
APPLICANT SUBSTANCE ABUSE POLICY

Applicant Drug Testing Policy

Kirk Duplessis
Maine Department of Labor
Bureau of Labor Standards
kirk.b.duplessis@maine.gov
(207) 623-7907

Applicant Substance Abuse Testing Policy

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CONTACT INFORMATION

COVERED ESTABLISHMENT

Company name: Town of Scarborough

Street address: 259 U.S. Route 1, Scarborough, Maine 04074

Mailing address: P.O. Box 360, Scarborough, Maine 04070-0360

Phone number: (207) 730-4025

SUBSTANCE ABUSE TESTING POLICY CONTACT

Contact name: Jaclyn Mandrake

Contact title: Human Resource Director

Contact phone number: (207) 730-4025

LOCATIONS COVERED

Location 1: 259 U.S. Route 1, Scarborough, Maine 04074

Location 2: 246 U.S. Route 1, Scarborough, Maine 04074

Location 3: 20 Washington Avenue, Scarborough, Maine 04074

Applicants will be notified at the time of initial application that they may be tested for Substance Abuse and will be advised where they may review the policy and statute.

Prior to testing, an applicant as defined in this policy shall be provided with a copy of the policy and statute.

SCOPE OF TESTING

Only individuals who are applicants as defined by this program and state law will be tested as applicants. For the purpose of this program, an applicant will not be any person separated from employment by this employer while receiving a mandated benefit from or on account of this employer, including but not limited to Workers' Compensation, Unemployment Compensation and Family Medical Leave and for a period of 30 days beyond the termination of the benefit, nor will an applicant be any person separated from employment by this employer while receiving a non-mandated benefit from or on account of this employer for a period of 30 days beyond the separation.

TESTING OF APPLICANTS

Classifications or position titles to be tested (may be all): All.

Substance abuse tests will be administered only to those applicants who are in the above classification or position titles who have been offered employment with the Company or who have been offered a position by the Company on a roster of eligibility from which applicants shall be selected for employment.

ACTIONS TO BE TAKEN

- Action to be taken for refusal to submit to a test: Applicant will not be hired
- Action to be taken between a test and receipt of test results: Applicant will not be hired
- Action to be taken based on a confirmed positive result from a test of an applicant: Applicant will not be hired

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SUBSTANCES TO BE TESTED FOR

- All screening tests will be conducted using the EMIT (*Enzyme Multiplied Immunoassay Test*)
- All confirmation tests will be conducted using the GC/MS (*Gas Chromatography/Mass Spectrometry*) methodology.
- Applicants will be tested for use of the indicated substances.

To Be Tested	Substances	Concentration in Urine (ng/ml, except alcohol)	
		SCREENING	CONFIRMATION
<input type="checkbox"/>	6-Acetylmorphine	Special ¹	10 ng/ml
<input checked="" type="checkbox"/>	Alcohol ²	0.02g/100ml	0.02 g/100ml
<input checked="" type="checkbox"/>	Amphetamine/Methamphetamine	1000 ng/ml	500 ng/ml
<input type="checkbox"/>	Barbiturates	300 ng/ml	300 ng/ml
<input type="checkbox"/>	Benzodiazepines	300 ng/ml	200 ng/ml
<input checked="" type="checkbox"/>	Cocaine and/or metabolites	300 ng/ml	150 ng/ml
<input checked="" type="checkbox"/>	Marijuana and/or metabolites ³	50 ng/ml	15 ng/ml
<input type="checkbox"/>	Methadone	300 ng/ml	300 ng/ml
<input type="checkbox"/>	Methaqualone	300 ng/ml	300 ng/ml
<input checked="" type="checkbox"/>	Opiates and/or metabolites	2000 ng/ml	2000 ng/ml
<input checked="" type="checkbox"/>	Phencyclidine	25 ng/ml	25 ng/ml

¹ Only tested if morphine is present at a concentration of at least 2000 ng/ml

² Alcohol blood test confirmation level: 0.02 g/100ml

³ Marijuana and/or metabolites blood test confirmation level: 10 ng/ml

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TESTING PROCEDURES

1. Sample Collection Facility or Facilities

Concentra, 85 Western Avenue, South Portland, ME 04106
Bayside Employee Health Center, 50 Sewall Street, Suite 301, Portland, ME 04102

2. Point of Collection Testing (POCT)

The POCT is an initial screen test performed at the point of collection (POC)/collection site through the use of a non-instrumented POC testing device approved by the Federal Food and Drug Administration. This type of testing will be used for applicants only. The POCT procedures outlined in this policy do not replace or supersede any other drug testing policies or requirements.

Point of Collection Testing is a process that has been put into place in order to complement the existing drug testing procedures. Point of Collection Testing is a screening conducted at the point of collection site rather than a laboratory in order to determine the presence of illicit substances (see list of substances to be tested).

In order to ensure confidentiality of applicants during the POCT process, POCT will take place offsite at the POC/collection site with individuals who are trained in the POCT process, following approved Chain of Custody procedures. Staff who will perform POCT will be instructed in the proper manner of collecting samples, reading results and maintaining a proper chain of custody. At a minimum, the training will consist of the following:

Precautions – Specific storage information for the POCT testing device that will be utilized

The Testing Procedure – Sample collection, sample integrity, understanding the temperature strip and instructions for use

Determination of Drug Screen Result - Negative results, non-negative results, and invalid results

Negative Result Procedure – Notify the donor of the result and offer that he/she may observe the disposal of the urine, cup and POCT testing device

Non-negative Result Procedure – Requires proper Chain of Custody procedures. The sample must remain in the donor's site until the tamper evident tape is applied to the sample and the donor has completed the donor information and donor affidavit on the chain of custody form

Invalid results – Must be re-tested with a fresh POCT testing device; provided that if the applicant is found to have twice substituted, adulterated, diluted or otherwise tampered with the urine sample, the applicant shall be deemed to have refused to submit to a substance abuse test

Collection Problems and Collector Response – Procedures to follow for refusal to test, urine does not meet temperature requirements, shy bladder process, and suspected specimen tampering

Any sample that results in a negative test will be destroyed. Any sample that results in a positive result will be sent to the approved laboratory following approved Chain of Custody procedures for confirmation testing as described in Section 5 of the Policy.

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3. Sample Collection

A. Procedure to segregate a portion of the sample at applicant's request:

At the request of the applicant, at the time the test sample is taken, a portion of the sample collected, sealed, and labeled according to State regulations and these procedures, will be segregated for that person's own testing. This sample will be stored by the laboratory and chain of custody shall be maintained as provided in this policy.

Within 5 days after notice of the test result is given to the applicant, the applicant shall notify the employer and the facility of the testing laboratory selected for that person's own testing. The laboratory so selected must be licensed by the Maine Department of Human Services. The employer's laboratory shall promptly send the segregated portion of the specimen to the selected laboratory, subject to the same chain of custody and security requirements as observed for the employer's specimen.

The applicant will be required to pay for the segregation of a second sample as well as the expense of said additional testing only if and when the applicant notifies the employer that the applicant actually wishes the test to be made and the applicant notifies the employer of the choice of laboratory to which the second sample is to be sent.

B. Collection Procedure:

The employer will not require an applicant to remove any clothing for the purpose of collecting a urine sample, except that the employer will require that an applicant leave any personal belongings other than clothing and any unnecessary coat, jacket or similar outer garments outside the collection area.

No applicant may be required to provide a urine sample while being observed, directly or indirectly, by another individual.

If the specimen does not meet any assessment standard, the specimen will be rejected and the applicant will be given an opportunity to provide a second specimen. The applicant will remain under observation at the medical facility and may be given liquids until the second specimen is provided.

If the second specimen fails to meet any assessment standard, the employer may deny employment to the applicant and neither specimen will be tested for substances of abuse.

In the presence of the donor, the collector shall pour off at least 30 ml in Bottle A for use as a confirmation test (if it becomes necessary). If applicant requests a segregated sample as described in policy, the collector shall pour off another 30 ml into Bottle B. The collector shall place the bottle seals over the bottles and have donor initial the seals. Chain of Custody procedure continues and the collector and donor must sign.

The collector performs the following steps in testing the remainder of the specimen:

1. Performs analysis of specimen using proper procedures
2. Collector will read and record the results of the test on the chain of custody form and sign
3. If the test result is negative, that is recorded on the chain of custody form and the specimens are discarded
4. If the result is non-negative, the collector will indicate additional testing needed and sign the chain of custody form
5. If the results of the test are invalid, the collector will indicate additional testing needed and sign the chain of custody form
6. The chain of custody form is faxed to the laboratory;

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If additional testing is needed, Bottle A and the chain of custody form are sealed in the tamper proof bag and shipped promptly to the laboratory of GC/MS confirmation for the drug(s) indicated. If shipment or transport is not feasible, the specimen will be refrigerated within one hour at less than 6 C for no more than three days, or frozen at -20 C or less, for no more than two weeks before shipment.

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4. Sample Storage

All positive specimens will be retained by the laboratory in the original containers in secure storage at freezing temperatures (-20 C or less) for at least 6 months. Should legal challenge occur, the specimen will be retained throughout the period of resolution of the challenge.

5. Chain of Custody

A. Labeling and Packaging:

Immediately upon collection of each sample, a chain of custody record will be established for that sample, indicating the identity of each person having control over the sample, and the times and dates of all transfers or other actions pertaining to the sample.

B. Transport:

Samples will be picked up from the facility within 24 hours of collecting the sample and will be transported in a secure fashion, so as to avoid tampering. Each person who takes custody of the sample in the course of transport will record on the chain of custody log the date, time, transporter's name and employer's name, origin and destination of the sample.

C. At Lab:

When a sample arrives at the lab, the person receiving the sample shall record the time of receipt and the location of each sample in the lab's storage system. Any technician or other person who removes the sample from storage or opens the sample shall record the date, time, their name and purpose for removal or opening of the sample.

6. Identify Testing Laboratory

Quest Diagnostics, 1777 Montreal Circle, Tucker, GA 30084

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7. Procedure to Notify Applicant

- A. The applicant will be notified by personal telephone call and confirmed by mail unless the applicant otherwise instructs. All laboratory reports, including the screening, confirmation and quality control data shall be reviewed by the Human Resources Director, as accurate.
- B. The report will identify the name of the laboratory, the drugs and metabolites tested for, whether the test results were negative or confirmed positive, and the cutoff levels for each substance. The report will include any available information concerning the margin of accuracy and precision of the test methods employed.
- C. Unless agreed upon by the applicant, no report will show the quantity of substance detected, but only the presence or absence of that substance relative to the cutoff level.
- D. No report will show that a substance was detected in a screening test, unless the presence of the substance was confirmed in the confirmatory test. Test results will be randomly delayed from 2 to 5 days so that the employer cannot gauge screening test results from the time results are reported. In addition, all testing will be billed to the employer at a single rate per sample tested (which may be periodically adjusted by the laboratory).
- E. No substance may be reported as present if the employer did not request analysis for that substance. Reports of samples segregated at the applicant's request, for testing by the applicant's choice of laboratory, will be provided to the applicant and to the employer.
- F. Unless the applicant consents, all test results and any information acquired by the employer in the testing process is confidential and may not be released to anyone except the applicant tested. This requirement applies to the personnel of all laboratories involved and to the employer. However, this does not prevent the disclosure of results or information if:
 - 1. Release of information is required or permitted by state and federal law including release under 26 M.R.S.A. Sec. 683 (8) (D), or
 - 2. The use of this information is part of any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of test results. The results of any test may not be required, requested or suggested by the employer to be used in any criminal proceeding as provided by 26 M.R.S.A. Sec. 685 (3) (B).

The laboratory shall retain records of confirmed positive results in a numerical or quantitative form for at least two years.

8. Procedure to Appeal

If the applicant chose to segregate a portion of their sample and elects to submit that sample to a laboratory of their choice, the results of the second test will be controlling. To appeal the results of a confirmed positive result in lieu of testing the segregated sample, the applicant must fill out and sign the attached "Substance Abuse Test Appeal" form submitting information explaining or contesting the results, within five (5) working days after notice of a confirmed positive test result.

The appeal process will be conducted without cost to the applicant. The applicant will then be scheduled to meet within 14 days with the Human Resources Director. The applicant will explain the basis for the appeal and may be asked questions. After the meeting concludes, a written report of findings and conclusions will be prepared and a copy sent to the applicant.

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SUBSTANCE ABUSE TEST APPEAL FORM

If you have reason to question the accuracy of a substance abuse test to which you have submitted, you may file an appeal by filling out this form.

Name of person appealing: _____

Date sample provided: _____

Where was sample provided? _____

What are the reasons for your appeal of the test's accuracy? (please be specific)

Date: _____

Signature of Person Appealing

_____ will schedule a time to meet with you within fourteen days from the time this Appeal is received by the employer.

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Policy Submission Checklist

- Is a signed certification that the submission complies with all applicable statutes and regulations included? This can be part of the submission letter (see Application Process below).
- Are the Company name, location, mailing address and phone number listed?
- Is the Point of Contact regarding policy listed by name, location and phone number listed?
- Are the classifications or position titles to be subject to applicant testing listed?
- Is the Sample Collection Facility listed?
- Is the Testing Laboratory listed?
- Are the individual substances that will be tested for indicated?
- Are copies of forms, information sheets or other materials used by applicants relating to substance abuse testing included and are they consistent with the rest of the material submitted?

Policy Submission Process

To submit the policy to the Maine Department of Labor, please send two copies of:

- A signed letter of submission from an authorized company official
- A written Substance Abuse Testing Policy
- Blank samples of any and all forms, information sheets, or other materials used by applicants relating to the substance abuse testing program

To:

Kirk Duplessis
Maine Department of Labor
Bureau of Labor Standards
45 State House Station
Augusta, ME 04333