

**CITY OF CHICO**  
**Administrative Procedure and Policy Manual**

Subject:		Number: 13-47
PRE-EMPLOYMENT DRUG AND ALCOHOL SCREENING PROGRAM		Effective Date: March 24, 2006
Department(s) Affected: All Departments		Supersedes: DNA
Authority: Section 2.12.010 Chico Municipal Code		File Reference:
		Approved:

**I. POLICY**

It is the policy of the City of Chico that all eligible applicants being considered for appointment to any City position who are found to have positive drug and/or alcohol screening test results shall be disqualified for appointment to the position for which they are applying at that time.

A positive test result for unexplained legal drugs shall also be cause for disqualification.

If an applicant is taking prescription medication, this must be substantiated by a physician's report or statement. The report should indicate whether or not taking these legal drugs will prevent or alter the person's ability to perform essential job duties. If the report indicates the person cannot perform essential job duties while under the influence of these prescribed legal drugs, and no reasonable accommodation can be made, this shall be grounds for disqualification.

**II. PROCEDURE**

Procedure for pre-employment drug screening, including the chain of custody of the specimen, is as follows:

1. The drug screening procedure is explained to the applicant and any questions answered by the Medical Review Officer or a designated medical vendor representative.
2. The applicant is asked to sign a waiver giving permission to perform the drug screening.
  - a. In the event the applicant refuses to consent to the drug screening, he or she will be advised that without the signed consent form, the medical examination will not be conducted and the applicant will subsequently be medically disqualified by the City on the basis of an incomplete medical examination.  
  
 The applicant will further be advised that a second medical appointment will not be permitted at a later date and that the disqualification will remain in effect for the applicant's entire period of eligibility on the eligible list. The applicant would have a medical appeal right on such disqualification to Office of Human Resources & Risk Management (Human Resources).
  - b. If upon arriving at the medical facility and reviewing the drug and alcohol screening authorization form, the applicant announces that he/she had another appointment and would have to reschedule the examination, the applicant would be asked to sign the authorization form and provide the urine sample under the normal conditions. An applicant who refuses to remain for the drug or alcohol screening would be medically disqualified.
3. The representative of the Medical Review Officer, the collector, offers the applicant a choice of a special empty sterile container.
4. The applicant is accompanied by the collector to a restroom to give the sample in order to prevent tampering with the sample.
5. A minimum of 30 cc. of urine is necessary for the testing procedure. While the applicant is expelling the urine, the medical representative stands outside the restroom to assure that there is no tampering with the urine sample; however, there is no direct observation of the applicant actually giving the urine sample.
6. The toilet water in the cubicle where the applicant is giving the sample is blue to prevent the applicant from diluting the

urine sample with toilet water.

7. Should the Medical Provider determine that insufficient urine is collected, the Medical Review Officer will notify the applicant that a retest is required immediately or by the next day close of business. Should the Medical Provider determine that the urine collected is “diluted,” the Medical Review Officer will notify the applicant that a retest is required immediately or by the next day close of business. One retest for insufficient or diluted sample will be permitted.
8. The applicant returns the filled container to the medical representative, who determines if it is cold or warm. If cold there would be reason to believe the urine has been tampered with since urine expelled from the human body will remain warm for this period of time.
9. If the urine is cold, the applicant will be asked for a new urine sample.
10. The urine sample is labeled and the container is closed and sealed with evidence tape, and the applicant is asked to sign a chain of custody slip. The collector also signs the slip verifying that the urine sample belongs to the individual. The chain of custody slip is enclosed as a part of the urine sample.
11. The sealed urine sample and the original chain of custody slip are placed in a special laboratory envelope with the collector’s name written on the envelope.
12. The urine sample is left in a special place for a representative of the laboratory to pick up.
13. The laboratory is certified by the National Institute on Drug Abuse, licensed by the State of California Department of Health Services as a clinical laboratory and licensed by the Department of Health and Human Services under the Clinical Laboratory Act.
14. At the laboratory, a certified testing laboratory representative places the sample in another sterile container that only has a serial number on it so the applicant is not identified by name.
15. At the laboratory, the applicant’s urine is tested by enzyme immunoassay (EMIT). If there is a positive finding, it is then confirmed by using a different methodology, the gas chromatography/mass spectrophotometry (GC/MS).
16. If the tests reveal one positive and one negative result, the overall test is considered negative. If both the EMIT and GC/MS tests are positive, the overall test is considered positive. The positive test samples are retained frozen by the City-certified lab for a period of one year so applicant’s for employment appealing their disqualification to the Director of Human Resources & Risk Management have the opportunity to have their sample retested if the Director so directs.
17. A test threshold (50ng/ml) for THCA, which is the active substance in marijuana, is used as a cutoff, which ensures that someone who registers positive has indeed ingested such a substantial amount of the drug that it precludes inadvertent exposure.
18. The results of the test are forwarded by the Medical Provider to the Human Resources Manager in the form of a written report, and the supervisor is notified of the determination (medical qualification or disqualification) by Human Resources. For specific information on the actual findings of the examination, the applicant must contact the Medical Provider.
19. Any applicant who has a legitimate medical reason for taking a prescribed drug is not disqualified, as long as they can safely perform the essential job functions of the position they are being hired to fill.
20. The physical examination process is not completed until the individual has given the urine sample for the drug screen.
21. Any applicant who tests positive for the drugs listed without a satisfactory medical explanation is disqualified for the position for the period of disqualification outlined in “Reapplication Period.”
22. The chain of custody from the Medical Provider to the laboratory consists of two parts:

Part One: External

1. Patient Certification

2. Collection Agent Certification
3. Courier Receipt, and
4. Laboratory Receipt

The abovementioned external document accompanies the specimen throughout the Chain of Custody, is handled in a secure manner and sealed with a tamper-resistant seal in front of the applicant. Applicant certifies that they have observed the sealing by signing the "Patient Certification" portion of the external document. The Laboratory Receipt includes verification that a visual examination was done and that the seal is intact with evidence of tampering.

Part Two: Internal

After the specimens are entered into the laboratory's computer system, the specimens are grouped first for EMIT screening into a batch with an internal batch Chain of Custody. The specimens are kept in a separated accessioning facility and accessioning personnel provide aliquots of the specimens to the EMIT screening analyst, who does not have access to the accessioning room. The aliquots are signed over to the analyst, and a positive chain of custody is kept on aliquots at all times. Additionally, the forensic urine drug-screening laboratory is secured by magnetically controlled doors into the laboratory and the accessioning room. Thus the aliquots for EMIT screening are "blind" to the analyst, having only internal testing laboratory accessioning numbers for identification.

If a specimen screens positive, the accessioning department pours a new aliquot for GC/MS confirmation, each confirmation with a new confirmation Chain of Custody signed by each person handling the aliquots.

Following analysis, a Certifying Scientist reviews the external and internal chains of custody, scientific data, etc., and certifies each report before it is reported to the Medical Review Officer.

DRUGS TESTED FOR/DISQUALIFYING LEVELS (EMIT)

1. The drug screening chemical analysis includes detection and screening cutoff levels of the following substances:

<b>Substance</b>	<b>Screening Cutoff Level (EMIT)</b>
Amphetamines	1000 ng/ml
Barbiturates	300 ng/ml
Opiates	2000 ng/ml
Benzodiazepines	2000 ng/ml
Cocaine	300 ng/ml
Phencyclidine	25 ng/ml
Cannabinoids	50 ng/ml
Volatiles (Alcohol)	0.04%

2. All screening is conducted on a 30 ml urine sample. All findings are reported in nanograms per milliliter (ng/ml) with the exception of alcohol, which is reported as a percentage of grams per deciliter.
3. All initial screenings are conducted using a highly sensitive testing methodology based primarily upon an enzyme immunoassay technique (EMIT).

CONFIRMATION TESTING (GC/MS)

If the results of this test are negative they will be reported back to the Medical Review Officer and the urine sample will be discarded. If the sample tests positive for any of the above listed substances, the laboratory will immediately conduct further testing using an entirely different methodology on the same specimen of urine. This confirmation testing involves one of two processes known as gas chromatography (GC) or gas chromatography/mass spectrophotometry (GCMS), both highly sophisticated testing methods accepted by the Courts. Confirmation testing will be done individually for each substance listed above, with the following cutoff levels:

<b>Substance</b>	<b>Confirmation Cutoff Level (GC/MS)</b>
<b>Amphetamines:</b> Amphetamine/Methamphetamine	500 ng/ml

**Barbiturates:**

Amobarbital,  
Phenobarbital, Secobarbital 200 ng/ml

**Opiates:**

Codeine, Morphine 2000 ng/ml

**Benzodiazepines:**

Nordazepam (N-desmethyldiaze) 100ng/ml  
Oxazepam  
Alpha-hydroxyalprazolam

**Cocaine:**

Benzoyllecgonine 150 ng/ml

**Phencyclidine:**

Phencyclidine 25 ng/ml

**Cannabinoids:**

THC-COOH (THCA) 15 ng/ml

**Volatiles (Alcohol):**

\*Ethanol 0.04 % (GC)

\*It is understood that each time a sample containing alcohol is exposed to the air a small portion can dissipate depending on handling. This is kept to a minimum by the laboratory, but may result in a reading less than the original test.

In all cases where the second test confirms the presence of a drug or drugs in the sample, the sample will be retained by the laboratory in a locked freezer for one year to allow for further testing in case of a dispute or appeal.

MAINTENANCE OF RECORDS

All records pertaining to any portion of a medical examination conducted for preemployment purposes are confidential and are maintained with limited access in accordance with state law.

MEDICAL DISQUALIFICATION APPEALS

Any applicant for employment who has been disqualified because of a confirmed positive drug screen result may appeal the results of the drug screen as follows:

1. Initiation of Appeal

Within five (5) working days of receipt of the notice of disqualification - positive drug screening test results, the applicant must:

- a. File a written appeal through the Director of Human Resources & Risk Management
- b. Sign the Release of Information form (Exhibit "A") and file it with Human Resources.
- c. Select a laboratory from a listing provided by the Medical Provider to conduct the drug screen on the same specimen which was originally screened.
- d. Deposit full payment for the requested test with the Medical Provider; cashiers check/money order (no cash or personal checks accepted) to be made out to the Medical Provider. Each positive result or test must be retested on appeal.

Failure to perform the above steps within the time period established will cancel the applicant's appeal process.

2. Release of Information Form

The applicant then obtains a drug screen appeal procedure from Human Resources, signs and returns a Release of Information form releasing all drug screen test results, including raw test data summary sheets, computer run and individually generated reports and notes to the City's designated Medical Review Officer.

3. Shipment of Specimen/Chain of Custody

Once the applicant has signed the Release of Information form and selected a laboratory to conduct the drug screen on the same specimen which was originally screened, the Medical Provider will notify the Medical Review Officer or a representative to arrange for the Medical Provider to handle transfer of the specimen. A strict chain of custody on the applicant's specimen is conducted as outlined previously.

4. Split Sample Laboratory Drug Confirmation Test Results

Should the applicant's second laboratory drug test determine a negative drug result, the Medical Review Officer will review the results and recommend qualifying or disqualifying the applicant. The Medical Review Officer or a representative will notify the Human Resources Manager of the results and Human Resources will notify the applicant. If the Medical Review Officer recommends continued disqualification, the applicant for full-time employment may appeal to the Director of Human Resources & Risk Management. An applicant for hourly employment will be removed from consideration.

5. Positive Results - Split Sample Laboratory Drug Confirmation Test

If the applicant's second drug test results verify the first laboratory's results, the appeal shall be denied. The Medical Review Officer will notify the Human Resources Manager of the test results and Human Resources will notify the applicant. The applicant for full time employment may appeal to the Director of Human Resources & Risk Management. An applicant for hourly employment will be removed from consideration.

6. Final Appeal Procedure - Independent Laboratory Drug Confirmation Test

The Director of Human Resources & Risk Management may either reject the full time applicant's appeal based on the results of the split specimen laboratory drug test and deny further consideration, or have a third independent drug test conducted by a qualified laboratory selected by the City on the original tested specimen, paid for by the City. If this independent drug test is found positive, the appeal shall be denied. If this independent test is found negative, the Medical Review Officer shall recommend the full time applicant be qualified or disqualified. If the recommendation is to disqualify after this independent drug test is found negative, the Director of Human Resources & Risk Management may either approve the full time applicant's appeal and reinstate the applicant to the Eligibility List as qualified, or deny the appeal and confirm the disqualification.

REAPPLICATION PERIOD

Applicants removed from an eligibility list due to medical disqualification resulting from a positive drug screen, and upheld through the appeal process, may reapply for employment with the City after one year from date of disqualification.