
POLICY TRANSMITTAL NO. 07-24	DATE: JUNE 18, 2007
HUMAN RESOURCES MANAGEMENT DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:2-1, Table of Contents; 2-1-42 through 2-1-45; 2-1-47; 340:2-15, Table of Contents; and 2-15-42

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

OAC 340:2-1-42 revisions: (1) remove alcohol testing as a pre-employment requirement; and (2) correct the agency name and acronym.

OAC 340-2-1-43 revisions: (1) remove alcohol testing as a pre-employment requirement; and (2) establish procedures and include forms for pre-employment drug testing.

OAC 340:2-1-44 Instructions to Staff revisions add two instructions.

OAC 340:2-1-45 and 340:2-1-47 are revoked as they are internal amend the rules to delete unnecessary duties and reflect the current title of the Oklahoma Department of Human Services (OKDHS) procedure.

OAC 340:2-15-42 revisions: (1) correct the agency's name; and (2) reflect the current OKDHS form number.

Original signed on 4-23-07

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WF # 06-28 (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

REMOVE

INSERT

340:2-1, Table of Contents	340:2-1, Table of Contents, pages 1-3, revised 6-25-07
340:2-1-42	340:2-1-42, pages 1-2, revised 6-25-07
340:2-1-43	340:2-1-43, pages 1-4, revised 6-25-07
340:2-1-44	340:2-1-44, pages 1-2, revised 6-25-07
340:2-1-45	-----
340:2-1-47	-----
340:2-15, Table of Contents	340:2-15, Table of Contents, 1 page only, revised 6-25-07
340:2-15-42	340:2-25-42, pages 1-4, revised 6-25-07

SUBCHAPTER 1. HUMAN RESOURCES MANAGEMENT DIVISION (HRMD)**PART 1. GENERAL PROVISIONS**

Section

- 340:2-1-1. Purpose
- 340:2-1-2. Appointing authority
- 340:2-1-3. Oklahoma Merit system of Personnel Administration (Merit System)
- 340:2-1-4. Political activity
- 340:2-1-5. Benefits
- 340:2-1-6. Investigation of employees accused of child abuse or neglect
- 340:2-1-7. Financial Disclosures filed with the Ethics Commission (EC) required and designated
- 340:2-1-8. Employee ethics and other employment

PART 3. INTERNAL HUMAN RESOURCES

- 340:2-1-25. Application
- 340:2-1-26. Employment and assignment
- 340:2-1-27. Report of entrance on duty
- 340:2-1-28. Probationary or trial period, classified service
- 340:2-1-29. Appointments
- 340:2-1-30. The drug-free workplace
- 340:2-1-31. Classification plan
- 340:2-1-32. Salary Administration Plan and Agency Compensation Guidelines
- 340:2-1-33. Fair Labor Standards Act rules
- 340:2-1-34. Employment verifications and references

PART 4. ALCOHOL AND DRUG TESTING APPLICABLE TO OKDHS EMPLOYEES AND APPLICANTS

- 340:2-1-40. Purpose
- 340:2-1-41. Prohibition
- 340:2-1-42. Definitions
- 340:2-1-43. Implementation of alcohol and drug testing of OKDHS employees and applicants
- 340:2-1-44. Disciplinary action
- 340:2-1-45. Employee Assistance Program referral **[REVOKED]**
- 340:2-1-46. Confidentiality
- 340:2-1-47. Grievance rights **[REVOKED]**

PART 5. ADMINISTRATIVE PROCEDURES

- 340:2-1-55. Individual personnel records
- 340:2-1-56. Criminal history checks
- 340:2-1-57. Smoking policy
- 340:2-1-58. Reduced services or office closures

PART 7. RECRUITMENT, SELECTION, AND PLACEMENT

- 340:2-1-75. Policy
- 340:2-1-76. Appointments and changes in employee job family descriptor (JFD) and level or position that are not subject to the vacancy posting provisions of the rules in this Part
- 340:2-1-77. Vacancy posting procedures
- 340:2-1-78. Method of application
- 340:2-1-79. Eligibility to compete for positions in the classified service
- 340:2-1-80. Eligibility to compete for positions in the unclassified service
- 340:2-1-81. Issuing OKDHS Form P-S-76, Applicant List and Office of Personnel Management (OPM) certificate of eligibles (certificate)
- 340:2-1-82. Job-related selection criteria
- 340:2-1-83. Selection advisory committee for positions in the classified and unclassified service
- 340:2-1-84. Interviews for positions in the classified service
- 340:2-1-85. Final selection
- 340:2-1-86. Delegation of responsibility for vacancy posting and selection procedures to divisions, facilities, and local offices
- 340:2-1-87. Compensation
- 340:2-1-88. Alternate hiring levels
- 340:2-1-89. Office of Personnel Management (OPM) certificate of eligibles (certificate) - classified service
- 340:2-1-90. Required forms to be completed by OPM certificate applicants **[REVOKED]**
- 340:2-1-91. Submission of OPM certificate and support documentation to personnel **[REVOKED]**
- 340:2-1-92. Personnel review of returned OPM certificate **[REVOKED]**
- 340:2-1-93. Applicants who have previously been discharged from employment in the classified service

PART 9. TRAVEL REIMBURSEMENT [REVOKED]

- 340:2-1-100. Purpose and authority **[SUPERSEDED]**
- 340:2-1-101. Definitions **[SUPERSEDED]**

- 340:2-1-102. Applicability; employee/non-employee responsibility **[SUPERSEDED]**
- 340:2-1-103. Completion of Travel Reimbursement Form (Adm-6) **[SUPERSEDED]**
- 340:2-1-104. Authorization of travel (Classified/Unclassified/Exempt Service) **[SUPERSEDED]**
- 340:2-1-105. Attendance at previously arranged meetings **[SUPERSEDED]**
- 340:2-1-106. Per diem **[SUPERSEDED]**
- 340:2-1-107. Subsistence in lieu of per diem **[SUPERSEDED]**
- 340:2-1-108. Miscellaneous expenses **[SUPERSEDED]**

340:2-1-42. Definitions

The following words and terms when used in this Part shall have the following meaning unless the context clearly indicates otherwise:

"Alcohol" means ethyl alcohol or ethanol.

"Alcohol test" means a breath or saliva test administered for the purpose of determining the presence or absence of alcohol or its metabolites in a person's bodily tissue, fluids, or products. Testing of Oklahoma Department of Human Services (OKDHS) employees is conducted and evaluated by qualified persons and facilities licensed by the Oklahoma State Department of Health (OSDH) in accordance with Standards for Workplace Drug and Alcohol Testing Act. [40 O.S. § 551 through 565]

"Applicant" means any person making application for initial hire, reinstatement, or transfer from a state agency, for any position within OKDHS, or for transfer, demotion, promotion, or reinstatement into the position of direct care specialist. OKDHS, upon a conditional offer of employment, requires the applicant to undergo drug testing.

"Conditional offer of employment" means an offer made to an applicant for employment with OKDHS, conditioned upon successful completion of a drug test prior to the start of employment.

"Confirmation test" means an alcohol or drug test, conducted in accordance with Drug and Alcohol Testing Rules, as amended, of OSDH, per OAC 310:638, to substantiate the results of a prior alcohol or drug test. For urine or hair, the test is performed on the same sample or a split sample.

"Direct care staff" means any employee, whether permanent, classified, unclassified, probationary, or temporary, in the job family of direct care specialist.

"Drug" means any controlled substance approved for hair or urine testing by OSDH, including amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or a metabolite of any of these substances.

"Drug test" means a hair or urine test administered for the purpose of determining the presence or absence of a drug or its metabolites in a person's bodily tissue, fluids, or products. Testing conforms to the Drug and Alcohol Testing Rules, as amended, adopted by OSDH, per OAC 310:638. The testing of OKDHS employees is conducted and evaluated by qualified persons and facilities licensed by OSDH in accordance with

Standards for Workplace Drug and Alcohol Testing Act. [40 O.S. § 551 through 565]
■ 1

"Employee" means anyone employed by OKDHS, whether permanent, classified, unclassified, probationary, or temporary.

"Random testing" means an objective mechanism for selecting direct care employees for alcohol and drug testing that results in an equal probability any employee from a group of direct care employees will be selected.

"Reasonable suspicion" means a belief an employee is using or has used alcohol or drugs in violation of this policy. Reasonable suspicion is drawn from specific, objective, and articulable facts and reasonable inferences drawn from those facts in light of experience and training, and may be based upon but not limited to: ■ 2

(A) documented observations, such as the physical symptoms or manifestations of being under the influence of alcohol or drugs while at work or on duty or the direct observation of alcohol or drug use while at work or on duty;

(B) a report of alcohol or drug use while at work or on duty, provided by reliable and credible sources and which has been independently corroborated;

(C) evidence an employee has tampered with an alcohol or drug test as required by this policy; or

(D) evidence an employee is involved in the use, possession, sale, solicitation, or transfer of illegal drugs while on duty, on OKDHS property, or operating state-owned vehicles, machinery, or equipment.

"Review officer" means a physician certified pursuant to Standards for Workplace Drug and Alcohol Testing Act [40 O.S. § 551 through 565] who reviews positive alcohol and drug test results and contacts each person having a positive alcohol or drug test to determine whether there is a medical reason for the positive test result.

INSTRUCTIONS TO STAFF 340:2-1-42

- 1. Refer to OAC 340:2-15-40 through 340:2-15-49 for rules regarding alcohol and drug testing for drivers of commercial motor vehicles.**
- 2. Form 11PE094E, Reasonable Suspicion Checklist, is provided to assist observing supervisors in documenting reasonable suspicion.**

340:2-1-43. Implementation of alcohol and drug testing of OKDHS employees and applicants

(a) **Notice of communication.** The local administrator or designee ensures a copy of the rules in Part 4 of this Subchapter, OAC 340:2-1-40 through 340:2-1-46, are:

- (1) conspicuously posted in all Oklahoma Department of Human Services (OKDHS) working units;
- (2) provided to all employees;
- (3) provided to employees 30 days prior to the initial implementation or implementation of changes; and
- (4) provided to each applicant upon the applicant's receipt of a conditional offer of employment.

(b) **Determination of persons subject to alcohol and drug testing.** Persons subject to alcohol and drug testing are included in (1) through (3). ■ 1

- (1) All applicants who are made conditional offers of employment are required to take a pre-employment drug test.

(A) When a conditional offer of employment is made, the applicant is given forms to take to the drug-testing site for completion. The forms are:

(i) Form 11AD003E, Request for Alcohol and Drug Testing. The applicant presents a photo identification (ID) at the testing site for ID purposes; ■ 2 and

(ii) the contracted drug testing provider's form. ■ 3

(B) A confirmed positive test result, or a refusal to be tested, is a basis for refusal to hire.

- (2) All employees of OKDHS are subject to reasonable suspicion drug and alcohol testing.

- (3) Employees of OKDHS employed as direct care specialists are subject to random alcohol and drug testing.

(c) **Types of testing.** The situations in which alcohol and drug testing occur are identified in (1) through (3) of this subsection.

(1) **Pre-employment or pre-placement.**

(A) All candidates conditionally offered initial hire, and all direct care candidates conditionally offered transfer, promotion, demotion, reinstatement, or placement into positions as direct care specialists are tested for drugs.

(B) The provisions of subparagraph (A) do not apply to candidates for temporary positions who have been employed by OKDHS within the previous 120 days, persons employed for less than 200 hours per year unless employed in a direct care position, and Low Income Home Energy Assistance Program (LIHEAP) temporary employees.

(2) **Random testing.** Random alcohol and drug testing is administered at a minimum annual rate of 50 per cent of direct care specialists. Tests are unannounced and are conducted throughout the calendar year. The Developmental Disabilities Services Division and the Children and Family Services Division provide to the contracted testing provider a regularly updated list of the names, Social Security numbers, and work locations for all direct care specialists.

(3) **Reasonable suspicion.** Any employee may be tested upon documented grounds for reasonable suspicion in accordance with this policy.

(A) A request for reasonable suspicion testing of a person must be submitted in writing to the local administrator, stating the indications upon which reasonable suspicion is based. The basis for reasonable suspicion testing is the employee:

(i) exhibits the physical symptoms or manifestations of being under the influence of alcohol or drugs; and

(ii) must be observed by two persons who have completed specialized training provided by OKDHS in recognizing physical symptoms or manifestations of being under the influence of alcohol or drugs. Such specialized training is deemed to include an OKDHS on-line training course on OKDHS drug and alcohol policy approved for all employees. One of the persons making the observation must be a supervisor. ■ 4

(B) Upon approval by the local administrator, the employee is required to submit to alcohol or drug testing.

(d) **Arrangements for testing.** The local administrator or designee is responsible for ensuring employees and applicants in their facilities who are subject to testing are tested in accordance with this policy. ■ 5

(e) **On duty testing.** Alcohol and drug testing of an employee occurs during or immediately after the employee's work period. An employee is considered on duty during this time.

(f) **Testing procedures.** Testing for alcohol and drugs is a two step process.

(1) For alcohol, a breath or saliva test is performed as the first step. If positive for alcohol, a confirmation test is performed as the second step.

(2) Hair or urine is used for the initial and the confirmation test for all drugs. Specimens are collected at the test site, and positive test results are reviewed by the medical review officer.

INSTRUCTIONS TO STAFF 340:2-1-43

1. Refer to OAC 340:2-15-40 through 340:2-15-49 for rules regarding alcohol and drug testing for drivers of commercial motor vehicles.

2. Form 11AD003E, Request for Alcohol and Drug Testing, is filed in each new employee's personnel file.

3. Forms for testing.

(1) The contracted drug testing provider's form, Forensic Drug Testing Custody and Control Form, is:

(A) supplied to the local office by the Support Services Division Risk and Safety Management Unit; and

(B) completed by and remains with the testing provider. When copy 4 of the Forensic Drug Testing Custody and Control Form is returned to the local office, it is filed in the employee's local personnel file.

(2) The local office provides to Risk and Safety Management Unit by e-mail or phone the name, Social Security number, and test date of the person to be tested.

- (3) Any information the local office receives from the testing provider about the conditional employee's drug test must be retained in a separate file.**
- 4. Supervisors may use Form 11PE094E, Reasonable Suspicion Checklist, in documenting reasonable suspicion.**
- 5. The local administrator is responsible for arranging transportation of the employee to the collection site for a reasonable suspicion test.**

340:2-1-44. Disciplinary action

(a) **Disciplinary action for illegal drug involvement or usage.** Discharge proceedings are initiated for an Oklahoma Department of Human Services (OKDHS) employee: ■ 1

(1) with a confirmed positive result for a drug test not resulting from legitimate medical use of prescribed medication. No employee may be discharged as a result of a positive test result unless confirmed by a second test using gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy, approved by Drug and Alcohol Testing Rules [OAC 310:638-1-1 - 310:638-7-11]; or

(2) who enters a guilty or nolo contendere plea for, or who is found guilty of the on or off duty sale, distribution, possession, or the manufacture of illegal drugs.

(b) **Disciplinary action for positive alcohol test results.** ■ 2 OKDHS follows progressive discipline for employees with positive alcohol test results. ■ 3 However, aggravating circumstances, such as the concurrent violation of other OKDHS policies or serious injuries or fatalities due to or contributed to by the use of alcohol, can result in more serious disciplinary action, including discharge.

(1) An employee's first incident of having an alcohol level from .02 to .039 results in a written reprimand.

(2) An employee's first incident of having an alcohol level from .04 to .079 results in a five day involuntary suspension without pay.

(3) Discharge proceedings are initiated for any incident when an employee is tested for alcohol and has an alcohol level of .08 or higher.

(4) Discharge proceedings are initiated for an employee's second positive test for alcohol within 24 consecutive calendar months of the first positive test result, regardless of the alcohol levels for either incident.

(c) **Refusal to submit.** Discharge proceedings are initiated for any employee who refuses to submit to an alcohol or drug test.

(d) **Permanent, classified employees who are discharged or suspended without pay.** Permanent, classified employees who are discharged, demoted, or suspended without pay as a result of a positive test for alcohol or drugs may appeal the discharge

or suspension to the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act and the Oklahoma Merit Rules for Employment.

INSTRUCTIONS TO STAFF 340:2-1-44

1. Refer to OAC 340:2-15-40 through 340:2-15-49 for rules regarding alcohol and drug testing for drivers of commercial motor vehicles.
2. The Department of Human Services (OKDHS) makes available an Employee Assistance Program to assist employees with substance abuse problems. A referral to the Employee Assistance Program is not in lieu of, but is separate from, corrective discipline.
3. (a) The disciplinary process outlined in OKDHS:2-1-11 and OKDHS:2-1-12 is followed in the case of an employee with a confirmed positive result for alcohol or drugs.

(b) An eligible employee may grieve a disciplinary action through the OKDHS grievance process, per OKDHS: 2-1-150 through 2-1-169.

SUBCHAPTER 15. RISK AND SAFETY MANAGEMENT**PART 1. RISK MANAGEMENT PROGRAM**

Section

- 340:2-15-1. Purpose
- 340:2-15-2. Definitions
- 340:2-15-3. The DHS Risk Management program **[REVOKED]**
- 340:2-15-4. Risk and safety management functions
- 340:2-15-5. Incident reporting responsibilities
- 340:2-15-6. Forms **[REVOKED]**
- 340:2-15-7. Driver and motor vehicle safety and liability

PART 3. HAZARD COMMUNICATION PROGRAM

- 340:2-15-25. Purpose
- 340:2-15-26. Policy **[REVOKED]**
- 340:2-15-27. Scope
- 340:2-15-27.1 Definitions
- 340:2-15-28. Elements of compliance
- 340:2-15-29. Responsibility **[REVOKED]**
- 340:2-15-30. Unit supervisor/administrator responsibility **[REVOKED]**
- 340:2-15-31. Employee responsibility **[REVOKED]**
- 340:2-15-32. Material safety data sheets **[REVOKED]**
- 340:2-15-33. Work place labeling **[REVOKED]**

PART 5. ALCOHOL AND DRUG TESTING FOR DRIVERS OF COMMERCIAL VEHICLES

- 340:2-15-40. Purpose
- 340:2-15-40.1. Adoption by reference
- 340:2-15-41. Definitions
- 340:2-15-42. Implementation of alcohol and drug testing of affected OKDHS employees, applicants, and volunteers
- 340:2-15-43. Disciplinary action
- 340:2-15-44. Use of proscribed medications
- 340:2-15-45. Employee Assistance Program (EAP) referral
- 340:2-15-46. Confidentiality
- 340:2-15-47. Traffic violations
- 340:2-15-48. Individual driver's licenses
- 340:2-15-49. Training

340:2-15-42. Implementation of alcohol and drug testing of affected OKDHS employees, applicants, and volunteers**(a) Notice of communication.**

(1) The rules in this Part and the pertinent federal regulations are conspicuously posted in all Oklahoma Department of Human Services (OKDHS) working units.

(2) All persons in affected positions shall receive a copy of the rules in this Part and the federal regulations 30 days prior to the initial implementation or implementation of changes in the rules.

(3) Each local administrator is responsible for obtaining and maintaining written documentation that each affected person received a copy of the rules as well as any subsequent rule amendments to this Part.

(4) All affected persons are provided the name, work location, and telephone number for the designated employee representative (DER) and the local testing coordinator. Affected persons may direct questions and concerns to the DER and the testing coordinator.

(b) Coordination.

(1) **DER.** The DER is responsible for the overall implementation and administration of this program, including coordination with the contracted testing provider, training, and record keeping.

(2) **Testing coordinator.** Each OKDHS appointing authority designates one or more employees to coordinate all aspects of the drug and alcohol testing program within the designee's respective area of responsibility.

(c) Affected person. Affected persons, as defined in this Part, are subject to alcohol and drug testing.

(1) With an applicant's written authorization, OKDHS shall request information from an applicant's former employer concerning any prior alcohol test with a result of 0.04 alcohol concentration or higher; a verified positive drug test; or a refusal to be tested.

(2) No applicant with a prior alcohol test with a result of 0.04 alcohol concentration or higher, a verified positive drug test, or a refusal to be tested, shall be hired by OKDHS for any position requiring the operation of a commercial motor vehicle.

(3) At least once per calendar year, OKDHS shall obtain and review motor vehicle reports for all affected persons.

(d) **Actual knowledge of alcohol or drug use.** No supervisor or administrator having actual knowledge that an affected person has used drugs or has used alcohol within four hours of operating an OKDHS commercial vehicle shall permit the person to operate or continue to operate the vehicle.

(e) **Types of testing.**

(1) **Pre-employment or pre-placement.** All candidates, including potential volunteers, whether conditionally offered initial hire, transfer, promotion, demotion, or placement into affected positions are tested for alcohol and drugs. Candidates receive a copy of this policy prior to testing. Positive test results prohibit the hiring, promotion, transfer, or placement into an affected position.

(2) **Random testing.** Random alcohol and drug testing is administered at a minimum annual rate of 50 percent of affected persons for drugs and 25 percent of affected persons for alcohol. Tests are unannounced and conducted throughout the calendar year. Each testing coordinator provides to the contracted testing provider a list of the names, employee identification numbers, and work locations for all affected persons. Each testing coordinator ensures that the list of affected persons is kept current.

(3) **Reasonable suspicion.** Reasonable suspicion for submitting a person for testing is documented by two appropriately trained supervisors.

(A) Upon documentation, the supervisor or designated authority arranges for the affected person to be tested for alcohol and drugs. OKDHS Form 11PE094E, Reasonable Suspicion Checklist, is available to assist supervisors in correctly documenting reasonable suspicion.

(B) Each reporting supervisor certifying an affected person for reasonable suspicion testing must have completed at least one hour of training in alcohol abuse and one hour of training in drug abuse. Training is provided or arranged by the testing coordinator and the DER.

(4) **Post-accident testing.** Immediately following an accident involving a commercial motor vehicle, the supervisor or designated authority arranges for the driver to be tested for alcohol and drugs. If the operator does not submit to an alcohol test within two hours of the accident, the supervisor prepares a report stating the reason a test was not given. If the operator does not submit to an alcohol test

within eight hours, the supervisor ceases attempting to have the alcohol test administered and prepares a report stating the reasons a test was not given. If the operator does not submit to drug testing within 32 hours, the supervisor ceases attempts to have the drug test administered and prepares a report stating the reasons a test was not given. The reporting supervisor provides copies of the reports to the local administrator, respective testing coordinator, and the DER within 24 hours of the accident. Post-accident testing occurs when:

(A) the accident involves a fatality;

(B) the operator receives a citation for a moving traffic violation arising from the accident;

(C) any vehicle is towed from the scene; or

(D) the person operating the vehicle or any other person sustains an injury that results in lost work time or requires treatment away from the scene of the accident.

(5) **Return-to-duty and follow-up testing.** Operators who test positive for alcohol must undergo a return-to-duty alcohol test before being permitted to resume the operation of any vehicle utilized in the performance of the operator's duties. Each operator, after returning to duty, is subject to a minimum of six follow-up alcohol tests in the first 12 months following the date of the initial positive test. The operator does not pay for return-to-duty or follow-up testing.

(6) **Positive test.** OKDHS employees scoring positive on an alcohol or drug test are referred to the Employee Assistance Program (EAP).

(f) **Testing procedures.** In accordance with federal regulations, drug testing is conducted for marijuana, cocaine, amphetamines, opiates, including heroin, and phencyclidine (PCP). Testing for alcohol is performed using breathalyzers as specified in federal regulations.

(1) Drug testing is a two-stage process. Split urine specimens are collected at the test site.

(2) If the first drug test is positive for one or more of the five listed drugs, a second confirmation test is performed using gas chromatography/mass spectrometry analysis.

(3) Positive drug test results are reviewed by a medical review officer (MRO). The

MRO:

(A) contacts each person having a positive drug test to determine whether there is a medical reason for a positive test result; and

(B) provides the final test report to the DER.