

MAINE SUBSTANCE USE TESTING POLICY TEMPLATE INSTRUCTIONS

Cover Page – this can be modified to add company name, logo, etc.

Contact Information – In this section, you will provide information about the company, who will be the person to contact with any questions regarding your policy and the company locations/worksites that will be covered under the policy. If the person listed as Policy Contact is different from the person who will be filling out the annual survey, please include that person as well.

NOTE: there should be a company contact person listed that DOL can contact in the event of any employee questions about the policy.

Policy Compliance – The bottom of page 5 needs to be signed by a company representative prior to submitting policy for approval.

Scope of Testing – Fill in the classifications or position titles to be tested for applicant testing, and/or for employee testing

Use of Prescription Medications and/or Medical Marijuana in the Workplace – This is a new section where employers should address the use of prescriptions and/or medical marijuana while in the workplace.

NOTE: if not going to address, delete that section

Screening and Confirmation Tests – Please check off a box for the specimen type to be collected and check off any/all the substances to be tested for. *NOTE: If you do not check a substance off but receive results for it, you cannot use the results to take action.*

For employee testing – Employers can choose to conduct reasonable suspicion, random and/or criteria-based testing. Please check off which types of testing your company plans on conducting.

NOTE: there are specific criteria that must be met to conduct random and/or criteria-based testing.

If doing random or criteria-based testing – Please fill in the random selection process, testing frequency and population for random and/or the criteria-based testing frequency, if applicable.

If NOT doing random or criteria-based testing – Please enter N/A, or state that random and/or criteria-based testing will not be conducted.

Testing Procedures - Please enter name and address of sample collection facility/facilities. **Sample collection facilities are where the initial sample is taken, they are NOT the confirmation testing laboratory that needs to be listed separately.**

NOTE: Point of Collection Testing section needs to be addressed. Please check Yes or NO; OR revise language to say "POCT may be used".

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Identify Testing Laboratory and MRO - Please check off the box(es) for the confirmation testing laboratory that is being used, this is the lab that all non-negative test results will be sent to and **must** be chosen only from the list provided in the template. This is also where the Medical Review Officer (MRO) information needs to be listed.

Procedure to Notify Applicant/Employee - Please enter the title of person(s) who will receive the final test result report.

Procedure to Appeal – Please enter the title of person(s) who will review an appeal.

NOTE: this can be a Medical Review Officer (MRO) or someone within the company as an HR Manager, for example. There must be a no-cost option available.

Description of Rehabilitation Services – Please check off whether you have an EAP or not and then complete the corresponding sections, as applicable.

*NOTE: if your company has more than 20 full-time employees working in Maine and you plan on conducting testing on any current employees then you **MUST** have an Employee Assistance Program, and a statement needs to be included within the policy stating that there is a contract/agreement between the company and the EAP provider to offer these services.*

Submission Process – Send completed policy template to MDOL for review, this can be done either via regular mail (see address below) or via email to mdol@maine.gov. Please include all forms that may be used along with the policy, for example consent forms, acknowledgement forms, return to work agreements, non-impairment agreements, collective bargaining agreements that address drug testing, etc. Once submitted, staff at the Bureau of Labor Standards will review for completeness. If everything is in order, it will be approved and staff will send an approval letter to the company contact. If, after reviewing, there are missing items, staff will contact the company to resolve issues prior to approval.

FINAL NOTE: any policies for testing applicants will be effective as of the date of approval; all employee testing policies will be effective 30 days from the date of approval. Therefore, if you chose to use a template that combines both applicant and employee testing – once approved, the applicant portion is effective immediately and the employee section will take effect 30 days later.

If you have questions and/or concerns while developing your policy, please call us at (207) 623-7902.

Mailing address: Bureau of Labor Standards; 45 State House Station; Augusta, ME 04333-0045