

## PRE-EMPLOYMENT DRUG TESTING FOR JUNEAU POLICE DEPARTMENT EMPLOYEES

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### I. POLICY ISSUANCE

This policy replaces Administrative Policy 14-01. The purpose of this revision is to clarify that this policy applies to applicants, who are not currently employed by the Juneau Police Department, for which a conditional job offer has been made, and that an appointment must be effective within thirty (30) days of receipt of the negative results.

### II. PURPOSE

Substance abuse increases the potential for accidents, absenteeism, unacceptable performance and poor employee morale. The City and Borough of Juneau (CBJ) recognizes that drug use hinders an individual's ability to perform job tasks safely and effectively and that it can also endanger citizens and undermine public confidence in the City and Borough of Juneau.

The City and Borough of Juneau strives to maintain a safe, healthy and efficient workplace that is free of drug abuse. The City's goal is to ensure the public's safety by providing services of the highest quality.

### III. POLICY

This policy outlines the pre-employment drug testing program the City and Borough of Juneau has established, for the screening of applicants for all Juneau Police Department positions.

This policy complements, but does not replace, the City and Borough of Juneau Policy on a Drug-Free Workplace.

### IV. APPLICABILITY

This policy applies to all applicants for employment or re-employment with the Juneau Police Department. This includes positions of temporary, full time, part time, and part time limited status types. This policy does not apply to current employees of the Juneau Police Department that are applying for another position within the department.

### V. DEFINITIONS

- A. Canceled or invalid test: A test that has been declared invalid for drug testing purposes by a Medical Review Officer or one that has been rejected for testing by a laboratory. A canceled test is neither positive nor negative.
- B. Chain of custody: Procedures that account for the integrity of each specimen by tracking the handling and storage from point of collection to final disposition of the specimen.
- C. Collection site: A place designated by the CBJ where applicants go to provide a urine specimen for drug testing.

- D. Confirmation test: A second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method.
- E. Drugs (or controlled substances): Marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), and any yet-to-be-developed substances made illegal by changes to federal or state laws or regulations.
- F. Medical Review Officer (MRO): A licensed physician, responsible for receiving laboratory results, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with the individual's medical history and any other relevant biomedical information.
- G. Negative test: A test that shows no detectable level(s) of drugs as defined by the Substance Abuse and Mental Health Services Administration (SAMHSA) of the United States Department of Health and Human Services (US DHHS).
- H. Screening (or initial) test: An immunoassay screen to eliminate negative urine specimens from further analysis.
- I. Split sample: A urine sample that is divided at the time of collection with a minimum specified amount of urine being used for the primary sample and the remainder being poured off and saved in the event the original specimen tests positive and the applicant requests a second test.
- J. Verified positive test: Both the screening and the confirmation test show an established, detectable level of drugs as defined by SAMHSA. The test results have been reviewed by the MRO and determined to have evidence of prohibited drug use.

## **VI. DRUG TESTING**

Drugs that will be tested for under this policy include marijuana (THC metabolite); cocaine; opiates (including heroin); amphetamines; phencyclidine (PCP) and their metabolites. The above list may be expanded to include yet to be developed substances made illegal by changes to federal or state laws or regulations.

## **VII. PROCEDURES**

### **A. Recruitment and Hiring**

- 1. A notice of drug testing shall be included in the CBJ's Job Announcement and other recruitment materials for Police Department positions. Once a conditional job offer is extended, the candidate will be scheduled for a drug screen at the CBJ's collection site. A final job offer will not be extended to the candidate until a verified negative drug test result from the Medical Review Officer (MRO) has been received. An applicant must begin work within thirty (30) days of receipt of the negative results. If a start date is delayed or rescheduled beyond thirty (30) days, a new pre-employment drug screen is required.



## B. Testing

2. A laboratory certified by the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration shall perform analysis of drugs tested for under this policy.
3. Applicants shall undergo urine substance abuse testing following the offer of employment or re-employment.
4. Once a conditional job offer is extended, the applicant will be scheduled for a drug screen at an authorized collection site. The CBJ will not permit an applicant to begin work until a verified negative drug test result from the Medical Review Officer (MRO) has been received.
5. The urine specimen will be collected at a collection site chosen by the City and Borough of Juneau.
6. The initial test shall use an immunoassay test which meets the requirements of the Food and Drug Administration for commercial distribution.
7. All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques.
8. Role of the Medical Review Officer (MRO)
  - a) The MRO shall confirm positive results. A positive test result does not automatically identify an applicant as having used drugs in violation of this policy. It is the responsibility of the MRO to review, interpret and verify a test as positive or declare the test as negative. The MRO shall examine alternate medical explanations for any positive test result.
  - b) Prior to making a final decision to verify a positive test result, the MRO shall give the applicant an opportunity to discuss the test result with him/her. The MRO may verify a test as positive without having discussed the test with the individual if the applicant declines the opportunity to discuss the test or, after making reasonable efforts, the MRO is unable to contact the individual.
  - c) Split sample
    - 1) The MRO will notify each applicant who has a confirmed positive test that the applicant has 72 hours in which to request a test of the split sample specimen. If the applicant requests an analysis of the split sample, the MRO shall direct, in writing, the laboratory to provide the split sample to another U.S. DHHS-certified laboratory for analysis.
    - 2) The MRO is not required to delay verification or notification of a positive test result pending the outcome of the split sample.
    - 3) If the analysis of the split sample fails to reconfirm the presence of the drug(s) found in the primary sample, or if the split sample is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and

report the cancellation and reasons for it to the Human Resources – Risk Management Director and the applicant.

- 4) If the analysis of the split sample is reconfirmed by the second laboratory for the presence of drug(s), the MRO shall notify the Human Resources – Risk Management Director and the applicant of the results of the test.
- C. If the applicant's drug test is canceled, the CBJ will require the candidate to take another pre-employment drug test.
  - D. An applicant who refuses to submit to a pre-employment drug test or receives a verified positive pre-employment drug test shall be denied employment or re-employment and disqualified for employment with CBJ for a period of six (6) months.
  - E. Current employees transferring from another CBJ Department to the Police Department shall be required to receive a verified negative drug test result from the MRO. Refusals to be tested or failure of the pre-employment test will result in withdrawal of the conditional job offer and may result in the CBJ immediately invoking the Return-to-Duty and Follow-Up testing procedures as outlined in Administrative Policy 08-01R.
  - F. The CBJ shall pay for the drug tests required by this policy.

#### **VIII. REFUSAL TO SUBMIT TO A TEST**

- A. Behavior that constitutes a refusal to submit to a drug test includes but is not limited to the following:
  1. Refusal to take the test.
  2. Inability to provide sufficient quantities of urine to be tested without a valid medical reason.
  3. Tampering with or attempting to alter the specimen or collection procedure.
  4. Not reporting to the collection site in the allotted time.

#### **IX. POSITIVE TEST RESULTS**

- A. If a positive test for drugs is reported by the Medical Review Officer it is understood that the screening test was positive and a second confirmation test, based on a different scientific principle, was also positive. The acceptable method of confirmation testing is a gas chromatography/mass spectrometry (GC/MS).
- B. An applicant or covered employee who receives a positive drug test result will be informed by the Police Chief or designee.

#### **X. RECORD OF TEST RESULTS**

- A. All test results reported by the Medical Review Officer shall be maintained in the individual's confidential medical record.
- B. Test results for applicants who are not subsequently hired at the Police Department will be retained for five years.

- C. Test results for individuals who are hired at the Police Department will be retained for ten years after the individual's date of separation from employment with the City and Borough of Juneau.

## **XI. CONTACT PERSON**

The Human Resources-Risk Management Director is the contact person available to answer questions about this policy.

## **XII. IMPLEMENTATION**

The Human Resources-Risk Management Department shall:

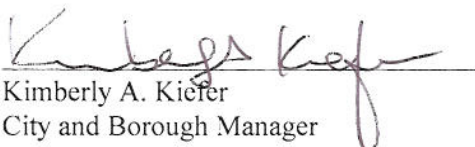
1. Be available to answer questions regarding this policy.
2. Coordinate with the contractor providing drug testing services under this policy.
3. Ensure class specifications, job announcements and other recruitment materials for Police Department positions include a notice regarding pre-employment testing for controlled substances.
4. Maintain a record keeping system that will protect the privacy of the applicant.

## **XIII. GENERAL PROVISIONS**

Scope: This policy applies to all applicants for initial employment or re-employment with the City and Borough of Juneau Police Department.

- A. Authority to promulgate policy: The City Manager of the City and Borough of Juneau, Alaska, maintains the authority granted by the CBJ Charter to create policy and the guidelines for implementation.
- B. Effective date: This policy will take effect as of the signing date.

Dated at Juneau, Alaska this 1st day of December, 2014.

  
Kimberly A. Kiefer  
City and Borough Manager