

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
ARIZONA CODE OF JUDICIAL	)	Administrative Order
ADMINISTRATION § 6-106:	)	No. 2015 - <u>67</u>
PERSONNEL PRACTICES	)	(Affecting Administrative
	)	Order No. 2013-88)
	)	

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An amendment to the above-captioned section of the Arizona Code of Judicial Administration came before the Arizona Judicial Council on June 15, 2015 and was approved and recommended for adoption. Additionally, and pursuant to the Arizona Code of Judicial Administration § 1-201(E), the Chief Justice may adopt emergency administrative code proposals and technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council. Specifically, due to statutory amendments, there is a need to change the citation in ACJA § 6-106(J)(2)(e) from A.R.S. § 38-1109 to A.R.S. § 38-1140.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 6-106 is amended as indicated on the attached document. All other provisions of § 6-106, as originally adopted, remain unchanged and in effect.

Dated this 22nd day of July, 2015.

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SCOTT BALES  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**

**Part 6: Probation**

**Chapter 1: General Administration**

**Section 6-106: Personnel Practices**

**A. through I. [No changes]**

**J. Continuing Employment Requirements.**

1. Each department shall, at a minimum:

a. through e. **[No changes]**

f. Conduct criminal history and MVD records checks of all probation employees every two years, at minimum. For department employees that have need to operate a state, county or personal vehicle in the execution of their duties, conduct annual MVD reviews pursuant to ACJA 6-111.

g. **[No changes]**

2. Each probation department may, for good cause, require an employee to undergo an evaluation to determine the employee's emotional, psychological or physical ability to safely perform the employee's assigned duties.

a. through d. **[No changes]**

e. For physical examinations, departments shall comply with the additional requirements of A.R.S. § 38-110940.

(1) Pursuant to A.R.S. § 38-110940(A), a department may order a probation officer to submit to a physical examination:

[O]nly if . . . the probation officer has acted or failed to act in an observable manner that indicates that there is a physical condition materially limiting the . . . probation officer's ability to perform the essential functions of the probation officer's job within the . . . probation officer's job description. The order shall state all of the specific objective facts on which the order for the physical exam is based except that the order may omit the specific names of individuals who reported the . . . probation officer's conduct to the supervisor.

(2) Each department shall adopt policies and procedures that comply with the substantive and procedural requirements set forth in A.R.S. § 38-110940.

3. **[No changes]**

**K. [No changes]**

**L. Drug Testing.** The AOC, in conjunction with the Committee on Probation (COP) shall determine methodologies for drug testing. The department shall adopt and integrate policies and procedures for pre-employment, random sampling and reasonable suspicion drug screening for illegal substances which conforms to the model policy established by the AOC. This model policy is attached and incorporated as Appendix A, “Model Policy for Drug Testing”.

1. **[No changes]**

2. An AOC approved vendor shall conduct employee drug tests for the illegal use of the following drugs, or classes of drugs:

a. Cannabis;

b. Cocaine;

c. Opiates;

d. Amphetamines/Methamphetamine;

e. ~~Phencyclidine (PCP)~~ Ecstasy (MDMA);

f. Alcohol (only for pre-employment and reasonable suspicion testing)-;

g. Oxycodone;

h. Heroin.

3. **[No changes]**

**M. [No changes]**

**Section 6-106: Personnel Practices**  
**APPENDIX A**

**MODEL POLICY FOR DRUG TESTING**

**I. through VII. [No changes]**

**VIII. Testing Procedures.**

A. Tests shall be conducted by an approved provider for the illegal use of the following drugs, or classes of drugs:

1. Cannabis;
2. Cocaine;
3. Opiates;
4. Amphetamines/Methamphetamine;
5. ~~Phencyclidine (PCP)~~ Ecstasy (MDMA);
6. Alcohol (only for pre-employment and reasonable suspicion testing);
7. Oxycodone;
8. Heroin.

B. The employee shall be notified prior to the testing for any additional drugs or classes of drugs.

C. Urine samples shall be rendered for testing within three hours of arrival at the laboratory.

**IX. through XI. [No changes]**