



ALLEGHENY COUNTY DEPARTMENT OF HUMAN RESOURCES

Policies and Procedures

Pre-Employment Drug Testing

Policy Number: Employment, #22

Date Issued: April 1, 2017

This policy supersedes and replaces all previously issued policies related to Pre-Employment Drug Testing

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- I. **Purpose/Background:** To prevent employment of persons engaged in illicit use of drugs.
- II. **Scope:** This policy applies to all prospective full-time and part-time employees and other prospective employees as determined appropriate, including those considered for rehire.
- III. **Definitions:**
 - a. **Adulterated Specimen:** A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine
 - b. **Diluted Specimen:** A specimen with creatinine and specific gravity values that are lower than expected for human urine
 - c. **Drugs:** The drugs for which tests are required under DOT agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates. The drugs for which tests are required for a Non-DOT test are marijuana, cocaine, amphetamines, phencyclidine (PCP), barbiturates, benzodiazepines, methadone, methaqualone, propoxyphene, and opiates
 - d. **Drug Test:** The use of urinalysis or blood as a clinically accepted method of detecting drugs in the human body
 - e. **Illicit Use of Drugs:** Use of either prohibited drugs, and/or use of drugs without a prescription and/or abusive use of drugs received by prescription
 - f. **Invalid Test:** An invalid test result occurs when a collection error or adulteration is noticed after the specimen has been analyzed. Examples of invalid test results include: two test results found to have the same number; suspicion that a specimen has been adulterated; or incorrect completion of the custody and control forms. An invalid test is the same as a non-test; it is neither positive nor negative.
 - g. **Negative Test:** One which shows no indication of substance abuse upon the initial test; or, one which has shown a presumption of such substance on the initial test, but not on the confirmatory test; or, one which has been judged to be negative by the Medical Review Officer on a basis other than the results of the analytical process
 - h. **Positive Test:** One which has been evaluated for administrative, forensic, and analytical

accuracy, with a determination, through dialogue with the person who provided the sample, and examination of all known confounders, that has been judged as a "true" positive by the Medical Review Officer

- i. **Prospective Employee:** Any applicant being considered for a full-time or part-time position or being considered for any other position determined to be within the scope of this policy, who has been extended and has accepted a conditional offer of employment
- j. **Rehire:** Any applicant previously employed by Allegheny County who is seeking reemployment in a full-time or part-time position or who is being considered for rehire in any other position determined to be within the scope of this policy, who has been extended and has accepted a conditional offer of employment
- k. **Substituted Specimen:** A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine

- IV. **Policy Statement:** Allegheny County recognizes the effects of illicit use of drugs and is committed to maintaining a drug-free work environment. Therefore, all prospective employees are required to submit to a drug test once a conditional offer of employment has been extended and accepted. Rehires must submit to a new drug test once a conditional offer of employment has been extended and accepted if they have been separated from County employment for more than one pay period. No applicant may begin employment until the drug test results are received by Allegheny County, and the applicant has been made a final offer of employment pursuant to meeting all hiring considerations.

The following will automatically result in revocation of a conditional offer of employment:

- Refusal of an applicant to submit to the required drug test
- Refusal of an applicant to sign the Permission to Investigate Form, Drug Testing Consent Form and/or Medical Testing Consent Form
- Failure of an applicant to report to the collection site as scheduled except for legitimate reasons (Exceptions must be authorized by the Department of Human Resources.)
- Admission by an applicant to the illicit use of drugs
- Positive, adulterated, substituted, diluted or invalid drug test results
- Tampering with the test or test results in any way

Allegheny County reserves the right to revoke a conditional offer of employment for any valid, non-discriminatory reason. Therefore, additional circumstances related to the drug testing process not described above may lead to revocation of an employment offer.

Any applicant whose conditional offer of employment has been revoked pursuant to the terms of this policy will be ineligible for an offer of employment with Allegheny County for six months from the date of the drug test results.

- V. **Allegheny County reserves the right to change this policy at any time.**

VI. **Procedures:**

- A. Allegheny County's personnel system is based on the principle that appointments of employees are made on the basis of merit. Allegheny County job announcements will state that in order to receive a final offer of employment, applicants must successfully pass a drug test. Applicants will be provided the following documents at the time of interview:

- A Notice of Rights Under the Fair Credit Reporting Act/Permission to Investigate Form

- Drug Testing Consent Form
 - Medical Testing Consent Form
(These forms should be completed by the applicant at the time of the interview. A copy of each form should be provided to the applicant.)
 - A Summary of Rights Under the Fair Credit Reporting Act
- B.** After assessment of applicants' qualifications for employment is successfully completed, the hiring department will recommend a candidate for appointment. The candidate will be contacted and informed that the offer is contingent upon successful completion of the pre-employment drug testing process and other required pre-employment screenings and checks. The candidate will be informed that he or she must report to an approved collection facility for the drug test within 48 hours of the conditional employment offer. The candidate will be provided the following documents prior to reporting to the collection facility and will be asked to choose a facility:
- A written conditional Offer of Employment, which includes instructions for reporting to the collection facility
 - The list of Allegheny County-approved collection facilities and their locations
 - Employer's Authorization for Examination or Treatment form
(Candidates must report to an approved collection facility within the specified time frame and must present a valid photo ID.)
- C.** The candidate will be provided a HIPPA consent form and a Notice of Privacy Statement at the collection facility. The candidate's identification will be verified two times.
- D.** Collection and testing of specimens are conducted in accordance with the Occupational Safety and Health Administration (OSHA), DOT, the Americans with Disabilities Act, County policies and other applicable federal, state and local laws and regulations.
- E.** The Medical Review Officer Report will be provided to the County's Designated Employer Representative (DER) and appropriate personnel within the hiring Department.
- F.** The name of a candidate who successfully meets all terms and conditions specified in the conditional offer of employment letter may be submitted by the hiring department, along with other documents and information related to the selection process, to the County Manager for review. All final offers of employment are contingent upon approval of the County Manager.
- G.** If the Medical Review Officer Report indicates a non-negative drug test result, within five days of the County receiving the report, the candidate will be mailed a pre-adverse action letter informing him/her of the test result along with a copy of the report and a copy of A Summary of Rights under the Fair Credit Reporting Act. The candidate will be given seven business days to dispute the accuracy of the report or its completeness. Based on the final determination made by the County, the candidate will be notified verbally and in writing of the status of the conditional employment offer.
- E. Record Retention:** Medical records relating to pre-employment drug tests are maintained by Allegheny County's third party administrator, Concentra, in a secure location in accordance with all applicable federal, state and local laws and regulations. Allegheny County will maintain result records in accordance with the following schedule:
- For candidates not hired: Records will be maintained for two (2) years

- For candidates hired: Records will be maintained for seven (7) years after the employee separates from employment.

VII. Nothing in this policy shall be construed as altering current Allegheny County/Department policies or procedures, collective bargaining agreements, or federal, state, or local laws requiring and/or permitting drug testing of prospective and current employees.

VIII. Interpretation: The authority for interpretation of this policy rests with the Allegheny County Director of Human Resources.

IX. **Attachments:**

- a. Notice of Rights Under the Fair Credit Reporting Act/Permission to Investigate Form
- b. Drug Testing Consent Form
- c. Medical Testing Consent Form
- d. A Summary of Rights Under the Fair Credit Reporting Act
- e. Written Conditional Offer of Employment
- f. Employer's Authorization for Examination Or Treatment Form

Related Policies:

Drug-Free Workplace Act

Policy Number: Employment #9