



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2668

Introduced 1/21/2014, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-7-2.5

Amends the Unified Code of Corrections. Provides that all samples used for the purpose of drug testing of Department of Corrections employees shall be collected by persons who have at least 15 (rather than 40) hours of initial training in the proper collection procedures and at least 8 hours of annual follow-up training. Provides that the training of persons who perform the drug testing must include guidelines and procedures on maintaining the integrity of the collection process, ensuring the privacy of employees being tested, ensuring the security of the specimen, and avoiding conduct or statements that could be viewed as offensive or inappropriate (rather than guidelines and procedures used for the collection process and training on the appropriate interpersonal skills required during the collection process). Provides that proficiency in the proper collection process must be demonstrated prior to certification. Effective July 1, 2014.

LRB098 15186 RLC 50171 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-7-2.5 as follows:

6 (730 ILCS 5/3-7-2.5)

7 Sec. 3-7-2.5. Zero tolerance drug policy.

8 (a) Any person employed by the Department of Corrections
9 who tests positive in accordance with established Departmental
10 drug testing procedures for any substance prohibited by the
11 Cannabis Control Act, the Illinois Controlled Substances Act,
12 or the Methamphetamine Control and Community Protection Act
13 shall be discharged from employment. Refusal to submit to a
14 drug test, ordered in accordance with Departmental procedures,
15 by any person employed by the Department shall be construed as
16 a positive test, and the person shall be discharged from
17 employment.

18 Testing of employees shall be conducted in accordance with
19 established Departmental drug testing procedures. Changes to
20 established drug testing procedures that are inconsistent with
21 the federal guidelines specified in the Mandatory Guidelines
22 for Federal Workplace Drug Testing Program, 59 FR 29908, or
23 that affect terms and conditions of employment, shall be

1 negotiated with an exclusive bargaining representative in
2 accordance with the Illinois Public Labor Relations Act.

3 (1) All samples used for the purpose of drug testing
4 shall be collected by persons who have at least 15 ~~40~~ hours
5 of initial training in the proper collection procedures and
6 at least 8 hours of annual follow-up training. Proof of
7 this training shall be available upon request. In order to
8 ensure that these persons possess the necessary knowledge,
9 skills, and experience to carry out their duties, their
10 training must include guidelines and procedures on
11 maintaining the integrity of the collection process,
12 ensuring the privacy of employees being tested, ensuring
13 the security of the specimen, and avoiding conduct or
14 statements that could be viewed as offensive or
15 inappropriate. Proficiency in the proper collection
16 process must be demonstrated prior to certification ~~used~~
17 ~~for the collection process and must also incorporate~~
18 ~~training on the appropriate interpersonal skills required~~
19 ~~during the collection process.~~

20 (2) With respect to any bargaining unit employee, the
21 Department shall not initiate discipline of any employee
22 who authorizes the testing of a split urine sample in
23 accordance with established Departmental drug testing
24 procedures until receipt by the Department of the test
25 results from the split urine sample evidencing a positive
26 test for any substance prohibited by the Cannabis Control

1 Act, the Illinois Controlled Substances Act, or the
2 Methamphetamine Control and Community Protection Act.

3 (b) Any employee discharged in accordance with the
4 provisions of subsection (a) shall not be eligible for rehire
5 by the Department.

6 (Source: P.A. 94-556, eff. 9-11-05.)

7 Section 99. Effective date. This Act takes effect July 1,
8 2014.