**[COMPANY NAME]**

**PRE-EMPLOYMENT DRUG TESTING POLICY**

(FOR TESTING TO BE CONDUCTED IN ALL STATES AND THE DISTRICT OF COLUMBIA, EXCLUDING MAINE)

1. **STATEMENT OF PURPOSE**

[Company Name] (referred to herein as “Company”) is firmly committed to ensuring a safe, healthy, productive, and efficient work environment for our employees, as well as our customers and to the public in general. The Company has a vital interest in preventing accidents and injuries resulting from the misuse of alcohol or drugs. The unlawful or improper presence or use of drugs or alcohol in the workplace presents a danger to everyone. For these reasons, the Company has established the following pre-employment drug testing policy for applicants.

This policy applies to applicants for all positions in all states, excluding Maine, including any applicant for any such position who was formerly employed by the Company (unless prohibited by law).

Questions regarding the meaning or application of this policy should be directed to the Company’s Human Resources Department.

This policy is not a contract of employment. If an applicant fails to comply with this policy, the applicant will be ineligible for employment.

If an applicant is a minor (i.e., under the age of eighteen), the Company will provide a copy of this policy to a parent of the applicant.

1. **REQUIRED PRE-EMPLOYMENT DRUG TESTING OF APPLICANTS**

All applicants to whom the Company has given a conditional offer of employment are required to submit to a pre-employment drug test and must receive a negative result as a condition of employment.

1. **CONSEQUENCES FOR POLICY VIOLATIONS**

**Positive Test Results**: Any applicant who receives a verified positive drug test result will be ineligible for employment with the Company, except as may be otherwise required by law. The Company’s decision shall be based only on the results of the drug test or a refusal to test.

The Company will comply with applicable state laws about the use of medical marijuana and recreational marijuana to the extent that those laws impose any obligations on employers and to the extent that safety is not compromised. Applicants who use medical marijuana may be asked to provide additional information from their physicians to assist the Company in making a safety assessment.

Applicants who use CBD and/or hemp products are advised that many of these products are unregulated and may contain THC, the psychoactive ingredient in marijuana, and may cause an applicant to test positive. A positive drug test result caused by CBD or hemp products will be treated as positive unless otherwise required by law.

**Refusal to Submit**: Although applicants have a right to refuse to submit to a test, any applicant who refuses to submit to a test will be ineligible for employment with the Company. The following conduct will be considered as refusing to submit to a test:

* refusing or failing to appear for a substance abuse test promptly, as determined by the Company, after being directed to do so by the Company;
* failing to sign an authorization form permitting the release of the drug test result to the Company;
* failing to remain at the testing site until the testing process is complete, or failing to comply with any direction provided by the Company, collection site, Medical Review Office or laboratory (including a direction to submit to a second test);
* failing to provide a sufficient specimen when directed, without an adequate medical explanation;
* adulterating or substituting a specimen, or attempting to adulterate or substitute a specimen; and
* failing to cooperate with any part of the testing process, such as by delaying the collection, testing or verification process or otherwise engaging in conduct that clearly obstructs or manipulates, or attempts to obstruct or manipulate, the testing process.

1. **NOTIFICATION OF TEST RESULTS, CONFIDENTIALITY AND TESTING EXPENSES**

Applicants will be provided with a copy of their test results if they test positive or if otherwise required by law. Applicants in Boulder, Colorado may request a copy of the records pertaining to his or her positive test result and may submit written information to the Company explaining such result. In Iowa, written notification of a verified positive drug test result also will be provided to a parent of a minor applicant by certified mail, return receipt requested. In Oklahoma, applicants have the right to obtain copies of all information and records relating to their drug and alcohol testing.

The Company will maintain records of its substance abuse program in a secure location with controlled access. These records are confidential and will not be disclosed, except in accordance with applicable law.

In Montana, all information, interviews, reports, statements, memoranda, and test results are confidential communications that may not be disclosed to anyone except the tested individual, the Company’s designated representative, or in connection with any legal or administrative claim arising out of the Company’s implementation of a testing program pursuant to Montana’s drug testing law. Information obtained through testing that is unrelated to the use of a controlled substance or alcohol must be held in strict confidentiality by the medical review officer and may not be released to the Company.

1. **DRUG TESTING PROCEDURES**

The Company’s drug testing procedures comply with applicable laws. The Company’s procedures ensure the integrity, confidentiality, and reliability of the testing process, safeguard the validity of the test results and ensure that test results are attributed to the correct individual. The procedures also minimize the impact upon the privacy and dignity of applicants undergoing such tests. Drug testing will be conducted via urine, saliva or hair testing as directed by the Company. The Company has established a chain of custody procedure for specimen collection and testing that will verify the identity of each specimen and test result.  In Iowa, the Company’s drug testing procedures comply with Iowa Code Ann. §730.5. In Vermont, an employee may request, at his or her own expense, to have a blood specimen drawn at the time that he or she provides the urine specimen and maintained for potential testing at a later time.

**Laboratories**. In general, drug tests will be administered at outside collection facilities and analyzed by laboratories which are certified by the U.S. Department of Health and Human Services (“DHHS-certified laboratory”), or are otherwise required or permitted by applicable state and local laws. All drug testing in Montana will follow the procedures utilized by the U.S. Department of Transportation, 49 C.F.R. Part 40.

**Drugs to be tested for**. Unless otherwise prohibited by law, the Company will test for the following drugs:

|  |  |  |
| --- | --- | --- |
| **Test Analyte** | **Initial Test Cutoff** | **Confirmatory Test Cutoff** |
| **Amphetamines** |  |  |
| *Amphetamine, Methamphetamine* | 500 ng/mL | 250 ng/mL |
| *MDMA/MDA* | 250 ng/mL | 250 ng/mL |
| **Cocaine** | 150 ng/mL | 100 ng/mL |
| **Marijuana** | 50 ng/mL | 15 ng/mL |
| **Opioids** |  |  |
| *6-Acetylmorphine (6-AM)* | 10 ng/mL | 10 ng/mL |
| *Codeine, Morphine* | 300 ng/mL | 100 ng/mL |
| *Hydrocodone, Hydromorphone* | 300 ng/mL | 100 ng/mL |
| *Oxycodone, Oxymorphone* | 100 ng/mL | 100 ng/mL |
| **Phencyclidine (PCP)** | 25 ng/mL | 25 ng/mL |
| **Barbiturates** | 200 ng/mL | 200 ng/mL |
| **Benzodiazepines** | 200 ng/mL | 200 ng/mL |
| **Methadone** | 200 ng/mL | 200 ng/mL |
| **Methaqualone** | 300 ng/mL | 200 ng/mL |
| **Propoxyphene** | 200 ng/mL | 200 ng/mL |

Applicants will not be tested for marijuana in Connecticut, Montana, New Jersey, New York or the city of Philadelphia, PA., except as permitted by law.

**Confirmation and review of drug test results**. All positive drug test results will be confirmed by gas chromatography and mass spectrometry (“GC/MS”). All confirmed positive drug test results will be reviewed by a medical review officer (“MRO") to determine whether there is any legitimate explanation for the positive test result. This review may include a medical interview, review of the applicant’s medical history, or review of any other relevant biomedical factors and all medical records made available by the applicant.

An applicant’s use of prescription and over-the-counter medications may result in a positive test result. Applicants will be given the opportunity to discuss with the MRO any legitimate explanation for the positive test result. Applicants may provide any information which may be considered relevant to the test, including identification of prescription or nonprescription drugs currently or recently used, or other relevant medical information. The MRO will take such information into consideration when determining whether the test result should be reported as positive or negative. (Applicants who use medical marijuana should report this use to the MRO who will disclose it to the Company for further analysis). If an applicant refuses or fails to make himself/herself available to speak with the MRO, the MRO may verify a test as positive without having communicated directly with the tested individual. In Vermont, the detection of a drug at a therapeutic level will be reported as a negative result, and the laboratory’s report will not contain any information indicating the presence of a drug at a therapeutic level.

If the MRO reports to the Company that a negative drug test was dilute, the applicant will be directed to take another test immediately. If the applicant refuses to take a second test, this constitutes a refusal to test. If the second test is negative dilute, the test stands as a negative.

**Right to request confirmatory re-test after testing positive**: Applicants who test positive may request a confirmatory re-test of the original specimen, at their own expense, in a different DHHS-certified laboratory (or other laboratory required or permitted under state law) selected by the Company (unless otherwise required by law). In general, this request must be made by the applicant within 72 hours of notification of the positive test result by the MRO. However, in certain states, including Maryland, Minnesota and North Carolina, applicants who test positive will be notified by the Company in writing of their test results and will be advised of the time period in which to request a confirmatory re-test. No other appeal procedure is available.

**Inability to provide adequate amount of urine**. Applicants must provide at least 45 milliliters of urine for a drug test. If the applicant is unable to provide such a quantity of urine, then the individual will be instructed to drink a set amount of fluids and, after a set period of time, again directed to provide a complete specimen. If an applicant has not provided a sufficient specimen within a certain time period after the first unsuccessful attempt to provide the specimen, the Company will direct the applicant to submit to an evaluation by a physician selected by the Company to determine whether there is a legitimate medical explanation for the individual’s inability to provide an adequate sample. The refusal to cooperate in this process or the lack of a legitimate medical explanation will be considered a refusal to submit to a test. If the physician determines that there is a legitimate medical explanation for the individual’s failure to provide an adequate amount of urine, the Company will determine whether a reasonable accommodation can be made, which may require a retest.

**Adulterated or Substituted urine specimens**. Procedures for collecting specimens allow an individual privacy unless there is a reason to believe that a particular individual may adulterate or substitute the specimen. In such cases, a specimen may be obtained under the direct observation of a collection site person, unless prohibited by law.

**APPLICANT’S CERTIFICATION:**

I hereby acknowledge that I received a copy of the Company’s Pre-Employment Drug Testing Policy on the date noted below. I acknowledge and agree that I am responsible for reading the policy in full and complying with its requirements. I understand that, as a condition of being hired by the Company, I must submit to a pre-employment drug test and that my test result must be negative. I have also been advised and understand that the Company will answer any questions which I may have regarding the policy and that my questions should be addressed to the Human Resources Department. I also understand and acknowledge that in signing this receipt I am giving the Company my consent to submit to the Company’s pre-employment test under the terms and conditions described in the policy.

I also understand that if I fail to comply with the Pre-Employment Drug Testing Policy, I will be ineligible for employment with the Company.

I hereby authorize and consent to the release of my drug and alcohol testing results and all related information by [Company Name] and it’s agents, assigns or representatives including any collecting or testing agencies to any customer of [Company Name] and it’s agents, assigns or representatives.

Prior to signing this Receipt, I read it carefully and had an opportunity to ask questions regarding its content.

Signed this       day of       , 20     .

Applicant Name (Please Print)

Applicant Signature

Company Representative Name (Please Print)

Company Representative Signature