

**MAINE DEPARTMENT OF LABOR**



**Substance Abuse Testing Report, 2006**

*An Annual Report  
March 2007*

*By: Theodore Bradstreet*

**MAINE**  
DEPARTMENT OF  
**LABOR**  
*Labor Standards*

# 2006 Substance Abuse Testing Highlights

*Substance Abuse Testing Report 2006* is produced as a requirement of the Maine Substance Abuse Testing Law of 1989. All companies with approved Substance Abuse Testing Policies (exclusive of any federally mandated testing) are required to provide information for this report.

**There was an increase of 4.8% in the number of employers who have approved policies to conduct tests, from 310 in 2005 to 325 in 2006.**

- ✓ Two employers are approved to do probable cause testing only (see Section III, page 2).
- ✓ 323 are approved to applicant testing.
  - Of those, 37 are additionally approved to do both probable cause and random or arbitrary testing (see Section III, page 2).
  - 25 are additionally approved to do employee probable cause testing only.
  - 3 are additionally approved to do random or arbitrary testing only.

**The reported number of job applicants tested increased 2.9% from 16,876 in 2005 to 17,364 in 2006.**

- ✓ The number of applicant positive tests increased from 706 (4.2%) in 2005 to 824 (4.7%) in 2006.

**18 employees were given tests for probable cause.**

- ✓ 2 (11.1%) positive results were obtained

**730 employees were given random or arbitrary tests.**

- ✓ 27 (3.7%) positive results were obtained

**Industry breakout of employers with approved substance abuse testing policies.**

This is not exactly comparable to breakouts for previous years, since it is based on the North American Industry Classification System (NAICS), whereas the Standard Industrial Classification (SIC) system has been used in the past. The higher ranking of the Services industry with regard to previous years is at least partly due to reclassification of employers under the NAICS system.

- |  |               |
|--|---------------|
| ✓ Manufacturing (NAICS Sectors 31-33)                  | 100 employers |
| ✓ Services (NAICS Sectors 51-81, 92)                   | 98 employers  |
| ✓ Trade (Wholesale & Retail, NAICS Sectors 42-45)      | 60 employers  |
| ✓ Construction (NAICS Sector 23)                       | 42 employers  |
| ✓ Transportation & Utilities (NAICS Sectors 22, 48-49) | 21 employers  |
| ✓ Other  | 4 employers   |

**The most commonly abused substances identified from all tests were cannabinoids (80.3%), cocaine (9.4%), amphetamines (3.2%), opiates (2.6%), and benzodiazepines (1.5%).**



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# Substance Abuse Testing Report 2006

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March 2007

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## SECTION I

### Background

The Maine Department of Labor (MDOL) is submitting this report to the Joint Standing Committee on Labor in accordance with the Maine Substance Abuse Testing Law, Title 26 M.R.S.A. §690. 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 abuse 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:

❖ **Maine Department of Labor, Bureau of Labor Standards (BLS)**

- Reviews and approves substance abuse testing policies.
- Conducts the annual survey of substance abuse testing.
- Analyzes testing data and publishes the annual report.

#### Model Policies

Model policies developed by the Maine Department of Labor help employers develop substance abuse policies for their workplaces and make it easier for the MDOL to review company policies. (See Appendix 5 for model applicant policy.) The model applicant policy, model applicant with point of collection policy, and model employee testing policy are on the MDOL website:

<http://www.maine.gov/labor/bls/publications/substanceabuse/modelpolicy.htm>

❖ **Department of Health and Human Services, Health and Environmental Testing Laboratory**

#### Licensure of Testing Laboratories

The Department of Health and Human Services (DHHS) Health and Environmental Testing Laboratory is responsible for the licensure of laboratories that Maine employers can use for testing of controlled substances. There are 15 laboratories licensed by the State of Maine to do the substance abuse tests for Maine employers with approved testing policies. Of the 15 substance abuse testing laboratory licenses that were due for renewal in 2006, all were renewed, one lab having changed ownership. (See Appendix 3).

❖ **Department of Health and Human Services, Office of Substance Abuse**

- Reviews and approves employee assistance programs for employers who do probable cause or random and arbitrary testing.

## Approval of Employee Assistance Programs (EAP)

Any employer with more than 20 full-time employees must have a functioning EAP prior to testing their employees as stated in Title 26 M.R.S.A. §683, 1. The EAP must be certified by DHHS and certification must be renewed every two years. Thirty-eight required EAPs are currently certified. Some EAPs are certified for parent companies and cover multiple locations that may be listed separately. (See Appendix 2).

## SECTION II

### Substance Abuse Testing Policy Review and Approval

In 2006, the Maine Department of Labor (MDOL) received 51 individual substance abuse testing policy submissions for review. MDOL staff completed 47 reviews. There were 4 policies with reviews pending as of December 31, 2006 (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 Maine Department of Labor. An employer may not commence testing until the MDOL has notified the employer that the policy has been approved and the employer has given proper notice to its employees. Title 26 M.R.S.A. §689 addresses the penalties that can be assessed if an employer conducts substance abuse testing without an approved testing policy.

**Table 1**

#### Substance Abuse Testing Applications Reviewed Maine, 2006

Reviews Completed	47
Policies/Amendments Approved	30
Policies/Amendments Denied	17
Reviews Pending	4

## SECTION III

### 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 – where 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 date of hire anniversary.



## SECTION IV

### Survey Results

Each employer with a policy approved by the Maine Department of Labor must participate in an annual survey. Information gathered in the survey includes the number of tests by type (applicant, probable cause or random/arbitrary), the substances tested for, and the number of positive tests for each substance.

#### *Job Applicant Testing*

The reported number (17,364) of job applicant tests conducted in 2006 increased by 2.9% from 2005. In 2006, 4.7% of the job applicant tests conducted had positive results, compared to 4.2% in 2005. Cannabinoids (80.6%), cocaine (9.1%), and amphetamines (3.2%) were the most frequently identified substances. Other identified substances included opiates (2.5%), benzodiazepines (1.6%) and methadone (1.1%). Alcohol, barbiturates and phencyclidine were each identified in less than 1% of the tests. (See Table 2). See Appendix 6 for controlled substances and drug names.

**Table 2**

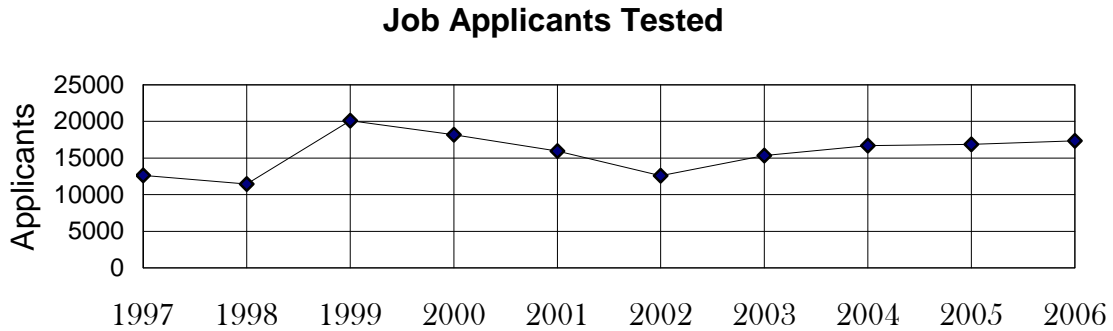
**Results of Job Applicant Tests  
Under Approved Policies  
Maine, 2006**

	<u>Tests</u>	<u>As Percent of All Tests</u>	<u>As Percent of Positive Tests</u>
<b>Total Job Applicant Tests</b>	<b>17,364</b>	<b>100.0</b>	
Positive Results	<b>824</b>	<b>4.7</b>	<b>100.0</b>
Cannabinoids	664	3.8	80.6
Cocaine	75	0.4	9.1
Amphetamines	26	0.1	3.2
Opiates	21	0.1	2.5
Benzodiazepines	13	0.1	1.6
Methadone	9	0.1	1.1
Alcohol	7	.-	0.8
Barbiturates	5	.-	0.6
Phencyclidine	4	.-	0.5

*.- Indicates a value of less than 0.05 percent.*

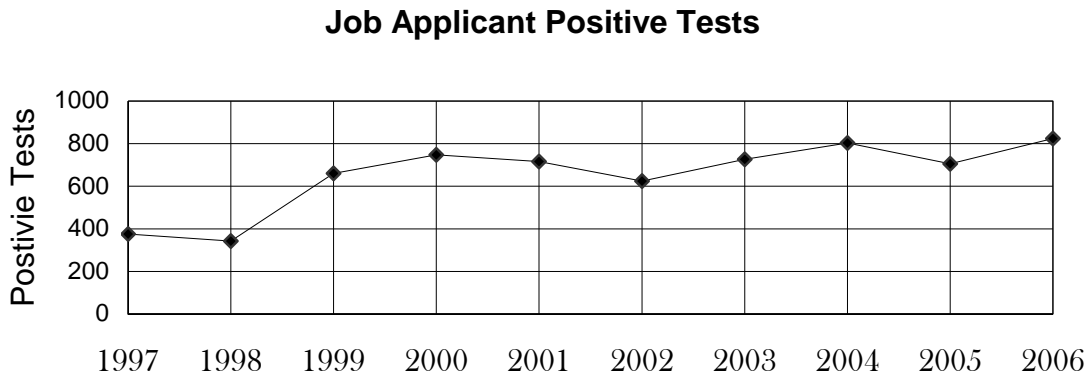
The following graph shows the number of job applicants tested for controlled substances for the years 1997 to 2006.

Figure 1



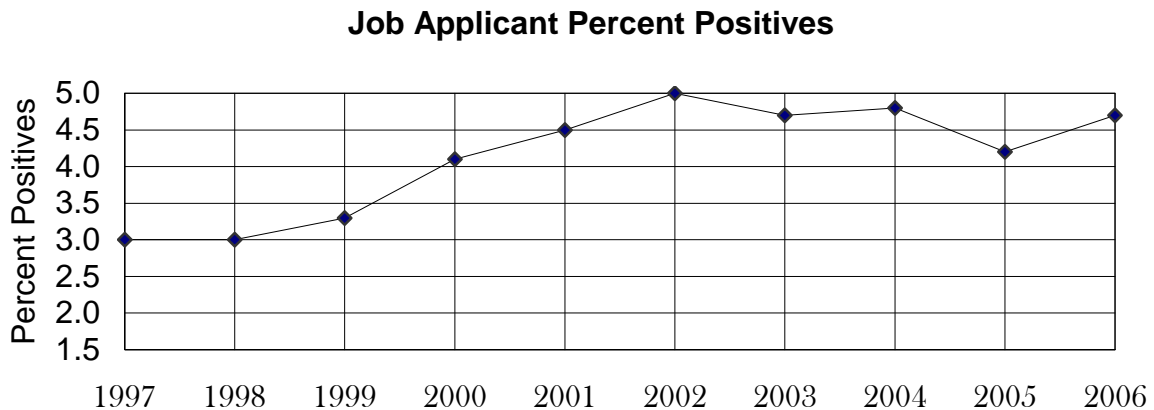
The graph below indicates the number of positive tests for job applicants from 1997 to 2006.

Figure 2



The following graph shows the percentage of positive tests for job applicants each year from 1997 to 2006.

Figure 3

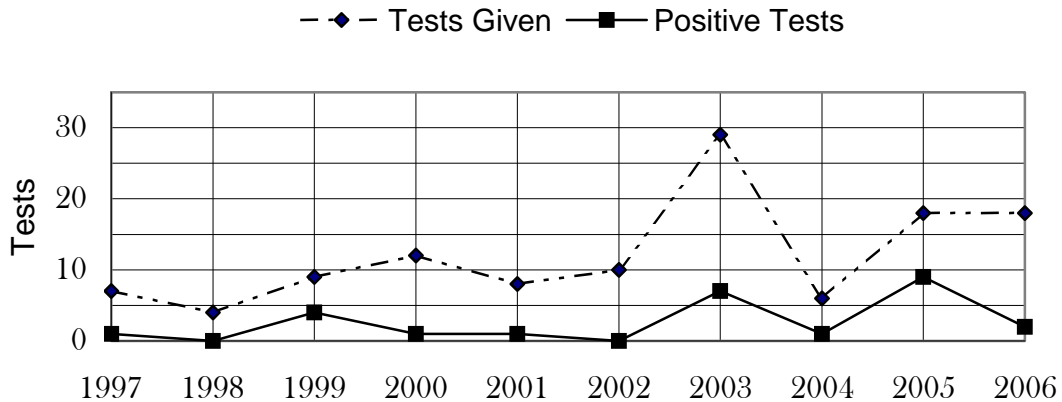


**Employee Testing**

A total of 748 employee tests were conducted in 2006 with 29 positive results. Eighteen of the tests were for probable cause. Of these, there were two confirmed positives (11.1%), one for alcohol and one for cannabinoids. The following graph illustrates the number of probable cause tests done and the number of positives for the years 1997 through 2006.

**Figure 4**

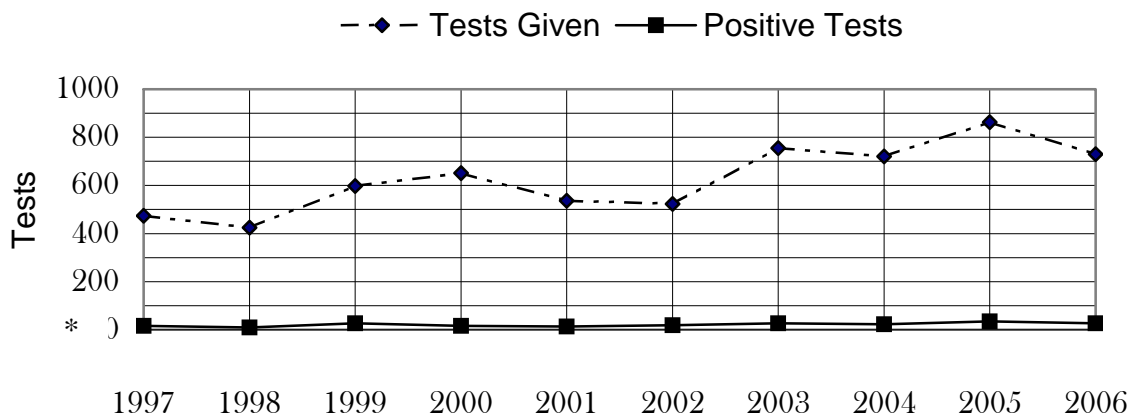
**Employee Probable Cause Testing**



Random or arbitrary testing accounted for 730 of the employee tests. Of these, 27 (3.7%) were confirmed positive; 20 (74.1%) for cannabinoids, five (18.5%) for cocaine, and one each (3.7%) for amphetamines and opiates. The following graph shows the trend for random and arbitrary tests for the years 1997 through 2006.

**Figure 5**

**Employee Random or Arbitrary Testing**



\*Range of positive test results is from 2 to 35.

**SECTION V**

**Analysis of All Results (Applicants & Employees)**

A total of 18,112 tests were conducted in 2006. The manufacturing industry had the most substance abuse testing policies and conducted 4,208 tests, with 5.0% positive. The wholesale and retail trade industry conducted 5,983 tests, with 3.6% positive. The services industry conducted 5,454 tests, with 5.0% positive. Transportation and public utilities conducted 517 tests with 4.1% positive tests. The construction industry conducted 1,825 tests, with 6.5% positive. (See Table 3).

**Table 3**

**Results of All Tests Under  
Approved Policies, by Industry  
Maine, 2006**

<u>Industry</u>	<u>Number of Policies</u>	<u>Number of Tests</u>	<u>Number of Positives</u>	<u>Percent Positive</u>
<b>All Industries</b>	<b>325</b>	<b>18,112</b>	<b>853</b>	<b>4.7</b>
<b>Construction</b>	<b>42</b>	<b>1,825</b>	<b>118</b>	<b>6.5</b>
Heavy Construction	9	998	78	7.8
Other Construction	33	827	40	4.8
<b>Manufacturing</b>	<b>100</b>	<b>4,208</b>	<b>211</b>	<b>5.0</b>
Plastics/Rubber	7	310	35	11.3
Food Products	7	544	25	4.6
Electronic/Electrical Equipment	9	277	12	4.3
Wood Products	16	228	10	4.4
Paper Products	18	1,173	42	3.6
Other Manufacturing	43	1,676	87	5.2
<b>Transportation and Public Utilities</b>	<b>21</b>	<b>517</b>	<b>21</b>	<b>4.1</b>
<b>Trade</b>	<b>60</b>	<b>5,983</b>	<b>216</b>	<b>3.6</b>
Retail	30	5,028	166	3.3
Wholesale	30	955	50	5.2
<b>Services</b>	<b>98</b>	<b>5,454</b>	<b>270</b>	<b>5.0</b>
Healthcare and Social Assistance	12	1,563	32	2.0
Professional/Tech/Scient Svc	10	69	0	0.0
Other Services	76	3,822	238	6.2
<b>Other</b>	<b>4</b>	<b>125</b>	<b>17</b>	<b>13.6</b>

A drug-testing panel consists of the list of substances for which the employer will test as specified in the employer's policy. 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 remain the substance with the highest percentage of positive tests, followed by cocaine. The substance least tested for is alcohol. Only 70 of the 250 companies who reported testing in 2006 included alcohol in their drug-testing panel. Of all the tests conducted during 2006, 4.7% were

positive. The highest percentage of positives for an individual substance was 3.8%, for cannabinoids, which accounted for 80.3% of all positives. (See Table 4).

**Table 4**  
**Results of All Tests Under**  
**Approved Policies, by Specific**  
**Controlled Substance**  
**Maine 2006**

<u>Substance</u>	<u>Employers Testing During Year</u>	<u>Total Tests</u>	<u>Total Positives</u>	<u>Percent Positive*</u>	<u>Percent of Positives</u>
<b>All Substances</b>	<b>**250</b>	<b>18,112</b>	<b>853</b>	<b>4.7</b>	
Cannabinoids	250	18,108	685	3.8	80.3
Amphetamines	250	18,105	27	0.1	3.2
Opiates	250	18,105	22	0.1	2.6
Cocaine	250	18,104	80	0.4	9.4
Phencyclidine	248	17,989	4	.-	0.5
Barbiturates	135	9,205	5	0.1	0.6
Benzodiazepines	129	8,069	13	0.2	1.6
Methadone	125	7,994	9	0.1	1.1
Methaqualone	97	5,650	0	0.0	0.0
Alcohol	70	4,435	8	0.2	0.9

*\*Percent positives of all tests conducted.*

*\*\*67 companies with approved policies did no testing in 2006 and 8 failed to report in time to be included in this report.*

*.- Indicates a value of less than 0.05 percent.*

The following table shows the trend of drug testing from 1997 through 2006. The number of employers with approved policies has increased from 147 in 1997 to 325 in 2006. The total number of tests given has decreased 12.6% since the peak of 20,725 in 1999 but has been increasing since 2002. The percentage of positive tests has fluctuated, with the lowest (2.4%) in 1995 and the highest (4.9%) in 2002. Positive results for job applicant testing were lowest (2.4%) in 1995 and highest (5.0%) in 2002. The percentage of positive random tests was lowest (0.9%) in 1995 and highest (4.5%) in 1999.

**Table 5**  
**Yearly Totals by Type of Test**  
**Applicants/Employees**  
**1997-2006**

Year	Number of Employers w/ Policies	Total		Applicant		Percent Positive		Applicant		Percent Positive		Probable Cause		Percent Positive		Random		Percent Positive	
		Tests	Positives	Tests	Positives	Tests	Positives	Tests	Positives	Tests	Positives	Tests	Positives	Tests	Positives	Tests	Positives	Tests	Positives
2006	325	18,112	853	17,364	824	4.7	4.7	18	2	11.1	730	27	3.7						
2005	310	17,742	749	16,876	706	4.2	4.2	18	9	50.0	863	34	3.9						
2004	287	17,428	826	16,702	803	4.7	4.8	6	1	16.7	720	22	3.1						
2003	271	16,129	761	15,345	727	4.7	4.7	29	7	24.1	755	27	3.6						
2002	252	13,128	642	12,595	624	4.9	5.0	10	0	--	523	18	3.4						
2001	239	16,492	730	15,947	716	4.4	4.5	8	1	12.5	537	13	2.4						
2000	226	18,827	765	18,164	748	4.1	4.1	12	1	8.3	651	16	2.5						
1999	200	20,725	691	20,118	660	3.3	3.3	9	4	44.4	598	27	4.5						
1998	164	11,888	352	11,459	343	3.0	3.0	4	0	--	425	9	2.1						
1997	147	13,097	392	12,616	375	3.0	3.0	7	1	14.3	474	16	3.4						

-- Indicates a value of less than 0.05%

**Figure 6**

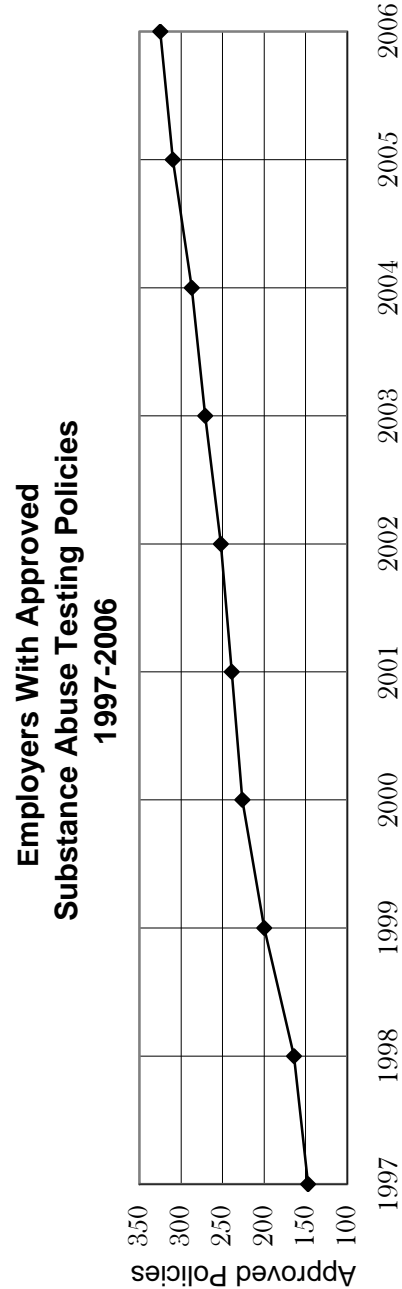


Table 6 shows the cumulative total of tests and positives for job applicants and employees from 1997 through 2006. It also shows the percentage positive for each substance as it relates to the total number of tests and to the total number of positives. The data shows that of the controlled substances tested for, cannabinoids had the highest percentage of positives by a full order magnitude.

**Table 6**  
**Positives By Substance**  
**1997 - 2006 (Cumulative)**

	Number of Tests	As % of All Tests	As % of Positives
<b>Total Tests</b>	<b>163,583</b>	<b>100.0</b>	
Total Positives	<b>6,761</b>	<b>4.1</b>	<b>100.0</b>
Cannabinoids	5,743	3.5	84.9
Cocaine	487	0.3	7.2
Opiates	181	0.1	2.7
Amphetamines	143	0.1	2.1
Benzodiazepines	67	-.	0.9
Barbiturates	62	-.	0.9
Alcohol	58	-.	0.9
Methadone	49	-.	0.7
Phencyclidines	16	-.	0.2
Unspecified	9	-.	0.1
Invalid Tests	250	0.2	

-. Indicates a value of less than 0.05%

## SECTION VI

### Summary

During 2006, the Maine Department of Labor reviewed 47 substance abuse testing applications. Of the 47 reviewed, 30 new policies or amendments were approved, 17 were denied, and 4 were pending at year's end. Ten policies became inactive because the employer went out of business, ceased operation in Maine, or reported to the Department that it no longer intended to do substance abuse testing and asked to be placed on inactive status.

As of December 31, 2006, a total of 325 approved policies were in force.

The Department of Labor surveys all employers with approved policies for this report. Eight employers failed to report. The 2006 survey reported that 17,364 job applicants had been tested, with 824 (4.7%) confirmed positive tests. There were 18 employee probable cause tests, with 2 (11.1%) reported as positive and 730 employee random or arbitrary tests, with 27 (3.7%) positives reported.

## Appendix 1

Employers having approved substance abuse testing policies with the types of testing allowed and dates of approval.

<b>Employer</b> Former Name or Alias	<b>Applicant</b> <b>Testing</b> <b>Approved</b>	<b>Probable</b> <b>Cause Testing</b> <b>Approved</b>	<b>Random/Arbitrary</b> <b>Testing Approved</b>
A A A of Northern New England, Inc. <i>Maine Automobile Association</i>	10/29/2003		
A C S	6/7/2006	6/7/2006	
A V X Tantalum Corp.	9/27/2000		
A W S <i>Alternative Warehouse Services, Inc.</i>	2/24/1999		
Accurate Inspections <i>Longview Inspections</i>	10/6/2000		
Acme-Monaco Corporation	1/7/2003		
ADECCO Employment Services <i>Olsten Staffing Services</i>	8/12/1997		
Advantage Gases & Tools <i>Div of Portland Welding Supply</i>	4/29/2004	4/29/2004	
Aetna Inc. <i>Aetna Life Insurance Company</i>	2/16/2000		
AIMCO <i>Apartment Investment and Management Company</i>	4/30/2001		
Air Temp Mechanical Contractors <i>Air Temp, Inc.</i>	8/6/2003		
Alexander & Associates	1/2/2001	4/1/2003	
Alexander-Otto Company	9/29/2006		
All Seasons Services Inc.	6/23/2000		
Alliance Construction Inc.	5/14/2001		
Allstate Insurance Company	3/25/1991		
American Industrial Refrigeration	12/3/2004		
American Red Cross Blood Services, N. E. Region	8/22/2005		
American Steel and Aluminum Corporation	4/30/2001		
Americarb Inc. <i>dba Imerys Pigments &amp; Additives Group</i>	7/14/2000		
Arc One LLC <i>fmr Pleasants Hardware Company</i>	10/20/1997	2/10/1998	2/10/1998
Associated Grocers of Maine	5/1/2003	5/15/2004	
Atlantic Salmon of Maine <i>Hortons of Maine, Phoenix Salmon</i>	5/5/2000		
ATwork Personnel Services	7/2/1996		



## Appendix 1, Continued

Employers having approved substance abuse testing policies with the types of testing allowed and dates of approval.

<b>Employer</b> Former Name or Alias	<b>Applicant</b> <b>Testing</b> <b>Approved</b>	<b>Probable</b> <b>Cause Testing</b> <b>Approved</b>	<b>Random/Arbitrary</b> <b>Testing Approved</b>
Auburn, City of	6/9/1994		
B & M Baked Beans <i>B &amp; G Foods, Inc.</i>	9/4/2002		
B E & K Industrial Services	6/3/1991	5/12/1993	5/12/1993
B J's Wholesale Club, Inc.	6/9/1994		
Baileyville Police Dept.	2/24/1999	7/22/2002	7/22/2002
Bancroft Contracting Corp	2/1/1994		
Bangor Area Visiting Nurses <i>Eastern Maine HomeCare</i>	12/16/1992		
Bangor Gas Company	6/11/2002	4/12/2005	
Bangor International Airport	10/26/2005	10/26/2005	10/26/2005
Bank of America <i>M B N A New England</i>	6/30/1993	3/18/1999	
Bank of America Child Development Center <i>Bright Horizons Family Solutions</i>	4/30/2002		
Barber Foods	9/9/1997		
Bath Iron Works	2/27/1990	9/4/2002	9/4/2002
Bath Water District	1/29/2003		
Best Buy Stores LP	12/16/1998		
Biddeford Internet Corporation <i>dba GWI (Great Works Internet)</i>	8/11/2005		
Blake Equipment Company <i>Northeast Mechanical Corporation.</i>	12/21/1998	12/21/1998	
Bob's Discount Furniture of Massachusetts <i>Bob's Discount Furniture, Inc.</i>	3/11/2004		
Bonney Staffing Center <i>Bonney Staffing &amp; Training Centers</i>	1/2/2003		
Brewer Automotive Components <i>B A C, Inc.</i>	9/17/1999		
Brewer, City of	12/12/2000		
Brockway-Smith	1/28/2003		
C C B, Inc. <i>fmr K C S, Inc.</i>	6/2/1998		

## Appendix 1, Continued

Employers having approved substance abuse testing policies with the types of testing allowed and dates of approval.

<b>Employer Former Name or Alias</b>	<b>Applicant Testing Approved</b>	<b>Probable Cause Testing Approved</b>	<b>Random/Arbitrary Testing Approved</b>
C. N. Brown Company	6/6/2001		
Cable Constructors, Inc.	6/21/2002	6/21/2002	6/21/2002
Calais, City of	6/3/2003		
Calpine Corporation <i>fmr Energy Management Inc.</i>	10/18/1999		
Cambrex Bio Science Rockland	12/23/2005		
Capital Area Staffing Solutions	9/7/2006		
Career Systems Development Corp.	11/8/2006		
Cascades Auburn Fiber		8/16/2006	
Casella Waste Systems Inc.	12/16/1998		
Cates & Associates	4/13/2005		
Cates Temporary Agency, Inc.	4/13/2005		
Central Maine Power	10/18/1990		
Chadwick BaRoss, Inc.	7/21/1993		
Cianbro Corporation	2/27/1990	2/27/1990	2/27/1990
Cives Steel Company <i>Cives Corporation</i>	10/18/1990	12/28/1998	
Coca-Cola Bottling Co. of Northern New England	12/29/1992	8/17/1993	
Columbia Air Services-B H B, LLC	6/23/2005	11/30/2005	
Commercial Delivery Systems LLC	5/13/2005	6/24/2005	6/24/2005
Commercial Paving & Recycling Co. <i>Commercial Paving Co., Inc.</i>	2/18/2004		
Community Concepts, Inc.	10/24/2001		
Contech Stormwater Solutions	6/17/2006		
Control Devices <i>dba First Technology</i>	4/17/1996		
Cooper Wiring Devices <i>Arrow Hart</i>	7/24/1990		
Corning Inc. <i>Corning Inc., Life Sciences Div.</i>	9/19/2001		
CRI-SIL, LLC <i>former Immix Technologies, LLC</i>	10/24/2000		

## Appendix 1, Continued

Employers having approved substance abuse testing policies with the types of testing allowed and dates of approval.

<b>Employer Former Name or Alias</b>	<b>Applicant Testing Approved</b>	<b>Probable Cause Testing Approved</b>	<b>Random/Arbitrary Testing Approved</b>
Cyro Industries	7/24/1990		
D & G Machine Products, Inc.	7/31/1991		
D S W Shoe Warehouse	11/19/2004		
d. e. Foxx & Associates	6/22/2004		
D. L. Thurrott Air <i>The Inesco Group</i>	1/28/2002		
Damon Mechanical Services	4/13/2005		
Dennis Paper & Food Service <i>Dennis Paper Beverage Co.</i>	12/24/1991		
Dielectric Communications <i>Dielectric</i>	7/9/1999		
Dingley Press	8/5/2006		
DirecTECH N E	9/15/2005		
Diver Down Underwater Services <i>Enclave Development</i>	12/4/2001		
Domtar Industries Inc. <i>Georgia Pacific, Communication Papers Div.</i>	7/31/1991	6/22/2001	
Down East Toyota-Scion-Buick <i>Down East Toyota-Buick/Down East Auto Body of Brew</i>	2/9/2000		
Duratherm Window Corporation	10/8/2003		
E. S. Boulos Company <i>ESB</i>	6/2/1998		
Eastern Fire Protection/Eastern Sprinkler Services	10/8/2003		
Eastern Maine Medical Center <i>Eastern Maine Healthcare</i>	1/15/1991		
Eaton Electrical, Inc. <i>Cutler Hammer, Inc.</i>	9/2/1999		
EFMARK Service Co. <i>Premium Armored Service Co.</i>	10/23/1997		
Electronic Data Systems <i>E D S Corporate Security</i>	1/24/2001		
Ellsworth Builders Supply Inc.	9/25/1990		
Elmet Technologies <i>Philips Elmet, Philips Electronics</i>	10/4/1990		
Emery-Waterhouse	4/8/1998		11/6/1998
Employment Specialists of Maine	11/8/2006		
Energy East Management Corp.	7/7/2003		

## Appendix 1, Continued

Employers having approved substance abuse testing policies with the types of testing allowed and dates of approval.

<b>Employer</b> <b>Former Name or Alias</b>	<b>Applicant</b> <b>Testing</b> <b>Approved</b>	<b>Probable</b> <b>Cause Testing</b> <b>Approved</b>	<b>Random/Arbitrary</b> <b>Testing Approved</b>
Enterprise Engineering, Inc.	9/10/2002	10/16/2002	10/16/2002
Equipment Rental Service, Inc. <i>dba Taylor Rental</i>	3/2/1999		
ESOCO Orrington, Inc.	6/3/1992		
Everett J. Prescott <i>E. J. Prescott</i>	2/25/2000		
Express Personnel Services	10/12/2006		
F M C BioPolymer Corp. <i>F M C Corp.</i>	3/22/1990	5/18/1993	5/18/1993
F P L Energy Maine Operating Services LLC <i>Florida Power and Light</i>	6/23/2000		
Fiber Materials, Inc.	6/27/1990		
First Level Technology LLC <i>First Line Solutions LLC</i>	4/27/2001		
First Protection Services, Inc.	2/18/2004		
Fisher Engineering <i>Fisher LLC</i>	4/17/1996	4/17/1996	
Fjord Seafood USA <i>Ducktrap River Fish Farm, LLC</i>	12/28/1998		
Flemish Master Weavers <i>Rainbow Rugs, Inc.</i>	11/21/1990		
Formed Fiber Technologies, Inc. <i>Gates Formed Fibre Products</i>	12/12/2000		
Formtek, Inc. <i>Cooper-Weymouth, Peterson &amp; Rowe Machinery</i>	4/23/2004		
Fraser Papers Ltd. <i>Nexfor/Fraser Papers Ltd.</i>	4/15/1994		9/23/1998
Freshwater Stone & Brickwork Inc.	11/19/2004		
Fulghum Fibres, Inc.	10/8/1997		
G A C Chemical Corporation	8/19/2005		
G E Security <i>Edwards Systems Technology</i>	5/1/2003		
G. E. Goding & Son, Inc.	4/24/1990		
Gagne & Son Concrete Blocks, Inc. <i>Gagne &amp; Sons, Inc.</i>	3/12/2004		
Garelick Farms of Maine <i>Grant's Dairy</i>	5/20/1998		
General Dynamics ATP <i>General Dynamics Armament Systems</i>	2/28/1990	8/7/1991	6/16/1993
General Electric (Auburn)	10/18/1990		
General Electric (Bangor)	5/24/1990		

## Appendix 1, Continued

Employers having approved substance abuse testing policies with the types of testing allowed and dates of approval.

<b>Employer Former Name or Alias</b>	<b>Applicant Testing Approved</b>	<b>Probable Cause Testing Approved</b>	<b>Random/Arbitrary Testing Approved</b>
General Parts Inc./Carquest <i>Carquest Distribution Center</i>	11/25/1997	4/27/1999	4/27/1999
Genuine Parts Company <i>N A P A</i>	9/27/2005	10/14/2005	
Giroux Oil Service Company	11/3/2004		
Grainger Industrial Supply <i>W. W. Grainger, Inc.</i>	5/30/2000		
Great Falls Builders Inc.	11/17/2006		
Guardsmark, LLC <i>Guardsmark, Inc.</i>	12/5/1996		
Guerin Associates, LLC	1/6/2004		
H M S Host Corporation <i>fmr Host Marriott Services Corporation</i>	1/5/1996		
H P Hood LLC <i>H P Hood, Inc.</i>	5/15/2003		
Hale Trailer Brake & Wheel, Inc.	8/6/2003		
Hampden, Town of, Dept. of Pub. Safety	1/27/1999		
Hancock Lumber	4/29/1991		
Hannaford Bros. Co. (Scarborough Distribut'n Ctr.)	5/18/1993	7/25/2000	10/1/1996
HealthSouth Corporation	10/20/1997		
Hertz Corporation, The	6/11/2002		
Hinckley Co., LLC, The <i>Hinckley Yachts</i>	9/4/2002		
Hollywood Slots at Bangor, Bangor Raceway, and OTB <i>Penn National Gaming Inc.</i>	6/29/2005		
Home Depot	11/1/1996		
Huber Engineered Woods, LLC <i>J. M. Huber Corp., Easton Dept.</i>	4/29/1991	4/29/1991	
Huhtamaki <i>Huhtamaki Food Services Inc.</i>	7/24/1990	7/30/1999	
Hussey Seating Company	12/24/1990		
Ikon Office Solutions, Inc.	2/24/1999		
INFAB Refractories <i>fmr Atlantic Contracting &amp; Specialties</i>	7/22/1993		
Innovative Distribution Services <i>fmr Speedy Warehouse Services Inc.</i>	9/1/2000		
InterFace Fabrics <i>Interior Fabrics Group</i>	1/26/1999		

## Appendix 1, Continued

Employers having approved substance abuse testing policies with the types of testing allowed and dates of approval.

<b>Employer Former Name or Alias</b>	<b>Applicant Testing Approved</b>	<b>Probable Cause Testing Approved</b>	<b>Random/Arbitrary Testing Approved</b>
International Paper (Woodlands, NE Region)	4/23/1991		
Interstate Brands Company <i>J J Nissen</i>	1/3/1992		
Irving Forest Products, Inc. (Pinkham Sawmill) <i>Pinkham Sawmill</i>	7/23/2002	7/23/2002	7/23/2002
Irving Tanning Company	12/27/1993		
Jagger Brothers, Inc.	5/14/2001		
Jean's Waterproofing, Inc.	7/8/2004		
JF2 LLC <i>dba On Target Utility Services</i>	12/8/2005	12/8/2005	12/8/2005
Johns Manville (Lewiston) <i>Schuller International</i>	1/21/1997		
Johnson & Jordan, Inc.	3/11/2005		
Kassbohrer All Terrain Vehicles, Inc.	10/24/2000		
Katahdin Forest Products/Cedar Ideas	1/18/2005	1/18/2005	
Katahdin Paper Company LLC <i>Great Northern Paper/Bowater</i>	12/16/1992	7/13/2005	7/13/2005
Kelly Services Inc.	1/30/2003		
Kennebunkport Police Department	3/28/2002		
KidsPeace National Centers of New England <i>KidsPeace Nat'l Ctrs for Kids in Crisis of New Eng</i>	5/5/2000		
Knight-Celotex LLC <i>formerly Masonite Corporation</i>	6/9/1994		
Kohl's Department Stores	8/4/2004		
Kravco Company <i>dbas Kravco Simon, Bangor Mall</i>	4/13/1995		
L & B Electrical Contractors, Inc.	2/25/2003		
L K Q Gorham Auto Parts Inc. <i>Gorham Auto Parts</i>	12/6/2004	8/17/2005	
L M S Intellibound, Inc. <i>Labor Management Service</i>	2/8/2004		
Lane Construction Corp., The <i>Lane Industries</i>	12/16/1992		
Larkin Enterprises	1/8/2003		
Lincare Inc.	2/9/2000		
Lincoln National Life Insurance Company	8/1/1997		

## Appendix 1, Continued

Employers having approved substance abuse testing policies with the types of testing allowed and dates of approval.

<b>Employer Former Name or Alias</b>	<b>Applicant Testing Approved</b>	<b>Probable Cause Testing Approved</b>	<b>Random/Arbitrary Testing Approved</b>
Lincoln Paper and Tissue, LLC <i>Lincoln Pulp and Paper</i>	1/12/2005		
Lohmann Animal Health International <i>Maine Biological Laboratories</i>	12/4/2001		
Louisiana-Pacific Corporation	5/20/1998	5/20/1998	5/20/1998
Lowe's Home Centers Inc.	11/3/2004		
Lucas Tree Expert Company, Inc.	4/29/1991		
Madison Paper Industries	4/19/1990		
Maine Business Services <i>dba Manpower</i>	4/30/2002		
Maine Community Publications	8/24/2005		
Maine Drilling and Blasting	9/9/1999		
Maine Plastics <i>Consolidated Container Co., LLC</i>	7/21/2000		
Maine Public Service	6/13/1990		
Maine Rubber International	5/15/1990		
Maine Woods Company LLC	4/21/1999		
Mainely Vinyl Inc.	9/21/1998		
MaineToday	8/24/2005		
Marion Transfer Station, Inc.	4/12/2005	4/12/2005	4/12/2005
Marriott International	10/17/1995		
Mathews Brothers Company	10/26/2006		
McCain Foods USA, Inc. <i>McCain Foods, Inc.</i>	2/24/1992	4/28/1998	4/28/1998
Medical Staffing Network	3/28/2002		
Mexico Water District	10/29/2003	10/29/2003	
Mid Maine Communications	12/31/2003		
Mid State Machine Products	5/15/1990	8/14/1990	8/14/1990
Midwest Price Co., LLC	9/27/2000	2/12/2002	2/12/2002
Milo Water District	9/15/2004	10/25/2004	10/25/2004

## Appendix 1, Continued

Employers having approved substance abuse testing policies with the types of testing allowed and dates of approval.

<b>Employer</b> <b>Former Name or Alias</b>	<b>Applicant</b> <b>Testing</b> <b>Approved</b>	<b>Probable</b> <b>Cause Testing</b> <b>Approved</b>	<b>Random/Arbitrary</b> <b>Testing Approved</b>
Milton CAT <i>Southworth-Milton, Inc.</i>	8/2/2005		
Modern Pest Services	11/17/2006		
Montreal, Maine & Atlantic Railway <i>Bangor &amp; Aroostook Railroad</i>	6/19/1998		
Mount Hope Cemetery Corporation	4/15/1995		
N C S HealthCare <i>A Division of Omnicare Pharmacy of Maine</i>	12/3/2003	12/3/2003	12/3/2003
N R F Distributors Inc.	6/30/2004		
National Semiconductor Corp.	12/22/1999		
Naturally Potatoes <i>a Basic American Foods Division LLC</i>	11/18/2005		
New England Insulation	4/29/1999		
New England Truck Tire Centers Inc.	4/8/2004		
New Horizons for Young Women <i>New Horizons Wilderness Program, Daughters, Inc.</i>	6/1/2001		
New York Life Insurance Company	3/28/2002		
Newark Paperboard Products <i>Gardiner Paperboard</i>	8/15/1997		
NewPage Corporation <i>MeadWestvaco Corporation</i>	3/19/1990	10/25/1990	10/25/1990
Newport, Town of	11/8/2006		
Nichols Portland (div Parker Hannifin)	12/22/1998		
Northeast Airmotive	9/18/2001		
Northeast Cardiology Associates	11/3/2005		
Northeastern Environmental Services	7/21/2000		
Northeastern Log Homes, Inc.	4/21/2000		
Nortrax	9/11/2002		
Norway Water District	11/8/2006		
Norway-Paris Solid Waste, Inc.	7/7/2004		
Oakhurst Dairy	2/28/1990		
Ocean State Job Lot	4/27/2006		



## Appendix 1, Continued

Employers having approved substance abuse testing policies with the types of testing allowed and dates of approval.

<b>Employer Former Name or Alias</b>	<b>Applicant Testing Approved</b>	<b>Probable Cause Testing Approved</b>	<b>Random/Arbitrary Testing Approved</b>
O'Connor Constructors, Inc. <i>Thomas O'Connor &amp; Company Inc.</i>	7/9/1999		
Old Town Canoe <i>Johnson Outdoors, Inc.</i>	2/25/2003	2/25/2003	
Old Town Lumber Company, Inc.	4/21/2000		
Omnicare Pharmacy of Maine <i>policy includes NCS and Pharm Corp</i>	3/29/2002	12/3/2003	12/3/2003
Oxford Networks <i>Oxford County Telephone Service</i>	12/3/2003	9/27/2006	9/27/2006
P F G Northcenter <i>Northcenter Foodservice Corporation</i>	9/19/1990		
P S C Industrial Outsourcing <i>Phillip Services Corp North Atlantic Inc.</i>	11/10/1993		11/16/1998
PAGEmployment <i>Page Employment Inc.</i>	6/4/2004		
Panolam Industries International <i>Pioneer Plastics Corp.</i>	9/19/1990		
Parkview Adventist Medical Center		11/17/2006	
Paul G. White Tile Company	7/21/1993		
Penobscot County Sherriff's Office	8/11/1998		
Penobscot Regional Communications Center	1/27/1999		
Pepsi Bottling Group, The <i>Seltzer &amp; Rydholm</i>	12/29/1992		
Perma Treat Corporation <i>fmr Aroostook &amp; Bangor Resources Inc.</i>	3/13/2001		
Pharm Corp of Maine LLC <i>included in Omnicare Policy</i>	3/29/2002	12/3/2003	12/3/2003
Pike Industries, Inc. <i>Tilcon of Maine</i>	10/4/1990		
Pine State Trading Company	8/2/2005		
Pizzagalli Construction Co., Inc.	5/26/1998		
Plum Creek Timber Company <i>Plum Creek Marketing, Inc.</i>	10/15/1998		
Poland Spring Bottling Co. <i>div of Nestle Waters North America</i>	6/8/1999		
Pollack Corporation, The <i>dba G. M. Pollack &amp; Sons</i>	8/25/1992		
Portage Wood Products LLC	9/29/2006		
Portland Air Conditioning, Inc.	2/15/2005		
Portland Fish Exchange, Inc.	6/3/2003		
Portland Press Herald/Maine Sunday Telegram	8/24/2005		

## Appendix 1, Continued

Employers having approved substance abuse testing policies with the types of testing allowed and dates of approval.

<b>Employer Former Name or Alias</b>	<b>Applicant Testing Approved</b>	<b>Probable Cause Testing Approved</b>	<b>Random/Arbitrary Testing Approved</b>
Portland Water District	9/4/2002		
Pratt & Whitney Aircraft Group <i>a United Technologies company</i>	6/22/1990	6/22/1990	
Procter & Gamble/Tambrands <i>Tambrands</i>	1/13/1999		
Progressive Distributors, Inc.	5/18/1993		
Project Staffing Inc.	12/23/2005		
Prudential Financial	11/1/2005		
R T S Packaging LLC <i>fmr Rock-Tenn</i>	5/28/1991	11/4/1991	11/4/1991
Radiodetection Corporation	9/5/2003		
Rare Hospitality International Inc. <i>Bugaboo Creek Holdings Inc.</i>	9/17/1999	9/17/1999	
Reed & Reed Inc.	6/25/1992		
Riley Medical, Inc.	8/17/1993		
Robbins Lumber Inc.	9/29/2006		
S B A Network Services	2/4/2004	9/4/2004	9/4/2004
S W & B Construction Corp.	4/29/1991	2/22/1999	2/22/1999
Saint-Gobain B T I, Inc. <i>Brunswick Technologies, Inc.</i>	7/9/1999		
Sappi Fine Paper (Somerset) <i>fmr S. D. Warren</i>	5/28/1991	12/30/1993	
Sappi Fine Paper (Westbrook) <i>fmr S. D. Warren</i>	4/29/1991	12/30/1993	
Sargent Corporation <i>fmr H. E. Sargent</i>	4/17/1996		
Scarborough, Town of	2/25/2003		
Scholastic Book Fairs <i>Scholastic, Inc.</i>	5/2/2001	5/2/2001	5/2/2001
Seaboard Security	9/15/2004		
Securitas Security Services U S A <i>Burns Security, Halls Security Services, Inc.</i>	9/15/2004		
Shaw's Supermarkets, Inc., Wells Distribution Ctr.	6/10/2000		
Shaw's Supermarkets/Stores Only	11/18/2005		
Sisters of Charity Health System <i>includes St. Mary's, SMRMC, SOCHS, DYP, WORKMED</i>	7/19/1995		
Skowhegan, Town of	8/28/1998		

## Appendix 1, Continued

Employers having approved substance abuse testing policies with the types of testing allowed and dates of approval.

<b>Employer Former Name or Alias</b>	<b>Applicant Testing Approved</b>	<b>Probable Cause Testing Approved</b>	<b>Random/Arbitrary Testing Approved</b>
Smith & Wesson Corporation	3/27/2003		
Solon Manufacturing Co.	7/19/1995		
Sonoco Products Company	7/31/1991		
South Portland, City of	11/7/2006		
Specialty Minerals Inc.	4/6/1996	4/3/1997	
Spencer Press Inc.	7/21/2000		
Sprague Energy Corporation	4/13/1995		
Springborn Staffing/Industrial Staffing	11/15/2005		
Spudnik Equipment Company LLC	8/16/2005		
St. Paul Travelers <i>fmr St. Paul Companies</i>	7/24/1990		
Staff Management	1/20/2004		
Standard Insurance Company, The	3/25/2003		
Standard Waterproofing, Inc.	4/13/1998		
Station Class Constructors, Inc.	1/26/2001	2/6/2001	2/6/2001
Storecast Service LLC	11/22/2006		
Sullivan & Merritt Inc.	5/18/1993		
Target Corporation	7/9/2001		
Time Warner Cable	1/20/2004		
T-Mobile	7/19/2005		
Trans-Tech Industries Inc.	9/27/2000		
Tweeter Home Entertainment Group	11/18/2005		
U B S Financial Services Inc. <i>fmr Paine Webber Inc.</i>	4/23/2004		
U. S. Cellular	5/5/2000		
U. S. Functional Foods, LLC <i>Backyard Farms, LLC</i>	8/15/2006		
Unifirst Corporation	5/20/1993		

## Appendix 1, Continued

Employers having approved substance abuse testing policies with the types of testing allowed and dates of approval.

<b>Employer Former Name or Alias</b>	<b>Applicant Testing Approved</b>	<b>Probable Cause Testing Approved</b>	<b>Random/Arbitrary Testing Approved</b>
Union Water Power Co.	7/21/2000	4/2/2003	4/2/2003
Valenite, LLC	9/1/2005		
Verizon New England <i>formerly Nynex</i>	10/5/1994	10/5/1994	10/5/1994
Verso Paper (Androscoggin Mill) <i>fmr International Paper</i>	11/5/1990	6/9/1994	
Verso Paper (Bucksport Mill) <i>fmr International Paper</i>	3/23/1990	9/19/2001	9/19/2001
Vescom Corporation	5/18/1993		
Volk Packaging Corporation	8/17/2006		
Wal-Mart Stores Inc.	3/31/1998		
Walpole Woodworkers Inc.	2/12/2001		
Waterville Anesthesia Associates	4/30/1993	4/30/1993	4/30/1993
Watts FluidAir (div Parker Hannifin)	6/24/1997		
Wausau Paper Otis Mill Inc. <i>Wasau-Mosinee Paper Corp., Otis Division</i>	9/2/1999		
Webber Oil Company	4/17/1996		
WestPoint Home Inc. <i>WestPoint Stevens Inc.</i>	12/22/1998		
Whatman Inc.	6/4/2003		
Willette Welding, Inc.	12/22/1999		
William Atwood Lobster Company	10/13/2006		
Wise Business Forms, Inc. <i>EPX</i>	6/3/2003		
Wood Structures Inc.	3/25/1991		
Work Source Staffing Services Inc.	3/13/2001		
Wright-Ryan Construction, Inc.	2/24/2005		
Wyman & Simpson, Inc.	5/18/1993		
XPEDX <i>Division of International Paper</i>	7/21/1993		
Z F Lemforder Corporation	12/3/1991		
Zampell Refractories, Inc.	12/20/1993	12/30/1993	12/30/1993

## Appendix 2

In order to maintain approval of probable cause or random/arbitrary employee testing policies, employers must have an employee assistance program (EAP) certified by the Department of Health and Human Services. The following is a list of employers presently in compliance.

<b>Employer</b>	<b>Location</b>
Advantage Gases & Tools	Portland, ME
Associated Grocers of Maine	Gardiner, ME
B E & K Industrial Services	Jay, ME
Bangor Gas Company	Bangor, ME
Bangor International Airport	Bangor, ME
Cianbro Corporation	Pittsfield, ME
Cives Steel Company	Augusta, ME
Coca-Cola Bottling Co. of Northern	Bedford, NH
Domtar Industries Inc.	Baileyville, ME
Enterprise Engineering, Inc.	Freeport, ME
F M C BioPolymer Corp.	Rockland, ME
Fisher Engineering	Rockland, ME
Fraser Papers Ltd.	Madawaska, ME
General Parts Inc./Carquest	Bangor, ME
Genuine Parts Company	Atlanta, GA
Hannaford Bros. Co. (Scarborough)	Portland, ME
Huber Engineered Woods, LLC	Easton, ME
Huhtamaki	Waterville, ME
Irving Forest Products, Inc.	Ashland, ME
JF2 LLC	Gardiner, ME
Katahdin Forest Products/Cedar	Oakfield, ME
Katahdin Paper Company LLC	East Millinocket, ME
Louisiana-Pacific Corporation	Houlton, ME
McCain Foods USA, Inc.	Easton, ME
Mid State Machine Products	Winslow, ME
Midwest Price Co., LLC	Monticello, AR
N C S HealthCare	Biddeford, ME
NewPage Corporation	Rumford, ME
Old Town Canoe	Old Town, ME
Omnicare Pharmacy of Maine	Gardiner, ME

## **Appendix 2, Continued**

<b><i>Employer</i></b>	<b><i>Location</i></b>
Oxford Networks	Lewiston, ME
Parkview Adventist Medical Center	Brunswick, ME
Pratt & Whitney Aircraft Group	North Berwick, ME
S B A Network Services	Glastonbury, CT
S W & B Construction Corp.	Auburn, ME
Specialty Minerals Inc.	Behlehem, PA
Verso Paper (Androscoggin Mill)	Jay, ME
Zampell Refractories, Inc.	Auburn, ME

## Appendix 3

### Laboratories Approved to Do Substance Abuse Testing, 2006

The following laboratories, none in Maine, were licensed as of the end of 2006 to perform the tests for companies with substance abuse testing policies that have been approved by the Maine Department of Labor.

<b>Laboratory Name</b>	<b>Address</b>	<b>Date Expires</b>
Advanced Toxicology Network	3560 Air Center Covve, Suite 101 Memphis, TN 38118	11/05/07
Clinical Reference Laboratory	8433 Quivira Rd. Lenexa, KS 66215	08/20/07
Calloway Drug Testing Labs, Inc.	27 Water St. Wakefield, MA 01880	07/01/07*
DrugScan, Inc.	1119 Mearns Rd. Warminster, PA 18974	07/10/07
Kroll Laboratory Specialists, Inc.	1111 Newton St. Gretna, LA 70053	05/08/07
Laboratory Corp. of America Holdings	P.O. Box 12652 1904 Alexander Dr. Research Triangle Park, N.C. 27709	01/10/07
Laboratory Corp. of America Holdings	69 First Ave. Raritan, NJ 08869	03/12/07
MAXXAM Analytics, Inc.	6740 Campobello Rd. Mississauga, Ontario Canada L4Z 1p1	05/15/07
Medtox Laboratories, Inc.	402 West County Rd. D Saint Paul, MN 55112	03/01/07
Northwest Toxicology	2282 South Presidents Dr, Suite C West Valley City, UT 84120	05/05/06**

Appendix 3, Continued

Laboratories Approved to do Substance Abuse Testing, 2006.

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<b>Laboratory Name</b>	<b>Address</b>	<b>Date Expires</b>
Psychemedics Corp.	5832 Uplander Way Culver City, CA 90230	12/27/07
Quest Diagnostics	3175 Presidential Dr. Atlanta, GA 03040	03/12/07
Quest Diagnostics	506 E. State Parkway Schaumburg, IL 60173	08/05/07
Quest Diagnostics	10101 Renner Blvd. Lenexa, KS 66219	07/27/07
Quest Diagnostics	400 Egypt Rd. Norristown, PA 19403	06/24/07

\* Licensed for initial screening tests only. \*\* Renewal overdue



## Appendix 4

### Policy Submission 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 **Health and 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 with the employees as to the development of the policy. This should include how input was received from employees, such as employee meetings or written comments. A written description of how employee input may have been used in the development of the policy should also be included. 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 appropriate Model Policy, the review and approval of your policy will be expedited.

## Appendix 5

The following is a Model Substance Abuse Testing Policy for applicant testing. There are also Model Substance Abuse Testing Policies for Applicant with Point of Collection Testing and another for employee testing. All of the model substance abuse testing policies can be viewed on the web at <http://www.maine.gov/labor/bls/publications/substanceabuse/modelpolicy.htm>.

### Model Substance Abuse Testing Policy

#### 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

Appendix 5, Continued

Model Substance Abuse Testing Policy, Job Applicants

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.

**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

Appendix 5, Continued

Model Substance Abuse Testing Policy, Job Applicants

b. test procedure to be used and cut off limit for positive confirmation test.

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

(2) Substances Confirmation Concentration

Cut Off (In Urine)

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 (Morphine, codeine) 2000 NG/ML

Phencyclidine 25 NG/ML

**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

Appendix 5, Continued

Model Substance Abuse Testing Policy, Job Applicants  
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 Health and 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.

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:*

## Appendix 5, Continued

### Model Substance Abuse Testing Policy, Job Applicants

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.*

### 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 tamper-proof 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 6 C for no more than three days, or frozen at -20 C or less, for no more than two weeks before shipment.

#### B. At laboratory:

## Appendix 5, Continued

### Model Substance Abuse Testing Policy, Job Applicants

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. 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 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.

Appendix 5, Continued

Model Substance Abuse Testing Policy, Job Applicants

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.

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, Continued

Model Substance Abuse Testing Policy, Job Applicants

**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 6**

### **Controlled Substances, Drug Names, and Classifications**

This is a list of some common drug names; it is not meant to be all-inclusive.

#### **Controlled Substances and Drug Names\*:**

##### **Cannabinoids\*:**

- Hashish
- Marijuana
- Tetrahydrocannabinol (THC)

##### **Depressants:**

- Barbiturates\*
- Benzodiazepines\*
- Glutethimide
- Methaqualone\*

##### **Hallucinogens:**

- Amphetamine Variants\*
- LSD
- Mescaline and Peyote
- Phencyclidine (PCP, angel dust)\*
- Phencyclidine Analogs

##### **Narcotics:**

- Codeine
- Heroin\*
- Hydromorphone
- Meperidine (Pethidine)
- Methadone\*
- Morphine\*
- Opium\*

##### **Stimulants:**

- Amphetamines\*
- Cocaine\*
- Methylphenidate
- Phenmetrazine

\* Substances currently approved for drug testing under Maine law.



