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MAINE
DEPARTMENT OF
LABOR
Labor Standards



Substance
Abuse
Testing
Report
1999

1999 Substance Abuse Testing Highlights

The *1999 Substance Abuse Testing Report* 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.)

There are 200 companies with approved Maine substance abuse testing policies.

- ✓ All are approved to do applicant testing.
- ✓ 17 are approved for employee probable cause testing.
- ✓ 4 are approved to do random or arbitrary testing.
- ✓ 17 do both probable cause and random or arbitrary testing.

Job Applicants who were tested nearly doubled from 1998 to 1999 due to two large employers increasing their workforce, and a 22% increase in the number of employers with approved testing.

- ✓ 20,118 job applicants were tested in 1999. Six hundred sixty tested positive.
- ✓ Job applicant positives increased from 3.0% in 1998 to 3.3% in 1999.
- ✓ The most common controlled substances identified were cannabinoids (86.2%), cocaine (8.3%), opiates (4.8%), alcohol, amphetamines, barbiturates and benzodiazepines (each at 0.6%), followed by phencyclidine (0.3%).

9 employee probable cause tests were given

- ✓ 4 tested positive

598 employee random or arbitrary tests were given

- ✓ 27 tested positive

Industry breakout of approved substance abuse testing policies

- ✓ Manufacturing - 86
- ✓ Services (healthcare, professional and other services) - 29
- ✓ Construction - 30
- ✓ Trade (wholesale & retail) - 30
- ✓ Transportation and public utilities - 12
- ✓ Other - 13



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Substance Abuse Testing Report 1999

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May 2000

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Introduction

Background

The Maine Department of Labor (MDOL) is submitting this report to the “joint standing committee having jurisdiction over labor matters” in accordance with the Maine Substance Abuse Testing Law, Title 26 M.R.S.A. Section 681 et seq. 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 use 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:

- MDOL
 - ✓ Review and approve substance abuse testing policies.
 - ✓ Conduct the annual survey of substance abuse testing.
 - ✓ Analyze testing data and publish the annual report.
- Department of Human Services (DHS) Health and Environmental Testing Laboratory
 - ✓ License testing laboratories.
- Department of Mental Health, Mental Retardation (DMHMR) and Substance Abuse Services
 - ✓ Review and approve employee assistance programs (EAP) for employers who do probable cause or random and arbitrary testing.

Model Policies

A model job applicant testing policy developed by the Maine Department of Labor (MDOL) in 1998, has helped employers develop substance abuse policies for their workplaces. The model policy has also made it easier for the MDOL to review company policies. A model probable cause policy is also being developed which will further simplify the policy writing for companies who desire to do employee testing. See Appendices 5 and 6.

Employee Assistance Programs (EAP)

Any employer with more than 20 full-time employees must have a functioning EAP as stated in Title 26 Section 683 Paragraph 1 prior to testing their employees. The EAP must be certified by the Office of Substance Abuse Services and renewed every two years. Eleven EAPs were approved in 1999, bringing the total EAPs to 41 for companies with substance abuse testing policies. Some EAPs are approved for parent companies and cover multiple locations that may be listed separately. See Appendix 1.

Licenses for Testing Labs

The Department of Human Services (DHS) Health and Environmental Testing Laboratory is responsible for the licensure of labs that Maine employers can use for testing of controlled substance use. There are eighteen labs licensed with the State of Maine to do the substance abuse tests for Maine employers with approved testing policies. All testing lab licenses that were due for renewal in 1999 were renewed for substance abuse testing by the DHS Health and Environmental Testing Laboratory. One new lab was licensed in 1999. See Appendix 3.

Policy Review and Approval

Department of Labor - Policy Review and Approval

In 1999, the Maine Department of Labor (MDOL) received 87 individual policy submissions for review. MDOL staff completed 67 reviews, including one holdover from the previous year. There were 21 policies pending review as of December 31, 1999. 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 the policy has been approved. Title 26 Section 689 addresses the penalties assessed an employer doing substance abuse testing without an approved testing policy.

Table 1

Policies Received and Reviewed Maine, 1999

Policies Pending from 1998	1
Policies Received in 1999	87
Reviews Completed	67
Policies Approved	47
Policies Denied	20
Review Pending	21

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.

Survey Results

Each employer with a policy approved by the Maine Department of Labor must submit an annual survey. The survey must include the number of tests of each type the employer conducted, the substances tested for, and the number of positive tests for each substance.

Job Applicant Testing

The number of job applicants tested nearly doubled from 1998 to 1999 due to two large employers increasing their work force. There was also a 22% overall increase in the number of employers testing. In 1999, of the job applicants tested, 3.3% tested positive, an increase of 0.3% from 1998. Cannabinoids (86.2%), cocaine (8.3%), and opiates (4.8%) were the most frequently identified substances. Other identified substances include alcohol, amphetamines, barbiturates and benzodiazepines (each at 0.6%), and phencyclidine (0.3%). See Appendix 7 for controlled substances and drug names.

Table 2

**Results of Job Applicant Tests
Under Approved Policies
Maine, 1999**

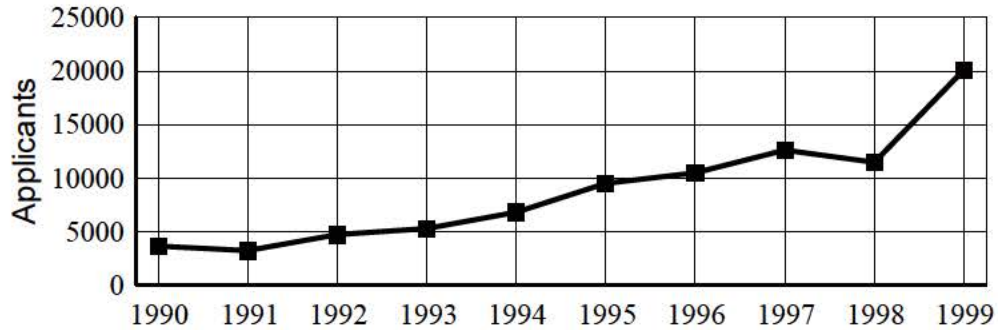
	<u>Tests</u>	<u>As Percent of All Tests</u>	<u>As Percent of Positive Tests</u>
Total Job Applicant Tests	20,118	100.0%	
Positive Results*	660	3.3	100.0%
Cannabinoids	569	2.8	86.2
Cocaine	55	0.3	8.3
Opiates	32	0.2	4.8
Alcohol	4	.-	0.6
Amphetamines	4	.-	0.6
Barbiturates	4	.-	0.6
Benzodiazepines	4	.-	0.6
Phencyclidine	1	.-	0.2
Unknown	2	.-	0.3

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

.- Less than 0.05 percent.

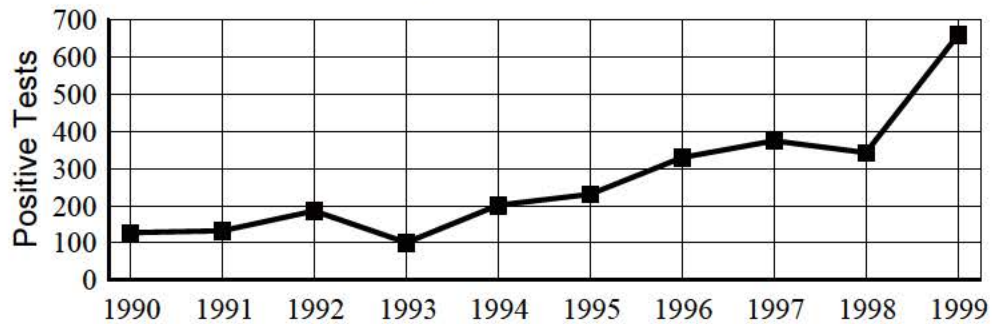
The following graph shows the number of job applicants tested for use of controlled substances for the years 1990 to 1999.

Figure 1
Job Applicants Tested



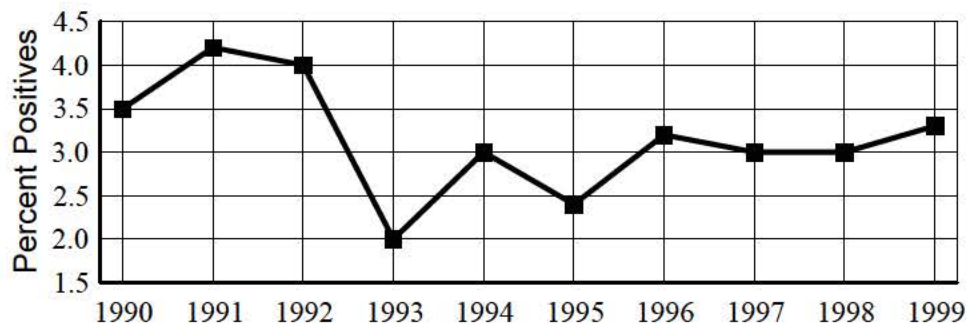
The graph below indicates the number of positive tests for job applicants from 1990 to 1999.

Figure 2
Job Applicant Positive Tests



The following graph shows the percentage of positive tests in relation to the number of tests given as shown in Figure 1, above.

Figure 3
Percent Positives



Employee Testing

There were a total of 607 employees tested, with 31 positive tests. Nine of those tests were for probable cause with four (44.4%) confirmed positives, all of which were for cannabinoids. Five-hundred ninety-eight of the employee tests were random or arbitrary testing. Of these 27 (4.5%) were confirmed positives, 22 (3.7%) for cannabinoids, three (0.5%) for cocaine and two (0.3%) for opiates.

Analysis of All Results (Applicants & Employees)

The Manufacturing Industry had the largest number of employers with substance abuse testing policies. It also had the greatest number of people tested (6,309), of whom 4.2% tested positive. The Construction Industry tested 2,280 people, of whom 5.1% tested positive. The Services Industry (including Financial) tested 5,303 people, of whom 1.8% tested positive. Transportation and Public Utilities tested 400 people; 2.8% tested positive. See Table 3.

Table 3

Results of All Tests Under Approved Policies, by Industry Maine, 1999

<u>Industry</u>	<u>Number of Policies</u>	<u>Number of Tests</u>	<u>Number of Positives</u>	<u>Percent Positive</u>
All Industries	200	20,725	691	3.3%
Construction	30	2,280	117	5.1
Heavy Construction	12	1,773	83	4.7
Other Construction	18	507	34	6.7
Manufacturing	86	6,309	264	4.2
Food Products	9	1,386	37	2.7
Wood Products	14	615	31	5.0
Paper Products	21	1,394	42	3.0
Plastics/Rubber	5	528	28	5.3
Electronic/Electrical Equipment	11	580	8	1.4
Other Manufacturing	26	1,806	118	6.5
Transportation and Public Utilities	12	400	11	2.8
Trade	30	6,184	190	3.1
Wholesale	18	902	53	5.9
Retail	12	5,282	137	2.6
Services	29	5,303	96	1.8
Healthcare	6	1,636	21	1.3
Professional Services	5	3,187	55	1.7
Other Services	18	480	20	4.2
Other	13	249	13	5.2

Analysis of All Results (Applicants & Employees), continued

A drug testing panel consists of the drugs 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 remains the substance with the highest percentage of use, followed by cocaine and opiates. Positive tests for amphetamines increased from zero in 1998 to four in 1999. The substance least tested for is alcohol. Only 35 of the 162 companies who tested in 1999 included alcohol in their drug testing panel. Of all the tests conducted during 1999, 3.3% were positive. The highest percentage of positives for an individual substance was 2.9%. See Table 4.

Table 4

**Results of All Tests Under
Approved Policies, by Specific
Controlled Substance
Maine 1999**

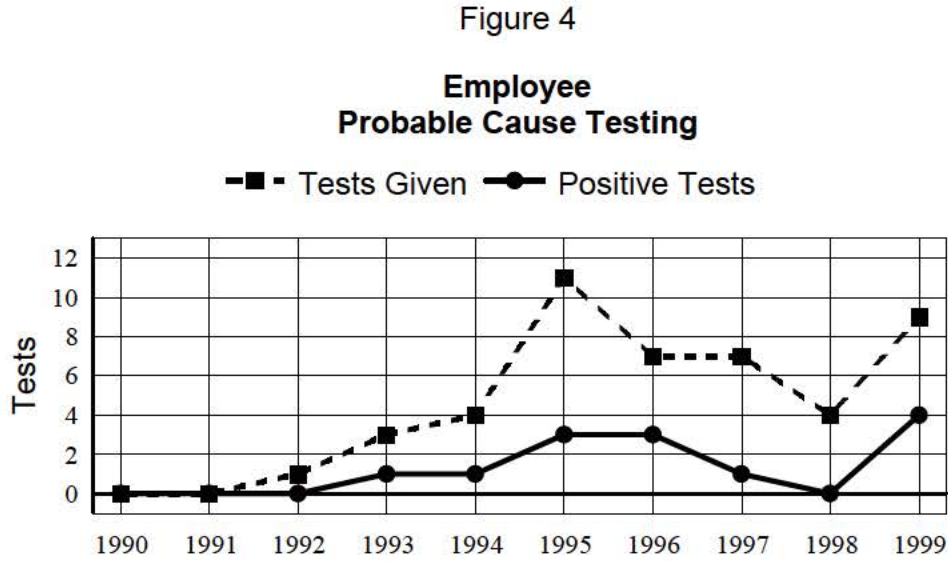
<u>Substance</u>	<u>Employers Testing During Year</u>	<u>Total Tests</u>	<u>Total Positives</u>	<u>Percent Positives*</u>
All Substances	**162	20,725	691	3.3%
Cannabinoids	161	20,717	595	2.9
Cocaine	164	20,725	58	0.3
Opiates	159	20,585	34	0.2
Alcohol	35	2,981	4	-.
Amphetamines	159	19,857	4	-.
Barbiturates	94	9,775	4	-.
Benzodiazepines	85	9,258	4	-.
Phencyclidine	155	19,688	1	-.
Methadone	54	8,079	0	-.
Methaqualone	52	6,920	0	-.

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

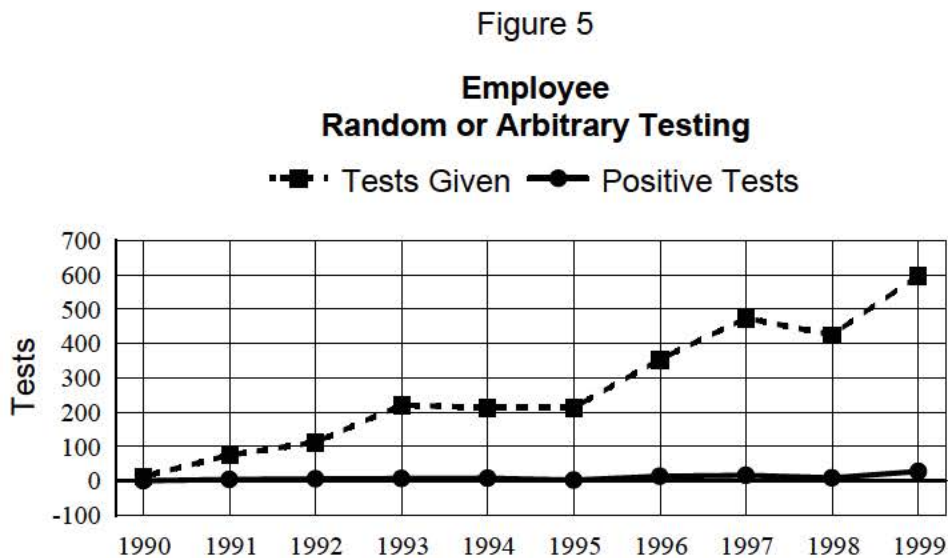
**38 Companies with approved policies did no testing in 1999.

-. Less than 0.05 percent.

The following graph illustrates the number of probable cause tests done and the number of positives for the years 1990 through 1999.



The following graph shows the trend for random and arbitrary tests for the years 1990 through 1999.



The following table shows the trend of drug testing from 1990 through 1999. The number of employers with approved policies has increased from 47 in 1990 to 200 in 1999. The total number of tests given has increased by more than five times. The percentage of positive tests has fluctuated, with the lowest (2.0%) in 1993 and the highest (4.2%) in 1991. Positive results for job applicant testing were lowest (1.9%) in 1993 and highest (4.1%) 1991. The highest number of probable cause tests was in 1995. Positive probable cause were lowest (0.0%) in 1990, 1991, 1992 and 1998 and highest (44.4%) in 1999. Random tests increased by nearly 50 times since 1990. The percentage of positive tests was lowest (0.0%) in 1990 and highest (5.4%) in 1992 .

**Table 5
Yearly Totals by Type of Test
Applicants/Employees
1990-1999**

Year	Number of Employers w/ Policies	Total Tests	Total Positives	Percent Positive	Applicant Tests	Applicant Positives	Percent Positive	Probable Cause Tests	Probable Cause Positives	Percent Positive	Random Tests	Random Positives	Percent Positive
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
1994	112	7,035	211	3.0	6,818	202	3.0	4	1	25.0	213	8	3.8
1993	107	5,502	109	2.0	5,278	101	1.9	3	1	33.3	221	7	3.2
1992	90	4,837	192	4.0	4,724	186	3.9	1	0	--	112	6	5.4
1991	75	3,289	137	4.2	3,214	133	4.1	0	0	--	75	4	5.3
1990	47	3,643	128	3.5	3,631	128	3.5	0	0	--	12	0	--

-- Indicates a value of less than 0.05%

**Employers With Approved
Substance Abuse Testing Policies
1990-1999**



Table 6 shows the cumulative total of tests and positives for job applicants and employees from 1990 through 1999. It also shows the percent 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 use.

Table 6
Positives By Substance
1990 - 1999 (Cumulative)

	Number of <u>Tests</u>	As % of <u>All Tests</u>	As % of <u>Positives</u>
Total Tests	90,578	100.0	*****
Total Positives*	2,825	3.1	100.0
Cannabinoids	2,303	2.5	81.5
Cocaine	199	0.2	7.0
Opiates	141	0.2	5.0
Alcohol	77	0.1	2.7
Barbiturates	48	0.1	1.7
Benzodiazepines	43	.-	1.5
Phencyclidines	11	.-	0.4
Other	16	.-	0.6

*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%

Summary

During 1999, 67 substance abuse testing policies were reviewed. Of the 67 reviewed, one was pending from 1998. Thirty-seven new policies and 10 revisions or amendments were approved, 20 policies were denied pending submission of revisions, and 21 policies were pending at year end.

As of December 31, 1999, a total of 200 approved policies were in force.

The Department of Labor surveys all employers with approved policies for this report. The 1999 survey showed that 20,118 job applicants had been tested with 660 (3.3%) confirmed positive tests. There were nine employee probable cause* tests with four (44.4%) reported as positive, and 598 employee random or arbitrary tests with 27 (4.5%) positives reported.

*See Appendix 7.

Appendix 1

Employers with Approved Policies

The following shows employers with approved policies, the date of initial approval and the type of testing allowed.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Acadia Group, Inc. (DBA Acadia Business Group, Inc) P.O. Box 1328 Auburn, ME 04211	09/02/99	X		
Adelphia (formerly Frontier Vision) 444 Perry Road Bangor, ME 04401	04/26/99	X		
Allstate Insurance Co. 74 Batterson Park Rd. P.O. Box 4005 Farmington, CT 06034	04/11/91	X		
Alternative Warehouse Services Inc. (AWS) P.O. Box 2519 So. Portland, ME 04116-2519	02/24/99	X		
American Tissue Mills of Maine (formerly Tree Free Fiber Co.) 54 Maple St. P.O. Box 898 Augusta, ME 04332-0898	05/30/96	X		
Arbortech 16 Hersey Dr. Brewer, ME 04412	02/22/99	X		
Arrow Hart Wiring Devices 1 Cressey Road Brunswick, ME 04011	07/24/90	X		
@WORK Personnel Services P.O. Box 96 Brooks, ME 04921	07/02/96	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Atkinson Construction Corp. 505 Washington St. Bath, ME 04530	07/09/99	X	X	
Auburn, City of 45 Spring Street Auburn, ME 04210	06/09/94	X		
Avian Farms Int'l, Inc. 295 Kennedy Memorial Drive P.O. Box 1847 Waterville, ME 04903	08/01/94	X		
B A C (Brewer Automotive Components) 6 Baker Blvd. Brewer, ME 04412	09/17/99	X		
B & E Cleaning Service P.O. Box 244 Kingfield, ME 04947-0244	10/22/96	X		
B E & K P.O. Box 358 Jay, ME 04239	06/03/91	X	X	X
B J's Wholesale Club P.O. Box 9601 Natick, MA 01760-9601	06/09/94	X		
Bancroft Contracting 23 Phillips Rd. South Paris, ME 04281	02/01/94	X		
Bangor Area Visiting Nurses 268 State Street P.O. Box 2040 Bangor, ME 04402-2040	12/16/92	X		
Bangor & Aroostook R R RR 2 Box 45 Bangor, ME 04401-9602	06/19/98	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Barber Foods P.O. Box 4821 Portland, ME 04112-4821	09/09/97	X		
Bath Iron Works Corp. 700 Washington Street Bath, ME 04530	02/26/90	X		
Best Buy P.O. Box 9312 Minneapolis, MN 55440	12/16/98	X		
Bindley Western Drug Co. (J.E. Goold) P.O. Box 920 Portland, ME 04104-0920	05/18/93	X		
Black & Veatch P.O. Box 8405 Kansas City, MO 64114	06/19/98	X		
Blake Equipment 61 West Dudley Town Rd. Bloomfield, CT 06002	12/21/98	X	X	
Bridgecorp 319 Water St. P.O. Box 2588 Augusta, ME 04338-2588	08/21/96	X		
Brunswick Technologies, Inc. 43 Bibber Parkway Brunswick, ME 04011	07/09/99	X		
Bucksport Engineers & & Constructors P.O. Box E Bucksport, ME 04416	07/20/99	X		
Carquest Distribution Center P.O. Box 1239 Bangor, ME 04401	11/24/97	X	X	X

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Casella Waste Systems, Inc. 358 Emerson Mill Rd Hampden, ME 04444	12/16/98	X		
Central Maine Power Co. 83 Edison Drive Augusta, ME 04336	10/18/90	X		
Chadwick-BaRoss Inc. 160 Warren Ave. P.O. Box 4500 Westbrook, ME 04098-1594	07/21/93	X		
Champion International Corp. P.O. Box 1200 Bucksport, ME 04416	03/23/90	X		
Champion International Corp. Costigan Stud Mill P.O. Box 159 Costigan, ME 04423-0159	02/14/92	X	X	
Champion International Corp. (formerly James River Timber Corp) P.O. Box 69 Passadumkeag, ME 04475	01/18/96	X		
Chinet Company 242 College Ave. P.O. Box 1016 Waterville, ME 04903-1016	07/24/90	X	X	X
Cianbro Corporation Hunnewell Square Pittsfield, ME 04967	02/27/90	X	X	X
Circuit City Stores, Inc. 9960 Maryland Dr. Richmond, VA 23233-1464	10/31/96	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Cives Steel Company Riverside Dr. P.O. Box 850 Augusta, ME 04332-0850	10/18/90	X	X	
Clark Builders 505 Washington St. Bath, ME 04530	07/09/99	X	X	
Coca-Cola Bottling Co. of Northern New England, Inc. One Executive Park Drive Bedford, NH 03110-6913	12/29/92	X	X	
Control Devices, Inc. 228 Northeast Rd Standish, ME 04084	04/17/96	X		
Cutler - Hammer Inc. 1000 Cherrington Parkway Moon Township, PA 15108-4312	09/02/99	X		
CYRO Industries Rt 109 Industrial Park P.O. Box 591 Sanford, ME 04073	07/24/90	X		
D & G Machine Products 50 Eisenhower Drive Westbrook, ME 04092-2009	07/31/91	X		
Dennis Beverage Co. (DBA Dennis Paper Co.) 1017 School Street, Veazie P.O. Box 1452 Bangor, ME 04402-1452	12/04/91	X		
Dielectric P.O. Box 949 Raymond, ME 04071	07/09/99	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Ducktrap River Fish Farm, Inc. 57 Little River Dr. Belfast, ME 04915	12/28/98	X		
Durastone Precast Concrete Products, Inc. 66 Milliken St. Portland, ME 04103	08/23/96	X	X	X
E F Mark Service Co. 1111 Executive Court Suite 200 Westmont, IL 60559	10/23/97	X		
E S B, Inc. Five Star Industrial Park 45 Bradley Westbrook, ME 04092	06/02/98	X		
Eastern Fine Paper, Inc. P.O. Box 129 Brewer, ME 04412	04/23/91	X		
Eastern Maine Health Care 489 State Street P.O. Box 404 Bangor, ME 04402-0404	01/15/91	X		
Eastern Refractories Co. Inc. 60 Holland Street P.O. Box 237 Lewiston, ME 04240	07/22/93	X		
Edwards Systems Technology 5 North Main Street Pittsfield, ME 04967-1500	05/28/91	X		
Ellsworth Builders Supply, Inc. State Street RR 4 Box 4 Ellsworth, ME 04605	09/25/90	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Emery Waterhouse Rand Rd. P.O. Box 659 Portland, ME 04104	01/26/98	X		X
Energy Management Inc. 1 Energy Rd. No. Dartmouth, MA 02747	10/18/99	X		
Epic Process Controls, Inc. 7987 Pecue Lane Suite D Baton Rouge, LA 70809	12/23/99	X		
Equipment Rental Service Inc. (DBA Taylor Rental) P.O. Box 374 Brewer, ME 04412-0374	03/02/99	X		
ESOCO Orrington Inc. River Rd. P.O. Box 160 Orrington, ME 04474	06/03/92	X		
Fiber Materials, Inc. Biddeford Industrial Park 5 Morin St. Biddeford, ME 04005	06/27/90	X		
Fisher Engineering 12 Water St. P.O. Box 529 Rockland, ME 04841-0529	04/17/96	X	X	
Flatiron Structure Co. LLC P.O. Box 2239 Longmont, CO 80502-2239	04/30/96	X	X	
FMC Corporation P.O. Box 308 Rockland, ME 04841-0308	03/22/90	X	X	X

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Fort James Corp. (formerly James River) P.O. Box 547 Old Town, ME 04468	02/27/90	X		
Fraser Paper Ltd. 25 Bridge St. Madawaska, ME 04756	04/15/94	X		X
Fulghum Fibres P.O. Box 15395 Augusta, GA 30919	10/08/97	X		
Garelick Farms of Maine (formerly Grant's Dairy) One Milk St. P.O. Box 1659 Bangor, ME 04402-1659	05/20/98	X		
General Electric Co. 135 Rodman Road Auburn, ME 04210	10/18/90	X		
General Electric Co. 534 Griffin Road Bangor, ME 04401	05/24/90	X		
Georgia Pacific Corp. Communication Paper Division 144 Main Street Woodland, ME 04694	07/31/91	X		
Georgia Pacific Corp. Chip N Saw & O S B P.O. Box 640 Woodland, ME 04694	04/23/91	X	X	
Gibbs & Cox Inc. P.O. Box 1306 Brunswick, ME 04011	08/07/91	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
G.E. Goding & Son, Inc. RR #1 Box 395 Lincoln, ME 04457	04/20/90	X		
Gorbell/Thermo Electron Power Co. Rt 150 North, Harmony Rd. P.O. Box 170 Athens, ME 04912-0170	10/05/94	X		
Great Northern Paper Bowater, Inc. 1 Katahdin Avenue Millinocket, ME 04462-1398	12/16/92	X		
Guardsmark, Inc. 22 South Second St. Memphis, TN 38103-2695	12/05/96	X		
Hall Security Services Inc. 6 State St. Suite 301 Bangor, ME 04401	07/31/91	X		
Hampden, Town of 106 Western Ave. Hampden, ME 04444	01/27/99	X		
Hancock Lumber Co. P.O. Box 299 Casco, ME 04015	04/29/91	X		
Hannaford Brothers Co. P.O. Box 1000 Portland, ME 04104-1000	05/18/93	X		X
Healthsouth Corp. One Healthsouth Parkway Birmingham, AL 35243	10/20/97	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Home Depot 2455 Paces Ferry Rd. NW Atlanta, GA 30339	11/01/96	X		
Host Marriott Services Corp. 6600 Rockledge Dr Mail Stop #4-3 Bethesda, MD 20817	01/05/96	X		
Huber, J.M. Corp. Easton Department Wood Products Division Station Road P.O. Box 69 Easton, ME 04740	04/29/91	X	X	
Hussey Seating Co. P.O. Box 459 North Berwick, ME 03906-0459	12/24/90	X		
Ikon Office Solutions 1750 Elm St. Suite 900 Manchester, NH 03104	02/24/99	X		
Indec Operations, Inc. P.O. Box 317 West Enfield, ME 04493	04/24/97	X		
Interior Fabrics Group Guilford of Maine Oak St. P.O. Box 179 Guilford, ME 04443-0179	01/26/99	X		
International Paper Co. Androscoggin Mill P.O. Box 20 Jay, ME 04239	11/05/90	X	X	

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
International Paper Co. Northeast Region 9 Green Street Augusta, ME 04330-7443	04/23/91	X		
Interstate Brands (formerly J J Nissen) P.O. Box 1158 Portland, ME 04104-1158	01/03/92	X		
Irving Tanning Co. 3 Main St. P.O. Box 400 Hartland, ME 04943-0400	12/27/93	X		
Johns Manville 51 Lexington St. Lewiston, ME 04240-3513	01/21/97	X		
Johns Manville 27 Pearl St. Portland, ME 04101	01/21/97	X		
Johns Manville 15 Lund Rd. Saco, ME 04072	01/21/97	X		
Jordan's Foods, Inc. 38 India St. Portland, ME 04112-0588	04/02/97	X		
KCS, Inc. Five Star Industrial Park 45 Bradley Dr. Westbrook ME 04092	06/02/98	X		
Kravco Company 358 Broadway Suite 105 Bangor, ME 04401	04/13/95	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Kris-Way Truck Leasing Inc. 43 Hemco Rd. So. Portland, ME 04106	04/21/99	X		
Lane Construction Corp. P.O. Box 103 Bangor, ME 04402	12/16/92	X		
Lane Construction Corp. Sunquip Division P.O. Box 400 Hampden, ME 04444	12/16/92	X		
Lane Construction Corp. Sunrise Materials Division P.O. Box 250 Orono, ME 04473	12/16/92	X		
Lemforder Corp. 55 Baker Blvd. P.O. Box 219 Brewer, ME 04412	12/03/91	X		
Lincoln National Life Ins. Co. P.O. Box 9740 Portland, ME 04104-5001	08/01/97	X		
Lincoln Pulp & Paper Co. 50 Katahdin Avenue Lincoln, ME 04457	07/24/90	X		
Louisiana-Pacific Corp. P.O. Box 396 Houlton, ME 04730	05/20/98	X	X	X
Lucas Tree Experts 636 Riverside St. P.O. Box 958 Portland, ME 04104	04/29/91	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Madison Paper Industries Main St. P.O. Box 129 Madison, ME 04950-0129	04/19/90	X		
Maine Drilling & Blasting Brunswick Rd. P.O. Box 1140 Gardiner, ME 04345	09/09/99	X		
Maine General Health (formerly Kennebec Health Systems) 30 Chase Ave. Waterville, ME 04901	04/30/93	X		
Maine Mac Inc. P.O. Box 1426 Bangor, ME 04402-1426	01/26/99	X		
Maine Poly Inc. P.O. Box 8 Greene, ME 04236	01/27/90	X		
Maine Public Service Co. 209 State St. P.O. Box 1209 Presque Isle, ME 04769-1209	06/13/90	X		
Maine Rubber International 21 Saco Street Westbrook, ME 04092	05/15/90	X		
Maine Woods Co. LLC P.O. Box 111 Portage Lake, ME 04768	04/21/99	X		
Mainely Vinyl, Inc. Rt 3 Bar Harbor Rd. P.O. Box 1020 Ellsworth, ME 04605	09-21-98	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Marriott International, Inc. Marriott Dr. Dept. 52/931.34 Washington, DC 20058	10/17/95	X		
Masonite Corp. (formerly Wood Fiber Industries) P.O. Box 99 Lisbon Falls, ME 04252-0099	06/09/94	X		
MBNA Marketing Systems 1 Hatley Rd Belfast, ME 04915	06/30/93	X	X	
McCain Foods Inc. P.O. Box 159 Easton, ME 04740-0159	02/24/92	X	X	X
Mead Paper Div. 35 Hartford St. Rumford, ME 04276	03/19/90	X	X	X
Merrill Marine Terminal Services (Merrill Companies) 601 A Danforth St. Portland, ME 04101	12/16/92	X		
Mid-State Machine Products 1501 Verti Drive Winslow, ME 04901	05/15/90	X	X	X
Mount Hope Cemetery Corp. 1038 State St. P.O. Box 663 Bangor, ME 04402-0663	04/13/95	X		
National Semiconductor Corp 5 Foden Rd. So. Portland, ME 04106	12/22/99	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
New England Insulation P.O. Box 376 Canton, MA 02021-0376	04/29/99	X		
New England Tel & Tel 185 Franklin St. Room 1401 Boston, MA 02110	10/05/94	X	X	X
Newark Paperboard Products Mercer Division So. Gardiner Facility River Rd. So. Gardiner, ME 04345	08/15/97	X		
Nichols - Portland 2400 Congress St. Portland, ME 04102	12/22/98	X		
Norrell Corp. 3535 Piedmont Rd., N.E. Atlanta, GA 30305	12/16/98	X		
North Center Foodservice Corp. Dalton Road, P.O. Box 2628 Augusta, ME 04330-2628	09/19/90	X		
Northeast Air 987 Westbrook Street Portland, ME 04102	09/30/91	X		
Northeast Industrial Service P.O. Box 340 Winthrop, ME 04364	12/16/98	X		
O'Connor Constructors 45 Industrial Dr. Canton, MA 02021	07/09/99	X		
Oakhurst Dairy 364 Forest Avenue Portland, ME 04101	02/28/90	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Olsten Staffing Services 195 Hanover St, Portsmouth, NH 03801-3749	08/12/97	X		
OSRAM Sylvania Inc. (Formerly GTE Products) 100 Endicott Street Danvers, MA 01923	02/06/91	X		
Parsons Energy & Chemicals Chemicals Group, Inc. 2675 Morgantown Rd. Reading, PA 19607	07/20/99	X		
Penley Corp. P.O. Box 277 West Paris, ME 04289	04/21/99	X		
Penobscot County Sheriff's 85 Hammond St. Bangor, ME 04401	08/11/98	X		
Penobscot Regional Communications Center 26 Franklin St. Bangor, ME 04401	01/27/99	X		
Philip Services (formerly Allwaste) 31 Waldron Way Portland, ME 04103	11/16/98	X		X
Philips Elmet 1560 Lisbon Rd. Lewiston, ME 04240	10/04/90	X		
Pike Industries (formerly Tilcon) 81 Boyd Rd. Wells, ME 04090-7128	10/04/90	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Pioneer Plastics Corp. One Pionite Road P.O. Box 1014 Auburn, ME 04210-1014	09/19/90	X		
Pizzagalli Const. Co. 50 Joy Drive P.O. Box 2009 So. Burlington, VT 05407-2009	05/26/98	X		
Pleasants Hardware Co. HCI/Craftsmen 1010 Northwest Blvd. P.O. Box 5258 Winston-Salem, NC 27113-5258	10/20/97	X	X	X
Plum Creek Timber 999 Third Ave. Suite 2300 Seattle, WA 98104	10/15/98	X		
Poland Spring Bottling Co. 109 Poland Spring Dr. Poland Spring, ME 04274	06/08/99	X		
Pollack, G.M. Corp. 600 Roundwood Drive Scarborough, ME 04074	08/25/92	X		
Pratt & Whitney Wells Road North Berwick, ME 03906	06/22/90	X	X	
Progressive Distributors P.O. Box 295 Winthrop, ME 04364	05/18/93	X		
Rainbow Rugs Inc. 74 Old Airport Rd. Sanford, ME 04073	11/21/90	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Rare Hospitality International Inc. DBA Bugaboo Steak House 264 Gorham Rd. 221 South Portland, ME 04106	09/17/99	X	X	
Redco, Inc. Rte. 9 P.O. Box 245 E. Eddington, ME 04428	10/06/98	X		
Reed & Reed P.O. Box 370 Woolwich, ME 04579-0370	06/25/92	X		
Riley Medical Inc. 27 Wright's Landing L-A Airpark Auburn, ME 04210	08/17/93	X		
R T S Packaging, LLC (formerly Rock-Tenn Co.) 16 Washington Avenue Scarborough, ME 04074	05/28/91	X	X	X
Saco Defense Inc. 291 North Street Saco, ME 04072	02/28/90	X	X	X
Sappi Fine Paper (S.D. Warren Westbrook) P.O. Box 5000 Westbrook, ME 04098-1597	04/29/91	X	X	
Sargent, H.E., Inc. 101 Bennoch Rd. P.O. Box 435 Stillwater, ME 04489-0435	04/17/96	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
SCI Systems Inc. (Formerly Digital) 6500 Civic Center Dr. Augusta, ME 04330	04/27/99	X		
Sears Roebuck & Co. D/707 BEN E2-100B 333 Beverly Rd Hoffman Estates, IL 60179	07/30/99	X		
Seaward Const. Corp. P.O. Box 1177 Portsmouth, NH 03802-1177	07/31/91	X		
Seltzer & Rydholm Inc. 191 Merrow Rd. P.O. Box 1090 Auburn, ME 04211-1090	12/29/92	X		
Shaer Shoe 10 Commerce Park Bedford, NH 03102	11/05/97	X		
Sisters of Charity Health System/Workmed 77 Bates St. Suite 101 Lewiston, ME 04240	07/19/95	X		
Skowhegan, Town of Skowhegan, ME 04976	08/28/98	X		
Solon Mfg. Co. P.O. Box 285 Solon, ME 04979-0285	07/19/95	X		
Sonoco Products Baker Division P.O. Box 668 Hartselle, AL 35640	01/03/92	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Sonoco Products Co. Pittsfield Plant 50 DesSeigneurs Montreal Quebec, Canada H3J1X3	07/31/91	X		
Southern Container Corp. P.O. Box 9001 Westbrook, ME 04098-9001	02/23/96	X		
Specialty Minerals, Inc. 35 Highland Ave. Bethlehem, PA 18017	06/06/96	X	X	
Sprague Energy Corp. One Parade Mall Portsmouth, NH 03801	08/16/94	X		
St. Paul Companies (formerly United States Fidelity and Guaranty Co.) 385 Washington St. St. Paul, MN 55102	07/24/90	X		
Standard Waterproofing Neck Rd., P.O. Box 380 China, ME 04926-0380	04/13/98	X		
Sullivan and Merritt, Inc. 25 Freedom Park Bangor, ME 04401	05/18/93	X		
Supervalu, Inc. 56 Milliken St. Portland, ME 04103	03/02/98	X		
S.W. & B. Construction P.O. Box 160888 Mobile, AL 36616-1888	04/29/91	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Tambrands 2978 Hotel Rd. P.O. Box 1778 Auburn, ME 04211-1778	01/13/99	X		
Thomas & Betts Community Dr. Sanford Industrial Estates Sanford, ME 04073	08/01/94	X		
TIC - The Industrial Company P.O. Box 774848 Steamboat Springs, CO 80477	07/20/99	X		
Unifirst Corporation 68 Jonspin Road Wilmington, MA 01887-1086	05/20/93	X		
United Steel Structures Inc. 16000 Barkers Point Lane Houston, TX 77079-4092	07/20/99	X		
Vescom Corporation 805 Main Road North Hampden, ME 04444	05/18/93	X		
Wal-Mart Stores 702 S.W. 8th St. Bentonville, AR 72712-8083	03/31/98	X		
Warren, S.D. - Somerset RFD #3 Skowhegan, ME 04976	05/28/91	X		
Waste Management of Maine (Formerly Astro Waste Services, Inc.) P.O. Box 709 Old Orchard Beach, ME 04064-0709	01/05/96	X	X	X

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Waterville Anesthesia Associates 44 Main Street Waterville, ME 04901	04/30/93	X	X	X
Watts Fluid Air 9 Cutts Rd. Kittery, ME 03904-0902	06/23/97	X		
Wausau - Mosinee Paper Corp. (Formerly Otis Paper) One Mill St. Jay, ME 04239	09/02/99	X		
Webber Oil Co. 700 Main St. P.O. Box 929 Bangor, ME 04402-0929	04/17/96	X		
West Point Stevens P.O. Drawer 587 Biddeford, ME 04005	12/22/98	X		
Wheelabrator Sherman Energy Co. Mill St. & Rt. 11 P.O. Box 189 Sherman Station, ME 04777	08/09/91	X	X	
White, Paul G. Tile Co. 50 Allen Avenue Portland, ME 04103	07/21/93	X		
Willette Welding 80 Prentiss St. Old Town, ME 04408	12/22/99	X		
Wood Structures, Inc. Box 347 Alfred Road Business Park Biddeford, ME 04005	03/25/91	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Wyman & Simpson Inc. RR #1, Box 1122B County Rd. Richmond, ME 04357	05/18/93	X		
Xpedx (formerly Resource Net International) 613 Main St. Wilmington, MA 01887-3236	07/21/93	X		
Zampell Refractories 354 Lincoln Street Lewiston, ME 04240-6551	12/30/93	X	X	X

Appendix 2

Employers with Substance Abuse Testing Policies and Approved Employee Assistance Programs as of the end of 1999.

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

Company Name	Location
Atkinson Construction Corp.	Bath, ME
B E & K	Jay, ME
Bath Iron Works Corp.	Bath, ME
Black & Veatch	Jay, ME
Blake Equipment CO.	Augusta, Bangor, & Gorham, ME
Carquest	Bangor, ME
Champion International (Stud Mill)	Costigan, ME
Chinet Co.	Waterville, ME
Cianbro Inc.	Pittsfield, ME
Cives Steel Co.	Augusta, ME
Clark Builders	Bath, ME
Coca-Cola Bottling Co. of New England	Portland, ME
Durastone Precast Concrete Products Inc.	Portland, ME
Emery Waterhouse Co.	Portland, ME
Fisher Engineering	Rockland, ME
FMC Corporation, Marine Colloids Div.	Rockland, ME
Fraser Papers, Inc.	Madawaska, ME
Georgia Pacific Corp.	Woodland, ME
Great Northern Paper Co.	Millinocket, ME
Hannaford Bros. Co.	Portland, ME
Huber, J.M. Corp.	Easton, ME
International Paper Co.	Jay, ME
Louisiana-Pacific Corp.	Houlton, ME
MBNA	Camden, ME

Appendix 2

Employers with Substance Abuse Testing Policies and Approved Employee Assistance Programs as of the end of 1999, continued.

Company Name	Location
McCain Foods, Inc.	Easton, ME
Mead Paper Div.	Rumford, ME
Mid-State Machine Products, Inc.	Winslow, ME
New England Telephone	Statewide
Philip Services Corp.	Portland, ME
Pleasants Hardware/HCI Craftsmen	So. Portland & Bangor, ME
Pratt & Whitney	North Berwick, ME
Rare Hospitality	So. Portland, ME
RTS Packaging, LLC	Scarborough, ME
Saco Defense, Inc.	Saco, ME
Sappi Fine Paper	Westbrook, ME
Specialty Minerals, Inc.	Jay & Madison, ME
SW & B Construction Corp.	Auburn, ME
Warren, S.D.	Skowhegan, ME
Waste Management of Maine	Old Orchard Beach, ME
Wheelabrator Inc.	Sherman Station, ME
Zampell Refractories, Inc.	Lewiston, ME

Although 41 employers have approved EAPs, three of those companies conduct job applicant testing only. See Appendix 2.

Appendix 3

Laboratories Approved to do Substance Abuse Testing, 1999

The following laboratories, none in Maine, were licensed as of the end of 1999 to perform the tests for companies with substance abuse testing policies that have been approved by the Maine Department of Labor.

Laboratory Name	Address	Date Expires
American Medical Laboratories, Inc.	1425 Newbrook Drive P.O. Box 10841 Chantilly, VA 22021-0841	12/06/00
Associated Pathologists	4230 Burnham Ave., Suite 250 Las Vegas, NV 89119	08/20/00
DrugScan Inc.	1119 Mearns Road Warminster, PA 18974	07/10/00
Lab One Inc.	10101 Renner Blvd Lenexa, KS 66219	07/27/00
Laboratory Corporation of America (formerly CompuChem)	P.O. Box 12652 1904 Alexander Dr. Research Triangle Park, N.C. 27709	01/10/01
Laboratory Corporation of America (formerly Med Express)	4022 Willow Lake Blvd. Memphis, TN 38118	07/18/00
Laboratory Corporation of America Holdings	69 First Ave. Raritan, NJ 08869	03/12/00
Laboratory Specialists, Inc.	1111 Newton St. Gretna, LA 70053	05/08/00
Medtox Laboratories, Inc.	402 West County Road D. Saint Paul, MN 55112	03/01/00
PharmChem Laboratories, Inc.	1505 A O'Brien Drive Menlo Park, CA 94025	06/14/00
Pharmchem Laboratories - Texas Division	7606 Pebble Drive Fort Worth, TX 76118	10/15/00

Appendix 3

Laboratories Approved to do Substance Abuse Testing, 1999, continued.

Laboratory Name	Address	Date Expires
Psychemedics Corporation	5832 Uplander Way Culver City, CA 90230	12/27/00
Quest Diagnostics	7470-A Mission Valley Rd. San Diego, CA 92108	07/02/00
Quest Diagnostics (formerly SmithKline Beecham)	3175 Presidential Drive Atlanta, GA 03040	03/12/00
Quest Diagnostics (formerly SmithKline Beecham)	506 E. State Parkway Schaumburg, IL 60173	08/05/00
Quest Diagnostics	1901 Sulphur Spring Rd Baltimore, MD 21227	03/19/00
Quest Diagnostics (formerly MetPath, Inc.)	One Malcolm Ave. Teterboro, NJ 07608	05/04/00
Quest Diagnostics (formerly SmithKline Beecham)	400 Egypt Rd. Norristown, PA 19403	06/24/00

Appendix 4

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 the employees as to the development of the policy to include substance and impact of the consultation. 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

Model Substance Abuse 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 (26 M.R.S.A. Sec. 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 person separated from employment by this employer while receiving a non-mandated benefit from or on account of this employer for a period of 30 days beyond the separation.

Appendix 5

Model Substance Abuse Policy Job Applicants, continued

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

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

(1) Screening will be the Emit (Enzyme Multiplied Immunoassay Test) methodology

(2) Substances	Screening Concentration <u>Cut Off (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 cut off limit for positive confirmation test.

(1) Confirmation test will be by GC/MS (Gas Chromatography Spectrometry) methodology

(2) Substances	Confirmation Concentration <u>Cut Off (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
Methadone	300 NG/ML
Methaqualone	300 NG/ML
Opiates	2000 NG/ML
Phencyclidine	25 NG/ML

Appendix 5

Model Substance Abuse Policy Job Applicants, continued

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 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 5 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.

Appendix 5

Model Substance Abuse Policy Job Applicants, continued

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 (3) 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 5-8.*

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.

Appendix 5

Model Substance Abuse Policy Job Applicants, continued

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 60 C for no more than three days, or frozen at -200 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 6 months. Should legal challenge occur, the specimen will be retained throughout the period of resolution of the challenge.

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.

Appendix 5

Model Substance Abuse Policy Job Applicants, continued

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 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.

Appendix 5

Model Substance Abuse Policy Job Applicants, continued

- 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 2 to 5 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 26 M.R.S.A. Sec. 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.

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 26 M.R.S.A. Sec. 685 (3) (B).

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

Appendix 5

Model Substance Abuse Policy Job Applicants, continued

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

If the applicant chose 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 (5) 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 5, continued

**Model Substance Abuse Policy
Job Applicants with
Medical Review Officer (MRO)**

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 (26 M.R.S.A. Sec. 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 person separated from employment by this employer while receiving a non-mandated benefit from or on account of this employer for a period of 30 days beyond the separation.

Appendix 5

Model Substance Abuse Policy Job Applicants with Medical Review Officer, continued

1. Substances to be tested for:

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

(1) Screening will be the Emit (Enzyme Multiplied Immunoassay Test) methodology

(2) Substances	Screening Concentration <u>Cut Off (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 cut off limit for positive confirmation test.

(1) Confirmation test will be by GC/MS (Gas Chromatography Spectrometry) methodology

(2) Substances	Confirmation Concentration <u>Cut Off (In Urine)</u>
6-acetyl morphine (only if morphine >2000)	10NG/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
Methadone	300 NG/ML
Methaqualone	300 NG/ML
Opiates	2000 NG/ML
Phencyclidine	25 NG/ML

Appendix 5

Model Substance Abuse Policy Job Applicants with Medical Review Officer, continued

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 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 5 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

Appendix 5

Model Substance Abuse Policy Job Applicants with Medical Review Officer, continued

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 (3) 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 5-8.*

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.

Appendix 5

Model Substance Abuse Policy Job Applicants with Medical Review Officer, continued

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 60 C for no more than three days, or frozen at -200 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 6 months. Should legal challenge occur, the specimen will be retained throughout the period of resolution of the challenge.

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.

Appendix 5

Model Substance Abuse Policy Job Applicants with Medical Review Officer, continued

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 *[the medical review officer]* as accurate. The report will identify the name of the laboratory, the drugs and 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 2 to 5 days so that the employer cannot gauge screening test results from the time results are reported. In addition, all testing will be billed to

Appendix 5

Model Substance Abuse Policy Job Applicants with Medical Review Officer, continued

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, the employer and the medical review officer.

Unless the applicant consents, all test results and any information acquired by the employer and the medical review officer 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, to the medical review officer 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 26 M.R.S.A. Sec. 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.

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 26 M.R.S.A. Sec. 685 (3) (B).

- e. The laboratory shall retain records of confirmed positive results in a numerical or quantitative form for at least two years.
- f. All laboratory reports on substance abuse testing will be submitted directly to the Employer's Medical Review Officer ("MRO") and shall not be submitted to the employer. The MRO for *[Name of employer]* will be *[Name and address MRO]*. The MRO will report to *[Name of employer]* all negative laboratory reports as negative. When the MRO receives a confirmed positive laboratory report, the MRO will review any available information submitted by the applicant to evaluate whether there is a medical basis for an applicant's drug usage which could have led to a confirmed positive laboratory report. The MRO shall contact the applicant

Appendix 5

Model Substance Abuse Policy Job Applicants with Medical Review Officer, continued

and, upon the applicant's authorization, may contact the applicant's physician to obtain verified information upon the applicant's legitimate drug usage. If, in the opinion of the MRO, there is a legitimate authorized medical explanation for a confirmed positive result from the specimen obtained, the MRO will report a negative test result to the employer.

The purpose of the MRO is to serve as a no-cost appeal of the result and to provide further medical advice concerning confirmed positive laboratory reports which may result from legitimate and prescribed drug usage. The MRO process has the additional benefit of protecting applicant confidentiality in the case of confirmed positive laboratory results which, in the judgment of the MRO, are ultimately reported as negative results to the employer.

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

If the applicant chose 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. The MRO process will serve as the appeal if the applicant has not chosen to segregate their sample or chose not to pay for testing of the segregated sample.

Appendix 6

Controlled Substances, Drug Names, and Definitions

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.