



ELECTRICAL INDUSTRY DRUG-FREE WORKPLACE

Effective March 1, 2009 the Drug-Free Workplace Policy will treat invalid specimens the same as adulterants, substitutions and second-time dilute tests.

Below in bold are the changes and/or additions to the Policy and/or the Administrative Rules effective March 1, 2009:

- 1) New language for item number 1, Section a on page 5 of the Policy will state:

The term "use" means consuming, possessing, selling, transferring, concealing, distributing or arranging to buy or sell, being under the influence, or reporting for duty under the influence of alcohol or drugs to any degree, or having illegal drugs, **drug paraphernalia, or substances or devices to interfere with collection or drug testing in one's possession.**

New language for item number 1, Section d on page 6 of the Policy will state:

The term "refusal to test" means any conduct by an employee that interferes with the testing process such as refusal or failure to appear at the collection site; refusing or failing to complete documentation properly and accurately; refusing to provide valid identification or signatures or initials where required; disruptive, belligerent or offensive conduct at the collection or test site; late arrival at the collection or test site, leaving the collection site when advised that a specimen must be re-collected (such as, for example, when the original specimen is out of temperature range) or having **substances or devices to interfere with collection or testing** on one's person when appearing for a collection of test, even if **such substances or devices are not used and even if** no adulterant is introduced into the specimen. **Any tampering with the specimen or presentation of an adulterated or substituted specimen shall be deemed a Refusal to Test.**

New language for item number 2, Section f on page 9 and 10 of the Policy will state:

Specimen collection and testing general. All specimens may be tested for **validity, adulteration, or substitution using such tests as the collection site or laboratory personnel have determined to be appropriate.** Specimens that fall outside the normal temperature ranges (colder than 90 degrees and warmer than 100 degrees), substituted specimens, adulterated specimens, and very dilute specimens (specific gravity that is less than 1.003 or creatinine less than 20 mg/dl) will be considered invalid for testing. **Any test for controlled substances that may have been conducted on an invalid, adulterated or substituted specimen shall not result in a negative result.**

Issues identified during collection. An employee providing a specimen that is



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determined at the time of collection to be invalid, or a dilute specimen that is otherwise unacceptable for testing, such as a specimen out of normal temperature range may be asked to remain at the collection site to provide a valid sample, or to refrain from excessive consumption of fluids and to return to the collection site for a second urine specimen within 24 hours. Any employee being instructed to provide a second specimen on site must remain at the collection site until a new specimen is provided. Any employee being instructed to return must comply with those instructions. If the second specimen is also determined at the time of collection to be invalid, the employee will be referred to the MRO and will not be able to return to work until a valid sample is provided and will be subject to the penalties identified below.

Issues involving the testing laboratory. If an employee provides a specimen that is determined at the time of collection to be invalid and provides a new specimen which is then determined by the laboratory to be invalid, the employee will be referred to the MRO, *may not return to work until a valid specimen is provided*, and will be subject to penalties identified below unless the MRO determines the invalidity to have a valid medical explanation. If an employee provides an apparently valid specimen that is determined by the laboratory to be invalid (other than a determination of tampering, adulteration or substitution) the laboratory will notify the MRO and the Administrator. The employee will be referred to the MRO, will be subject to the penalties identified below unless the MRO determines the invalidity to have a valid medical explanation, and may not return to work until a valid specimen is provided per the penalties identified below. If the new specimen is determined by the laboratory to be invalid, the employee will be referred to the MRO, *may not return to work until a valid specimen is provided*, and will be subject to penalties identified below, unless the MRO determines the invalidity to have a valid medical explanation.

Penalties

Employees who refuse to take a test as directed, who provide **an invalid** or a substituted specimen, who provide a diluted specimen for a second time without valid medical explanation, or whose urine specimen shows the presence of an identified adulterant shall be subject to the following penalties and procedures where local dispatch rules allow:

- i) As a penalty for the refusal to test, substitution, dilution, **invalid specimen** or adulteration, the employee shall immediately be suspended from work and ineligible for dispatch for a period of two weeks. In addition, the employee shall be deemed immediately out of compliance with the Program and must return to compliance before becoming eligible to return to work or for dispatch.



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- 2) The new language for item number 6 on page 16 of the Administration Rules will state:

Sample Collection: Urine samples will be separated into two containers at the time the sample is collected. One portion of the original urine sample shall be kept secure and chemically stable and made available for verification of laboratory testing results. **All specimens may be tested for validity, adulteration, or substitution using such tests as the collection site or laboratory personnel have determined to be appropriate.** Substituted, diluted, **invalid** or adulterated specimens, including specimens for which the adulteration is apparent as a result of testing, or is apparent but cannot be identified, or specimens falling outside the normal temperature range of 90-100 degrees, will be considered invalid. Employees who believe that any collection site has not followed proper collection procedures must notify the Administrator within 24 hours of providing the specimen. Failure to do so shall constitute a waiver of any challenge to the collection procedures.