



## Department Procedure No. HR-201c-08

<b>Title:</b>	Ensuring A Drug And Alcohol Free Workplace-Drug And Alcohol Testing Processes to be Followed
<b>Applies To:</b>	Washington Military Department State Employees
<b>Authorizing Source:</b>	Policy HR-201-08 Federal Drug-Free Workplace Act of 1988 Federal Omnibus Transportation Employee Testing Act of 1991 Federal Commercial Motor Vehicle Act of 1986 Executive Order 92-01 RCW 69.50, 46.25 WAC Chapter 357-040 US DOT Title 49 CFR; Parts 40, 382, 383 All Applicable Collective Bargaining Agreements
<b>Information Contact:</b>	Human Resources Director Building # 33 (253) 512-7941
<b>Effective Date:</b>	October 1, 2008
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<b>Revised:</b>	February 1, 2013
<b>Approved By:</b>	 Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

## Procedures

Actor	Action
	<b>I. Pre-Employment Testing – Preferred Candidates being offered positions with Safety Sensitive Functions</b>
<b>Hiring Manager</b>	<ol style="list-style-type: none"> <li>1. Makes a conditional job offer to the preferred candidate. Ensures a Waiver and Conditional Job Offer statement has been signed by candidate.</li> <li>2. Contacts Human Resources to schedule the candidate for a drug test with the authorized testing facility.</li> </ol>
<b>Human Resources Consultant/Safety Manager</b>	<ol style="list-style-type: none"> <li>3. Determines whether candidate needs a DOT or Non-DOT Regulated test.</li> <li>4. For DOT Regulated tests, provides the Contractor with the previous CDL employment history of the candidate.</li> </ol>
<b>Contractor</b>	<ol style="list-style-type: none"> <li>5. Performs appropriate background references on CDL history. Notifies Human Resources of Results.</li> </ol>
<b>Hiring Manager, Human Resources Consultant/Safety Manager</b>	<ol style="list-style-type: none"> <li>6. Notifies the candidate of scheduled appointment date and time with no more than 24 hours notice. Provides the candidate with the appropriate Request to Test Form.</li> </ol>
<b>Preferred Candidate</b>	<ol style="list-style-type: none"> <li>7. Completes testing process on date and time as scheduled.</li> </ol>
<b>Collection Site Technician</b>	<ol style="list-style-type: none"> <li>8. Informs Human Resources Consultant/Safety Manager of candidate’s attendance at Drug Testing. Completes testing process within appropriate custody Chain. Notifies Human Resources Consultant/Safety Manager of results.</li> </ol>
<b>Human Resources Consultant/Safety Manager</b>	<ol style="list-style-type: none"> <li>9. Tracks return of results and takes appropriate action dependent upon results. Makes appropriate notifications.</li> </ol>
	<b>II. Reasonable Suspicion Drug Or Alcohol Testing – For All Employees</b>
<b>Supervisor, Manager</b>	<ol style="list-style-type: none"> <li>1. Makes the required observations for reasonable suspicion of alcohol and/or controlled substance testing only after attending training on detecting the signs/symptoms of probable alcohol or controlled substance use. Bases “reasonable suspicion” on specific objective grounds (See Policy HR-201-08 Appendix for Definitions) or on specific, contemporaneous, articulatable observations concerning the appearance, behavior, speech or body odors of the employees.</li> <li>2. Obtains verification of specific objective grounds in</li> </ol>

	<p>person or over the phone by another trained supervisor, manager, or lead worker.</p> <ol style="list-style-type: none"> <li>3. Coordinates testing with Human Resources Consultant/Safety Manager. Uses the Drug and Alcohol Test Request to inform the testing site of the type and reason for test(s) and whether test(s) is DOT-regulated (CDL Drivers) or non-DOT.</li> <li>4. Sends a copy of the Drug and Alcohol Test Request to the Human Resources Consultant/Safety Manager.</li> <li>5. Sends form with employee or faxes to pre-determined collection site.</li> <li>6. Arranges for the employee to be transported directly to the testing site and then to his/her home, residence, or place of lodging, as appropriate.</li> </ol>
<b>Employee</b>	<ol style="list-style-type: none"> <li>7. Submits to an alcohol and/or controlled substance test when a Supervisor, Manager, or Lead Worker has reasonable suspicion to believe the employee has violated Policy HR-201-08.</li> </ol>
<b>Supervisor, Manager</b>	<ol style="list-style-type: none"> <li>8. Makes every reasonable attempt to ensure a reasonable suspicion alcohol test is conducted within 2 hours of the observed behavior.</li> <li>9. If the employee is a CDL Driver directs employee to be tested for alcohol based on reasonable suspicion while the employee is on duty or standby and is performing safety-sensitive functions (see Policy HR-201-08 Appendix for Definitions).</li> <li>10. If a reasonable suspicion of alcohol use exists, removes the employee from duty until a reasonable suspicion alcohol test is administered. (If the concentration is .02 or greater, or for a CDL Driver, applies the provisions of Procedure HR-201-08c.)</li> <li>11. If a reasonable suspicion of drug use exists, removes the employee from duty until a reasonable suspicion drug test is administered and the Human Resources Consultant /Safety Manager reports a confirmed negative test result. If the Human Resources Consultant/Safety Manager reports a confirmed positive test result, applies the provisions of Procedure HR-201-08c.</li> <li>12. Prepares and signs a written report of the specific objective grounds leading to the reasonable suspicion test. Obtains confirmation documentation from supervisor, manager, or lead worker who verified the specific objective grounds.             <ul style="list-style-type: none"> <li>• If an alcohol test is not administered within two hours</li> </ul> </li> </ol>

	<p>following an observation, cites in the report the reason(s) the alcohol test was not administered promptly. If not administered within eight hours, ceases attempts to administer the test and cites in the report the reasons for not administering the test. Submits report to the Human Resources Consultant/Safety Manager within 24 hours of the observation.</p> <ul style="list-style-type: none"> <li>• For reasonable suspicion drug testing, report must be signed and submitted to the Human Resources Consultant/Safety Manager within 24 hours of the observation or before the results of the test are released, whichever is earlier.</li> </ul> <p>13. Except as provided above, does not take any action against an employee based solely on the employee's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test.</p>
<b>III. Post-Accident Testing – For All Employees</b>	
<b>Employee</b>	<ol style="list-style-type: none"> <li>1. Does not delay necessary medical assistance for injured people following an accident (see Policy HR-201-08 Appendix for Definitions) and leaves the scene of an accident only for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.</li> <li>2. As soon as possible immediately following an accident, reports the accident to his/her supervisor, manager, or lead worker.</li> </ol>
<b>Supervisor, Manager</b>	<ol style="list-style-type: none"> <li>3. Reports situation to Human Resources Consultant/Safety Manager if possible and coordinates testing.</li> <li>4.</li> </ol>
<b>Supervisor, Manager, Human Resources Consultant/Safety Manager</b>	<ol style="list-style-type: none"> <li>5. Makes arrangements with the Contractor for testing of the employee, ideally within 2 hours but not to exceed 8 hours for alcohol testing and 32 hours for controlled substance testing, following an accident.</li> <li>6. Uses the Drug and Alcohol Request to inform the testing site of the type and reason for test(s) and whether test(s) is DOT-regulated (CDL Drivers) or non-DOT.</li> <li>7. Sends a copy of the Drug and Alcohol Request to Human Resources Consultant/Safety Manager.</li> <li>8. Sends form with employee or faxes form to collection site. Arranges for the employee to be transported directly to the testing site and then to his/her home, residence, or place of</li> </ol>

	lodging, as appropriate.
<b>Employee</b>	<p>9. Submits to testing for alcohol and controlled substances if involved in an accident (see Policy HR-201-08 – Appendix for Definitions).</p> <p>10. Remains readily available for such testing or may be considered to have refused to submit to testing. An injured employee who is unable to give consent is not required to be tested.</p>
<b>Supervisor, Manager, Human Resources Consultant /Safety Manager</b>	11. Considers the results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances, conducted by federal, state and/or local officials having independent authority to conduct the test as meeting the requirements for post-accident testing.
<b>Supervisor, Manager</b>	<p>12. Prepares a written report, if an alcohol test is not administered within two hours following the accident, stating the reasons the test was not promptly administered.</p> <p>13. If an alcohol test is not administered within eight hours, or a controlled substance test is not administered within 32 hours following an accident, ceases attempts to administer a test. Prepares a report stating the reason(s) a tests was not promptly administered and confidentially sends this report to the Human Resources Consultant/Safety Manager.</p>
<b>Supervisor, Manager, Human Resources Consultant/Safety Manager</b>	14. Considers employees who leave the scene of an accident inappropriately to have refused to submit to testing. Documents and manages this situation as a violation of Policy HR-201-08.
	<b>IV. Random Testing – For CDL Drivers Only</b>
<b>Contractor</b>	1. Determines random testing using a scientifically valid method to ensure that CDL Driver shall have an equal chance of being tested each time selections are made.
<b>Human Resources Consultant/Safety Manager</b>	<p>2. Ensures thorough coordination with the contractor, that the currently required percent of CDL Drivers will receive random alcohol and controlled substance tests.</p> <p>3. Receives the computer generated random selections from the Contractor for random alcohol and/or controlled substance testing.</p> <p>4. Notifies the appropriate program contact which program CDL Drivers are selected for random alcohol and/or controlled substance tests.</p>
<b>Program Contact</b>	5. Verbally (no messages) notifies direct supervisor that the CDL Drivers has been selected and the timeframe for

	completing the test.
<b>Supervisor, Manager</b>	<ol style="list-style-type: none"> <li>6. Determines the best time operationally for testing and, without prior notice, verbally (no messages) instructs the selected CDL Driver(s) to proceed immediately to the designated testing site.</li> <li>7. Announces random alcohol testing to the selected CDL Driver(s) only while the driver(s) is performing safety-sensitive functions. (See policy HR-201-08 Appendix for Definitions) Allows random controlled substance testing any time the CDL Driver is on duty or standby.</li> <li>8. Uses the Drug and Alcohol Test Request to inform the testing site of the type and reason (random) for test and that the test is DOT-regulated (CDL Drivers).</li> <li>9. Sends a copy of the Drug and Alcohol Test Request to the Human Resources Consultant.</li> <li>10. Sends form with employee or faxes to (from chosen list) - WMD Drug and Alcohol Testing Collection Sites.</li> </ol>
<b>CDL Driver</b>	<ol style="list-style-type: none"> <li>11. Immediately proceeds to the designated testing site and submits to a random alcohol and/or controlled substance test when required by a supervisor.</li> </ol>
	<b>V. Return To Duty – All Employees</b>
<b>Employee</b>	<ol style="list-style-type: none"> <li>1. If referred to a Substance Abuse Professional (SAP) for violation of Policy HR-201-08, participates in evaluation by SAP and in any rehabilitation/treatment program that may be prescribed.</li> </ol>
<b>Human Resources Consultant/Safety Manager</b>	<ol style="list-style-type: none"> <li>2. Obtains assurance from the SAP that the employee has satisfactorily complied with the prescribed program and a recommendation of the type of return-to-duty test(s) that should be administered.</li> <li>3. Notifies Supervisor, Manager, or Lead Worker to send employee for return-to-duty test(s) as recommended by SAP.</li> </ol>
<b>Supervisor, Manager, Human Resources Consultant/Safety Manager</b>	<ol style="list-style-type: none"> <li>4. Ensures that the employee undergoes as determined by the SAP, a return-to-duty alcohol and/or controlled substance test(s). Uses the Drug and Alcohol Test Request to inform the testing site of the type and reason for test(s) and whether test(s) is DOT-regulated (CDL Drivers) or non-DOT for those employees who have safety sensitive duties or are regularly scheduled to work with Washington Youth Academy Cadets.</li> <li>5. Sends form with employee or faxes to collection site.</li> </ol>
<b>Employee</b>	<ol style="list-style-type: none"> <li>6. Submits to required return-to-duty test(s).</li> </ol>

<b>Human Resources Consultant/Safety Manager</b>	7. Requires a test result indicating an alcohol concentration of less than .04 and/or a controlled substance test with a verified negative result. For CDL Drivers, the return-to-duty alcohol test shall be less than .02 breath alcohol concentration.
<b>Supervisor, Manager, Human Resources Consultant/Safety Manager</b>	8. Shall not return an employee to the full scope of job duties, including safety-sensitive functions, if he/she refuses to submit to, or fails to have satisfactory result(s) on a return-to-duty test and shall take appropriate disciplinary action.
<b>VI. Follow-Up Testing – All Employees</b>	
<b>Employee</b>	1. Once returned to the full scope of job duties, including safety-sensitive functions, submits to unannounced follow-up alcohol and/or controlled substance testing, as determined by SAP. CDL Drivers are subject to a minimum of six unannounced follow-up alcohol and/or controlled substance tests during the first 12 months in addition to any on-going random testing. CDL Drivers are also subject to additional alcohol and/or controlled substance testing, as determined by SAP, during this period or for an additional period up to a maximum of 60 months from the date the CDL Driver returns to safety-sensitive functions.
<b>Substance Abuse Professional</b>	2. Determines the number, timing, and type of alcohol and/or controlled substance follow-up tests to be required and notifies the Human Resources Consultant. May terminate the requirement for follow-up testing at any time (for CDL Drivers, only after the first six tests have been administered), if he/she determines that the testing is no longer necessary.
<b>Human Resources Consultant /Safety Manager</b>	3. Notifies (no messages) Supervisor, Manager, or Lead Worker of each follow-up test.
<b>Supervisor, Manager</b>	<p>4. Ensures the employee undergoes all follow-up tests required by the SAP. Uses the Drug and Alcohol Test Request to inform the testing site of the type and reason for test and whether test is DOT-regulated (CDL Drivers) or non-DOT.</p> <p>5. Sends a copy of the Drug and Alcohol Test Request to the Human Resources Consultant/Safety Manager.</p> <p>6. Sends form with employee or faxes to collection site (chosen from list – WMD Drug and Alcohol Collection</p>

	<p>Sites).</p> <p>7. Allows follow-up alcohol testing to be conducted on a CDL Driver only while he/she is performing safety-sensitive functions (see appendix for definitions).</p>
	<p><b>VII. Retests And Observed Tests-All Employees</b></p>
<p><b>Collection Site Technician</b></p>	<p>1. Requires another urine or breath sample when insufficient volume of urine or breath provides an inadequate sample or there is reason to suspect tampering with the sample. If tampering is suspected, conducts the second collection under observed conditions. Notifies the Human Resources Consultant/Safety Manager of any instances of tampering.</p>
<p><b>Human Resources Consultant/Safety Manager</b></p>	<p>2. Documents a verified occurrence of tampering as a refusal to submit (which constitutes a violation of Policy HR-201-08) and takes appropriate disciplinary action.</p>
<p><b>Supervisor, Manager, Human Resources Consultant/Safety Manager</b></p>	<p>3. Manages a verified occurrence of tampering as a refusal to submit (which constitutes a violation of Policy HR-201-08) and takes appropriate disciplinary action.</p>
<p><b>Human Resources Consultant /Safety Manager</b></p>	<p>4. Takes the following action if notified by the MRO that a negative test was dilute:</p> <p>A. if the MRO directs a recollection under direct observation, notifies Supervisor, Manager, or Lead Worker, and Employee immediately.</p> <p>B. Otherwise, notifies Supervisor, Manager, or Lead Worker that the employee must take another test immediately.</p> <p>(a.) Such recollections will not be collected under direct observation, unless there is another basis for use of direct observation.</p> <p>(b.) Recollections will be required for all dilute negative test results.</p>
	<p><b>VIII. Methodology Of Testing And Reporting Results</b></p>
<p><b>Collection Site Technician</b></p>	<p>1. Conducts alcohol and controlled substance testing in such a way as to ensure maximum accuracy and reliability by using the techniques, chain of custody procedures, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS) and as called for in the federal regulations (Title 49 CFR Part 40) where applicable. Conducts all alcohol and controlled substance testing in an environment which affords personal privacy and</p>

	confidentiality to the maximum extent practicable.
<b>Breath Alcohol Technician</b>	<ol style="list-style-type: none"><li>2. Uses National Highway Traffic Safety Administration approved evidential breath testing devices to test for alcohol concentration at approved collection facility.</li><li>3. Communicates test results immediately to the employee and supervisor. Retests an employee who tests at .04 or above, or a CDL driver who tests at .02 or above, in not less than 15 minutes nor more than 30 minutes of the first test. This is considered a confirmation test. Confirmed positive alcohol test results immediately are reported to the employee and Human Resources Consultant or the immediate supervisor.</li><li>4. Reports all CDL Drivers who have a confirmed positive alcohol test to the Washington Department of Licensing within three business days of the confirmed test.</li><li>5. Conducts analytical urine testing at a DHHS certified laboratory for marijuana, cocaine, opiates, amphetamines, and phencyclidine. Conducts an initial controlled substances screen on the primary specimen (after a split sample is segregated at the collection site). Reports the initial controlled substances screen on the primary specimen. Reports negative tests timely and confidentially to the Human Resources Consultant.</li><li>6. For those specimens that are positive, performs a confirmation test using gas chromatography/mass spectrometry (GC/MS) techniques at a DHHS certified laboratory. If the confirmation test is negative, results are reported in a timely and confidential manner to the Human Resources Consultant. If the confirmation test is positive, provides the test results to the Medical Review Officer (MRO).</li><li>7. Carefully reviews the chain of custody to ensure proper handling and identification of the sample.</li><li>8. Carefully reviews the initial screening test and confirmation test to ensure the accuracy of the reported test results.</li><li>9. Contacts the employee to notify them of the confirmed, positive test result and provide them an opportunity (in person or over the telephone) to discuss the results and provide possible explanations for the test results.</li><li>10. If the employee declines the opportunity for a discussion with the MRO, concludes the evaluation and reports the positive test result to the Human Resources Consultant.</li><li>11. If the employee engages in discussion, informs the employee of the option (within 72 hours of being notified</li></ol>

	<p>by the MRO) of having the other portion of the split sample tested at another DHHS approved laboratory. If the employee requests testing of the split sample, makes arrangement immediately and reports the result of the split sample test to the employee for discussion.</p> <ol style="list-style-type: none"><li>12. If it is determined after discussion that no authorized controlled substance use has occurred, reports a negative test result to the Human Resources Consultant.</li><li>13. If no justification is found for the positive result, reports the verified positive result to the Human Resources Consultant.</li><li>14. Reports all CDL Drivers who have a confirmed positive drug test to the Washington Department of Licensing within three business days of the confirmed test.</li><li>15. In carrying out the above duties, awareness of sensitive medical information such as an individual's medical condition, medications, medical diagnosis, and medical history may occur. Keeps this information in the strictest confidence and does not release it for any purpose not related to the primary duty to determine if unauthorized controlled substance use has occurred.</li></ol>
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