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# Substance Abuse Testing Report 2003

Maine Department of Labor

Maine Bureau of Labor Standards

Barbara A. Chenoweth

*Maine Department of Labor*

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**MAINE**  
**DEPARTMENT OF**  
**LABOR**  
*Labor Standards*



Substance  
Abuse  
Testing  
Report  
2003

# 2003 Substance Abuse Testing Highlights

The *Substance Abuse Testing Report 2003* is produced as a requirement of the Maine Substance Abuse Testing Law of 1989. All companies with approved Substance Abuse Testing Policies are required to provide information for this report (exclusive of any federally mandated testing).

## **271 companies have approved Maine substance abuse testing policies**

- ✓ All are approved to do applicant testing
- ✓ 44 are approved for employee probable cause testing (see Section III, page 2)
- ✓ 29 are approved to do random or arbitrary testing (see Section III, page 2)
- ✓ 27 are approved to do probable cause and random or arbitrary testing

**The number of job applicants tested increased 21.8% from 12,595 in 2002 to 15,345 in 2003. There was an increase of 7.5% in the number of employers who have approved policies to conduct tests, from 252 in 2002 to 271 in 2003.**

- ✓ 15,345 job applicant tests were conducted in 2003. Seven-hundred twenty-seven had positive test results
- ✓ The percentage of applicant positive tests decreased from 5.0% in 2002 to 4.7% in 2003
- ✓ The most common controlled substances identified from the tests were cannabinoids (85.6%), cocaine (8.3%), opiates (2.2%), amphetamines (1.9%), benzodiazepines (1.5%), followed by barbiturates (0.7%), methadone (0.7%), and phencyclidine (0.1%)
- ✓ 55 companies included alcohol in their substance abuse testing panel with 2 (0.3%) positive tests

## **29 employees were given tests for probable cause**

- ✓ 7 tested positive

## **755 employees were given random or arbitrary tests**

- ✓ 27 tested positive

## **Industry breakout with approved substance abuse testing policies**

- ✓ Manufacturing – 101 companies
- ✓ Trade (wholesale & retail) – 51 companies
- ✓ Construction - 33
- ✓ Services (healthcare, professional and other services) - 50 companies
- ✓ Transportation and public utilities - 18 companies
- ✓ Other - 18 companies



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# **Substance Abuse Testing Report 2003**

Barbara Chenoweth, Statistician

March 2004

Augusta, Maine

The Maine Department of Labor provides equal opportunity employment and programs.  
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## Section I

### Background

The Maine Department of Labor (MDOL) is submitting this report to the Joint Standing Committee on Labor in accordance with the Maine Substance Abuse Testing Law, Title 26 M.R.S.A. Section 690. This report pertains only to employer testing activities under Maine law. It is not a comprehensive study of workplace substance abuse testing because it does not include individuals who are tested under federal testing programs.

The Maine Substance Abuse Testing Law is intended to protect the privacy rights of employees, yet allow an employer to administer testing; to ensure proper testing procedures; to ensure that an employee with a substance abuse problem receives an opportunity for rehabilitation and treatment; and to eliminate drug abuse in the workplace. Regulation of testing for use of controlled substances has been in effect under Maine law since September 30, 1989.

The administration of this law is a collaborative effort of the following agencies:

- ◆ Maine Department of Labor, Bureau of Labor Standards
  - Reviews and approves substance abuse testing policies.
  - Conducts the annual survey of substance abuse testing.
  - Analyzes testing data and publishes the annual report.

#### Model Policies

Model policies developed by the Maine Department of Labor help employers develop substance abuse policies for their workplaces and make it easier for the MDOL to review company policies. (See Appendix 5 for model applicant policy. The model applicant policy, model applicant with point of collection policy, and model employee testing policy are on the BLS website, [www.maine.gov/labor/bls/ModelDrugTest.htm](http://www.maine.gov/labor/bls/ModelDrugTest.htm).)

- ◆ Department of Human Services Health and Environmental Testing Laboratory
  - Licenses testing laboratories.

#### Licenses for Testing Laboratories

The Department of Human Services Health and Environmental Testing Laboratory is responsible for the licensure of laboratories that Maine employers can use for testing of controlled substances. There are 13 laboratories licensed by the State of Maine to do the substance abuse tests for Maine employers with approved testing policies. Of the 14 substance abuse testing laboratory licenses that were due for renewal in 2003, 13 were renewed. (See Appendix 3).

- ◆ Department of Behavioral & Developmental Services (formerly the Dept. of Mental Health, Mental Retardation and Substance Abuse Services), Office of Substance Abuse
  - Reviews and approves employee assistance programs for employers who do probable cause or random and arbitrary testing.



### **Employee Assistance Programs (EAP)**

Any employer with more than 20 full-time employees must have a functioning EAP prior to testing their employees as stated in Title 26 Section 683 Paragraph 1. The EAP must be certified by the Office of Substance Abuse and certification must be renewed every two years. Three EAPs were approved in 2003, bringing the total EAPs to 47 for companies with substance abuse testing policies. Some EAPs are certified for parent companies and cover multiple locations that may be listed separately. (See Appendix 2).

## **Section II**

### **Substance Abuse Testing Policy Review and Approval**

#### **Department of Labor - Policy Review and Approval**

In 2003, the Maine Department of Labor (MDOL) received 85 individual substance abuse testing policy submissions for review. MDOL staff completed 61 reviews. There were 24 policies pending review as of December 31, 2003 (See Table 1).

Any employer desiring to do substance abuse testing, other than federally regulated testing, must submit a substance abuse testing policy to the Department of Labor, Bureau of Labor Standards. Testing shall not be done until the business has been notified that the policy has been approved. Title 26 M.R.S.A. Section 689 addresses the penalties that can be assessed if an employer does substance abuse testing without an approved testing policy.

Table 1

#### **Substance Abuse Testing Policies Reviewed Maine, 2002**

<b>Reviews Completed</b>	<b>61</b>
Policies Approved	43
Policies Denied	18
<b>Reviews Pending</b>	<b>24</b>

## **Section III**

### **Types of Testing**

Drug testing policies may be approved for one or all of the following types of testing:

- ◆ job applicant testing
- ◆ employee testing
  - probable cause testing - means reasonable grounds exist to believe that an employee may be under the influence of a substance of abuse.
  - random/arbitrary testing - a method of selecting people to be tested where all potential testees have an equal chance of selection by chance or where testing is based on criteria unrelated to substance abuse such as a date of hire anniversary.

## Section IV

### Survey Results

Each employer with a policy approved by the Maine Department of Labor must participate in a mandatory annual survey. Information gathered in the survey includes the number of tests by type (applicant, probable cause or random/arbitrary), the substances tested for, and the number of positive tests for each substance.

#### Job Applicant Testing

At 15,345, the number of job applicant tests conducted in 2003 increased by 21.8% from 2002. In 2003, of all the job applicant tests conducted, 4.7% had positive results, compared to 5.0% in 2002. Cannabinoids (85.6%), cocaine (8.3%), and opiates (2.2%) were the most frequently identified substances. Other identified substances include amphetamines (1.9%) and benzodiazepines (1.5%). Barbiturates, methadone, alcohol, and phencyclidine were each identified in less than 1.0% of the tests. (See Table 2). See Appendix 6 for controlled substances and drug names.

Table 2

#### Results of Job Applicant Tests Under Approved Policies Maine, 2003

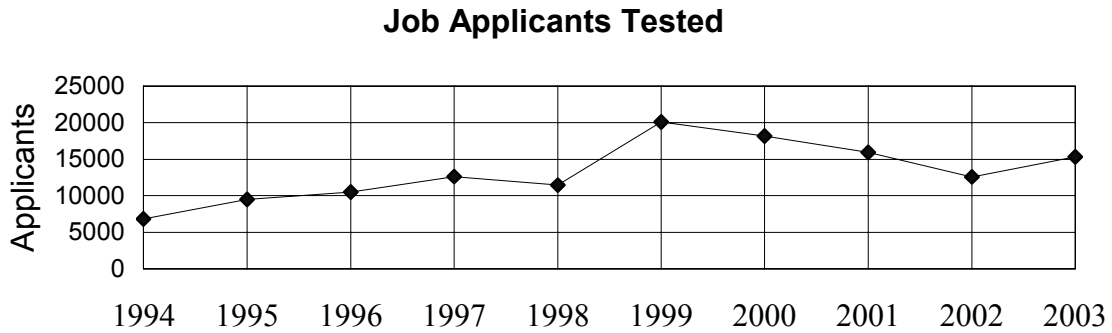
	<u>Tests</u>	<u>As Percent of All Tests</u>	<u>As Percent of Positive Tests</u>
<b>Total Job Applicant Tests</b>	<b>15,345</b>	<b>100.0</b>	
Positive Results*	<b>727</b>	4.7	<b>100.0</b>
Cannabinoids	622	4.1	85.6
Cocaine	60	0.4	8.3
Opiates	16	0.1	2.2
Amphetamines	14	0.1	1.9
Benzodiazepines	11	0.1	1.5
Barbiturates	5	-.	0.7
Methadone	5	-.	0.7
Alcohol	2	-.	0.3
Phencyclidine	1	-.	0.1
Unknown	<b>0</b>	-.	<b>0.0</b>
Invalid	<b>8</b>	0.1	<b>1.1</b>

\* May be less than total of all substances if one or more applicants tested positive for multiple substances.

-. Less than 0.05 percent.

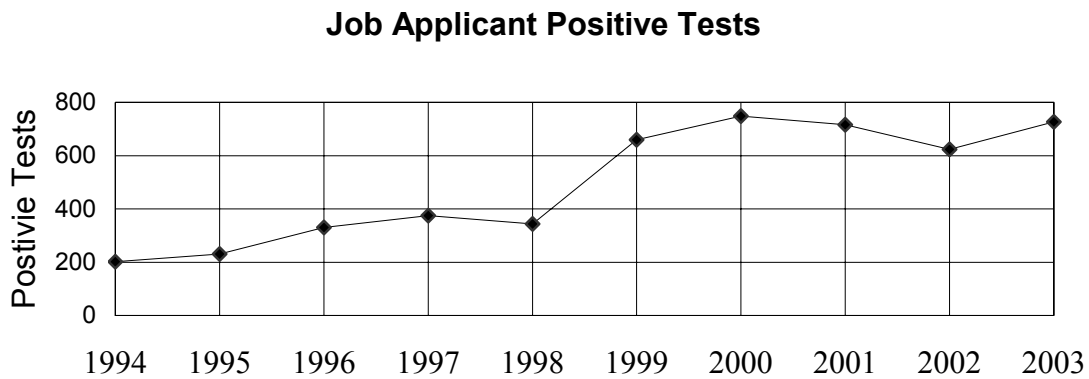
The following graph shows the number of job applicants tested for controlled substances for the years 1994 to 2003.

Figure 1



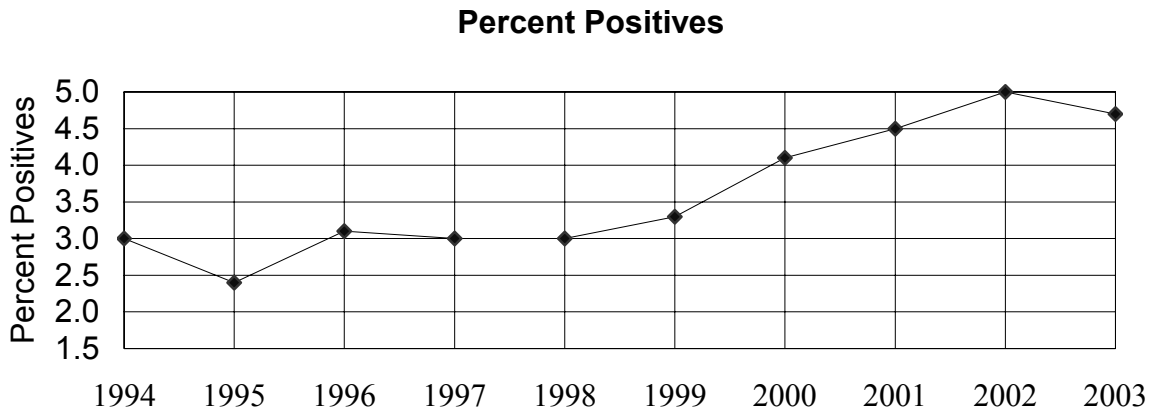
The graph below indicates the number of positive tests for job applicants from 1994 to 2003.

Figure 2



The following graph shows the percentage of positive tests each year from 1994 to 2003.

Figure 3



## Employee Testing

A total of 784 employee tests were conducted in 2003 with 34 positive tests. Seven-hundred fifty-five of the employee tests were random or arbitrary testing. Of these, 27 (3.6%) were confirmed positive: 24 (88.9%) for cannabinoids, one (3.7%) for cocaine and one (3.7%) for alcohol. Twenty-nine of the tests were for probable cause. There were seven confirmed positive, six for cannabinoids and one for opiates.

## Section V

### Analysis of All Results (Applicants & Employees)

A total of 16,129 tests were conducted in 2003. The Services Industry conducted 5,105 tests, with 4.2% positive. The Manufacturing Industry had the most substance abuse testing policies and conducted the second highest number of tests (5,094), with 5.3% positive. The Wholesale and Retail Trade Industry conducted 2,634 tests with 5.4% positive. Transportation and Public Utilities conducted 375 tests with 3.7% positive tests. The Construction Industry conducted 2,626 tests, with 4.0% positive. (See Table 3).

Table 3

#### Results of All Tests Under Approved Policies, by Industry Maine, 2003

<u>Industry</u>	<u>Number of Policies</u>	<u>Number of Tests</u>	<u>Number of Positives</u>	<u>Percent Positive</u>
<b>All Industries</b>	<b>271</b>	<b>16,129</b>	<b>761</b>	<b>4.7</b>
<b>Construction</b>	<b>33</b>	<b>2,626</b>	<b>104</b>	<b>4.0</b>
Heavy Construction	9	1,182	47	4.0
Other Construction	24	1,444	57	3.9
<b>Manufacturing</b>	<b>101</b>	<b>5,094</b>	<b>271</b>	<b>5.3</b>
Plastics/Rubber	7	306	21	7.3
Food Products	10	668	29	4.3
Electronic/Electrical Equipment	11	184	5	2.7
Wood Products	16	475	21	4.4
Paper Products	20	1,399	39	2.8
Other Manufacturing	37	2,062	156	7.6
<b>Transportation and Public Utilities</b>	<b>18</b>	<b>375</b>	<b>14</b>	<b>3.7</b>
<b>Trade</b>	<b>51</b>	<b>2,634</b>	<b>141</b>	<b>5.4</b>
Retail	20	1,841	85	4.6
Wholesale	31	793	56	7.1
<b>Services</b>	<b>50</b>	<b>5,105</b>	<b>215</b>	<b>4.2</b>
Healthcare	7	1,263	24	1.9
Professional Services	10	2,147	56	2.6
Other Services	33	1,695	135	8.0
<b>Other</b>	<b>18</b>	<b>295</b>	<b>16</b>	<b>5.4</b>

**Analysis of All Results (Applicants & Employees), continued**

A drug testing panel consists of the list of substances specified in the employer’s policy for which the employer will test. Although there are variations in the drug testing panels used by different employers, nearly all employers test for cannabinoids, cocaine and amphetamines. Among those tested, cannabinoids remain the substance with the highest percentage of positive tests, followed by cocaine and opiates. The substance least tested for is alcohol. Only 53 of the 210 companies who tested in 2003 included alcohol in their drug testing panel. Of all the tests conducted during 2003, 4.7% were positive. The highest percentage of positives for an individual substance was 4.2%, for cannabinoids. (See Table 4).

Table 4

**Results of All Tests Under  
Approved Policies, by Specific  
Controlled Substance  
Maine 2003**

<u>Substance</u>	<u>Employers Testing During Year</u>	<u>Total Tests</u>	<u>Total Positives</u>	<u>Percent Positives*</u>
<b>All Substances</b>	**210	<b>16,129</b>	<b>761<sup>+</sup></b>	<b>4.7</b>
Cocaine	206	15,444	61	0.4
Opiates	203	15,418	17	0.1
Cannabinoids	205	15,410	652	4.2
Amphetamines	205	15,369	15	0.1
Phencyclidine	204	15,301	1	-.-
Barbiturates	120	10,015	5	-.-
Benzodiazepines	111	8,914	11	0.1
Methadone	99	8,370	5	0.1
Methaqualone	90	7,791	0	-.-
Alcohol	53	2,881	3	0.1

\*Percent positives, including that substance, of all tests conducted.

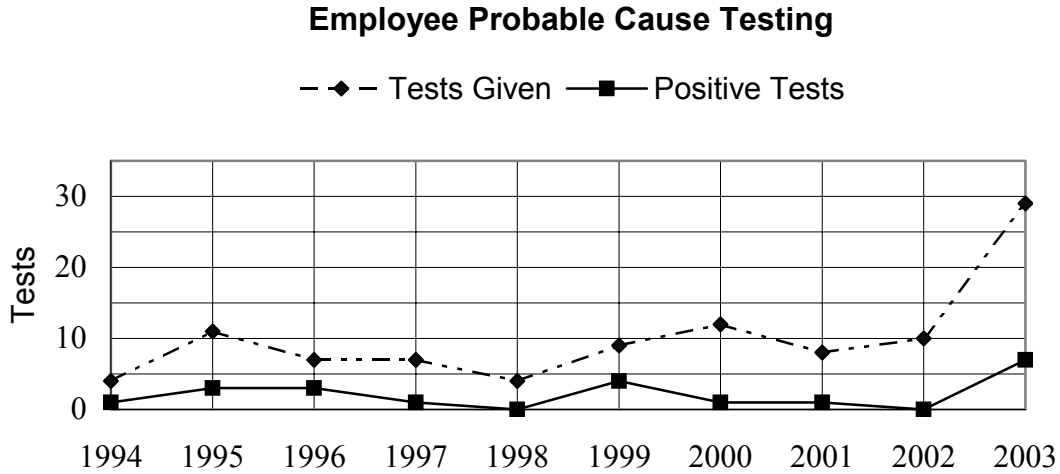
\*\*56 companies with approved policies did no testing in 2003.

+May be less than total of all substances if one or more persons tested positive for multiple substances.

-. Less than 0.05 percent.

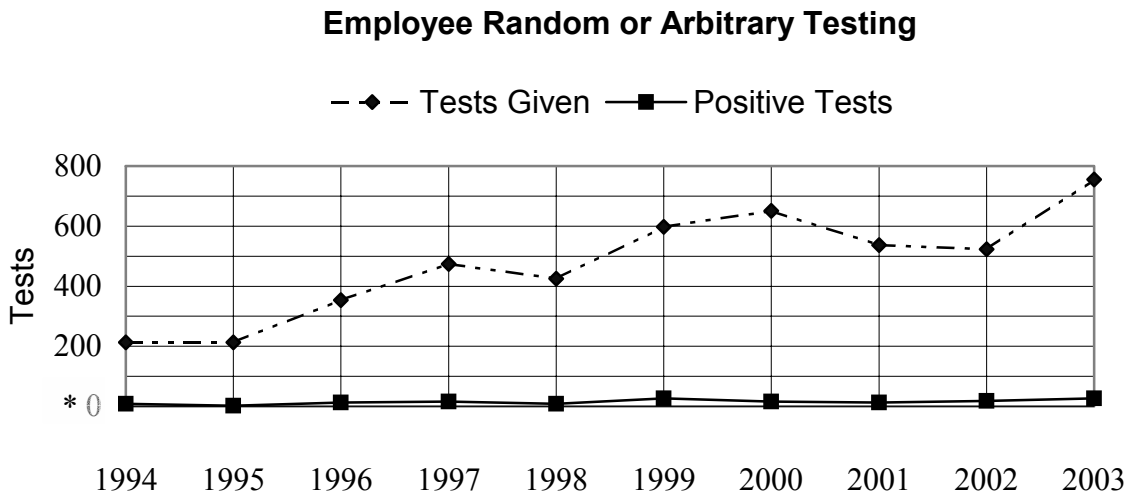
The following graph illustrates the number of probable cause tests done and the number of positives for the years 1994 through 2003.

Figure 4



The following graph shows the trend for random and arbitrary tests for the years 1994 through 2003.

Figure 5



\* Range of positive test results is from 2 to 27.

The following table shows the trend of drug testing from 1994 through 2003. The number of employers with approved policies has increased from 112 in 1994 to 271 in 2003. The total number of tests given has decreased 22.2% since the peak of 20,725 in 1999. The percentage of positive tests has fluctuated, with the lowest (2.4%) in 1995 and the highest (4.9%) in 2002. Positive results for job applicant testing were lowest (2.4%) in 1995 and highest (5.0%) in 2002. The highest number of probable cause tests was in 2003. Positive probable cause was lowest (0.0%) in 1998 and 2002, and highest (44.4%) in 1999. The percentage of positive random tests was lowest (0.9%) in 1995 and highest (44.4%) in 1999.

**Table 5**  
**Yearly Totals by Type of Test Applicants/Employees 1994-2003**

Year	Number of Employers w/ Policies	Total		Applicant		Percent Positive		Applicant		Probable Cause		Random		Percent Positive	
		Tests	Positives	Tests	Positives	Tests	Positives	Tests	Positives	Tests	Positives	Tests	Positives	Tests	Positives
2003	271	16,129	761	15,345	727	4.7	4.7	29	7	24.1	755	27	3.6		
2002	252	13,128	642	12,595	624	5.0	5.0	10	0	--	523	18	3.4		
2001	239	16,492	730	15,947	716	4.5	4.5	8	1	12.5	537	13	2.4		
2000	226	18,827	765	18,164	748	4.1	4.1	12	1	8.3	651	16	2.5		
1999	200	20,725	691	20,118	660	3.3	3.3	9	4	44.4	598	27	4.5		
1998	164	11,888	352	11,459	343	3.0	3.0	4	0	--	425	9	2.1		
1997	147	13,097	392	12,616	375	3.0	3.0	7	1	14.3	474	16	3.4		
1996	134	10,854	346	10,493	330	3.2	3.1	7	3	42.9	354	13	3.7		
1995	116	9,708	236	9,484	231	2.4	2.4	11	3	27.3	213	2	0.9		
1994	112	7,035	211	6,818	202	3.0	3.0	4	1	25.0	213	8	3.8		

-- Indicates a value of less than 0.05%

Figure 6

**Employers With Approved Substance Abuse Testing Policies 1994-2003**

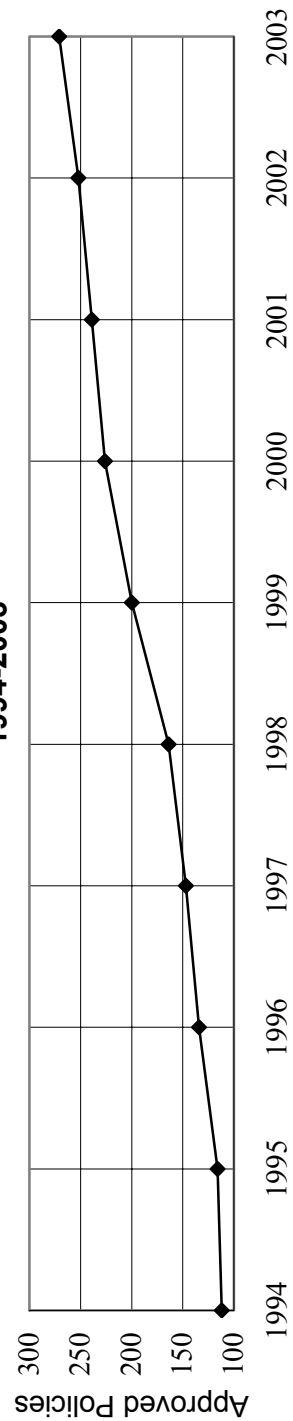


Table 6 shows the cumulative total of tests and positives for job applicants and employees from 1994 through 2003. It also shows the percentage positive for each substance as it relates to the total number of tests and to the total number of positives. The data shows that of the controlled substances tested for, cannabinoids had the highest percentage of positives.

**Table 6**  
**Positives By Substance**  
**1994 - 2003 (Cumulative)**

	Number of Tests	As % of All Tests	As % of Positives
<b>Total Tests</b>	<b>137,883</b>	<b>100.0</b>	*****
Total Positives*	<b>5,126</b>	<b>3.7</b>	<b>100.0</b>
Cannabinoids	4,442	3.2	86.7
Cocaine	326	0.2	6.4
Opiates	187	0.1	3.6
Alcohol	66	-.-	1.3
Benzodiazepines	50	-.-	1.0
Amphetamines	47	-.-	0.9
Barbiturates	47	-.-	0.9
Other	20	-.-	0.4
Phencyclidines	8	-.-	0.2

\*Total of positives by substance exceeds total applicants/employee positives because some individuals tested positive for more than one substance.

-.- Indicates a value of less than 0.05%

## Section VI

### Summary

During 2003, the Maine Department of Labor reviewed 61 substance abuse testing policies. Of the 61 reviewed, 43 new policies were approved, 18 policies were denied pending submission of revisions, and 24 policies were pending at year end.

As of December 31, 2003, a total of 271 approved policies were in force.

The Department of Labor surveys all employers with approved policies for this report. The 2003 survey showed that 15,345 job applicants had been tested, with 727 (4.7%) confirmed positive tests. There were 29 employee probable cause tests, with 7 (24.1%) reported as positive and 755 employee random or arbitrary tests, with 27 (3.6%) positives reported.



## Appendix 1

### Employers with Approved Policies

The following is a listing of employers with approved substance abuse testing policies, the date of initial approval and the type of testing allowed.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
AAA Automobile Association	10/29/03	X		
AIMCO (Apartment & Investment Management Co.)	04/30/01	X		
A V X Tantalum Corp.	09/27/00	X		
Acme - Monaco Corp.	01/07/03	X		
Adecco (formerly Olsten Staffing Service)	08/12/97	X		
Adelphia (formerly Frontier Vision)	04/26/99	X		
Aetna Inc.	02/16/00	X		
Air Temp Inc.	08/06/03	X		
Aldworth Company Inc.	06/11/02	X		
Alexander & Associates	01/02/01	X		
All Seasons Services Inc.	06/23/00	X		
Alliance Construction Inc.	05/14/01	X		
Allstate Insurance Co.	04/11/91	X		
Alternative Nursing Care, Inc.	09/04/02	X		
Alternative Warehouse Services Inc. (AWS)	02/24/99	X		
American Steel & Aluminum Corp.	04/30/01	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
American Tissue Mills of Maine (formerly Tree Free Fiber Co.)	05/30/96	X		
Associated Grocers of Maine Inc.	05/01/03	X		
@WORK Personnel Services	07/02/96	X		
Atlantic Contracting & Specialties (formerly Eastern Refractories)	07/22/93	X		
Atlantic Salmon of Maine, LLC	05/05/00	X		
Auburn, City of	06/09/94	X		
Auburn Motor Sales d/b/a Rowe – Auburn	05/05/00	X		
B E & K	06/03/91	X	X	X
B J's Wholesale Club	06/09/94	X		
Baileyville Police Dept.	02/24/99	X		
Bancroft Contracting	02/01/94	X		
Bangor Area Visiting Nurses	12/16/92	X		
Bangor Gas Company	06/11/02	X		
Barber Foods	09/09/97	X		
Barrett Paving Materials Inc.	04/23/01	X	X	
Bath Iron Works Corp.	02/27/90	X	X	X
Bath Water District	01/29/03	X		
Best Buy Stores LP	12/16/98	X		
Black & Veatch	06/19/98	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Blake Equipment	12/21/98	X	X	
Bonney Staffing & Training Centers	01/02/03	X		
Brewer Automotive Components (BAC)	09/17/99	X		
Brewer, City of	12/12/00	X		
Bridgecorp	08/21/96	X		
Bright Horizons Family Solutions	04/30/02	X		
Brockway – Smith Co.	01/28/03	X		
Burnham & Morrill	09/04/02	X		
C N Brown	06/06/01	X		
Cable Constructors Inc.	06/21/02	X	X	X
Calais, City of	06/03/03	X		
Calpine Corporation (formerly Energy Mgmt. Inc.)	10/18/99	X		
Cardinal Health (formerly Bindley Western Drug Co)	05/19/93	X		
Carquest Distribution Center	11/25/97	X	X	X
Casella Waste Systems, Inc.	12/16/98	X		
Central Maine Power Co.	10/18/90	X		
Chadwick-BaRoss Inc.	07/21/93	X		
Cianbro Corp.	02/27/90	X	X	X
Circuit City Stores, Inc.	10/31/96	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Cives Steel Co.	10/18/90	X	X	
Coca-Cola Bottling Co. of Northern New England, Inc.	12/29/92	X	X	
Community Concepts	10/24/01	X		
Consolidated Container Corp. (formerly Maine Plastics)	07/21/00	X		
Control Devices, Inc.	04/17/96	X		
Cooper Wiring Devices (formerly Arrow Hart)	07/24/90	X		
Corning Inc., Life Sciences Div.	09/19/01	X		
CYRO Industries	07/24/90	X		
D & G Machine Products	07/31/91	X		
Dennis Beverage Co. d/b/a Dennis Paper Co.	12/24/91	X		
Dielectric	07/09/99	X		
Diver Down Underwater Services	12/04/01	X		
Domtar Industries (formerly Georgia Pacific)	07/31/91	X	X	
Down East Toyota Buick & Down East Auto Body of Brewer	02/09/00	X		
Ducktrap River Fish Farm, Inc.	12/28/98	X		
Duratherm Window Corp.	10/08/03	X		
E D S Corporate Security	01/24/01	X		
E S B, Inc.	06/02/98	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Eastern Fine Paper, Inc.	04/23/91	X		
Eastern Fire Protection/Eastern Sprinkler Services	10/08/03	X		
Eastern Maine Health Care	01/15/91	X		
Eaton Electrical Inc. (formerly Cutler – Hammer, Inc)	09/02/99	X		
Edwards Systems Technology	05/01/03	X		
Ellsworth Builders Supply, Inc.	09/25/90	X		
Emery Waterhouse	04/08/98	X		
Energy East Management Corp.	07/07/03	X		
Engineered Materials of Maine LLC	09/11/02	X		
Enterprise Engineering Inc.	09/10/02	X	X	X
Equipment Rental Service, Inc. (d/b/a Taylor Rental)	03/02/99	X		
ESOCO Orrington, Inc.	06/03/92	X		
FMC Biopolymer Corp.	03/22/90	X	X	X
F P L Energy Maine Operating	06/23/00	X		
Fiber Materials, Inc.	06/27/90	X		
Fisher Engineering	04/17/96	X	X	
Flemish Master Weavers (formerly Rainbow Rugs)	11/21/90	X		
Formed Fiber Technologies, Inc. (formerly Gates Formed-Fibre Products, Inc.)	12/12/00	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Fulghum Fibres	10/08/97	X		
Garelick Farms of Maine (formerly Grant's Dairy)	05/20/98	X		
General Dynamics Armament Systems (formerly Saco Defense)	02/28/90	X	X	X
General Electric Co. Auburn	10/18/90	X		
General Electric Co. Bangor	05/24/90	X		
Georgia Pacific Corp. (formerly James River Corp.)	04/23/91	X		
Gibbs & Cox, Inc.	08/07/91	X		
G.E. Goding & Son, Inc.	04/20/90	X		
Grainger Industrial Supply	05/30/00	X		
Guardsmark, Inc.	12/05/96	X		
HMS Host Corp. (formerly Host Marriott Services)	01/05/96	X		
Hale Trailer Brake & Wheel Inc.	08/06/03	X		
Halls Security Services, Inc.	07/31/91	X		
Hampden, Town of	01/27/99	X		
Hancock Lumber Co.	04/29/91	X		
Hannaford Brothers Co.	05/18/93	X	X	X
Healthsouth Corp.	10/20/97	X		
Hertz Corporation, The	06/11/02	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
(Olympia Equity Investors V)				
Hinckley Co. LLC, The	09/04/02	X		
Home Depot	11/01/96	X		
H P Hood, Inc.	05/15/03	X		
Huber, J.M. Corp. Easton Department	04/29/91	X	X	
Huhtamaki Food Services Inc. (formerly Chinet Co.)	07/24/90	X	X	
Hussey Seating Co.	12/24/90	X		
Ikon Office Solutions	02/24/99	X		
Imerys Pigments & Additives Group	07/14/00	X		
Immix Technologies, LLC	10/24/00	X		
Indeck Maine Energy	05/09/97	X		
Insurer's Computer Services	07/11/02	X		
Interface Fabrics Group (Guilford of Maine)	01/26/99	X		
International Paper Co. Androscoggin Mill	11/05/90	X	X	
International Paper Co. (formerly Champion International)	03/23/90	X	X	X
International Paper Co. Woodlands Northeast Region	04/23/91	X		
Interstate Brands (formerly J J Nissen)	01/03/92	X		
Irving Forest Products (Pinkham Lumber)	07/23/02	X	X	X

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Irving Forest Products (Pinkham Lumber)	07/23/02	X	X	X
Irving Tanning Co.	12/27/93	X		
Jagger Bros.	05/14/01	X		
Johns Manville - Lewiston	01/21/97	X		
Johns Manville - Portland	01/21/97	X		
Jordan's Meats (Tyson Foods)	04/02/97	X		
KCS, Inc.	06/02/98	X		
Kassbohrer All Terrain Vehicles, Inc.	10/24/00	X		
Katahdin Paper Company LLC (formerly Great Northern Paper)	04/15/03	X		
Kelly Services Inc.	01/03/03	X		
Kennebunkport Police Dept.	03/28/02	X		
Kids Peace National Centers of New England	05/05/00	X		
Kravco Company	04/13/95	X		
L & B Electrical Contractors Inc.	02/25/03	X		
Lane Construction Corp.	12/16/92	X		
Lane Construction Corp. Sunrise Materials	12/16/92	X		
Lane Construction Corp. Sunquip	12/16/92	X		
Larkin Enterprises	01/08/03	X		



Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Lemforder Corp.	12/03/91	X		
Lincare Inc.	02/09/00	X		
Lincoln National Life Ins. Co.	08/01/97	X		
Lincoln Pulp & Paper Co.	07/24/90	X		
Lohmann Animal Health	12/06/01	X		
Longview Inspections	10/06/00	X		
Louisiana-Pacific Corp. (formerly Gerogia Pacific OSB) Baileyville	09/09/02	X	X	X
Louisiana-Pacific Corp. Houlton	05/20/98	X	X	X
Lucas Tree Experts	04/29/91	X		
Madison Paper Industries	04/19/90	X		
Maine Biological Laboratories	12/04/01	X		
Maine Business Services d/b/a Manpower	04/30/02	X		
Maine Drilling & Blasting	09/09/99	X		
Maine General Health	04/30/93	X		
Maine Public Service Co.	06/13/90	X		
Maine Rubber International	05/15/90	X		
Maine Woods Co., LLC	04/21/99	X		
Mainely Vinyl, Inc.	09/21/98	X		
Marriott International, Inc.	10/17/95	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Masonite Corp. (formerly Wood Fiber Industries)	06/09/94	X		
MBNA New England	06/30/93	X	X	
McCain Foods, Inc.	02/24/92	X	X	X
MeadWestvaco Corp.	03/19/90	X	X	X
Medical Staffing Network	03/28/02	X		
Merrill Marine Terminal Services (Merrill Companies)	12/16/92	X		
Mid-State Machine Products	05/15/90	X	X	X
Midwest-Price Co., LLC	09/27/00	X	X	X
Montreal, Maine & Atlantic Railway (formerly Bangor & Aroostook RR)	06/19/98	X		
Mount Hope Cemetery Corp.	04/13/90	X		
National Semiconductor Corp.	12/22/99	X		
New England Insulation	04/29/99	X		
New Horizons Wilderness Program	06/01/01	X		
New York Life Insurance Co.	03/28/02	X		
Newark Paperboard Products Mercer Division	08/15/97	X		
Nexfor Fraser Papers (formerly Fraser Papers)	04/15/94	X		X
Nichols - Portland	12/22/98	X		
North Center Foodservice Corp.	09/19/90	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Northeast Airmotive	09/30/91	X		
Northeast Industrial Service	12/16/98	X		
Northeastern Environmental Services	07/21/00	X		
Northeastern Log Homes, Inc.	04/21/00	X		
Nortrax Equipment	09/11/02	X		
O'Connor Constructors	07/09/99	X		
Oakhurst Dairy	02/28/90	X		
Old Town Canoe	02/25/03	X	X	
Old Town Lumber Co., Inc.	04/21/00	X		
Omnicare Pharmacy of Maine (Pharm Corp of Maine)	03/29/02	X		
OSRAM Sylvania, Inc. (formerly GTE Products)	02/06/91	X		
Parsons Energy & Chemicals Group, Inc.	07/20/99	X		
Penobscot County Sheriff's	08/11/98	X		
Penobscot Regional Communications Center	01/27/99	X		
Perma Treat Corp. (formerly Aroostook & Bangor Resources Inc.)	03/13/01	X		
Permond Solutions Goup Inc.	04/27/01	X		
Philip Services Corp. (formerly Allwaste)	11/10/93	X		X

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Philips Elmet (formerly North American Phillips)	10/04/90	X		
Pike Industries (formerly Tilcon)	10/04/90	X		
Pioneer Plastics Corp.	09/19/90	X		
Pizzagalli Const. Co.	05/26/98	X		
Pleasant River Lumber Co.	10/29/03	X		
Pleasants Hardware Co.	10/20/97	X	X	X
Plum Creek Timber	10/15/98	X		
Poland Spring Bottling Co.	06/08/99	X		
Pollack, G.M. Corp.	08/25/92	X		
Portland Fish Exchange	06/03/03	X		
Portland Water District	09/04/02	X		
Pratt & Whitney United Technologies Corp.	06/22/90	X	X	
Prescott, Everett J.	02/25/00	X		
Progressive Distributors	05/18/93	X		
Radiodetection Corp.	09/05/03	X		
Rare Hospitality International, Inc. d/b/a Bugaboo Steak House	09/17/99	X	X	
Reed & Reed	06/25/92	X		
Rentway Inc.	09/10/02	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Riley Medical, Inc.	08/17/93	X		
R T S Packaging, LLC (formerly Rock-Tenn Co.)	05/28/91	X	X	X
Saint – Gobain BTI, Inc. (formerly Brunswick Technologies)	07/09/99	X		
Sappi Fine Paper - Somerset	05/28/91	X	X	
Sappi Fine Paper (formerly S.D. Warren Westbrook)	04/29/91	X	X	
Sargent, H.E., Inc.	04/17/96	X		
Scarborough, Town of	01/16/03	X		
Scholastic Book Fairs	05/02/01	X	X	X
SCI Systems, Inc. (formerly Digital)	04/27/99	X		
Sears Roebuck & Co.	07/30/99	X		
Seaward Const. Corp.	06/18/91	X		
Seltzer & Rydholm, Inc.	12/29/92	X		
Shaw’s Supermarkets, Inc. Distribution Center	06/10/00	X		
Sisters of Charity Health System/Workmed	07/19/95	X		
Skowhegan, Town of	08/28/98	X		
Smith & Wesson Corp.	03/27/03	X		
Solon Mfg. Co.	07/19/95	X		
Sonoco Products Co.	07/31/91	X		

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Southwind Industrial Services, Inc.	06/03/03	X		
Specialty Minerals, Inc.	04/06/96	X	X	
Speedy Warehouse Services	09/01/00	X		
Spencer Press Inc.	07/21/00	X		
Sprague Energy Corp.	04/13/95	X		
St. Paul Companies	07/24/90	X		
Standard Insurance Co.	03/25/03	X		
Standard Waterproofing	04/13/98	X		
Station Class Constructors	01/26/01	X	X	X
Sullivan and Merritt, Inc.	05/18/93	X		
Supervalu, Inc.	03/02/98	X		
S.W. & B. Construction	04/29/91	X	X	X
Tambrands	01/13/99	X		
Target Corporation	07/09/01	X		
Tempo Employment Services	05/15/03	X		
Thurrott, D.L., Inc.	01/28/02	X		
Trans-Tech Industries, Inc.	09/27/00	X		
U. S. Cellular	05/05/00	X		
Unifirst Corp.	05/20/93	X		
Union Water Power Co.	04/02/03	X	X	X
Verizon (formerly Nynex)	10/05/94	X	X	X

Appendix 1

Employers with Approved Policies, continued.

<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
Vescom Corp.	05/18/93	X		
Wal-Mart Stores	03/31/98	X		
Walpole Woodworkers Inc.	02/12/01	X		
Waterville Anesthesia Associates	04/30/93	X	X	X
Watts Fluid Air	06/24/97	X		
Wausau - Mosinee Paper Corp. Otis Division	09/02/99	X		
Webber Oil Co.	04/17/96	X		
WestPoint Stevens	12/22/98	X		
Whatman, Inc.	06/04/03	X		
Wheelabrator - Sherman Energy Co.	08/09/91	X	X	
White, Paul G. Tile Co.	07/21/93	X		
Willette Welding	12/22/99	X		
Wise Business Forms dba EPX	06/03/03	X		
Wood Structures, Inc.	03/25/91	X		
WorkSource Staffing Services	03/13/01	X		
Wyman & Simpson, Inc.	05/18/93	X		
Xpedx (formerly Resource Net International)	07/21/93	X		
Zampell Refractories	12/30/93	X	X	X

## Appendix 2

### Employers with Substance Abuse Testing Policies and Approved Employee Assistance Programs as of the end of 2003.

Employers who do probable cause or random/arbitrary testing and have more than 20 full-time employees must have an employee assistance program (EAP) that has been certified by the Office of Substance Abuse.

<b>Company Name</b>	<b>Location</b>
Associated Grocers of Maine	Gardiner, ME
B E & K	Jay, ME
Barrett Paving Materials Inc.	Bangor, ME
Bath Iron Works Corp.	Bath, ME
Blake Equipment	Augusta, Bangor & Gorham, ME
Carquest	Bangor, ME
Cianbro, Inc.	Pittsfield, ME
Cives Steel Co.	Augusta, ME
Coca-Cola Bottling Co. of New England	Portland, ME
Domtar Industries	Baileyville, ME
Energy East Management Corp.	Augusta, ME
Enterprise Engineering inc.	Yarmouth, ME
Fisher Engineering	Rockland, ME
FMC Biopolymer	Rockland, ME
General Dynamics Armament System	Saco, ME
Hannaford Bros. Co.	Portland, ME
Huber, J.M. Corp.	Easton, ME
Huhtamaki Food Services Inc.	Waterville, ME
Interface Fabrics Group	Guilford, ME
International Paper Co.	Bucksport, ME
International Paper Co.	Jay, ME
Irving Forest Products	Ashland, ME
Louisiana-Pacific Corp.	Houlton & Baileyville, ME



## Appendix 2

Employers with Substance Abuse Testing Policies and Approved Employee Assistance Programs as of the end of 2003, continued.

<b>Company Name</b>	<b>Location</b>
MBNA	Camden, ME
McCain Foods, Inc.	Easton, ME
MeadWestvaco	Rumford, ME
Mid-State Machine Products, Inc.	Winslow, ME
Midwest Price Co.	West Paris, ME
Nexfor Fraser Papers	Madawaska, ME
Northeastern Environmental Services	Pittsfield, ME
Omnicare – Pharm Corp of Maine	Augusta, ME
Philip Services Corp.	Portland, ME
Pleasants Hardware/HCI Craftsmen	So. Portland & Bangor, ME
Pratt & Whitney	North Berwick, ME
Rare Hospitality	So. Portland, ME
Reed & Reed Inc.	Woolwich, ME
RTS Packaging, LLC	Scarborough, ME
Sappi Fine Paper	Skowhegan & Westbrook, ME
Sisters of Charity Health Systems	Lewiston ME
Specialty Minerals, Inc.	Jay & Madison, ME
Sprague Energy Corp.	Searsport & So. Portland, ME
SW & B Construction Corp.	Auburn, ME
Union Water Power Co.	Augusta, ME
Verizon	Statewide
Wheelabrator, Inc.	Sherman Station, ME
Zampell Refractories, Inc.	Lewiston, ME

Although 46 employers have approved EAPs, seven of those companies conduct job applicant testing only. See Appendix 1.

## Appendix 3

### Laboratories Approved to Do Substance Abuse Testing, 2003

The following laboratories, none in Maine, were licensed as of the end of 2003 to perform the tests for companies with substance abuse testing policies that have been approved by the Maine Department of Labor.

<b>Laboratory Name</b>	<b>Address</b>	<b>Date Expires</b>
Clinical Reference Laboratory	8433 Quivira Rd. Lenexa, KS 66215	08/20/04
DrugScan, Inc.	1119 Mearns Rd. Warminster, PA 18974	07/10/04
Kroll Laboratory Specialists, Inc.	1111 Newton St. Gretna, LA 70053	05/08/04
Lab One, Inc.	10101 Renner Blvd. Lenexa, KS 66219	07/27/04
Laboratory Corp. of America Holdings	P.O. Box 12652 1904 Alexander Dr. Research Triangle Park, N.C. 27709	01/10/04
Laboratory Corp. of America Holdings	69 First Ave. Raritan, NJ 08869	03/12/04
MAXXAM Analytics, Inc.	5540 McAdam Rd. Mississauga, Ontario Canada L4Z 1p1	05/15/04
Medtox Laboratories, Inc.	402 West County Rd. D Saint Paul, MN 55112	03/01/04
PharmChem Laboratories - Texas Division	4600 N. Beach St. Haltom City, TX 76137	10/15/04
Psychemedics Corp.	5832 Uplander Way Culver City, CA 90230	12/27/04
Quest Diagnostics	3175 Presidential Dr. Atlanta, GA 03040	03/12/04

Appendix 3

Laboratories Approved to do Substance Abuse Testing, 2003, continued.

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<b>Laboratory Name</b>	<b>Address</b>	<b>Date Expires</b>
Quest Diagnostics	506 E. State Parkway Schaumburg, IL 60173	08/05/04
Quest Diagnostics	400 Egypt Rd. Norristown, PA 19403	06/24/04

## **Appendix 4**

### **Policy Submission Instructions**

These instructions are to assist you in submitting the paperwork for your Substance Abuse Testing Policy approval.

- ✓ You must submit **two (2) copies** of your policy and accompanying forms/certificates.
- ✓ You must have a **signed cover letter** stating that the **policy complies with all applicable statutes and regulations**.
- ✓ Copies of any forms used should be attached, as well as a copy of the Department of **Human Services certification of an Employee Assistance Program** if the policy is for employee testing.
- ✓ If this is an employee policy, you must provide a description of the method used to consult with the employees as to the development of the policy. This should include how input was received from employees, such as employee meetings or written comments. A written description of how employee input may have been used in the development of the policy should also be included. If the description is not a part of the policy, it should be included in the cover letter.
- ✓ If this is an employee policy, you must also describe the method used to notify the employees of the submission of the plan to the Maine Department of Labor (MDOL), to include the manner in which and time limit that the employees have to comment on the policy to MDOL, and you must also provide the employees with the MDOL address.
- ✓ It is important that the policy be written in such a manner that it is likely to be understood by a large majority of the employees.

If you follow these instructions and the Model Policy, the review and approval of your policy will be expedited.

## Appendix 5

Following is a Model Substance Abuse Testing Policy for applicant testing. There are also Model Substance Abuse Testing Policies for Applicant with Medical Review Officer and another for employee testing. All of the model substance abuse testing policies can be viewed on the web at [www.state.me.us/labor/bls/ModelDrugTest.htm](http://www.state.me.us/labor/bls/ModelDrugTest.htm).

### Model Substance Abuse Testing Policy Job Applicants

#### A. Covered Establishment:

*Company name:* [Provide name, address, etc. of employer]

*Street address:*

*Mailing address:*

*Phone:*

*Contact regarding substance abuse testing policy:*

[Name & Title of Contact]

[Phone Number of Contact]

*Location(s) Covered:* [List Location(s) Covered]

This policy complies with the Maine Substance Abuse Testing Law (Title 26 M.R.S.A. Section(s) 681-690) and the Maine Department of Labor Rules relating to Substance Abuse Testing (adopted October 27, 1989).

Applicants will be notified at the time of initial application that they may be tested for Substance Abuse and will be advised where they may review the policy and statute.

Prior to testing, an applicant as defined in this policy, shall be provided with a copy of the policy and statute.

#### B. Scope of Testing:

Only individuals who are “applicants” as defined by this program and state law will be tested as “applicants.” For the purpose of this program, an “applicant” will not be any person separated from employment by this employer while receiving a mandated benefit from or on account of this employer, including but not limited to Workers’ Compensation, Unemployment Compensation and Family Medical Leave and for a period of 30 days beyond the termination of the benefit, nor will an “applicant” be any

Appendix 5

Model Substance Abuse Testing Policy Job Applicants, continued

person separated from employment by this employer while receiving a benefit not mandated from or on account of this employer for a period of 30 days beyond the separation.

**1. Substances to be tested for:**

a. test procedure to be used and cutoff limit for positive screening test.

(1)	Screening will be the EMIT (Enzyme Multiplied Immunoassay Test) methodology	
(2)	Substances	Screening Concentration <u>Cutoff (In Urine)</u>
	Alcohol	0.02 G/100 ML
	Amphetamine/Methamphetamine	1000 NG/ML
	Barbiturates	300 NG/ML
	Benzodiazepines	300 NG/ML
	Cannabinoids	50 NG/ML
	Cocaine and/or Metabolites	300 NG/ML
	Methadone	300 NG/ML
	Methaqualone	300 NG/ML
	Opiates	2000 NG/ML
	Phencyclidine	25 NG/ML

b. test procedure to be used and cutoff limit for positive confirmation test.

(1)	Confirmation test will be by GC/MS (Gas Chromatography Spectrometry) methodology	
(2)	Substances	Confirmation Concentration <u>Cutoff (In Urine)</u>
	6-acetyl morphine (only if morphine >2000)	10 NG/ML
	Alcohol	0.02 G/100ML
	Amphetamine/Methamphetamine	500 NG/ML
	Barbiturates	300 NG/ML
	Benzodiazepines	200 NG/ML
	Cannabinoids	15 NG/ML
	Cocaine and/or Metabolites	150 NG/ML

Appendix 5

Model Substance Abuse Testing Policy Job Applicants, continued

Substances	Confirmation Concentration <u>Cutoff (In Urine)</u>
Methadone	300 NG/ML
Methaqualone	300 NG/ML
Opiates	2000 NG/ML
Phencyclidine	25 NG/ML

**2. Testing of Applicants:**

*Classifications or position titles to be tested:*

[List classifications or positions to be tested (may be “All”)]

Substance abuse tests will be administered only to those applicants who are in the above classification or position titles who (1) have been offered employment with the Company or who have been offered a position by the Company on a roster of eligibility from which applicants shall be selected for employment.

**C. ACTIONS TO BE TAKEN:**

*Action to be taken for refusal to submit to a test:* Applicant will not be hired.

*Action to be taken between a test and receipt of test results:* Applicant will not be hired.

*Action to be taken based on a confirmed positive result from a test of an applicant:*  
Applicant will not be hired.

**D. TESTING PROCEDURES:**

**1. Identify sample collection facility or facilities**

[List name and address of sample collection facility or facilities]

**2. Method of sample collection:**

**a. Procedure to segregate a portion of the sample at applicant’s request:**

At the request of the applicant, at the time the test sample is taken, a portion of the sample collected, sealed, and labeled according to

Appendix 5

Model Substance Abuse Testing Policy Job Applicants, continued

State regulations and these procedures, will be segregated for that person's own testing. This sample will be stored by the laboratory and chain of custody shall be maintained as provided in this policy. Within five days after notice of the test result is given to the applicant, the applicant shall notify the employer and the facility of the testing laboratory selected for that person's own testing. The laboratory so selected must be licensed by the Maine Department of Human Services. The employer's laboratory shall promptly send the segregated portion of the specimen to the selected laboratory, subject to the same chain of custody and security requirements as observed for the employer's specimen.

The applicant will be required to pay for the segregation of a second sample as well as the expense of said additional testing only if and when the applicant notifies the employer that the applicant actually wishes the test to be made and the applicant notifies the employer of the choice of laboratory to which the second sample is to be sent.

**b. Procedure to collect:**

The employer will not require an applicant to remove any clothing for the purpose of collecting a urine sample, except that the employer will require that an applicant leave any personal belongings other than clothing and any unnecessary coat, jacket or similar outer garments outside the collection area.

No applicant may be required to provide a urine sample while being observed, directly or indirectly, by another individual.

**(If employer's policy calls for specimen assessment)** *Each urine specimen will be assessed by the person in charge of collection, in the presence of the applicant by measuring:*

*A. The temperature of the specimen within three minutes of voiding - must be between 97-99 degrees F. (unless the applicant's temperature is higher than 99 degrees or lower than 97 degrees F.)*

*B. The pH of the specimen - must be between five and eight.*



Appendix 5

Model Substance Abuse Testing Policy Job Applicants, continued

*and by evaluating the odor and color of the specimen for other signs of contamination.*

*If the specimen does not meet any of these assessment standards, the specimen will be rejected and the applicant will be given an opportunity to provide a second specimen. The applicant will remain under observation at the medical facility and may be given liquids until the second specimen is provided. If the second specimen fails to meet any assessment standard, the employer may deny employment to the applicant and neither specimen will be tested for substances of abuse.*

**3. Storage of Sample:**

**a. At collection point:**

Samples will be collected in new, clean containers manufactured for the purpose of urine collection. Immediately after assessment, the container will be sealed with tamperproof tape and labeled in the presence of the applicant. The seal will cover the cap and extend over the sides of the container. The label will contain the date and time of collection, and the identifying number of the applicant. All information on the label will be written clearly and with indelible ink.

Samples will be transported or shipped promptly to the testing laboratory in a secure fashion, so as to prevent tampering. If shipment or transport is not feasible, the specimen shall be refrigerated within one hour, at less than 6 C for no more than three days, or frozen at -20 C or less, for no more than two weeks before shipment.

**b. At laboratory:**

All positive specimens will be retained by the laboratory in the original containers in secure storage at freezing temperatures (-20 C or less) for at least six months.

Should legal challenge occur, the specimen will be retained throughout the period of resolution of the challenge.

Appendix 5

Model Substance Abuse Testing Policy Job Applicants, continued

**4. Chain of Custody:**

**a. Labeling and Packaging:**

Immediately upon collection of each sample, a chain of custody record will be established for that sample, indicating the identity of each person having control over the sample, and the times and dates of all transfers or other actions pertaining to the sample.

**b. Transport:**

Samples will be picked up from the facility within 24 hours of collecting the sample and will be transported in a secure fashion, so as to avoid tampering.

Each person who takes custody of the sample in the course of transport will record on the chain of custody log the date, time, transporter's name and employer's name, origin and destination of the sample.

**c. At Lab:**

When a sample arrives at the lab, the person receiving the sample shall record the time of receipt and the location of each sample in the lab's storage system. Any technician or other person who removes the sample from storage or opens the sample shall record the date, time, their name and the purpose for removal or opening of the sample.

**5. Identify testing laboratory:**

*NAME:* [Name and address of testing laboratory or laboratories]  
*ADDRESS:*

**6. Procedure for notifying applicant of the result:**

The applicant will be notified by personal telephone call and confirmed by mail unless the applicant otherwise instructs.

All laboratory reports, including the screening, confirmation and quality control data shall be reviewed by the *[title of employer representative to receive report]* as accurate. The report will identify the name of the laboratory, the drugs and

## Appendix 5

### Model Substance Abuse Testing Policy Job Applicants, continued

metabolites tested for, whether the test results were negative or confirmed positive, and the cutoff levels for each substance. The report will include any available information concerning the margin of accuracy and precision of the test methods employed.

- a. Unless agreed upon by the applicant, no report will show the quantity of substance detected, but only the presence or absence of that substance relative to the cutoff level.
- b. No report will show that a substance was detected in a screening test, unless the presence of the substance was confirmed in the confirmatory test. Test results will be randomly delayed from two to five days so that the employer cannot gauge screening test results from the time results are reported. In addition, all testing will be billed to the employer at a single rate per sample tested (which may be periodically adjusted by the laboratory).
- c. No substance may be reported as present if the employer did not request analysis for that substance.
- d. Reports of samples segregated at the applicant's request, for testing by the applicant's choice of laboratory, will be provided to the applicant and to the employer.

Unless the applicant consents, all test results and any information acquired by the employer in the testing process is confidential and may not be released to anyone except the applicant tested. This requirement applies to the personnel of all laboratories involved and to the employer. However, this does not prevent the disclosure of results or information if:

1. Release of information is required or permitted by state and federal law including release under Title 26 M.R.S.A. Section 683 (8) (D), or
2. The use of this information is part of any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of test results.

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The results of any test may not be required, requested or suggested by the employer to be used in any criminal proceeding as provided by Title 26 M.R.S.A. Section 685 (3) (B).

- e. The laboratory shall retain records of confirmed positive results in a numerical or quantitative form for at least two years.

**7. Procedure for an applicant to appeal and contest the accuracy of a confirmed positive result:**

If the applicant chooses to segregate a portion of their sample and elects to submit that sample to a laboratory of their choice, the results of the second test will be controlling. To appeal the results of a confirmed positive result in lieu of testing the segregated sample, the applicant must fill out and sign the attached “Substance Abuse Test Appeal” form submitting information explaining or contesting the results, within five working days after notice of a confirmed positive test result. The appeal process will be conducted without cost to the applicant. The applicant will then be scheduled to meet within 14 days with *[list title(s) of person(s) who will review the appeal]*. The applicant will explain the basis for the appeal and may be asked questions. After the meeting concludes, a written report of findings and conclusions will be prepared and a copy sent to the applicant.

## **Appendix 6**

### **Controlled Substances, Drug Names, and Classifications**

#### **Controlled Substances and Drug Names:\***

**Cannabinoids:**

Hashish  
Marijuana  
Tetrahydrocannabinol

**Depressants:**

Barbiturates  
Benzodiazepines  
Glutethimide  
Methaqualone

**Hallucinogens:**

Amphetamine Variants  
LSD  
Mescaline and Peyote  
Phencyclidine  
Phencyclidine Analogs

**Narcotics:**

Codeine  
Heroin  
Hydromorphone  
Meperidine (Pethidine)  
Methadone  
Morphine  
Opium

**Stimulants:**

Amphetamines  
Cocaine  
Methylphenidate  
Phenmetrazine

\*This list is of the most common drug names; it is not meant to be all inclusive.