County Community Work Center, 2015 Jesse Hall Road, Magnolia, MS 39652
 - l. Quitman County Community Work Center, 201 Camp B Road, Lambert, MS 38643
 - m. Simpson County Community Work Center, 714 Wood Road, Magee, MS 39111
 - n. Washington County Community Work Center, 1398 N. Beauchamp Ext., Greenville, MS 38703
 - o. Wilkinson County Community Work Center, 84 Prison Lane, Woodville, MS 39669
 - p. Yazoo County Community Work Center, 625 W. Jefferson Street, Yazoo City, MS 39194
 - q. Flowood Restitution Center, 1632 Hwy 80 E, Flowood, MS 39232
 - r. Greenwood Restitution Center, 308 Hwy 7 N Rear, Greenwood, MS 38930
 - s. Hinds County Restitution Center, 429 South Gallatin Street, Jackson, MS 39203
 - t. Pascagoula Restitution Center, 1721 Kenneth Avenue, Pascagoula, MS 39567
 - u. Parole and Probation offices located throughout the state

5. MDOC Central Office

- a. 633 North State Street, Jackson, MS 39202
- b. Records Division, 421 W. Pascagoula Street, Jackson, MS.
- c. Parole Board, 660 North Street, Suite 100-A, Jackson, MS

5.1.4 Offerors are required to use the **Submission Cover Sheet – Exhibit D** – as the first page of their written proposal.

5.1.5 The contract will be awarded to the most responsive and responsible offeror found to be in the best interest of the State of Mississippi and not necessarily to the lowest price vendor.

5. The Scope of Services is changed.

- Section 5.3.1 Item 3. Business Hours. The selected vendor must be able to provide the services Monday through Friday during normal business hours (6 a.m. to 6 p.m.).
- Section 5.3.1 Item 4. Extended Hours. This category is defined as all day Saturday and Sunday as well as Monday through Friday between the hours of 6:01 p.m. to 5:59 a.m. because MDOC facilities operate 24 hours a day 365 days a year.
- Section 5.3.6 is changed. Provide initial notification of drug and alcohol testing results within 48 to 72 hours, including completing and providing to MDOC the Controlled Substances Testing Report and the Breath Alcohol testing Report to be placed in the employee medical file;
- Section 5.3.7 is changed. Provide administrative support for MDOC employee Random Drug Testing Program using a MDOC employee list in Microsoft Excel format, and notify MDOC of which employees are to report for random testing using a random selection testing software;
- Section 5.3.12 is added. Be available for legal proceedings regarding drug testing results/processes.

6. Section 5.4 Fee for Services is changed.

- Section 5.4.1 Item 7 is changed. Extended hours (all day Saturday and Sunday as well as Monday through Friday between the hours of 6:01 p.m. to 5:59 a.m.)
- Section 5.4.1 Item 9 is changed. On-Site Fee is a fee assessed when the MDOC On-Site location is greater than 50 miles radius of the offeror's base location.
- Section 5.4.1 Item 10 is changed. On-Site Drug Testing (MSP, CMCF, SMCI, Community Corrections, Central Office) as needed during business hours (6 a.m. to 6 p.m.) – minimum of 25 tests
- Section 5.4.1 Item 11 is changed. On-Site Drug Testing (MSP, CMCF, SMCI, Community Corrections, Central Office) as needed during extended hours – minimum of 25 tests
- Section 5.4.2 is changed. Offerors will propose an annual schedule for random drug testing of MDOC employees on site at each facility using Exhibit F – Random Drug Testing Schedule & Cost Matrix. Offeror's proposal narrative will describe the

offeror's approach and methodology for accomplishment of the tasks, methods, calculation, subcontractors, etc. using **Exhibit E – Drug Testing Bid Sheet** – offerors will offer their proposed fee for the scope of services.

7. Section 5.5 is changed.

- Section 5.5.5 is changed. Public Information and Publicity. All official communication shall be managed according to policies to be adopted by all parties. The proposed vendor will promptly refer requests for public information to the MDOC Communications Director or H/R Designee. The proposer will not release information regarding **inmates applicants** or employees except to the extent required by applicable Federal and/or State laws or court orders.
- Section 5.5.6 is changed. Legal Proceedings. The proposed vendor will defend, at its expense, any actions filed against it, or any of its employees or subcontractors. **The proposed vendor will speak or testify in court regarding drug testing results/processes.**
- Section 5.5.7 is changed. Personnel. The proposed vendor shall provide professional personnel to deliver drug testing services to MDOC job applicants and employees in compliance with applicable Federal and State laws, court orders, ACA Standards, and MDOC policies and procedures.
 1. At no time shall the proposed vendor employ a person who is simultaneously employed by the MDOC, or who is a former MDOC employee without advance approval from MDOC, said approval not to be unreasonably withheld by MDOC.
 2. No proposer shall have in its employ or through contract or sub-contract any person that has been incarcerated by MDOC or has been under supervision by MDOC as a probationer, parolee or supervised under house arrest or earned release supervision, in either an adjudicated or non-adjudicated basis. No proposal will be considered unless this requirement is acknowledged and complied with.
 3. **Request to employ a current or former employee will be forwarded to the MDOC Human Resource Director or Designee.**

8. Section 5.7 Security is changed.

- Section 5.7.2 is changed. All personnel entering a correctional facility will be subject to a search of their person and personal items. Such searches may be frisk searches, searches by metal detectors or searches by narcotics detection canines. **Selected Vendor personnel must display MDOC issued ID cards on their person at all times when inside MDOC facilities.** All Selected Vendor's personnel must be in possession of a valid identification with a recent, clear photo in order to enter a facility.
- Section 5.7.5 is changed. The Selected Vendor's personnel may not deliver, receive or otherwise transfer any item (no matter how innocuous) to or from an inmate/offender (except for those items detailed as approved in the Contract resulting from this RFP) without express permission of the **Warden/Superintendent** or his/her designee.
- Section 5.7.12 is changed. The **Warden/Administrator or designee** Corrections Investigation Division has the authority to revoke a vendor employee's security clearance as deemed necessary.

9. Section 6.4 is changed.
 - 6.4.1 Section 6.4.11 is changed. Offerors should describe how they will maintain a complete and confidential file on MDOC testing program, including technology, software, forms and other documents necessary to document offeror's ability to operate MDOC testing program and maintain records for MDOC in compliance with all regulations; **and**
10. Section 6.5 Proposed Staffing Plan is clarified.

Section 6.5.1 is a repeat of Section 5.5.7. The clause is repeated to make sure the vendor is aware that they are to address this matter in their proposal under the Proposed Staffing Plan.
11. Section 7.2.1 Item 5 is changed. **Is Exhibit L, Certifications**, attached to the offeror's proposal?
12. Exhibit A. Policy 3.18 is added to the RFP. See Policy 3.18 attached to this document.
13. Exhibit E is attached with corrections.
14. Exhibit F is attached with corrections
15. Exhibit H references must be correctional references. See clarification.
 - This is a clarification. Narrative information concerning current and prior contracts and references should be provided in the proposal narrative – Section 6.1.2 Item 4E.
 - This is a clarification. See Section 5.2 Minimal Vendor Requirements: References from five clients serviced in the past five years – **three of which are correctional clients provided in Exhibit H**. List other references in the proposal narrative.

Offerors shall acknowledge receipt of this Amendment #1 to RFP 15-033 by authorized signature and date below. The signed Amendment #1 must be returned with the proposal via MAGIC by 4 p.m. on **Friday, May 15, 2015. Access RFX 3120000342 to upload your proposal PDF.**

ACKNOWLEDGED:

DATE

BY: _____
Authorized Signature

FIRM: _____



**MISSISSIPPI DEPARTMENT
OF
CORRECTIONS**

**POLICY NUMBER
03-18**

AGENCY WIDE

DRUG TESTING FOR MDOC EMPLOYEES AND APPLICANTS

**INITIAL DATE
11-01-1987**

ACA STANDARDS:

**EFFECTIVE DATE
07-01-2012**

STATUTES: 47-5-196, 71-7-1 thru 71-7-33

NON-RESTRICTED

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POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to:

- Prohibit the use of illegal drugs by all applicants/employees
- Require applicants to be drug tested after the offer of employment
- Require all employees to be drug tested randomly and as based upon reasonable suspicion
- Initiate, upon confirmation of a positive test, appropriate disciplinary action(s) in accordance with State Code, State Personnel Board regulations and MDOC policies
- Adhere to the U. S. Department of Transportation and Federal Motor Carrier Safety Administration guidelines for compliance with licensing and testing of employees assigned to transportation duty

DEFINITIONS:

Drug/Illegal Drug – Any substance, other than alcohol, having psychological and/or physiological effects on a human being and that is not a prescription or non-prescription medication, including controlled dangerous substances and controlled substance analogs which produce the psychological and/or physiological effects of a controlled dangerous substance through deliberate introduction into the body.

Drug Test – A chemical test administered for the purpose of determining the presence or absence of a drug or its metabolites in a person's body fluids.

Initial Test – An initial drug test to determine the presence or absence of drugs or their metabolites in specimens.

Random Drug Testing – Drug testing based on a random generator program using the employee's unique identification number.

Reasonable Suspicion Drug Testing – Drug testing based on a belief that an employee is using or has used drugs in violation of MDOC policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience.

Confirmation Test – A drug test on a specimen to substantiate the results of a prior drug test on the specimen using an alternate method of equal or greater sensitivity than that used in the previous drug test.

Confirmed Positive Test – The result of a confirmatory test establishing the presence of drugs or drug metabolites in a specimen at or above the established cut-off level.

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41 Medical Review Officer – A licensed physician responsible for receiving laboratory results who
42 has knowledge of substance abuse disorders and has appropriate medical training to interpret
43 and evaluate an individual's positive test result together with his or her medical history and any
44 other relevant biomedical information.

45
46 Applicant – An individual who has submitted an application, attended an interview/screening day
47 or is offered employment with the MDOC.

48
49 Employee - Any person who supplies a service for remuneration or pursuant to contract for hire
50 to a private or public employer in this state, to include contractual employees as well as interns.

51
52 Prescription or Non-prescription Medication – A drug prescribed for use by a duly licensed
53 physician, dentist or other medical practitioner licensed to issue prescriptions or a drug that is
54 authorized pursuant to federal or state law for general distribution and use without a prescription
55 in the treatment of human diseases, ailments or injuries.

56
57 Specimen – A tissue or product of the human body chemically capable of revealing the
58 presence of drugs in the human body.

59
60 Collectors of Specimen – Entity used to collect and process specimen necessary for
61 interpretation of drug testing.

62
63 Commercial Motor Vehicle (CMV) – Vehicle with a gross vehicle weight rating of 26,001 or more
64 pounds or a vehicle designed to transport 16 or more passengers, including the driver.

65
66 Commercial Drivers License (CDL) – License required in the United States to operate
67 commercial motor vehicle in interstate, intrastate, or foreign commerce. CDL's are only issued
68 after the driver has completed and passed knowledge and skills test.

69
70 Class A CMV Group – Any combination of vehicles with a gross combination weight rating of
71 26,001 pounds or more provided the gross vehicle weight rating of vehicles being towed is in
72 excess of 10,000 pounds.

73
74 Class B CMV Group – Any single vehicle with a gross vehicle weight rating of 26,001 pounds or
75 more, or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight
76 rating.

77
78 Class C CMV Group – Any single vehicle, or combination of vehicles, that meets neither the
79 definition of Group A nor Group B, but is designed to transport 16 or more passengers, including
80 the driver.

81
82 Transportation Duty – MDOC employees assigned to transport correspondence, materials, or
83 inmates.

84
85 DOT Physical – Mandatory medical testing administered to successfully determine the physical
86 ability or non ability of an employee to safely operate a commercial motor vehicle.

87
88 DOT Drug Screen – Mandatory drug testing administered to employees to determine the
89 presence or absence of drugs or their metabolites in specimens and thus determine the ability
90 or non ability of an employee to safely operate a commercial motor vehicle.

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91 Medical Examiners' Certificate – Commonly referred to as “DOT Health Card,” it is a medical
92 examination report that certifies the employee has met the physical qualifications to safely
93 operate a commercial motor vehicle.

94
95 **PRECEPTS:**

96
97 Employee Notifications of MDOC Drug Policy

98
99 All employees of the MDOC will be provided a written statement containing:

- 100
101 • A general statement of the MDOC policy on employee drug use which will identify both the
102 grounds on which an employee may be required to submit to a drug test and the actions the
103 MDOC may take against an employee on the basis of a positive confirmed drug test result,
104 or any other violation of the MDOC drug use policy
105
106 • A statement advising the employee of the existence of this policy and §71-7-1 through §71-
107 7-33 of the Mississippi Code of 1972, Annotated
108
109 • A general statement concerning confidentiality
110
111 • Circumstances under which drug testing may occur, and which positions will be subject to
112 testing on a reasonable suspicion basis
113
114 • The consequences of refusing to submit to a drug test
115
116 • Information on opportunities for assessment and rehabilitation if an employee has a positive
117 confirmed test result and the MDOC determines that discipline or discharge are not
118 necessary or appropriate
119
120 • A statement that an employee who receives a positive confirmed drug test result may
121 contest the accuracy of that result or explain it
122
123 • A list of all drugs for which the MDOC might test
124

125 The MDOC will post a notice in an appropriate and conspicuous location on all MDOC premises
126 outlining the MDOC's employee drug policy.

127
128 Copies of the policy will be made available for inspection during regular business hours by
129 employees in MDOC personnel offices or other suitable locations.

130
131 Pre-Employment Drug Testing

132
133 The MDOC Human Resources Office will notify each applicant, in writing, prior to the collection
134 of the specimen for the drug test, that the applicant will be tested for the presence of drugs or
135 their metabolites. The employee will be required to sign a statement indicating that he has read
136 and understands the MDOC drug testing policy and/or notice.

137
138 Either a job applicant's **refusal** to submit to a drug test or a **positive confirmed test** will be
139 grounds for refusal to employ the applicant.

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140 DOT Administration

141
142 The company's DOT policy will be administered through the Human Resources Department. All
143 employees on transportation duty are subject to DOT physicals and DOT drug screens as
144 mandated by federal guidelines unless in possession of unexpired current CDL and unexpired
145 current DOT health card. DOT certified clinics will be used to perform these tests and results
146 will confidentially be presented to the Human Resource Director.

147
148 Random Drug Testing

149
150 All employees assigned a unique identification number will be placed in the random generator
151 program used to randomly select employees for drug testing.

152
153 Employees working on the day of the selected random drug test will be required to submit to the
154 random drug test during the course of their regular work shift. Employees on regular days off,
155 personal or medical leave, conference leave or travel beginning and ending during the random
156 drug testing collections will not be required to drug test.

157
158 Testing an Employee on Reasonable Suspicion

159
160 Any employee, based on a reasonable suspicion of drug use, will be required to submit to drug
161 testing when ordered by the Commissioner, a Deputy Commissioner, Division Director,
162 Superintendent, or their designee.

163
164 Reasonable Suspicion is that suspicion based upon a belief that an employee is using or has
165 used drugs in violation of MDOC policy drawn from specific objective and articulable facts and
166 reasonable inferences drawn from those facts in light of experience and may be based upon,
167 among other things:

- 168
- 169 • Observable phenomena, such as direct observation of drug use and/or the physical
170 symptoms or manifestations of being under the influence of a drug
 - 171
 - 172 • Abnormal conduct or erratic behavior while at work, absenteeism, tardiness or deterioration
173 in work performance
 - 174
 - 175 • A report of drug use provided by reliable and credible sources and which has been
176 independently corroborated
 - 177
 - 178 • Evidence that an individual has tampered with a drug test during his employment with the
179 MDOC
 - 180
 - 181 • Employee sustains a work-related injury or is involved in an accident while at work
 - 182
 - 183 • Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of
184 drugs while working or while on MDOC premises or while operating an MDOC vehicle,
185 machinery or equipment

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186 Refusal of Reasonable Suspicion Drug Testing

187
 188 If an employee refuses to submit to Reasonable Drug Testing immediately after a work-related
 189 accident/injury, it will be presumed that the employee is positive for illegal drug use or use of a
 190 valid prescription contrary to the prescriber's instructions and/or contrary to label warnings, or
 191 that the employee was intoxicated.

192
 193 It will further be presumed then that the cause of the accident/injury was the employee's illegal
 194 drug use or his/her misuse of a prescription drug and/or his/her intoxication.

195
 196 Employee Voluntary Testing

197
 198 Any employee of the Department may volunteer at any time to be tested for drug use at his own
 199 expense.

200
 201 **Collection, Storage and Transportation of Specimens**

202
 203 Collection Protocol

- 204
 205 • The collection of specimens will be performed under reasonable and sanitary conditions.
 206
 207 • Individual dignity will be preserved to the extent practicable.
 208
 209 • Specimens will be taken in a manner to ensure prevention of substitution of specimens
 210 and/or interference with the collection or testing of specimens.
 211
 212 • Specimen collection will be documented to include labeling of specimen containers so as to
 213 reasonably preclude the likelihood of erroneous identification of test results.
 214
 215 • Specimen collection, storage and transportation to the testing site will be performed in a
 216 manner which will reasonably preclude specimen contamination or adulteration.
 217
 218 • Specimen testing will conform to scientifically accepted analytical methods and procedures.

219
 220 Collectors of Specimens

221
 222 A specimen for a drug test may be taken or collected by any of the following:

- 223
 224 • A physician, a registered nurse or a licensed practical nurse
 225 • A qualified person employed by a certified laboratory
 226 • Any person deemed qualified by the State Board of Health

227
 228 Collection Timetable

229
 230 Any drug testing requested by the MDOC will occur during or immediately after the regular work
 231 period of employees, and will be deemed to be performed during work time for purposes of
 232 determining compensation and benefits for current employees.

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233 Specimen Chain of Custody

234
235 In the event that on-site drug tests or specimen collection is necessary, chain-of-custody
236 procedures will be established to ensure proper recordkeeping, handling, labeling and
237 identification of all specimens to be tested.

238
239 Test(s) Costs

240
241 The MDOC will pay the costs of all random and reasonable suspicion drug tests to which it
242 requires or requests an employee or applicant to submit.

243
244 If either the employee or the applicant requests additional drug tests, the requestor will pay the
245 costs of any additional drug tests.

246
247 Any independent laboratory where additional testing is done must be a lab certified by the
248 National Institute on Drug Abuse/Substance Abuse and Mental Health Services Administration
249 (NIDA/SAMSHA).

250
251 Any additional drug testing requested by the employee or applicant must use a sample of the
252 same specimen as the original test.

253
254 Initial Drug Tests

255
256 Initial drug tests will use an identification process meeting the requirement of the United States
257 Food and Drug Administration for commercial distribution. The following initial cut-off levels will
258 be used when screening specimens to determine whether or not they are negative for the
259 following drugs or classes of drugs:

260
261 Initial Test Cut-off Levels (ng/ml)

- 262
- | | | |
|-----|-------------------------|-------|
| 263 | • Marijuana Metabolites | 50 |
| 264 | • Cocaine Metabolites | 300 |
| 265 | • Opiate Metabolites | 2000* |
| 266 | • Phencyclidine (PCP) | 25 |
| 267 | • Amphetamines | 1000 |

268
269 * 25 ng/ml if immunoassay specific for free morphine

270
271 These cut-off levels are subject to change by the MDOC as advances in technology or other
272 considerations warrant identification of these substances at other concentrations.

273
274 Confirmation Tests

275
276 Only certified laboratories will conduct confirmation drug tests. All confirmation tests will use an
277 alternate method of equal or greater sensitivity than that used on the initial drug test. If an initial
278 drug test is negative, there will be no confirmation test.

279
280 All specimens identified as positive on the initial test will be confirmed using gas
281 chromatography/mass spectrometry (GC/MS) techniques at the cut-off levels listed below for
282 each drug:

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283 Confirmation Test Cutoff Levels (ng/ml)

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- Marijuana metabolite
Delta-9-tetrahydrocannabinol-9-carboxylic acid (THC) 15
- Cocaine metabolite
Benzoylecgonine 150
- Opiates:
Morphine 2000
Codeine 2000
- Phencyclidine (PCP) 25
- Amphetamines:
Amphetamine 500
Methamphetamine 500

These cut-off levels are subject to change by the MDOC as advances in technology or other considerations warrant identification of these substances at other concentrations.

Specimen Preservation

- Every specimen that produces a positive confirmed result will be preserved in a frozen state by the certified laboratory conducting the confirmation test for a period of at least **one hundred and eighty (180)** days from the time the results of the positive confirmed test is mailed or otherwise delivered to the MDOC.
- In certain cases when it is necessary and requested by the MDOC, the certified laboratory will hold specimens in said preserved frozen state for periods in excess of **one hundred and eighty (180)** days.
- During this period, the tested employee will be permitted to have a portion of the specimen re-tested, at his own expense, at a certified laboratory he himself has chosen.
- The certified laboratory that performed the test for the MDOC will be responsible for the transfer of the portion of the specimen to be re-tested, and for the integrity of the chain-of-custody during said transfer.

Receipt and Interpretation of Test Results

A Medical Review Officer (MRO) and his authorized staff will be the sole persons responsible for receiving and interpreting laboratory results of initial positive drug tests. The Medical Review Officer and his authorized staff will be the sole persons authorized to medically review the results of such tests.

Employee Due Process

The employee or applicant will have an opportunity to provide any information considered relevant to the test, including identification of currently or recently used prescription or non-prescription drugs, or other relevant medical information.

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329 Notification/Response Timelines

330
331 Within **five (5)** working days after receipt of a positive confirmed test result report from the
332 testing laboratory, the MDOC will inform the employee in writing of the positive test result and of
333 the consequences of such a report and the options available to him. The employee may
334 request and receive a copy of the test result report from the MDOC.

335
336 Within **ten (10)** working days after receiving notice of a positive confirmed test result, the
337 employee may submit explanatory information to the appropriate authorized MDOC personnel
338 or designee as to why the results do not constitute a violation of MDOC policy.

339
340 If an employee's explanation of the positive test results is not satisfactory, a written explanation
341 to this effect submitted by the appropriate authorized MDOC personnel or designee, along with
342 the report of positive results, will be sent to the employee and made a part of the employee's
343 personnel records.

344
345 Employee Discharge or Discipline

346
347 Any employee or applicant tested and confirmed positive, or who refuses to be tested by neutral
348 selection or reasonable suspicion, or whose specimen has been determined by the confirming
349 laboratory to have been adulterated or tainted by the employee or applicant or at the direction of
350 the employee or applicant, will be recommended for appropriate disciplinary action in
351 accordance with established departmental personnel disciplinary procedures (disciplinary action
352 in the case of an employee or refusal to employ in the case of an applicant).

353
354 Any disciplinary action initiated on a positive test for drug use will be based on the results of a
355 laboratory confirmatory test result as confirmed by the MRO.

356
357 Actions which constitute refusal will include, but not be limited to:

- 358
359
- Declining to sign required test related documents
 - Failure to appear for testing and/or provide specimens when scheduled
 - Not participating in a specific test process as required by MDOC test procedure

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361
362
363 Transportation Duty Qualifications and Penalties

364
365 A driver or holder of a CDL who is disqualified must not drive a CMV.

366
367 Examples of disqualifying factors are: speeding excessively, driving under the influence of
368 alcohol or any controlled substance, reckless driving or erratic driving maneuvers, and/or using
369 the vehicle(s) to commit a felony.

370
371 MDOC will not knowingly allow, require, permit, or authorize a driver who is disqualified to drive
372 a CMV.

373
374 Any offenses or violations committed in a non-CMV will be counted as a traffic incident that
375 could lead to disqualification of CDL.

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376 Penalties and Violations

377
378 Disciplinary actions in the form of penalties and violations should be administered in accordance
379 with State Personnel Board group offenses if any of the requirements outlined in the policy are
380 not met.

381
382 Confirmation Mandate

383
384 The MDOC may not discharge, discipline, refuse to hire, discriminate against, or request or
385 require rehabilitation of an employee on the basis of a positive test result that has not been
386 verified by a confirmatory test.

387
388 Drug Testing Confidentiality

389
390 All information, interviews, reports, statements, memoranda and test results, written or
391 otherwise, received by the MDOC through its drug testing program will be the property of the
392 MDOC and considered confidential communications which may not be used or received in
393 evidence, obtained in discovery, or disclosed in any public or private proceedings except in
394 accordance with this policy and §71-7-15 of the Mississippi Code of 1972, Annotated.

395
396 The MDOC will not release information related to drug test results to any person other than the
397 employee or applicant, or MDOC medical, supervisory staff, personnel officers, Administrative
398 Review Hearing Officers or other personnel, as designated by the MDOC on a need-to-know
399 basis, unless:

- 400
- 401 • The employee or applicant has expressly granted permission, in writing, for the MDOC to
402 release such information.
 - 403
 - 404 • It is necessary to introduce a positive confirmed test result into an arbitration proceeding
405 pursuant to a collective bargaining agreement, an administrative hearing under applicable
406 state or local law, or a judicial proceeding, provided that the information is relevant to the
407 hearing or proceeding, or the information must be disclosed to a federal or state agency or
408 other unit of the state or United States government as required under law, regulation or
409 order, or in accordance with compliance requirements of a state or federal government
410 contract, or disclosed to a drug abuse rehabilitation program for the purpose of evaluation or
411 treatment of an employee.
 - 412
 - 413 • There is a risk to public health or safety that can be minimized or prevented by the release
414 of such information. A court order permitting the release will be obtained prior to the release
415 of the information unless such risk is of an immediate nature.

416
417 The confidentiality provisions provided for in §71-7-15 of the Mississippi Code of 1972,
418 Annotated, will not apply to other parts of an employee's or job applicant's personnel or medical
419 files.

420
421 If an employee refuses to sign a written consent form for release of information to persons as
422 permitted in this policy and §71-7-15 of the Mississippi Code of 1972, Annotated, the MDOC
423 may discharge or discipline the employee as appropriate.

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424 Standards for Laboratories Conducting Confirmation Tests

425

426 No laboratory may conduct confirmation drug tests unless:

427

428 • The director of the laboratory and the laboratory itself are certified by the State Board of
429 Health, or are licensed or certified by an agency of another state to conduct such tests.

430

431 • The laboratory has written testing procedures and written procedures to ensure chain-of-
432 custody.

433

434 • The laboratory demonstrates satisfactory performance in the proficiency testing program of
435 the National Institute on Drug Abuse, the College of American Pathology or the American
436 Association for Clinical Chemistry, or the equivalent.

437

438 Laboratory Quality Control Procedures

439

440 The laboratory will follow proper quality control procedures including, but not limited to:

441

442 • The use of internal quality controls including the use of samples of known concentrations
443 which are used to check the performance and calibration of testing equipment, and periodic
444 use of blind samples for overall accuracy

445 • An internal review and certification process for test results conducted by a person qualified
446 to perform that function in the testing laboratory

447

448 • Security measures implemented by the testing laboratory to preclude adulteration of
449 specimens and test results

450

451 • Other necessary and proper actions taken to ensure reliable and accurate test results

452

453 Disclosure and Contents of Laboratory Test Result Reports

454

455 A laboratory will disclose to the MDOC a written test result report within **five (5)** working days
456 after the test.

457

458 All laboratory reports of a test result will state, at a minimum:

459

460 • The name and address of the laboratory that performed the test and the positive
461 identification of the person tested

462

463 • Any positive confirmed drug test result on a specimen which tested positive on an initial test,
464 or a negative drug test result on a specimen, provided, that reports should not make
465 reference to initial or confirmatory tests when reporting positive or negative results

466

467 • A list of the drugs/metabolites tested for, whether positive or negative

468

469 • The type of tests conducted for both initial and confirmation tests and the cut-off levels of the
470 tests

471

472 • The specimen number and the drug testing laboratory specimen identification number

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473 However, the report will not disclose any physical or mental condition of the applicant or the
474 employee tested, or the presence or absence of any drug other than the specific drug and its
475 metabolites that the MDOC requests to be identified.

476
477 The test results will be signed by the individual responsible for the day-to-day management of
478 the laboratory or the individual responsible for attesting to the validity of the test report.

479
480 **DOCUMENTS REQUIRED:**

481
482 As required by this policy and through the chain of command.

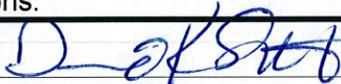
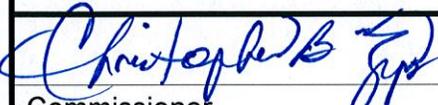
ENFORCEMENT AUTHORITY		
All standard operating procedures (SOPs) and/or other directive documents related to the implementation and enforcement of this policy will bear the signature of and be issued under the authority of the Commissioner of Corrections.		
Reviewed and Approved for Issuance		7/01/2012
	General Counsel	Date
Reviewed and Approved for Issuance		07/01/12
	Commissioner	Date

EXHIBIT E					
BID SHEET FOR DRUG TESTING					
Onsite at MDOC Facilities (MSP, CMCF, SMCI, Community Corections, and Central Office)					
Business Hours = 6 a.m. to 6 p.m. Monday - Friday					
Extended Hours = All day Saturday and Sunday as well as Monday - Friday between the hours of 6:01 p.m. and 5:59 a.m.					
FEE CATEGORIES		Off Site Business Hours	Off Site Extended Hours	On-Site Business Hours	On-Site Extended Hours
Five (5) Panel Point of Care Urine Drug Screen with Adulterant	Price per test	\$ -	\$ -	\$ -	\$ -
Confirmation Fee for Positive Point of Care Screen	Price per test	\$ -	\$ -	\$ -	\$ -
Five (5) Panel Chain of Custody Drug Screen	Price per test	\$ -	\$ -	\$ -	\$ -
Collection Fee at a Contracted Site	Price per test	\$ -	\$ -	XXXXXXXX	XXXXXXXX
DOT Urine Drug Screen	Price per test	\$ -	\$ -	\$ -	\$ -
DOT/Non-DOT Breath Alcohol Test	Price per test	\$ -	\$ -	\$ -	\$ -
Onsite Fee (min of 25 tests): over 50 mile radius	Price per test	XXXXXXXX	XXXXXXXX	\$ -	\$ -
Random Drug Testing Program - See Exhibit __ Total Fee	Annual Calc.	\$ -	\$ -	\$ -	\$ -
TOTALS		\$ -	\$ -	\$ -	\$ -

EXHIBIT F

ANNUAL EMPLOYEE RANDOM DRUG TESTING SCHEDULE AND COST MATRIX

OFFSITE TESTING - BUSINESS HOURS

Division	Tot. Empl.	Test Percentage	July-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Total # Tested	Rate Per Test	Travel Fee	Est. Cost
MSP	800	0%	-	-	-	-	-	\$ 5.00	\$ -	\$ -
CMCF	650	0%	-	-	-	-	-	\$ 5.00	\$ -	\$ -
SMCI	400	0%	-	-	-	-	-	\$ 5.00	\$ -	\$ -
Comm. Corr	650	43%	70	70	70	70	280	\$ 5.00	\$ -	\$ 1,397.50
Central Office	150	0%	-	-	-	-	-	\$ 5.00	\$ -	\$ -
TOTALS	2650		70	70	70	70	280	\$ 25.00	\$ -	\$ 1,397.50

ANNUAL EMPLOYEE RANDOM DRUG TESTING SCHEDULE AND COST MATRIX

OFFSITE TESTING - EXTENDED HOURS

Division	Tot. Empl.	Test Percentage	July-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Total # Tested	Rate Per Test	Travel Fee	Est. Cost
MSP	800	0%	0	0	0	0	0	\$ 5.00	\$ -	\$ -
CMCF	650	0%	0	0	0	0	0	\$ 5.00	\$ -	\$ -
SMCI	400	0%	0	0	0	0	0	\$ 5.00	\$ -	\$ -
Comm. Corr	650	0%	0	0	0	0	0	\$ 5.00	\$ -	\$ -
Central Office	150	0%	0	0	0	0	0	\$ 5.00	\$ -	\$ -
TOTALS	2650		0	0	0	0	0	\$ 25.00	\$ -	\$ -

* No Offsite Random Testing during extended hours

ANNUAL EMPLOYEE RANDOM DRUG TESTING SCHEDULE AND COST MATRIX

ONSITE TESTING - BUSINESS HOURS

Division	Tot. Empl.	Test Percentage	July-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Total # Tested	Rate Per Test	Travel Fee	Est. Cost
MSP	788	42%	83	83	83	83	331	\$ 5.00	\$ -	\$ 1,654.80
DOT Testing	12	50%	2	2	2	2	6	\$ 5.00	\$ -	\$ 30.00
CMCF	642	42%	67	67	67	67	270	\$ 5.00	\$ -	\$ 1,348.20
DOT Testing	8	50%	1	1	1	1	4	\$ 5.00	\$ -	\$ 20.00
SMCI	395	42%	41	41	41	41	166	\$ 5.00	\$ -	\$ 829.50
DOT Testing	5	50%	1	1	1	1	3	\$ 5.00	\$ -	\$ 12.50
Comm. Corr	650	15%	24	24	24	24	98	\$ 5.00	\$ -	\$ 487.50
Central Office	150	43%	16	16	16	16	63	\$ 5.00	\$ -	\$ 315.00
TOTALS	2650		235	235	235	235	940	\$ 40.00	\$ -	\$ 4,697.50

*DOT employees are only at MSP, CMCF, & SMCI. Number of DOT employees varies but DOT Regulations require 50% testing.

ANNUAL EMPLOYEE RANDOM DRUG TESTING SCHEDULE AND COST MATRIX

ONSITE TESTING - EXTENDED HOURS

Division	Tot. Empl.	Test Percentage	July-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Total # Tested	Rate Per Test	Travel Fee	Est. Cost
MSP	788	15%	30	30	30	30	118	\$ 5.00	\$ -	\$ 591.00
DOT Testing	12	50%	2	2	2	2	6	\$ 5.00	\$ -	\$ 30.00
CMCF	642	15%	24	24	24	24	96	\$ 5.00	\$ -	\$ 481.50
DOT Testing	8	50%	1	1	1	1	4	\$ 5.00	\$ -	\$ 20.00
SMCI	395	15%	15	15	15	15	59	\$ 5.00	\$ -	\$ 296.25
DOT Testing	5	50%	1	1	1	1	3	\$ 5.00	\$ -	\$ 12.50
Comm. Corr	650	15%	24	24	24	24	98	\$ 5.00	\$ -	\$ 487.50
Central Office	150	0%	-	-	-	-	-	\$ 5.00	\$ -	\$ -
TOTALS	2650		96	96	96	96	384	\$ 40.00	\$ -	\$ 1,918.75

*DOT employees are only at MSP, CMCF, & SMCI. Number of DOT employees varies but DOT Regulations require 50% testing.