



TITLE	POLICY NUMBER	
Drug and Alcohol Testing	DCS 04-10	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Human Resources	Feb. 21, 2017	2

## **I. POLICY STATEMENT**

The Department of Child Safety (DCS) is committed to protecting the safety, health, and well-being of all employees and other individuals in the workplace. DCS recognizes that alcohol and drug use pose a significant threat to Department goals and has established a Drug-Free Workplace Program that balances respect for employees with the need to maintain an alcohol and drug-free environment. In support of that policy, the Department may test employees for drug and/or alcohol use when reasonable suspicion of use exists.

## **II. APPLICABILITY**

This policy applies to all DCS employees and applicants seeking employment.

## **III. AUTHORITY**

The authority for this policy includes but is not limited to:

[29 U.S.C. 654](#)

Duties of Employers and Employees

[41 U.S.C. § 702](#)

Drug-free Workplace

[42 U.S.C. § 12101 et seq.](#)

Equal Opportunity for Individual with Disabilities

[A.R.S. § 8-453](#)

Powers and Duties

[A.R.S. Title 13, Chapter 34](#)

Drug Offenses

[A.R.S. § 23-493](#)

Definitions

<a href="#">A.R.S. § 23-493.04</a>	Testing policy requirements
<a href="#">A.R.S. § 36-2802</a>	Arizona Medical Marijuana Act; limitations
<a href="#">A.R.S. § 41-773</a>	Causes for dismissal or discipline for employee in covered service
<a href="#">A.R.S. § 41-1466</a>	Medical examinations and inquiries; exception
<a href="#">A.A.C. R2-5A-501</a>	Arizona Department of Administration Personnel Rules: Standards of Conduct
<a href="#">A.A.C. R2-5A-504</a>	Alcohol and Drug-free Workplace
<a href="#">A.A.C. R2-5A-B604</a>	Arizona Department of Administration Personnel Rules: Administrative Leave

#### IV. DEFINITIONS

Alcohol Cut-off Level: A concentration established by the U.S. Department of Transportation as the standard for workplace alcohol testing, measured at 0.02 as the cut-off for a positive alcohol test ([49 CFR Part 40](#)).

Collection Site: A facility designated by the Department to collect employee urine specimens or breath samples.

Conviction: A finding of a guilty (including a plea of nolo contendere) or imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

Cut-Off Level: A concentration established by the U. S. Department of Health and Human Services (DHHS), Substance Abuse and Mental Health Administration (SAMHSA), usually in nanograms per milliliter (ng/ml), and used to determine whether a specimen is positive (at or above the cut-off level) or negative (below the cut-off level) for the target drug. See Appendix A, "Specimen Reporting Criteria".

Day: A calendar day, unless otherwise specified.

Department: The Arizona Department of Child Safety.

Director: The Director of the Arizona Department of Child Safety or designee.

Documented Impairment: When a supervisor has observed and documented conduct and/or behaviors of an employee displaying characteristics of drug and/or alcohol abuse at the workplace, as described in the [\*Supervisor's Checklist for Making Reasonable Suspicion Determination\*](#).

Prohibited 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.

Drug Panel: For the purpose of testing, "drug panel" shall mean marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines, or a metabolite of those drugs, including their synthetic versions.

Employee: All DCS full-time, part-time, intermittent, and temporary employees; all students, interns, and volunteers.

Illegal Drug: Any drug that:

- is not legally obtainable;
- is legally obtainable but has not been legally obtained;
- is prescribed but not legally obtained;
- is prescribed by a licensed medical professional but is not being used for the prescribed purpose;
- is over-the-counter and being used at a dosage level other than recommended by the manufacturer, or being used for a purpose other than intended by the manufacturer;
- is being used for a purpose not in accordance with bona fide medical therapy.

Examples of illegal drugs are cocaine, heroin, methamphetamine, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.

Impairment: Symptoms that an employee while working may be under the influence of drugs or alcohol that may decrease or lessen the employee's performance.

Legal Drug: Any prescribed drug or over-the-counter drug that has been legally obtained and is being used for the purpose, and in the dosage, for which prescribed or manufactured.

Medical Review Officer (MRO): A certified, currently licensed physician who reviews all laboratory positive drug test results. The MRO utilizes knowledge of alternative medical explanations and best medical judgment in deciding whether to report a positive or negative test result to the Department. The MRO is certified by the American Association of Medical Review Officers or comparable organization recognized by the Department.

Medically Prescribed (Prescription): A prescription received from a licensed physician or in the case of medically used marijuana, an Arizona Qualified Patient Medical Marijuana card, issued by the Arizona Department of Health Services.

Metabolites: Substances produced during the body's metabolism of a drug. Drug metabolism is a biological process that takes place in the body and changes chemical structures and properties of chemical compounds.

MRO-Verified Drug Test Result: A laboratory positive test result verified by a certified MRO as containing one or more targeted drugs for which, in the MRO's opinion, there is no legitimate medical explanation.

Negative Test Result: When tests for the presence of drug, alcohol, or metabolites are either absent, or, if present, below the respective limit.

Positive Test Result: When the initial and confirmatory tests in the drug or alcohol testing protocol are positive for drug(s), alcohol, and/or metabolite(s) above their respective cut-off levels.

Primary Contact: Human Resources employees who administer and coordinate activities of the Drug-Free Workplace and Drug and Alcohol Testing policies.

Reasonable Suspicion: For purposes of this policy, reasonable suspicion is based upon specific, objective, and articulated facts and any rational inferences from those facts that would lead a reasonable person to suspect an individual has possessed, used, or sold illegal drugs or attempted or conspired to do so. Reasonable suspicion need not rise to the level of the more familiar standard of probable cause, but it must be substantially more than a hunch. Good cause is required for reasonable suspicion and must be documented. The factors used to determine reasonable suspicion are identified in Section VI (Procedures).

Safety-Sensitive Position: Any job that:

- is designated by the Arizona Department of Administration or DCS as a safety-sensitive position;

- includes tasks or duties that the Department in good faith believes could affect the safety or health of the employee performing the task or others, including any of the following:
  - operating a motor vehicle, other vehicle, equipment, machinery, or power tools;
  - repairing, maintaining or monitoring the performance or operation of any equipment, machinery or manufacturing process, the malfunction or disruption of which could result in injury or property damage;
  - performing duties in the residential or commercial premises of a customer, supplier, or vendor;
  - preparing or handling food or medicine.

**SAMHSA:** Substance Abuse and Mental Health Services Administration, a division of the U.S. Department of Health and Human Services. The federal agency responsible for improving the quality and availability of prevention, treatment, and rehabilitative services in order to reduce illness, death, disability, and cost to society resulting from substance abuse and mental illnesses.

**Split-Sample:** When an employee provides a specimen for drug testing, the specimen is collected in two collection bottles. One collection bottle remains sealed and is analyzed only if an employee requests a retest by another SAMHSA-certified laboratory.

**Under the Influence of Alcohol:** Test result indicating an alcohol concentration of 0.02 or higher from a breath specimen.

**Workplace:** The physical site at which the employee performs work for the Department, including the employee parking area and any vehicle in which the employee travels while at work for work purposes.

## **V. POLICY**

### **A. Prohibited Acts While Performing Work-Related Activities**

#### **1. Consumption of Drugs**

The use of drugs (legal and illegal) as defined in [A.R.S. Title 13, Chapter 34](#) shall be allowed only in the dosage and frequency prescribed by a licensed medical professional. Documented impairment while at work is a violation of this policy.

2. Possession of Drugs

The possession of drugs (legal and illegal) as defined in [A.R.S. Title 13, Chapter 34](#), without a prescription, while performing work activities is prohibited.

3. Use or Possession of Medically Certified Marijuana

The use or possession of cannabis products such as marijuana in the workplace is prohibited.

4. Consumption of Alcohol

The consumption of alcohol while at work or reporting to work while under the influence of alcohol is prohibited.

B. Provisions for Drug and Alcohol Testing

1. All newly hired employees are required to sign the [Employee Drug and Alcohol Test Agreement](#) to acknowledge understanding of this policy and agree to its provisions as a condition of employment. Employees who refuse to sign the form are subject to disciplinary action, up to and including dismissal.
2. All Department employees must notify Human Resources immediately after receiving a citation, arrest, indictment, or police contact for a drug and/or alcohol violation.
3. Employees on duty, for whom reasonable suspicion of drug or alcohol impairment has been established by a supervisor, shall be required to be tested for drug or alcohol impairment. Reasonable suspicion is established by applying the factors identified in the [Supervisor's Checklist for Making Reasonable Suspicion Determination](#) and documenting the results on the checklist.

C. Basis for Disqualifying an Individual from Employment or for Imposing Disciplinary Action

Employees who commit any of the following actions related to drug or alcohol testing are subject to disciplinary action, up to and including dismissal from Department employment:

1. Refusal to comply with reasonable suspicion drug and alcohol testing shall be grounds for discipline up to and including dismissal. Refusal to comply includes:
  - a. refusal to comply with any testing protocols, including signing the [Employee Drug and Alcohol Testing Notification Mandate](#);
  - b. an attempt to alter or substitute a urine specimen;
  - c. a failure to provide a sufficient urine sample for drug testing in the absence of any medically documented physical factors or without a medical reason certified by a medical professional;
  - d. an insufficient breath sample for the breath alcohol test.
2. Test results indicating the presence of illegal drugs or prescription drugs without a legal prescription or an alcohol concentration of 0.02 or higher.
  - a. For medically prescribed marijuana and other legally prescribed drugs, both a drug test showing amounts in excess of the standards in Appendix A and documented impairment as identified in section VI.D must exist.
  - b. For drug tests, it is the employee's responsibility to provide documentation relative to prescribed medications or other relevant health care documentation to the MRO.
3. Failure to notify Human Resources immediately of any citation, arrest, indictment, or police contact for a drug and/or alcohol violation.
4. An employee who admits to drug and/or alcohol possession, use, or sale after being notified to submit to drug and alcohol testing is still required to submit to drug and alcohol testing. Refusal to comply will result in disciplinary action, up to and including dismissal.
5. Unauthorized dissemination of testing information and results is prohibited and shall result in disciplinary action, up to and including dismissal.

D. Reasons that may Disqualify an Applicant from an Offer of Employment

Prospective employees who commit any of the following actions may not be considered for employment:

1. refusal to sign the [\*Employee Drug and Alcohol Test Agreement\*](#);
2. failure to notify Human Resources of any citation, arrest, or indictment for a drug and/or alcohol violation occurring in a previous workplace;
3. an admission of illegal drug possession, use, or sale.

Any applicant who violates this Drug and Alcohol Testing and/or the Drug Free Workplace policies after an offer of employment has been made shall have his/her offer of employment withdrawn. The applicant may reapply after one year and must successfully pass a pre-employment drug and alcohol test.

#### E. Determination of Reasonable Suspicion

1. Reasonable suspicion testing is authorized when a supervisor has reviewed and established reasonable suspicion that the individual is impaired by either drugs (legal or non-legal) or alcohol. Concurrence and approval of the second supervisor in the review may be made by telephone but shall be documented on the [\*Supervisor's Checklist for Making Reasonable Suspicion Determination\*](#).
2. Employees operating a vehicle for work-related activities who are involved in an automobile accident must submit to reasonable suspicion drug testing in accordance with the Department's policies and procedures established in the [\*Fleet Driver Safety Program\*](#) policy.

#### F. Testing Protocols

1. Processes for drug testing shall follow SAMHSA standards.
2. Drug testing shall be done using a urine specimen for drug testing. Results confirmed by a Medical Review Officer in excess of standards as identified in Appendix A (Specimen Reporting Criteria) are considered positive results.
3. Procedures approved by the U. S. Department of Transportation shall be used to detect and determine the concentration of alcohol from a breath specimen. Confirmed results indicating alcohol concentrations of .02 or greater are considered a positive test.



G. Administrative Leave

Employees who are required to submit to a drug or alcohol test may be placed on paid administrative leave pending the outcome of the drug and or alcohol test as outlined in the [Attendance and Leave](#) policy. The employee must obtain either a negative test result or an MRO-verified negative result before release from administrative leave.

H. Quality Assurance and Regulatory Compliance

The collection, chain-of-custody receipting, and testing of employees under this policy shall be in compliance with SAMHSA, the [Drug-Free Workplace](#) policy, and this Drug and Alcohol Testing policy.

I. Medical Review Officer Services

1. The Department shall obtain the services of an MRO separately from the drug testing laboratory contract.
2. The MRO shall review the results of all positive or suspicious drug tests to ensure accuracy and completeness and to protect confidentiality.

J. Retesting Positive Test Results

1. Employees who challenge their MRO-verified positive drug test results may elect to have, at their expense, the sealed split specimen of their urine retested by another SAMHSA- certified laboratory.
2. No further disciplinary actions shall be taken against the employee requesting the retest pending the outcome of the retest.

K. Safety-Sensitive Positions

1. Employees in safety-sensitive positions shall be reassigned to another position when possible or feasible, or placed on administrative leave, based on the employer's good faith belief that the employee is engaged in the current use of any drug - whether legal, prescribed by a physician or otherwise - if the drug could cause an impairment or otherwise decrease or lessen the employee's job performance or ability to perform the employee's job duties.
2. The belief regarding the effects of the drug may be based on information including, but not limited to, any of the following:

- a. results of a test for the use of alcohol or drugs;

- b. warning labels or other printed materials that accompany instructions for use of the drug;
- c. statements by the employee;
- d. information from a physician or pharmacist;
- e. information from reputable reference sources in print or on the internet;  
or
- f. other information the employer in good faith believes to be reliable.

#### L. Appeal Process

The retest of positive test results serves as the employee's opportunity to appeal/challenge the results of the initial test.

#### M. Supervisor Training

Supervisors shall be required to complete computer-based training (CH20005, Drug and Alcohol Testing Policy) that shall include identification and documentation of employee substance abuse, what constitutes reasonable suspicion, use of required forms, and resources for employee assistance and substance abuse prevention.

#### N. Employee Rights and Responsibilities

1. The rights and privacy of employees shall be safeguarded to the maximum extent possible and balanced against the Department's compelling interest in maintaining a drug-free workplace and workforce.
2. An employee may not be disqualified from employment solely on the basis that the individual possesses an Arizona Qualified Patient Medical Marijuana card issued by the Arizona Department of Health Services.
3. Drug and alcohol testing files, records, and reports are sensitive and confidential and shall not be included in an employee's personnel records unless discipline results from the testing. Drug and alcohol testing files, records, and reports shall be maintained by Primary Contact in a restricted and secured location, such as a locked cabinet, for six (6) years, after which time they will be destroyed.

4. Test results shall be available to Department management only on a need-to-know basis.
5. Requests for access shall be directed to the Primary Contact and reviewed and released by DCS only as authorized by law and directed by the DCS Director or designee.
6. An employee may obtain a copy of his or her test results by submitting a written request to the Primary Contact.
  - a. The request shall include the employee's name, employee identification number, method of receiving the test results, signature, and date;
  - b. If the employee intends to retrieve the results in person, he or she shall be required to furnish photo identification to the Primary Contact;
  - c. If the employee prefers to receive the results by mail, the employee shall provide the Primary Contact with a mailing address to be used for this purpose.
7. Any employee who breaches the confidentiality of information obtained pursuant to [A.R.S. Title 36, Chapter 28.1](#) (Arizona Medical Marijuana Act) is subject to a Class 1 Misdemeanor.

## VI. PROCEDURES

### A. Employee Awareness and Acknowledgement

1. Upon offer of employment, employees must sign the [Employee Drug and Alcohol Test Agreement](#).
2. The Drug-Free Workplace policy includes a statement identifying that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited while employed by the Department of Child Safety and that the possession or use of cannabis products such as marijuana, whether medically authorized or not, is prohibited in the workplace.
3. By signing the [Employee Drug and Alcohol Test Agreement](#) form, the employee acknowledges receiving this *Drug and Alcohol Testing* policy and that the employee understands the provisions of this policy.

4. The completed form will be placed in the employee's official personnel file in DCS Human Resources Operations.

B. Primary Contacts

1. The Chief Human Resource Officer shall appoint a Primary Contact and back up to manage drug and alcohol testing within the Department.
2. The Primary Department Contact is responsible for the following functions:
  - a. serve as a Department source for consultation and a point of coordination with the Chief Human Resource Officer when supervisors are determining reasonable suspicion for testing;
  - b. coordinate with Deputy Directors to approve administrative leave for persons required to complete a drug and alcohol test pending receipt of the results;
  - c. prepare the [Drug/Alcohol Testing Collection Authorization for Internal Employees](#) form to ensure that the results are returned ONLY to the Primary Contact;
  - d. ensure that all necessary documents are signed and faxed/scanned back to the supervisors who will be taking the employee for testing;
  - e. receive results from the testing facility;
  - f. serve as the Department liaison with the designated MRO;
  - g. notify the employee of the test results. Refer to section VI. G (Test Results);
  - h. assist in the preparation of any subsequent disciplinary action, ensuring that confidentiality is maintained.
3. The Primary Contact shall contact the Department-approved testing facility [LabCorp](#)® via their Customer Care Center, 800-833-3984 to establish a secure e-mail account to communicate test results.

C. Circumstances that Indicate Reasonable Suspicion

Circumstances constituting reasonable suspicion may include, but are not limited to, those listed below and those identified in the [Supervisor's Checklist for Making Reasonable Suspicion Determination](#):

1. abnormal or erratic behavior;
2. direct observation of drug or alcohol use or evidence of such use;
3. the presence of the physical symptoms of the use of alcohol, controlled, or illegal substances. Symptoms or signs may include abnormal pupil size and reaction, poor coordination or reflexes, bloodshot eyes, unsteady gait, and slurred speech;
4. conclusion based on personal observation that an employee's conduct or condition is such that the employee's ability or fitness to perform satisfactorily the job duties is or may be impaired. This conclusion may be based on, but is not limited to, a noticeable change in the employee's performance level, impaired judgment or reasoning, a noticeable change in the employee's level of attention, behavioral changes or decreased ability of the senses, or diagnosis by a medical professional of drug abuse or alcohol dependency. The supervisor should discuss the observed changes with the employee to determine if there is some explanation for the change;
5. information developed or obtained during the course of an authorized investigation of an accident, an unsafe working practice, performance deficiencies, workplace misconduct, or workplace injury;
6. employees operating a vehicle for work-related activities who are involved in an automobile accident must submit to reasonable suspicion drug testing in accordance with the Department's policies and procedures.

D. Supervisory Steps to Follow to Authorize Reasonable Suspicion Testing

1. Call 9-1-1 if the employee requires medical attention.
2. Notify the Primary Contact and Program Manager/Administrator.
3. The [Supervisor Checklist "Reasonable Suspicion" Drug and Alcohol Testing](#) form shall be used to ensure all required steps in the process are completed.

4. Supervisors witnessing behavior demonstrating reasonable suspicion of recent drug or alcohol use shall first document the evidence establishing reasonable suspicion of impairment on the [\*Supervisor's Checklist for Making Reasonable Suspicion Determination\*](#).
5. The supervisor shall next conduct a review of the documentation of impairment.
  - a. When possible, the observing supervisor shall identify a second supervisor to review the documentation. Preference shall be given to a second supervisor who can physically observe the employee, however, physical observation by the second supervisor is not required;
  - b. The supervisor shall review documentation of reasonable suspicion on the [\*Supervisor's Checklist for Making Reasonable Suspicion Determination\*](#);
  - c. If possible, a second supervisor should agree that behaviors displayed create reasonable suspicion of drug or alcohol impairment.
6. The observing supervisor must obtain approval from their Program Manager/Administrator or their designee to test the employee for alcohol and/or drug impairment on the [\*Supervisor's Checklist for Making Reasonable Suspicion Determination\*](#).
7. The observing supervisor shall complete the [\*Employee Drug and Alcohol Testing Notification Mandate\*](#) and the [\*Drug/Alcohol Testing Collection Authorization for Internal Employees\*](#).
  - a. The list of collection sites is maintained by [\*LabCorp®\*](#) and can be accessed at <https://www.labcorp.com/wps/portal/findalab>. Under "Make an Appointment", click on the drop-down list and select "Employment Drug Testing" button and the radius drop-down list to find the closest collection site;
  - b. If the list of collection sites does not identify a collection site near the workplace, the supervisor should telephone [\*LabCorp®\*](#) at (800) 833-3984 and request the location of a nearby facility;
  - c. For after-hours collection sites in rural locations, contact [\*LabCorp®\*](#) at (800) 833-3984 to identify a collection site or hospital. For after-hours sites in the Phoenix metropolitan area, LabCorp subcontracts with

Concentra, a 24-hour facility located at 1818 E. Sky Harbor Circle North, Building 2, Suite 150. The contact number is (602) 244-9500;

- d. If a second supervisor is unavailable, the observing supervisor shall indicate "not available" in the signature box.

E. Transporting the Employee to/from the Collection Facility

1. The supervisor shall ensure that the employee is transported immediately, or as soon as practical, to the appropriate collection site for urine or breath (in the case of alcohol testing) specimen collection.
2. The supervisor may use any of the following methods to transport an employee to a collection facility:
  - a. The supervisor or designee shall transport the employee in a state-owned vehicle;
  - b. When a state-owned vehicle is not available, the supervisor or designee shall use his or her own car to transport the employee.

NOTE: If a supervisor has cause to believe that an employee poses a danger to him/herself or others, the supervisor shall call 9-1-1. The supervisor shall report the incident to DCS Risk Management as outlined in the [Workplace Safety and Building Security](#) policy.

3. The supervisor transporting the individual for "reasonable suspicion" testing in a personal vehicle may claim mileage for any travel-related expenses incurred as a result of the required testing. Travel and the drug/alcohol test period are considered work time. DCS Office of Accounting and Arizona Department of Administration (ADOA) travel regulations will apply. The supervisor will verify the employee's emergency contact information in order to arrange the employee's transportation from the collection facility to home.

F. Testing Procedures

1. All employees who become subject to reasonable suspicion testing may be tested for both drugs and alcohol.

2. Regardless of the transportation method employed, the supervisor and/or designee shall accompany the employee to the collection site and provide the [Drug/Alcohol Testing Collection Authorization for Internal Employees](#) and the [Employee Drug and Alcohol Testing Notification Mandate](#) forms to lab personnel.
3. The supervisor and/or designee shall remain with the employee until all testing requirements have been completed, and breath and/or urine sample has been collected. If there are issues that prevent the collection of an adequate sample(s), the supervisor shall contact the Primary Contact for guidance on steps to pursue.
4. After the sample has been obtained and the supervisor and/or designee has confirmed that the employee has a ride home, the supervisor and/or designee may leave the collection site. The supervisor shall obtain the completed [Employee Drug and Alcohol Testing Notification Mandate](#) from lab personnel and submit it to the Primary Contact within one workday.

#### G. Test Results

1. For an alcohol test, the supervisor and/or designee accompanying the employee will advise the breath alcohol technician to fax or scan and then send the original test results to the Primary Contact in a secure and confidential manner.
2. For drug testing, the following apply:
  - a. for tests yielding negative results, the testing facility will notify the Primary Contact via the provider's secure website;
  - b. for tests yielding positive results, the testing facility will send the results to the designated MRO.
3. The Primary Contact shall notify the employee by phone within one workday, excluding weekends and holidays, of negative results and follow up with written notification via overnight mail, such as FedEx.

#### H. Medical Review Officer Analysis of Positive Results

1. When the drug testing laboratory reports a positive or suspicious drug test result, or detects abnormalities that suggest the deliberate adulteration of the sample, the MRO will conduct an investigation that includes:



- a. attempting to contact the employee by telephone within one work day of receiving the test result;
  - b. obtaining statements from the employee concerning any legal or other drug usage that could have resulted in a positive test result;
  - c. verifying employee statements by contacting the employee's doctor, dentist, pharmacy, or other individuals as deemed appropriate. The employee is responsible for providing documentation relative to prescribed medications from the prescribing medical health professional to the MRO. The employee is also responsible for providing any required health care documentation to the MRO;
  - d. contacting the Primary Contact if the MRO is unable to contact the employee within one workday. The Primary Contact will notify the employee's supervisor, who shall immediately notify the employee to contact the MRO.
2. Within three workdays of receiving the laboratory positive or suspicious test result, the MRO shall report the final results of the tests to the Primary Contact in writing and in a manner designed to ensure confidentiality of the information.
3. The MRO shall not attempt to resolve any factual conflict but shall report that conflict along with the medical conclusions to the Primary Contact.
4. Based on the MRO's report and such other inquiries or facts, the Primary Contact, in consultation with the Office of the Attorney General, shall determine whether the employee's explanations or challenges of the MRO-verified positive test results are satisfactory.
5. The Primary Contact shall notify the employee by phone within one workday, excluding weekends and holidays, of the MRO-verified results and follow up with written notification via overnight mail, such as FedEx.
6. Upon request of the Department, the MRO will provide discovery and expert testimony for court, Department, or Personnel Board hearings. The Department will work with the MRO to assist in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

## I. Retesting Positive Urine Test Results

1. Employees who challenge their MRO-verified positive drug test results may elect to have, at their expense, the sealed split specimen of their urine retested by another SAMHSA- certified laboratory.
2. The employee shall request in writing to the Primary Contact a retest within three workdays of being notified of an MRO-verified positive test result.
3. The Primary Contact shall assist the employee in locating an appropriate laboratory.
4. The Primary Contact shall notify the testing facility upon receipt of the request for a retest.
5. The employee shall provide proof of payment for the retest or shall submit payment to the Department prior to the retest.
6. The employee shall remain on administrative leave and no disciplinary action shall be taken against the employee pending the outcome of the retest.
7. The laboratory contracted by the Department shall arrange for the shipment of the sealed split specimen to the qualified laboratory of the employee's choice.
8. The retest shall be limited to the drug(s) that tested positive.
9. If the detected level of the drug or drug metabolite is below established threshold limits on a retest, there are no threshold limits that need to be satisfied for a confirmation of the original test result.
10. The Department will reimburse the employee for the cost of the retest if the result is negative. The employee's Primary Contact shall sign off on the request to validate that the retest results were negative and that the employee is eligible for reimbursement.

## VII. FORMS INDEX

[Drug/Alcohol Testing Collection Authorization for Internal Employees \(DCS-1157A\)](#)

*Employee Drug and Alcohol Test Agreement (DCS-1016A)*

*Employee Drug and Alcohol Testing Notification Mandate (DCS-1018A)*

*Supervisor's Checklist for Making Reasonable Suspicion Determination (DCS-1081A)*

*Supervisor Checklist "Reasonable Suspicion" Drug and Alcohol Testing (DCS-1017A)*

## Appendix A

## Specimen Reporting Criteria

Initial test analyte	Initial test cutoff	Confirmatory test analyte	Confirmatory Test Cutoff
Marijuana metabolites	50 ng/mL	THCA (1)	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzoyllecgonine	100 ng/mL
Opiate metabolites	2000 ng/mL	Morphine	2000 ng/mL
Codeine/Morphine (2)			
–	–	Codeine	2000 ng/mL
6-Acetylmorphine (6-AM)	10 ng/mL	6-AM	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines (3)	500 ng/mL	Amphetamines:	
Amphetamine/Methamphetamine(4)	–	Amphetamine	250 ng/mL
–	–	Methamphetamine (5)	250 ng/mL
MDMA (6)	500 ng/mL	MDMA	250 ng/mL
–	–	MDA (7)	250 ng/mL
–	–	MDEA (8)	250 ng/mL

1 Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

2 Morphine is the target analyte for codeine/morphine testing.

3 Either a single initial test kit or multiple initial test kits may be used provided the single kit detects each target analyte independently at the specified cutoff.

4 Methamphetamine is the target analyte for amphetamine/methamphetamine testing.

5 To be reported positive for methamphetamine, the specimen must also have an amphetamine concentration equal to or greater than 100 ng/mL.

6 Methylenedioxymethamphetamine.

7 Methylenedioxyamphetamine.

8 Methylenedioxyethylamphetamine.

Source: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Center for Substance Abuse Prevention; Medical Review Officer Manual for Federal Agency Workplace Drug Testing Programs. Effective May 31, 2014.