



TITLE	POLICY NUMBER	
Drug Testing for Child Welfare Agency Direct Service Employees	DCS 15-57	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Office of Licensing and Regulation (OLR)	May 30, 2025	

I. POLICY STATEMENT

The Department of Child Safety (DCS) is committed to providing safe living environments that allow children to thrive. Drug use by employees who are entrusted with the caretaking responsibilities of children is incompatible with this goal. Accordingly, the Department shall require child welfare agencies licensed by DCS under [Arizona Administrative Code Title 21, Chapter 7](#) to conduct random quarterly drug screenings of their employees to ensure the safety of children in their care.

II. APPLICABILITY

This policy applies to direct service employees at all child welfare agencies that provide placements for children, including shelter care and residential group care facilities.

III. AUTHORITY

[A.A.C. Title 21, Chapter 7](#)

Child Welfare Agency Licensing

[A.R.S. § 8-503](#)

Powers and duties

[A.R.S. § 8-505](#)

Issuance of licenses; application; investigation; renewal

[A.R.S. § 8-506.01](#)

Denial, suspension, revocation or change of

	license; child welfare agency; appeal
A.R.S. § 8-509	Licensing of foster homes; renewal of license; provisional license; exemptions from licensure; immunization requirements
A.R.S. § 8-530.06	Group foster homes; employees; random drug screening
A.R.S. § 23-493 – 23-493.12	Drug Testing of Employees
C.F.R. Title 49 § 40.81	Drug Testing Laboratories
C.F.R Title 49 § 382.303	Post-accident testing

IV. DEFINITIONS

Child Welfare Agency (“CWA” or “Agency”): Any agency or institution maintained by a person, firm, corporation, association, or organization to receive children for care and maintenance or for 24-hour social, emotional, or educational supervised care or who have been adjudicated as a delinquent or dependent child.

Department or DCS: The Arizona Department of Child Safety.

Direct Service: Any activity in which an employee has face-to-face interaction with a child outside of the view of any other child welfare agency staff or another responsible adult.

Direct Service Employee: Any employee of a child welfare agency whose duties, tasks, or responsibilities involve in-person interaction, including interaction alone, with a child. This may include consultants, contractors, subcontractors, volunteers, students, interns, governess members, and persons otherwise affiliated with the agency who have direct contact with children.

Drug: Any substance considered unlawful under the schedules of the controlled substances section of the comprehensive Drug Abuse Prevention and Control Act of 1970, as amended ([P.L. 91-513](#); [21 United States Code section 812](#)) or pursuant to [A.R.S. Title 13, Chapter 34](#) or the metabolite of the substance.

Employer: This state, a political subdivision of this state or any person, firm, company, corporation, labor organization, employment agency or joint labor-management committee, including any public utility, transit district or special taxing district organized pursuant to Title 48, Chapter 17 or 22, that has one or more full-time employees employed in the same business, or in or about the same establishment, under any contract of hire, express or implied, oral or written.

Impairment: Symptoms that an individual may be under the influence of drugs or alcohol that may decrease ability to perform duties or tasks associated with job performance, including symptoms of speech, walking, standing, physical dexterity, agility, coordination, actions, movement, demeanor, appearance, clothing, odor, irrational or unusual behavior, negligence or carelessness in operating equipment, machinery or production or manufacturing processes, disregard for the safety of the individual or others, involvement in an accident that results in serious damage to equipment, machinery or property, disruption of a production or manufacturing process, and any injury to the individual or others or other symptoms causing a reasonable suspicion of the use of drugs or alcohol.

Office of Licensing and Regulation (OLR): The administration within DCS that is responsible for reviewing and evaluating applications for licensure; supervising and monitoring licensees; and completing all official licensing actions, including issuing, denying, amending, suspending, and revoking a license.

Prospective Employee: A person who has made application, whether written or oral, to become an employee of a child welfare agency.

Quarterly: A three-month time period of an employee's employment, beginning on their hiring date.

Random: Chosen by chance rather than according to a schedule or pattern; employees will be tested on a date selected by the employer, without prior notice to the employee

Regulated five (5) panel drug test: A drug screen that tests for commonly abused substances THC, opiates, PCP, cocaine, and amphetamines. A regulated drug is one that is researched, manufactured, distributed, and administered under the supervision of regulatory authorities.

Sample: Urine, blood, breath, saliva, hair or other substances taken from a person being tested.

V. POLICY

A. Child welfare agencies shall:

1. require all direct service employees (hereafter referred to as “employees” throughout the remainder of this policy) to participate in random quarterly regulated five (5) panel drug testing;
2. require all prospective employees to participate in initial regulated five (5) panel drug testing prior to performing any employment-related duties;
3. ensure that the drug testing facilities to which their employees are referred shall be authorized to conduct federal Department of Transportation drug testing as certified by the U.S. Department of Health and Human Services’ National Laboratory Certification Program (NLCP);
4. require the employee being tested to present reliable individual identification to the person collecting the sample;
5. require a drug test for any employee who is involved in an accident or incident in which a child required medical treatment;
 - a. if the employee is reasonably suspected to be under the influence of drugs, a drug test shall be conducted within thirty-two (32) hours of the accident or incident;
 - b. if a test is not administered within 32 hours following the accident or incident, the child welfare agency shall:
 - i. cease attempts to administer a drug test;
 - ii. prepare and maintain on file a record stating the reasons the test was not promptly administered;
 - iii. notify the Office of Licensing and Regulation (OLR) if a drug test was *not* administered and proceed to the next step described below.
6. submit the results of all accident/incident drug tests (or submit a written

explanation why a drug test was *not* administered) to OLR within 48 hours;

7. maintain up-to-date drug test results in employee personnel files for auditing by OLR.

B. Child Welfare Agency Testing Policy Requirements

1. Child welfare agencies shall have a written policy that has been distributed to all employees subject to testing or that has been made available to employees in the same manner as the child welfare agency informs its employees of other personnel practices, including inclusion in a personnel handbook or manual or posting in a place accessible to employees. They shall inform prospective employees that they must undergo drug testing. The written policy shall include:
 - a. a statement of the child welfare agency's policy regarding drug use by employees;
 - b. a description of those employees or prospective employees who are subject to testing;
 - c. the circumstances under which testing may be required;
 - d. the substances for which testing may be required;
 - e. a description of the testing methods and collection procedures to be used;
 - f. the consequences of a refusal to participate in the testing;
 - g. any adverse personnel action that may be taken based on the testing procedure or results;
 - h. the right of an employee, on request, to obtain the written test results;
 - i. the right of an employee, on request, to explain a positive test result in a confidential setting;

- j. a statement of the child welfare agency's policy regarding the confidentiality of the test results;
 - k. an acknowledgment that employees may request an accommodation under the Americans with Disabilities Act for medically necessary prescription medications.
- 2. Within the terms of the written policy, a child welfare agency may require the collection and testing of samples for any job-related purposes consistent with business necessity including:
 - a. investigation of possible individual employee impairment;
 - b. investigation of accidents and incidents in the workplace. Employees whom the child welfare agency reasonably believes may have contributed to the accident or incident may be required to undergo drug testing within 32 hours after an accident or incident;
 - c. maintenance of safety for employees, customers, clients, or the public at large;
 - d. maintenance of productivity, quality of products or services or security of property or information;
 - e. reasonable suspicion that an employee may be affected by the use of drugs and that the use may adversely affect their job performance or the work environment.

VI. PROCEDURES

- A. Child welfare agencies shall:
 - 1. identify a licensed drug testing facility to which their employees will be referred and submit documentation verifying that facility's qualifications to OLR; the drug testing facility shall meet the requirements referenced above in V.A.3;
 - 2. schedule tests during, or immediately before or after, a regular work

period. The testing shall be deemed work time for the purposes of compensation and benefits for current employees;

3. pay all actual costs for drug testing of employees; a child welfare agency may, at its discretion, pay the costs for drug testing of prospective employees.

B. Testing Procedures

1. All sample collection and testing for drugs shall be performed according to the following conditions:
 - a. Collections of samples shall be performed under reasonable and sanitary conditions.
 - b. Sample collections shall be documented and these documentation procedures shall include both of the following:
 - i. labeling of samples in order to reasonably preclude the possibility of misidentification of the person tested in relation to the test result provided; and
 - ii. an opportunity for the person to be tested to provide notification of any information that may be considered relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant medical information.
 - c. Sample collection, storage and transportation to the place of testing shall be performed in a manner reasonably designed to preclude the possibility of sample contamination, adulteration, or misidentification.
 - d. Sample testing shall comply with scientifically accepted analytical methods and procedures.
 - e. Drug testing shall include confirmation of any positive drug test results for employees. Confirmation of positive drug test results for employees shall be by use of a different chemical process than was used in the initial drug screen. The second or confirmatory drug

test shall be a chromatographic technique such as gas chromatography-mass spectrometry or another comparably reliable analytical method.

2. The child welfare agency shall provide OLR a copy of the results of all drug testing conducted in the prior month by the second Friday of each month.
 - a. The results shall be emailed to CWAdrugtesting@azdcs.gov. The subject line shall use the following naming convention: Agency Month Year (example: OLR May 2025).
 - b. All of the results shall be compiled and attached to the submission as individual pdf attachments.

C. Disciplinary Procedures

A child welfare agency may take adverse employment action based on a positive drug test. On receipt of a positive drug test result that indicates a violation of the agency's written policy, or on the refusal of an employee or prospective employee to provide a drug testing sample, a child welfare agency may use that test result or test refusal as a basis for disciplinary or rehabilitative actions that may include any of the following:

1. a requirement that the employee enroll in an agency-provided or approved rehabilitation, treatment, or counseling program, which may include additional drug testing. Participation in such a program may be a condition of continued employment and the costs may or may not be covered by the child welfare agency's health plan or policies;
2. suspension of the employee, with or without pay, for a designated period of time;
3. termination of employment;
4. refusal to hire a prospective employee;
5. other adverse employment action.

Additionally, the child welfare agency shall submit within forty-eight hours the [Drug Testing Notification for Child Welfare Agencies \(CSO-4620\)](#) form to OLR inbox CWAdrugtesting@azdcs.gov when an employee tests positive for drugs, refuses to take a drug test, or misses a test.

D. Confidentiality of Results and Access to Records

1. As required by [A.R.S. § 23-493.09](#), all communications received by the Department are confidential and not a matter of public record and may only be disclosed consistent with the terms of A.R.S. § 23-493.09.
2. As required by [A.R.S. § 23-493.09](#), the tested employee has a right of access to the written test results that pertain to that individual, subject to the maintenance of confidentiality for other individuals.
3. Except as otherwise permitted by law, no sample taken for testing pursuant to [A.R.S. Title 23, Chapter 2, Article 14](#) shall be tested for any substance or condition except unlawful drugs as defined in [A.R.S. Title 23, Chapter 2, Article 14](#).

VII. FORMS INDEX

[\(CSO-4620\) Drug Testing Notification for Child Welfare Agencies](#)