

	<b>SAN JOAQUIN COUNTY</b> <b>PRE-EMPLOYMENT DRUG SCREENING POLICY</b>
	Adopted:      December 15, 2015 Issued:         January 1, 2016

**PURPOSE**

It is the purpose of this policy to establish the foundation, provide the framework, and outline the provisions of a comprehensive Pre-Employment Drug Screening Program for San Joaquin County. Providing a safe, productive, and drug-free work environment allows County employees to perform the essential functions of their job safely, efficiently, and is in the best interest of all employees and the public that they serve.

**POLICY**

As a condition of employment, all new hires, including full-time, part-time, and extra help, who receive a conditional offer of employment to any one of the test-required classifications (Subject Classes) listed on the Master Classification Schedule (Attachment A) will be required to successfully pass a pre-employment drug test prior to appointment. For the purpose of this policy, new hires are defined as:

1. Candidates new to County employment (have never been employed by the County)
2. Reinstatements and rehires (candidates previously employed by the County)

Subject Classes are determined by applying the following criteria:

*Based on the classification/assignment, department, and/or unit within the department, the **essential functions** of the position generally require the incumbent to meet one or more of the following conditions:*

- Drive a County vehicle or drive on County business on a regular basis
- Operate heavy equipment, machinery, or power tools on a regular basis
- Routinely work with gases or hazardous materials
- Required to carry a firearm
- Provide direct service or care to a sensitive/vulnerable population
- Render medical advice
- Regular, frequent and/or unsupervised access to:
  - Drugs
  - Evidence
  - Criminal databases and records
  - Sensitive security information
- Public Safety/Law Enforcement
- Emergency response
- Safety-sensitive – Positions where mistakes pose an immediate and severe risk of harm

- Other – Positions where errors in judgment, inattentiveness, or diminished coordination, dexterity or composure while performing assigned duties could clearly result in mistakes that could endanger the health and safety of others

*Note:* This is not meant to be an exhaustive list; rather, it is intended to provide guidance when evaluating a position and/or classification for pre-employment drug testing. Consideration should be given to each position with respect to assigned duties and the manner in which they are performed, environment, location, degree of involvement with sensitive populations, and the element of risk to one's self, others and the public.

For positions that are not identified as a Subject Class on either Schedule A or Schedule B of the Master Classification Schedule, Departments may request pre-employment drug screening of a potential employee by submitting a request to Human Resources (Attachment B). The request must include justification and supporting documentation that exhibits a clear correlation between the aforementioned criteria and the essential functions of the assignment which establishes a special need for testing. Requests for per-position testing are subject to review and approval by the Human Resources Department. Approved requests will require the candidate to successfully pass a pre-employment drug screen prior to appointment in accordance with this policy.

## **PROCEDURE**

This policy and the procedures incorporated herein shall comply with all rules, ordinances, policies, and state and federal laws and regulations in effect at the time of testing.

1. Candidates will be referred to and must report for testing within three business days of receiving a conditional offer of employment to a Subject Class.
2. Candidates will be tested by, and the results will be reviewed and interpreted by, the standards and requirements of the agency or agencies authorized by the County to provide drug-testing services. Such agency or agencies shall conduct pre-employment drug screenings, including specimen collection and test confirmation, in accordance with SAMHSA<sup>1</sup> guidelines.
3. If a negative result is reported to the County, departments can proceed with the hiring process.
4. The Medical Review Officer (MRO) of the authorized agency will review all non-negative and positive results and will discuss with the candidate the initial test findings, and opportunity to provide medical documentation.
  - a) If documentation is provided and the MRO determines that there was a legitimate medical use for the identified drug(s) supported by a valid prescription issued by a licensed physician, the test will be reported to the County as negative.
  - b) If the specimen tests positive and there is not sufficient legal/medical authorization for the identified drug(s) as determined by the MRO, the test will be reported to the County as positive.

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<sup>1</sup> Substance Abuse and Mental Health Services Administration

5. Diluted Specimens<sup>2</sup>

- a) If the specimen is identified as a positive dilute, the results will be reported to the County as a verified positive test.
  - b) If the specimen is identified as a negative level-one dilute, the candidate shall be re-tested.
  - c) If the specimen is identified as a negative level-two dilute, the candidate shall be re-tested and specimen collection shall be under direct observation.
  - d) When such re-test is required, the result of the re-test shall be considered the final result and the result reported to the County in accordance with this policy.
  - e) If an applicant declines to re-test because of a negative dilute specimen, the action will be considered a refusal to test.
6. Any candidate who refuses to submit to testing, fails to appear for or complete the pre-employment drug screening without good cause as determined by the Director of Human Resources or designee, will be regarded as not having successfully passed the drug screen.

**DISQUALIFICATION**

Any candidate whose final test result is reported to the County as positive or who has otherwise failed to complete the drug screen in accordance with this policy, shall be disqualified from the hiring process in accordance with Civil Service Rule 4, Section 7 – Disqualification. The candidate shall be notified of the disqualification and his/her appeal eligibility.

Upon disqualification, the County shall take the following action:

- a) The conditional offer of employment is withdrawn.
- b) The candidate’s name will be removed from the eligible list for the job classification from which he/she was disqualified.
- c) If the candidate is listed as an eligible on other County eligibility lists, the candidate’s name will remain on the list(s); however, he/she shall be ineligible for certification/employment for a period of at least six months from the date of disqualification. If a new conditional job offer is made to a Subject Class, testing or retesting will be required.

**APPEAL**

If the candidate requests to appeal a positive test result as reported to the County, the candidate has 72 hours to request that a different SAMHSA-certified lab analyze the specimen. All costs associated with a request for a second analysis shall be incurred by the applicant. The method of

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<sup>2</sup> Per SAMHSA guidelines

testing and reporting of results shall be conducted in accordance with the procedures set forth in this policy.

- a) If the results of the second test are reported to the County as negative, departments can proceed with the hiring process.
- b) If the results of the second test are reported to the County as positive, the candidate shall be disqualified and there is no appeal option.

## **RESPONSIBILITIES**

### 1. Departmental Hiring Managers

- a) Ensure that candidates who are subject to pre-employment drug screening are tested after a conditional job offer is made and prior to appointment in accordance with the procedures set forth in this policy.
- b) Withdraw conditional offer of employment for disqualified candidates.

### 2. Human Resources

- a) Administer and have oversight of the Pre-Employment Drug Screening Program.
- b) Establish, publish, and maintain the Master Classification Schedule and review any proposed changes to the schedule including additions, deletions, and/or modifications to the Subject Classes.
  - i. The Director of Human Resources or designee shall have the authority to amend, modify, supplement, add, or remove classifications from the Master Classification Schedule to meet the needs of the County and to comply with legal and/or regulatory changes.
- c) Communicate pass/fail results to departments.
- d) Notify candidates of disqualification and appeal option as appropriate.
- e) Monitor period of employment ineligibility for disqualified candidates.

## **COST**

San Joaquin County shall incur the cost of the initial drug testing only.