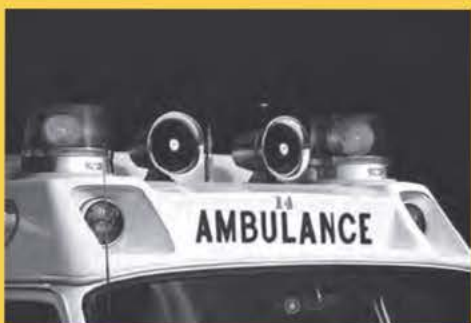


# MAINE STATE LEGISLATURE

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# Substance Abuse Testing Report 2004

# 2004 Substance Abuse Testing Highlights

The Substance Abuse Testing Report 2004 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).

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

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

**The number of job applicants tested increased 8.8% from 15,345 in 2003 to 16,702 in 2004. There was an increase of 5.9% in the number of employers who have approved policies to conduct tests, from 271 in 2003 to 287 in 2004.**

- ✓ 165,702 job applicant tests were conducted in 2004. Eight-hundred three had positive test results
- ✓ The percentage of applicant positive tests increased from 4.7% in 2003 to 4.8% in 2004.
- ✓ The most common controlled substances identified from the tests were cannabinoids (83.8%), cocaine (6.8%), amphetamines (3.6%), barbiturates (2.0%), followed by, methadone (1.5%) benzodiazepines (1.4%) alcohol (0.6%) and phencyclidine (0.2%)
- ✓ 57 companies included alcohol in their substance abuse testing panel with 5 (0.6%) positive tests

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

- ✓ 1 tested positive

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

- ✓ 22 tested positive

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

- ✓ Manufacturing – 97 companies
- ✓ Trade (wholesale & retail) – 59 companies
- ✓ Construction – 34 companies
- ✓ Services (healthcare, professional and other services) – 52 companies
- ✓ Transportation and public utilities – 25 companies
- ✓ Other - 19 companies



JOHN ELIAS BALDACCI  
GOVERNOR

DEPARTMENT OF LABOR  
BUREAU OF LABOR STANDARDS  
45 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0045

LAURA FORTMAN  
COMMISSIONER

WILLIAM A. PEABODY  
DIRECTOR

# **Substance Abuse Testing Report 2004**

Barbara Chenoweth

March 2005

Augusta, Maine

The Maine Department of Labor provides equal opportunity employment and programs.  
Auxiliary aids and services are available upon request to individuals with disabilities.

Telephone (207) 624-6400 TTY 1-207-624-6003 FAX (207) 624-6449

This publication is available at: [www.maine.gov/labor/bls/pub.htm](http://www.maine.gov/labor/bls/pub.htm) (click on publications)

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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. §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 (BLS)**

- 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 MDOL website, [www.maine.gov/labor/bls/ModelDrugTest.htm](http://www.maine.gov/labor/bls/ModelDrugTest.htm).)

◆ **Department of Health and Human Services, Health and Environmental Testing Laboratory**

- Licenses testing laboratories.

#### Licenses for Testing Laboratories

The Department of Health and 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 14 laboratories licensed by the State of Maine to do the substance abuse tests for Maine employers with approved testing policies. Of the 13 substance abuse testing laboratory licenses that were due for renewal in 2004, 12 were renewed and two new labs were added. (See Appendix 3).

◆ **Department of Health and Human 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 M.R.S.A. § 683, 1. The EAP must be certified by DHHS and certification must be renewed every two years. Twenty-eight EAPs were certified in 2004, bringing the total EAPs to 45 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

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

In 2004, the Maine Department of Labor (MDOL) received 61 individual substance abuse testing policy submissions for review. MDOL staff completed 51 reviews. There were 10 policies with reviews pending as of December 31, 2004 (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 Maine Department of Labor. Testing shall not be done until the business has been notified that the policy has been approved. Title 26 M.R.S.A. § 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, 2004

Reviews Completed	51
Policies Approved	35
Policies Denied	16
Reviews Pending	10

## 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 - where 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 16,702, the number of job applicant tests conducted in 2004 increased by 8.8% from 2003. In 2004, of all the job applicant tests conducted, 4.8% had positive results, compared to 4.7% in 2003. Cannabinoids (83.8%), cocaine (6.8%), and amphetamines (3.6%) were the most frequently identified substances. Other identified substances include barbiturates (2.0%) and methadone (1.5%). Benzodiazepines, opiates, 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, 2004

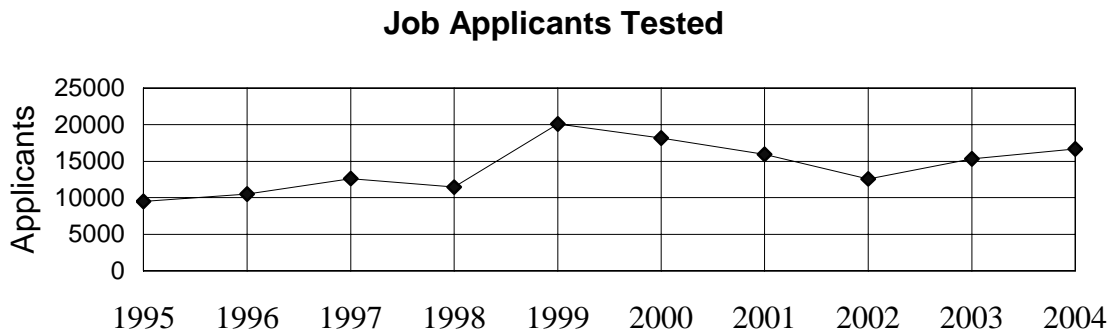
	<u>Tests</u>	<u>As Percent of All Tests</u>	<u>As Percent of Positive Tests</u>
<b>Total Job Applicant Tests</b>	<b>16,702</b>	<b>100.0</b>	
Positive Results*	<b>803</b>	<b>4.8</b>	<b>100.0</b>
Cannabinoids	673	4.0	83.8
Cocaine	55	0.3	6.8
Amphetamines	29	0.2	3.6
Barbiturates	16	0.1	2.0
Methadone	12	0.1	1.5
Benzodiazepines	11	0.1	1.4
Opiates	11	0.1	1.4
Alcohol	5	-.	0.6
Phencyclidine	2	-.	0.2
Unknown	0	-.	0.0
Invalid	60	0.4	7.5

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

-. Less than 0.05 percent.

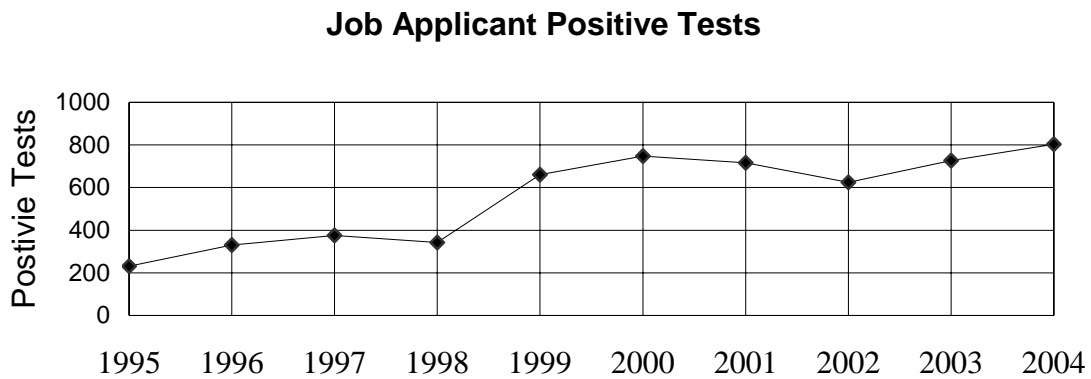
The following graph shows the number of job applicants tested for controlled substances for the years 1995 to 2004.

Figure 1



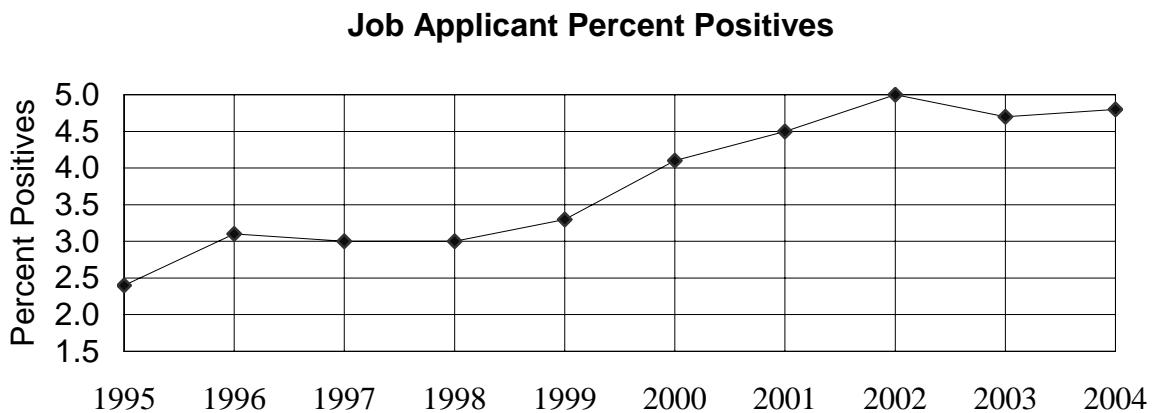
The graph below indicates the number of positive tests for job applicants from 1995 to 2004.

Figure 2



The following graph shows the percentage of positive tests for job applicants each year from 1995 to 2004.

Figure 3



## Employee Testing

A total of 726 employee tests were conducted in 2004 with 23 positive results. Seven-hundred twenty of the employee tests were random or arbitrary testing. Of these, 22 (3.1%) were confirmed positive: 18 (81.8%) for cannabinoids and five (22.7%) for cocaine. Six of the tests were for probable cause. Of these, there was only one confirmed positive, that was for opiates.

## Section V

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

A total of 17,428 tests were conducted in 2004. The manufacturing industry had the most substance abuse testing policies and conducted the highest number of tests (5,169), with 5.0% positive. The wholesale and retail trade industry conducted 4,633 tests with 4.1% positive. The services industry conducted 4,500 tests, with 4.8% positive. Transportation and public utilities conducted 761 tests with 5.4% positive tests. The construction industry conducted 1,941 tests, with 5.4% positive. (See Table 3).

Table 3

#### Results of All Tests Under Approved Policies, by Industry Maine, 2004

<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>287</b>	<b>17,428</b>	<b>803</b>	<b>4.8</b>
<b>Construction</b>	<b>34</b>	<b>1,941</b>	<b>104</b>	<b>5.4</b>
Heavy Construction	11	933	50	5.4
Other Construction	23	1,008	54	5.4
<b>Manufacturing</b>	<b>97</b>	<b>5,169</b>	<b>257</b>	<b>5.0</b>
Plastics/Rubber	7	483	30	6.2
Food Products	10	698	44	6.3
Electronic/Electrical Equipment	1	297	8	2.7
Wood Products	14	481	33	6.9
Paper Products	18	1,416	36	2.5
Other Manufacturing	38	1,794	106	5.9
<b>Transportation and Public Utilities</b>	<b>25</b>	<b>761</b>	<b>41</b>	<b>5.4</b>
<b>Trade</b>	<b>58</b>	<b>4,633</b>	<b>189</b>	<b>4.1</b>
Retail	25	3,709	133	3.6
Wholesale	33	924	56	6.1
<b>Services</b>	<b>52</b>	<b>4,500</b>	<b>214</b>	<b>4.8</b>
Healthcare	6	1,304	17	1.3
Professional Services	15	1,164	46	4.0
Other Services	37	2,032	151	7.4
<b>Other</b>	<b>19</b>	<b>417</b>	<b>21</b>	<b>5.0</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 amphetamines. The substance least tested for is alcohol. Only 57 of the 226 companies who tested in 2004 included alcohol in their drug testing panel. Of all the tests conducted during 2004, 4.7% were positive. The highest percentage of positives for an individual substance was 4.0%, for cannabinoids. (See Table 4).

Table 4

**Results of All Tests Under  
Approved Policies, by Specific  
Controlled Substance  
Maine 2004**

<u>Substance</u>	<u>Employers Testing During Year</u>	<u>Total Tests</u>	<u>Total Positives</u>	<u>Percent Positives*</u>
All Substances	**226	17,428	826 <sup>+</sup>	4.7
Cannabinoids	216	17,265	691	4.0
Cocaine	216	17,269	60	0.3
Amphetamines	215	17,197	29	0.2
Opiates	214	17,053	12	0.1
Phencyclidine	213	16,957	2	-.-
Barbiturates	120	9,530	16	0.1
Benzodiazepines	115	7,860	11	0.1
Methadone	102	7,392	12	0.1
Methaqualone	78	4,824	0	-.-
Alcohol	57	4,083	5	-.-

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

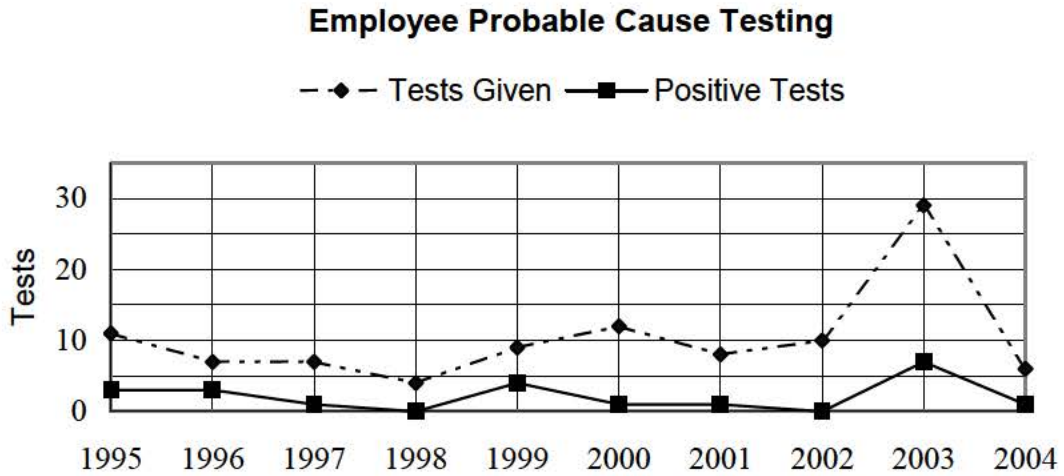
\*\*61 companies with approved policies did no testing in 2004.

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

-. Less than 0.05 percent.

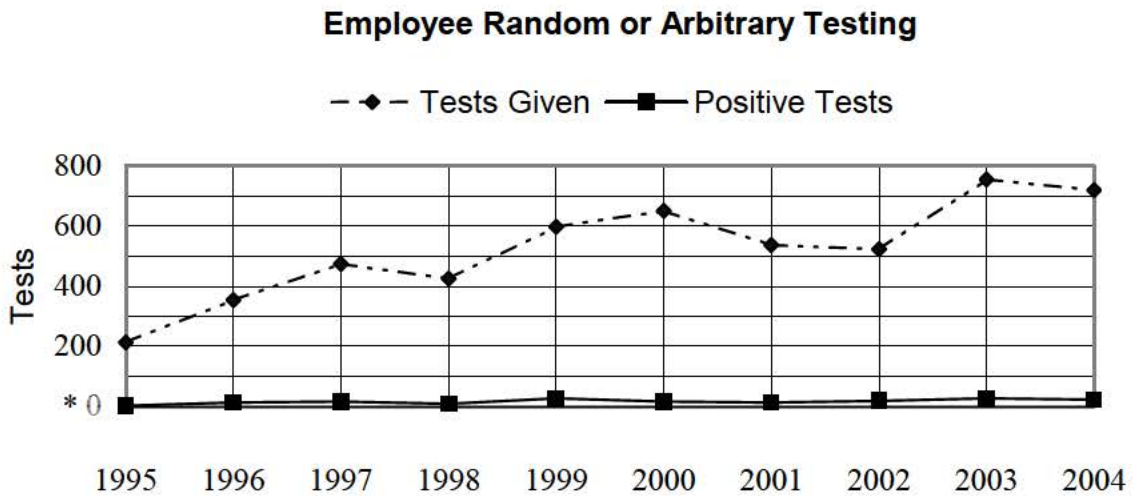
The following graph illustrates the number of probable cause tests done and the number of positives for the years 1995 through 2004.

Figure 4



The following graph shows the trend for random and arbitrary tests for the years 1995 through 2004.

Figure 5



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

The following table shows the trend of drug testing from 1995 through 2004. The number of employers with approved policies has increased from 116 in 1995 to 287 in 2004. The total number of tests given has decreased 15.9% 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 (4.5%) in 1999.

**Table 5**  
**Yearly Totals by Type of Test Applicants/Employees 1995-2004**

Year	Number of Employers w/ Policies	Total		Percent Positive		Applicant Tests		Applicant Positives		Percent Positive		Probable Cause Tests		Probable Cause Positives		Random Tests		Random Positives		Percent Positive	
		Tests	Positives	Positive	Tests	Positives	Positive	Tests	Positives	Positive	Tests	Positives	Tests	Positives	Tests	Positives	Tests	Positives	Tests	Positives	Tests
2004	287	17,428	826	4.7	16,702	803	4.8	6	1	16.7	720	22	3.1								
2003	271	16,129	761	4.7	15,345	727	4.7	29	7	24.1	755	27	3.6								
2002	252	13,128	642	4.9	12,595	624	5.0	10	0	--	523	18	3.4								
2001	239	16,492	730	4.4	15,947	716	4.5	8	1	12.5	537	13	2.4								
2000	226	18,827	765	4.1	18,164	748	4.1	12	1	8.3	651	16	2.5								
1999	200	20,725	691	3.3	20,118	660	3.3	9	4	44.4	598	27	4.5								
1998	164	11,888	352	3.0	11,459	343	3.0	4	0	--	425	9	2.1								
1997	147	13,097	392	3.0	12,616	375	3.0	7	1	14.3	474	16	3.4								
1996	134	10,854	346	3.2	10,493	330	3.1	7	3	42.9	354	13	3.7								
1995	116	9,708	236	2.4	9,484	231	2.4	11	3	27.3	213	2	0.9								

-- Indicates a value of less than 0.05%

Figure 6

**Employers With Approved Substance Abuse Testing Policies 1995-2004**

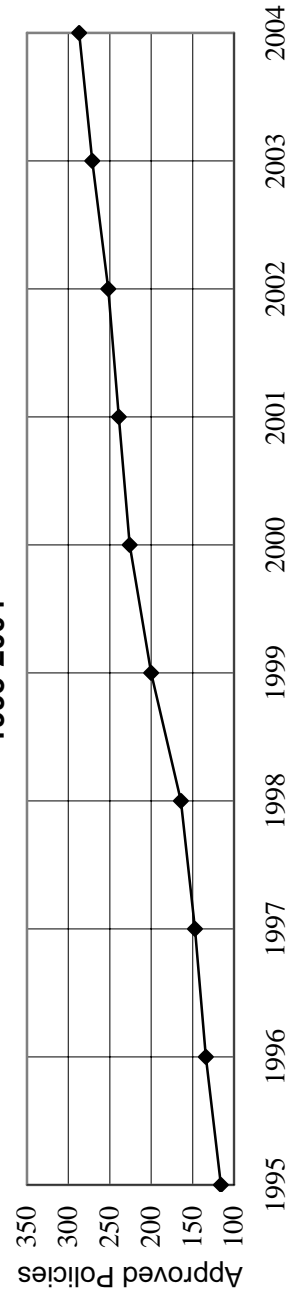


Table 6 shows the cumulative total of tests and positives for job applicants and employees from 1995 through 2004. It also shows the percentage positive for each substance as it relates to the total number of tests and to the total number of positives. The data shows that of the controlled substances tested for, cannabinoids had the highest percentage of positives.

**Table 6**  
**Positives By Substance**  
**1995 - 2004 (Cumulative)**

	Number of Tests	As % of All Tests	As % of Positives
<b>Total Tests</b>	<b>148,276</b>	<b>100.0</b>	*****
Total Positives*	<b>5,741</b>	<b>3.9</b>	<b>100.0</b>
Cannabinoids	4,957	3.3	86.3
Cocaine	373	0.3	6.5
Opiates	184	0.1	3.2
Alcohol	64	-.-	1.1
Benzodiazepines	59	-.-	1.0
Amphetamines	75	0.1	1.3
Barbiturates	56	-.-	1.0
Other	20	-.-	0.3
Phencyclidines	10	-.-	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 2004, the Maine Department of Labor reviewed 50 substance abuse testing policies. Of the 50 reviewed, 28 new policies and 7 with revisions or amendments were approved, 16 policies were denied pending submission of revisions, and 10 policies were pending at year end.

As of December 31, 2004, a total of 287 approved policies were in force.

The Department of Labor surveys all employers with approved policies for this report. The 2004 survey showed that 16,702 job applicants had been tested, with 803 (4.8%) confirmed positive tests. There were 6 employee probable cause tests, with 1 (16.7%) reported as positive and 720 employee random or arbitrary tests, with 22 (3.1%) 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		
Advantage Gases and Tools	04/29/04	X	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	X	
All Seasons Services Inc.	06/23/00	X		
Alliance Construction Inc.	05/14/01	X		
Allstate Insurance Co.	04/11/91	X		
Alternative Warehouse Services Inc. (AWS)	02/24/99	X		
American Industrial Refrigeration	12/03/04	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>
Associated Grocers of Maine Inc.	05/01/03	X	X	
AT WORK Personnel Services	07/02/96	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		
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		
Blake Equipment	12/21/98	X		
Bob's Discount Furniture Inc.	03/11/04	X		
Bonney Staffing & Training Centers	01/02/03	X		
Brewer Automotive Components (BAC)	09/17/99	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>
Brewer, City of	12/12/00	X		
Bright Horizons Family Solutions	04/30/02	X		
Brockway – Smith Co.	01/28/03	X		
Burnham & Morrill	09/04/02	X		
CCB, Inc. (formerly KCS Inc.)	06/02/98	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		
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		
Cives Steel Co.	10/18/90	X	X	
Coca-Cola Bottling Co. of Northern New England, Inc.	12/29/92	X	X	
Commercial Paving Co., Inc.	02/18/04	X		
Community Concepts	10/24/01	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>
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		
DSW Shoe Warehouse	11/19/04	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		
EFMark Services Co.	10/23/97	X		
E S B, Inc.	06/02/98	X		
Eastern Fire Protection/Eastern Sprinkler Services	10/08/03	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>
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		
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		
First Protection Services Inc.	02/18/04	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		
FormTek (dba Cooper Weymouth Peterson)	04/23/04	X		
Foxx & Co.	06/22/04	X		
Freshwater Stone & Brick	11/19/04	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		
Gagne & Son Concrete Blocks Inc.	03/12/04	X		
Garelick Farms of Maine (formerly Grant's Dairy)	05/20/98	X		
General Dynamics Armament Systems (formerly Saco Defense)	02/28/90	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		
Giroux Oil Service Co. Inc.	11/03/04	X		
G.E. Goding & Son, Inc.	04/20/90	X		
Grainger Industrial Supply	05/30/00	X		
Guerin Associates	01/06/04	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		
Hampden, Town of	01/27/99	X		
Hancock Lumber Co.	04/29/91	X		
Hannaford Brothers Co.	05/18/93	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>
Healthsouth Corp.	10/20/97	X		
Hertz Corporation, The	06/11/02	X		
Hilton Garden Inn (Olympia Equity Investors V)	06/03/03	X		
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		
Innovative Distribution Services (aka Speedy Warehouse Serv.)	09/01/00	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., Bucksport Mill	03/23/90	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>
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
Irving Tanning Co.	12/27/93	X		
Jagger Bros.	05/14/01	X		
Jean's Waterproofing Inc.	07/08/04	X		
Johns Manville - Lewiston	01/21/97	X		
Johns Manville - Portland	01/21/97	X		
Jordan's Meats (Tyson Foods)	04/02/97	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		
Knight – Celotex (formerly Masonite Corp.)	06/09/94	X		
Kohl's Department Stores	08/04/04	X		
Kravco Company	04/13/95	X		
L & B Electrical Contractors Inc.	02/25/03	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>
LKQ Gorham Auto Parts Inc.	12/06/04	X		
LMS Intellibound Inc.	02/18/04	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		
Lemforder Corp.	12/03/91	X		
Lincare Inc.	02/09/00	X		
Lincoln National Life Ins. Co.	08/01/97	X		
Lincoln Paper & Tissue, LLC (Lincoln Pulp & Paper Co.)	07/24/90	X		
Lohmann Animal Health	12/06/01	X		
Longview Inspections	10/06/00	X		
Louisiana-Pacific Corp., Baileyville	09/09/02	X	X	X
Louisiana-Pacific Corp., Houlton	05/20/98	X	X	X
Lowe's Home Centers, Inc.	11/03/04	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		

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>
Maine Drilling & Blasting	09/09/99	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		
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		
Mexico Water District	10/29/03	X	X	
Mid Maine Communications	12/31/03	X		
Mid-State Machine Products	05/15/90	X	X	X
Midwest-Price Co., LLC	09/27/00	X	X	X
Milo Water District	09/15/04	X	X	X
Montreal, Maine & Atlantic Railway (formerly Bangor & Aroostook RR)	06/19/98	X		
Mount Hope Cemetery Corp.	04/15/95	X		
NRF Distributors	06/30/04	X		
National Semiconductor Corp.	12/22/99	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>
New England Insulation	04/29/99	X		
New England Truck & Tire Centers	04/08/04	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 (Div. Parker Hannifin)	12/22/98	X		
North Center Foodservice Corp.	09/19/90	X		
Northeast Airmotive	09/30/91	X		
Northeastern Environmental Services	07/21/00	X		
Northeastern Log Homes, Inc.	04/21/00	X		
Nortrax Equipment	09/11/02	X		
Norway – Paris Solid Waste Inc.	07/07/04	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 (incl. Pharm Corp of Maine)	03/29/02	X	X	X
OSRAM Sylvania, Inc. (formerly GTE Products)	02/06/91	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>
Oxford Networks	12/03/03	X		
PAGEmployment	06/04/04	X		
Penobscot Co. Sheriff's Dept.	08/11/98	X		
Penobscot Regional Communications Center	01/27/99	X		
Perma Treat Corp.	03/13/01	X		
First Line Solutions LLC (Permond Solutions Group Inc.)	04/27/01	X		
Philip Services Corp. (formerly Allwaste)	11/10/93	X		X
Philips Electronics (formerly Phillips Elmet)	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		
Pleasants Hardware Co.	10/20/97	X	X	X
Plum Creek Timber Co.	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	

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>
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		
Reed & Reed Inc.	06/25/92	X		
Rentway Inc.	09/10/02	X		
Riley Medical, Inc.	08/17/93	X		
R T S Packaging, LLC	05/28/91	X	X	X
SBA Network Services	02/04/04	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 - 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
Seaboard Security Services	09/15/04	X		
Sears Roebuck & Co.	07/30/99	X		
Securitas Security Services	09/15/04	X		
Seltzer & Rydholm, Inc. (Pepsi Bottling Group)	12/29/92	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>
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		
Southwind Industrial Services, Inc.	06/03/03	X		
Specialty Minerals, Inc.	04/06/96	X	X	
Spencer Press Inc.	07/21/00	X		
Sprague Energy Corp.	04/13/95	X		
St. Paul Companies	07/24/90	X		
Staff Management (Seaton Corp.)	01/20/04	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		
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		

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>
Time Warner Cable of Maine	01/20/04	X		
Trans-Tech Industries, Inc.	09/27/00	X		
U. S. Cellular	05/05/00	X		
Unifirst Corp.	05/20/93	X		
UBS Financial Services	04/23/04	X		
Verizon (formerly Nynex)	10/05/94	X		
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 (Div. Parker Hannifin)	06/24/97	X		
Wausau - Otis Paper Mill Inc.	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		

Appendix 1

Employers with Approved Policies, continued.

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<b>Company Name</b>	<b>Date Approved</b>	<b>Applicant Testing</b>	<b>Probable Cause</b>	<b>Random or Arbitrary</b>
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 2004.

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 Department of Health and Human Services.

Company Name	Location
Advantage Gases & Tools	Portland, ME
Associated Grocers of Maine	Gardiner, ME
B E & K	Jay, ME
Bangor Gas Co.	Bangor, ME
Bath Iron Works Corp.	Bath, ME
Blake Equipment	Augusta, Bangor & Gorham , 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
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
MBNA	Camden, ME
McCain Foods, Inc.	Easton, ME
MeadWestvaco	Rumford, ME

Appendix 2

Employers with Substance Abuse Testing Policies and Approved Employee Assistance Programs as of the end of 2004, continued.

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<b>Company Name</b>	<b>Location</b>
Mid-Maine Communications, Inc.	Bangor, ME
Mid-State Machine Products, Inc.	Winslow, ME
Midwest Price Co.	West Paris, ME
Nexfor Fraser Papers	Madawaska, ME
Northeastern Environmental Services	Pittsfield, ME
Old Town Canoe	Old Town, 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
Reed & Reed Inc.	Woolwich, ME
RTS Packaging, LLC	Scarborough, ME
SBA Network Services	Portland, ME
Sappi Fine Paper	Skowhegan & Westbrook, ME
Securitas Security Services	Portland, ME
Sisters of Charity Health Systems	Lewiston ME
Specialty Minerals, Inc.	Jay & Madison, ME
SW & B Construction Corp.	Auburn, ME
Wheelabrator, Inc.	Sherman Station, ME
Zampell Refractories, Inc.	Lewiston, ME

Although 45 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, 2004

The following laboratories, none in Maine, were licensed as of the end of 2004 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	08/20/05
Calloway Drug Testing Labs, Inc.	27 Water St. Wakefield, MA 01880	07/01/05
DrugScan, Inc.	1119 Mearns Rd. Warminster, PA 18974	07/10/05
Kroll Laboratory Specialists, Inc.	1111 Newton St. Gretna, LA 70053	05/08/05
Lab One, Inc.	10101 Renner Blvd. Lenexa, KS 66219	07/27/05
Laboratory Corp. of America Holdings	P.O. Box 12652 1904 Alexander Dr. Research Triangle Park, N.C. 27709	01/10/05
Laboratory Corp. of America Holdings	69 First Ave. Raritan, NJ 08869	03/12/05
MAXXAM Analytics, Inc.	5540 McAdam Rd. Mississauga, Ontario Canada L4Z 1p1	05/15/05
Medtox Laboratories, Inc.	402 West County Rd. D Saint Paul, MN 55112	03/01/05
Northwest Toxicology	1141 East 3900 South Salt Lake City, UT 84124	05/05/05
Psychemedics Corp.	5832 Uplander Way Culver City, CA 90230	12/27/05

Appendix 3

Laboratories Approved to do Substance Abuse Testing, 2004, continued.

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<b>Laboratory Name</b>	<b>Address</b>	<b>Date Expires</b>
Quest Diagnostics	3175 Presidential Dr. Atlanta, GA 03040	03/12/05
Quest Diagnostics	506 E. State Parkway Schaumburg, IL 60173	08/05/05
Quest Diagnostics	400 Egypt Rd. Norristown, PA 19403	06/24/05

## 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 **Health and 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.maine.gov/labor/bls/ModelDrugTest.htm](http://www.maine.gov/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. § 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 Mass 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 Health and 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

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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. § 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. § 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 (THC)

**Depressants:**

Barbiturates  
Benzodiazepines  
Glutethimide  
Methaqualone

**Hallucinogens:**

Amphetamine Variants  
LSD  
Mescaline and Peyote  
Phencyclidine (PCP, angel dust)  
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.