State of Ohio Employees

Drug Testing Programs

Drug Free Workplace Services Program
(614) 466-6346

TABLE OF CONTENTS

I. INTRODUCTION 5

II. FEDERAL TESTING PROGRAM 7

A. <u>General Overview</u> 7

1. Who Must be Tested? 7

a. CDL Holder 7

b. Performing Safety-Sensitive Functions 7

2. What Types of Tests are Required Under the Federal Program? 8

3. Who is Required to Pay for Tests? 8

4. Is Travel and Testing Time Compensated? 8

5. What if an Employee Refuses to be Tested? 8

6. What Does the Federal Law Prohibit? 9

B. <u>Procedural Guidelines for Testing</u> 10

1. How Does the Collection Site Know it is Conducting a Federal Test? 10

2. How are Each of the Types of Tests Administered? 10

a. Pre-employment 10

b. Reasonable Suspicion 11

c. Post-Accident 12

d. Random 13

e. Return-to-Duty 16

f. Follow-Up 16

3. What Happens When the Test Result is Positive? 16

a. Summary Checklist 16

b. Procedures 17

c. Special Procedures 21

d. Designation of Leave 21

III. STATE TESTING PROGRAM 23

A. <u>General Overview</u> 23

1. Who Must be Tested? 23

a. Applicants for Safety-Sensitive or Unclassified Positions 23

b. Employees Reasonably Suspected of Being Under the Influence 23

c. Random Testing for Safety-Sensitive Positions 23

2. What Types of Tests are Required Under the State Program? 24

3. Who is Required to Pay for Tests? 24

4. Is Travel and Testing Time Compensated? 24

5. What if an Employee Refuses to be Tested? 24

6. What are the Protocols for Collection and Transportation of State Program Tests? 24

7. When is a Union Representative Involved? 25

B. <u>Procedural Guidelines for Testing</u> 25

1. How Does the Collection Site Know it is Conducting a State (Non-DOT) Test? 25

2. How are Each of the Types of Tests Administered? 26

a. Applicant 26

b. Reasonable Suspicion 26

c. Random 27

d. Return-to-Duty and Follow-Up 30

3. What Happens When the Test Result is Positive? 30

a. Summary Checklist 30

b. Procedures 31

c. Special Procedures 32

d. Designation of Leave 32

IV. WORK RULE 35

V. LAST CHANCE AGREEMENT 36

VI. APPENDICES 40

- Definitions 41
- Ohio EAP Program 45
- Questions and Answers 47
- Applicant Testing Designated Positions 50

I. INTRODUCTION

Alcohol and other drug use is a problem of significant proportions that threatens the health and well-being of every citizen in the state of Ohio. The use of illegal drugs and abuse of prescription drugs reaches into every community and every walk of life, including the workplace.

The State of Ohio Drug-Free Workplace Services Program (DFWSP) has as its primary mission the fostering of a safe, productive, and drug-free workplace environment for state employees, an environment conducive to the successful accomplishment of agency goals and missions, the enhancement of employee well-being, and increased employee productivity. This is accomplished through a dual state and federally-required drug testing effort.

FEDERAL TESTING PROGRAM. The federal testing program, mandated by the Omnibus Transportation Employee Testing Act of 1991 (49 U.S.C. § 31306), applies to state employees whose duties require commercial drivers licenses and the driving of certain types of vehicles. It includes pre-employment, random, reasonable suspicion, return-to-duty, follow-up, and post-accident testing.

A total of eighteen (18) state agencies participate in this program. Most covered employees work in the Department of Transportation. Significant, but lesser, numbers of employees are found within the Departments of Natural Resources and Rehabilitation and Correction.

Most federal testing involves random testing. Currently, 50 percent of all eligible employees must be tested annually for drugs, and 10 percent for alcohol. Employees to be tested are selected from a computer-generated random selection process using the position control numbers of employees in the pool. The names of employees in the positions selected for testing are then supplied by the Drug-Free Workplace Services Program to the departmental testing coordinators.

STATE TESTING PROGRAM. The state testing program has three testing components:

1. Pre-employment testing of all final applicants for:

   - *safety-sensitive positions* where the applicant is not a state employee; and
   - *all unclassified positions* (except that agencies are not required to test an applicant who is a current state employee who has a test on record and who also has not had a break in service).

2. Reasonable suspicion testing of any state employee where there is a reason to suspect that the employee, when reporting for duty or while on the job, is impaired by, or under the influence of, alcohol or other drugs.

3. Random testing for employees in the Departments of Rehabilitation and Correction and Youth Services who have direct contact with inmates or youths within those systems are subject to random testing. A random testing program is also in place for State Highway Patrol employees in the Department of Public Safety. Additional safety-sensitive classifications are identified in the collective bargaining agreements and/or an agency specific drug free workplace policy.

This manual includes a general description of the state and federal drug testing programs, and provides procedural guidelines for implementing the different types of tests required under each program. Additional information and assistance regarding the federal and state drug testing requirements and the process for their implementation is available from the Drug-Free Workplace Services Program (DFWSP) in the Department of Administrative Services' Human Resources Division. The telephone number is:

(614) 466-6346

II. FEDERAL TESTING PROGRAM

A. General Overview

1. Who Must be Tested?

Two conditions must be met before an employee is subject to the testing requirements of the Omnibus Transportation Employee Testing Act of 1991 (49 U.S.C. § 31306) (hereinafter "the Act"). The employee must have a commercial driver's license (CDL) and perform safety-sensitive functions as defined by the Act.

a. <u>CDL Holder</u>.

Under the Act, a "commercial motor vehicle" includes any motor vehicle used to transport passengers or property if the vehicle has:

1) a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight rating of 10,000 pounds; or
2) a gross vehicle weight rating of 26,001 or more pounds; or
3) is designed to transport 16 or more passengers including the driver; or
4) is of any size and is used to transport hazardous materials as defined by the Hazardous Materials Transportation Act.

b. <u>Performing safety-sensitive functions</u>.

The Federal Motor Carrier Safety Administration, through 49 CFR Part 382, clarified and expanded the definition of safety-sensitive functions found in the Act. Under the new regulations, safety-sensitive function means all time a driver is at work or is required to be in readiness to work. Safety-sensitive functions now include the following six (6) situations:

1) all time spent driving a commercial motor vehicle;
2) all time spent on employer or public property waiting to be dispatched, unless the driver has been relieved from duty by the employer;
3) all time spent inspecting, servicing or conditioning any commercial motor vehicle at any time;
4) all time (other than driving time) in or on any commercial vehicle, except time spent resting in a sleeper berth;
5) all time spent loading or unloading a vehicle, supervising or assisting in loading or unloading a vehicle, remaining in readiness to operate a commercial motor vehicle or giving receipts for shipments loaded or unloaded; and
6) all time spent repairing, obtaining assistance for or standing by a disabled vehicle.

Thus, instead of limiting alcohol tests to the time just before, during or after an employee *drives* a commercial vehicle, the revised regulations enable an Employer to order a test any time the employee is on site waiting to be dispatched, loading or unloading a commercial motor vehicle, riding in a commercial motor vehicle, repairing a commercial vehicle, etc.

---

2. What Types of Tests are Required Under the Federal Program?

The Act requires pre-employment drug tests and reasonable suspicion, post-accident, random, return-to-duty, and follow-up tests for both alcohol and drugs.

---

3. Who is Required to Pay for Tests?

Employees are responsible for the cost of any test which is required as the result of a positive test (i.e. return-to-duty, follow-up tests and re-tests).

---

4. Is Travel and Testing Time Compensated?

Except for return-to-duty testing, all travel time and time spent in the actual testing process will be considered “time worked” for compensation purposes.

---

5. What if an Employee Refuses to be Tested?

An employee may not refuse to submit to a required post-accident, random, reasonable suspicion, or follow-up alcohol or drug test. An employee’s refusal to test will be considered as a positive test.

A refusal to test for alcohol will occur when the employee:

- refuses to sign the breath alcohol test form;
- refuses to provide breath for an alcohol test;
- refuses to provide an adequate amount of breath to complete an alcohol test; or
- fails to cooperate with the testing process in any way that prevents completion of the test.

A refusal to test for drugs occurs when the employee:

- refuses to provide a urine specimen;
- refuses to provide an adequate amount of urine; or
- fails to cooperate with the testing process in any way that prevents completion of the test.

Any person refusing to take a pre-employment test will not be hired. An employee refusing to take a return-to-duty test cannot be returned to safety-sensitive duties.

---

6. What Does the Federal Law Prohibit?

The Act prohibits all of the following:

- the use of alcohol or any controlled substance while the employee is performing safety-sensitive functions;
- the performance of any safety-sensitive duty within four (4) hours after the consumption of alcohol;
- the refusal to take an alcohol or drug test when ordered;
- remaining on duty after a positive alcohol (0.04 or greater Blood Alcohol Content ("BAC")) or drug test;
- the performance of safety-sensitive functions by any person with a BAC of 0.02 to 0.0399; and
- the consumption of any alcohol within eight (8) hours of an accident by any employee subject to a post-accident test.

Note: Employees who test between 0.02 and 0.0399 BAC must be removed from safety-sensitive duties and cannot return to such duties until 24 hours have elapsed, or until a re-test for alcohol is less than 0.02.

B. Procedural Guidelines for Testing

The following procedural guidelines are to be used by all agencies in implementing the drug and alcohol testing requirements of the U.S. Department of Transportation Federal Motor Carrier Safety Administration as specified in the Omnibus Transportation Employee Testing Act of 1991 (49 U.S.C. §31306). These guidelines are to be followed when processing safety-sensitive employees for drug and/or alcohol testing. Agencies are cautioned not to vary from these guidelines without contacting DFWSP.

1. How Does the Collection Site Know it is Conducting a Federal Test?

In arranging federal tests, agencies should inform the collection site:

- that they are scheduling a federal DOT test and specify the type of test(s);
- that the test is for drugs, for alcohol, or for both alcohol and drugs;
- the name of the agency ordering the test, and the agency five-digit account number;
- that a split specimen is required;
- that the collection is for Alere Toxicology Services; and
- the name and State of Ohio User Identification number of the person sent for the specimen collection.

An employee should **NEVER** be sent unannounced to any collection site. The agency should **ALWAYS** call ahead with information needed for the collection. All persons sent for testing should have photo identification.

Remember that **all** drug and alcohol tests of safety-sensitive employees covered under federal DOT testing regulations must conform to the Act, whether the test is conducted as a reasonable suspicion, post-accident or random test.

2. How are Each of the Types of Tests Administered?

This section discusses the testing requirements for each of the six types of tests required by federal law.

a. <u>Pre-employment Testing</u>.

Drug tests (but not alcohol) are required for all final applicants for positions covered by federal DOT testing requirements (i.e., CDL holders). Persons entering these positions from outside

state government, and current state employees who do not perform safety-sensitive functions (as defined in 49 CFR Part 382) who are transferring into these positions, must be tested. However, current state employees who already perform safety-sensitive functions are not required to be tested when they are transferred or promoted into other safety-sensitive positions.

1) Is there an alternative to requiring a pre-employment test?

An employer may opt not to administer a pre-employment drug test if documentation can be provided that the prospective employee participated in a DOT drug testing program within the past 30 days, and while in that program:

a) had a negative drug test within the past six (6) months; or
b) participated in a random testing program for the previous 12 months **and**
c) the employer ensures that no prior employer of whom the employer has knowledge has records of a positive test for the prospective employee within the past six (6) months.

An employer is not required to obtain this previous test information as a condition of employment, but only as an alternative to conducting the pre-employment test.

2) What releases of information must the employee provide?

The Act does require prospective employees to authorize release of information about previous tests conducted under the Act. The authorization is a condition for employment, and must include:

a) positive drug tests for the preceding two years from the date of application.
b) alcohol test results of 0.04 or greater for the preceding two years from the date of application.
c) refusals to be tested for the preceding two years from the date of application, and proof of completion of rehabilitation and return-to-duty test requirements after any positive tests.

As a condition of employment, employees who previously failed tests must prove that they have been medically recertified as qualified.

b. <u>Reasonable Suspicion Testing</u>.

If there is reasonable suspicion for an employer to believe that a covered employee is under the influence of alcohol or drugs, the agency must test that employee.

1) *What documentation must the agency prepare to document its "reasonable suspicion"?*

When conducting reasonable suspicion tests on safety-sensitive employees, it is important to remember that while collective bargaining agreement (CBA) language may require a second witness or written documentation prior to testing, the Act does not, and in certain circumstances following the CBA language may impede or delay the testing process. The Act requires one supervisory witness and written documentation by that supervisor or a designated employer representative (to be completed within 24 hours of ordering the test) for a reasonable suspicion test for drugs, but there is no such requirement for reasonable suspicion alcohol testing. In all cases, first-line supervisors should be advised to secure additional witnesses and prepare written documentation but not to allow that process to interfere with the testing of the employee.

2) When must the test be done?

Reasonable suspicion testing for alcohol is authorized **only** if the required observations are made just before, during or immediately after the employee has performed a safety-sensitive function. If the alcohol test is not administered within two (2) hours of the reasonable suspicion determination, documentation must be prepared to explain why it was not done. If the alcohol test has not been administered within eight (8) hours, testing efforts must cease and the reasons for not administering the test must be documented. Testing should never be postponed or delayed in anticipation of using the random testing requirement as a substitute for a reasonable suspicion test.

c. Post-Accident Testing.

Three situations trigger post-accident testing:

- any accident involving a fatality;
- any accident in which the driver is cited and there is disabling damage to the vehicle(s) requiring tow-away; or
- any accident in which the driver is cited and off-site medical treatment is required.

1) What are the employee's responsibilities?

Employees must immediately notify the agency about the accident (if medically able to do so), remain available for testing, and not consume any alcohol for eight (8) hours after the accident, or until an alcohol test has been administered, whichever occurs first.

2) What are the agency's responsibilities?

a) When must an alcohol test be given?

Post-accident tests for alcohol should be done within two (2) hours of the accident. Attempts to test for alcohol should cease if eight (8) hours have elapsed after the accident and no test has been done. The agency must document why the test was not done.

b) When must a drug test be given?

Post-accident tests for drugs must be done as soon as possible after the accident, but **never** beyond 32 hours after the accident. If the drug test was not done within the 32-hour time limit, the agency must document why it was not done.

c) Where must the test be given?

In the event a post-accident test is necessary, agencies are not required to use one of the State's designated collection sites, but instead may use federal, state, or local authorities to conduct such tests, provided the test giver has independent authorization to conduct such tests, the test process conforms to applicable federal, state or local requirements, and the test results can be obtained by the employer.

The agency must take all necessary steps to perform the required post-accident testing of the employee. If the employee is hospitalized following the accident, the agency must make every effort to secure whatever releases may be necessary (i.e, from the treating physician) to have a qualifying test performed at the hospital if it is possible for such a test to be conducted.

d. <u>Random Testing</u>.

Of the average total of all covered employees, current regulations require that 10% must be randomly tested for alcohol each year and 50% must be randomly tested for drugs each year. Random testing must be done as soon as possible after the employee is notified that he/she is to be tested. Testing cannot be delayed or postponed because of work schedules or workloads.

1) Who is tested?

The Drug-Free Workplace Services Program generates the master random testing list. All covered employees are placed in the random selection pool. Positions to be tested are selected through a computer-based random process. Drug-Free Workplace Services Program forwards the list of names of employees to be tested to the applicable agency. Whether maintained by the agency coordinator, or distributed to other agency personnel authorized to order random testing, the random testing list must be maintained in the strictest confidence.

Positions can be added or deleted from the random testing pool at any time during the testing year, but these changes must be made <u>before</u> the cycle in which the changes are to be effective. Changes cannot be made in the middle of a testing cycle (the cycles for federal random testing are generally of 30 days duration). Agencies should ensure that seasonal workers have been added to the random pool in advance of the testing cycle in which the employee will be performing the safety-sensitive function.

Agency drug testing coordinators must ensure that the random testing of their employees is as evenly distributed throughout the testing cycle as possible.

2) *When must a drug test be given?*

a) Tests can be ordered any time during the employee's work shift.

b) If the employee is unavailable (attending a conference, sick, vacation, etc.) when the random drug testing roster is received by the coordinator, the employee must be ordered to test the first time he/she returns to duty.

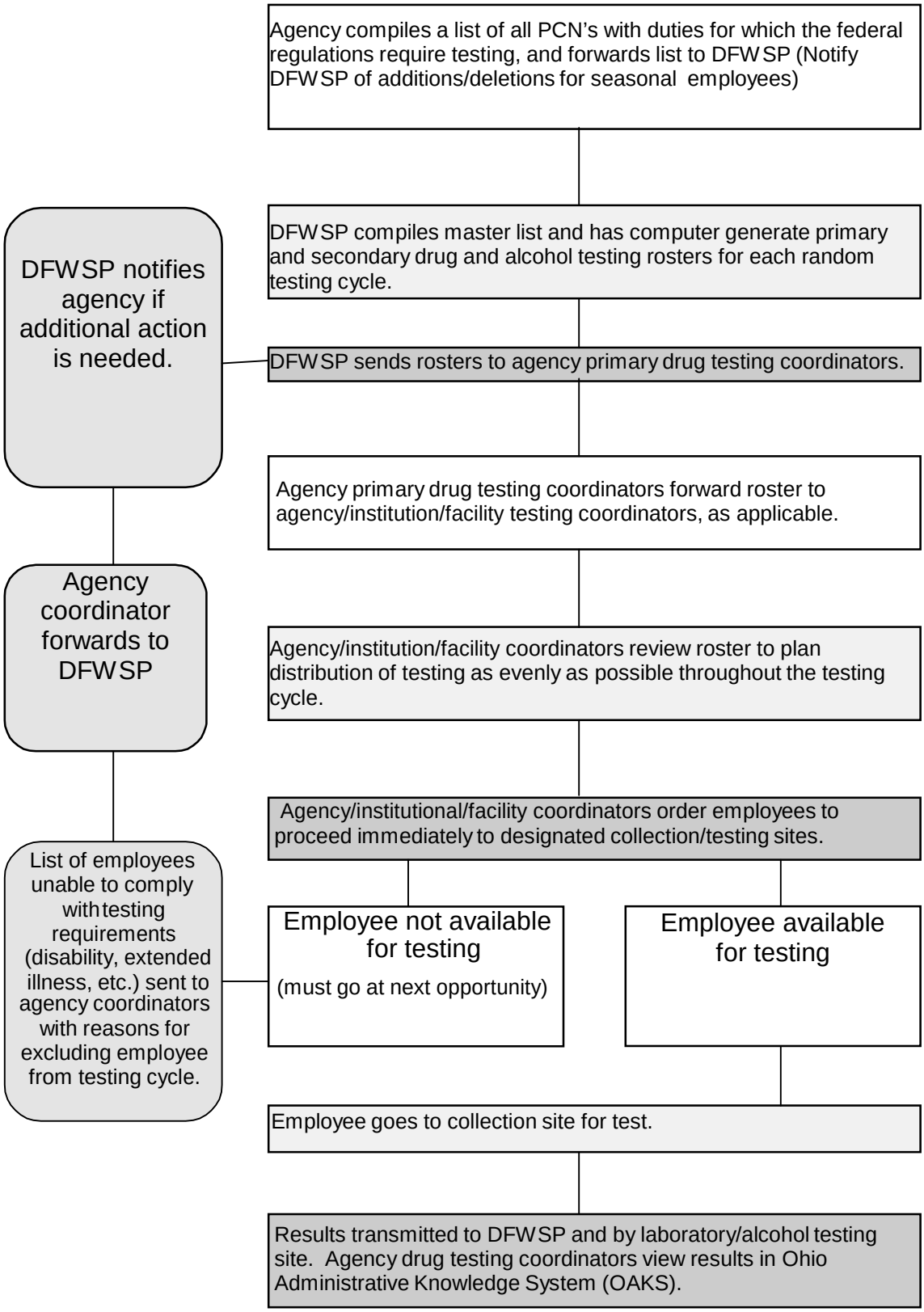
c) If the employee selected for random drug testing is off for more than 30 days (illness, vacation, etc.), a re-employment drug test is required before the employee can return to work.

3) *When must an alcohol test be given?*

a) Alcohol tests can only be ordered just before, during or immediately after the employee has performed the safety-sensitive function.

b) If the employee is not performing the safety-sensitive function when the random alcohol testing roster is received, the employee must be ordered to undergo a random alcohol test on the NEXT occasion he/she performs the safety-sensitive function.

Flowchart - Federal Random Testing



c) An employee who will not be performing the safety-sensitive function at any time during the testing cycle should be removed from the random testing pool for that cycle. Agencies should inform DFWSP of that fact. An alternate will then be selected by DFWSP from the secondary random testing list. For both drug and alcohol tests, since selection is random, the alternate may, or may not, be from the same agency as the person removed from the cycle.

e. **Return-to-Duty Testing.**

Any employee who has violated any of the Act's alcohol/drug misuse rules must be evaluated, treated (when indicated) and given a direct observation return-to-duty test with passing results as a condition for resuming safety-sensitive duties. The alcohol test result must be less than 0.02 BAC, and the controlled substance test must be negative. The employee will be responsible for paying for return-to-duty tests.

f. Follow-Up Testing.

Every employee who has returned to duty after receiving treatment/assistance for substance abuse as a result of testing positive, will be subject to unannounced follow-up alcohol and/or direct observation controlled substance testing as directed by the substance abuse professional in charge of the employee's treatment/assistance. There will be a minimum of six (6) unannounced follow-up tests during the first 12 months after the employee returns to duty. Testing may continue for up to sixty (60) months after the employee returns to duty if ordered by the substance abuse professional. The employee will be responsible for paying for all follow-up tests.

---

3. What Happens When the Test Result is Positive?

a. Summary checklist.

The following is a summary of the procedures to follow when an employee has tested positive for drugs or above .04 for alcohol. A more detailed explanation of these steps follows.

1) Employee must be picked up at collection site if employee drove and has tested above .04 for alcohol. Employee is prohibited from using a state vehicle.

2) The employee is removed from his or her duties.

3) Agency advises the employee to report promptly to the Ohio EAP or to a Substance Abuse Professional (SAP) who qualifies under USDOT rules. The agency should personally contact EAP and advise them that the referral is for a positive test result by a safety-sensitive employee under the federal testing program.

4) A pre-disciplinary conference should be held, and all procedures to implement discipline should be followed. If the employee enters into an agreement to be evaluated and to complete any program required by the SAP, the implementation of discipline is to be **SUSPENDED** (See Last Chance Agreement at end of this section).

5) After successful completion of the treatment program, as determined by the SAP, a return-to-duty test must be performed.

6) If negative, the employee may be returned to duty.

7) Any employee who has not produced an official negative return-to-duty test within 180 calendar days after a positive federal test result will be terminated for failure to return to work as stipulated in the employee's last chance agreement.

b. <u>Procedures</u>.

1) Transportation from collection site.

Any time an agency is notified of a positive drug/alcohol test (or if the agency has reason to order a post-accident or reasonable suspicion test) the employee must be barred from using a state vehicle. Although employees may be provided a state vehicle to report for random drug or alcohol testing, the agency must retrieve the vehicle and transport the employee back to the workplace if it is informed of a positive alcohol test result. (Drug test results are not immediately available).

2) Removal from duties.

All safety-sensitive employees who test positive for drugs or alcohol must be removed from their safety-sensitive duties. Employees who test above .02% BAC alcohol must be removed from their safety-sensitive duties as described above while employees who test .04% BAC or above for alcohol or positive for drugs must be removed from their safety-sensitive duties for the period of time
specified by a Substance Abuse Professional (SAP) and until they pass a return-to-duty test.

3) Referral for treatment.

Employees who test positive for alcohol or controlled substances for the first time, with no other disciplinable offense, will be referred to a Substance Abuse Professional (SAP) for evaluation as to what treatment is needed for the employee to be able to resume safety-sensitive duties. Employees will be required to successfully complete such treatment as one condition of resuming their safety-sensitive work duties. The Act defines the SAP as a licensed physician (M.D. or D.O.), licensed or certified psychologist, social worker or employee assistance professional with knowledge of and clinical experience in the diagnosis and treatment of substance abuse disorders.

Alcohol and drug abuse counselors with NAADAC certification are also acceptable SAPs.

a) Processing through Ohio EAP.

When the employer receives notification from DFWSP that a safety-sensitive employee has tested positive for drugs or alcohol (.04 or above BAC) the proper agency official shall refer the employee to the Ohio EAP and, should the employee wish to be processed through the EAP, that official shall contact the EAP to confirm that referral. The agency should confirm in writing to the EAP that this is a "mandatory referral" of a safety-sensitive employee. From this point, the EAP will coordinate the employee's referral and serve as the communications link between the SAP and the agency. The EAP will inform the agency of whatever documentation needs to be completed.

b) Self-referral.

In some cases, employees may not wish to use the services of EAP but, rather seek (or "self refer") to his or her own SAP. When an employee chooses "**self referral**" it is incumbent upon the agency to acquire the necessary releases from the employee so that the agency may communicate directly with the SAP. The agency should recommend that the employee report promptly to the SAP having the certification required by the Act, and that the evaluation of the SAP be made available to the agency.

The agency or EAP must acquire any waivers from the employee necessary to monitor the employee's evaluation and treatment. This can be accomplished with the execution of a Last Chance Agreement (See Section V. for further explanation).

4) Waiver of Discipline.

The employee should be notified and a pre-disciplinary meeting held in accordance with the applicable collective bargaining agreement. The investigation and discipline trail should be no different than for any other offense which could result in suspension or termination. The agency should use the conference to assure that its information is correct, and that all procedural aspects of the test have been performed correctly. If the employee enters into a last chance agreement, imposition of discipline is suspended. If the employee refuses to sign a last chance agreement, discipline may be imposed. Should the employee later test positive for drugs or alcohol, or in any way violate the terms of the last chance agreement, a second disciplinary process and pre-disciplinary meeting should be completed for that offense. The employee should be charged both with the appropriate infraction and the breech of the last chance agreement. A discussion of discipline, last chance agreements and a sample agreement are found later in this manual.

Agencies should not use older EAP agreements to waive discipline since the removal and return of the employee are controlled by federal statute and not adequately addressed in these agreements.

5) *Return-to-Duty.*

Before an employee who has tested positive for drugs or alcohol (.04 or above BAC) may return-to-duty, the SAP must certify in writing to either the agency or the EAP that the employee may return to his or her safety-sensitive duties, and the employee must pass a return to work drug/alcohol test. Return-to-duty testing and all mandatory follow-up testing will be coordinated by DFWSP. Agencies may not accept test results not approved by DFWSP.

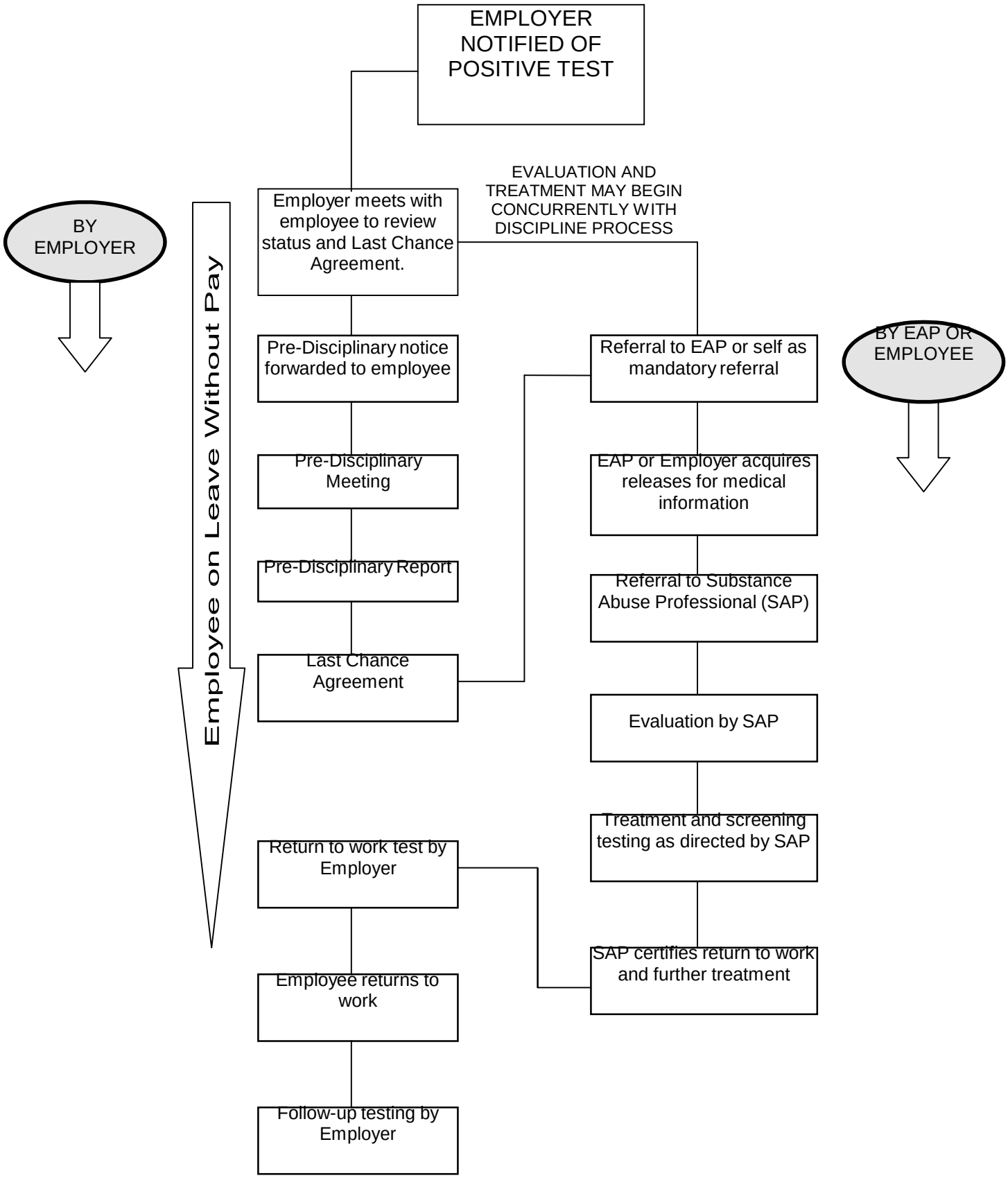
6) *Follow-Up Tests.*

The employee must be tested a minimum of six times within 12 months after the employee returns to duty. Additional tests may be conducted for up to 60 months if ordered by the SAP.

7) *Reemployment Tests.*

An employee selected for a random drug test who is off work for more than 30 days (illness, vacation, etc.) must pass a re-employment test as a condition for returning to duty.

Disciplinary/Treatment Process



c. <u>Special Procedures.</u>

1) What if the employee requests a retest after a positive test?

An employee's request for a retest of positive drug specimens must be made within 72 hours of an employee's being advised of the positive result. The 72-hour clock begins when the employee is first notified of the positive result. All re-tests must be done by a laboratory certified by the U.S. Department of Health and Human Services and coordinated by the state's designated Medical Review Officer (MRO).

2) What if the employee's blood alcohol content tests between .02% and .0399%?

Agencies may impose appropriate progressive discipline on employees who test between .02% and .0399% BAC. The employee does not need to be evaluated by a SAP or undergo substance abuse treatment, but must be removed from safety-sensitive duties until the beginning of the employee's next full shift (but no sooner than twenty-four hours).

d. <u>Designation of Leave</u>

1) How should the employee's pay status be designated?

a) Paid leave.

Until the employee is provided notice of the pre-disciplinary meeting, the employee will be placed on approved **paid** administrative leave. After receiving notice of the pre-disciplinary meeting, if the employee waives the requirement that the meeting take place no earlier than three days after the notice was given, the employee shall remain on approved paid leave until the meeting is conducted.

b) Unpaid leave.

If the employee refuses to waive the 72-hour (three-day) requirement, the employee will be placed on approved administrative leave **without pay**. The employee should be informed that he/she will remain in leave without pay status pending the successful completion of any required evaluation and treatment.

c) Supplementing leave without pay.

Employees shall be permitted to utilize sick, vacation and other paid leave to supplement their income during the period which they are placed on unpaid leave of absence due to a positive drug or alcohol test.

2) When does the Family and Medical Leave Act (FMLA) apply?

Agencies are reminded that all paid or unpaid leave (up to 12 weeks) during substance abuse treatment for either drugs or alcohol is qualifying under the Family Medical Leave Act, provided the employee's condition meets the definition of a "serious health condition."

As it relates to treatment for substance abuse, "serious health condition", means an illness, injury, impairment, or physical or mental condition that involves either:

- **any period of incapacity or treatment connected with inpatient care** (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or

- **continuing treatment by a health care provider** which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:

A health condition (including treatment therefor, or recovery therefrom) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:

- treatment two or more times by or under the supervision of a health care provider; or
- one treatment by a health care provider with a continuing regimen of treatment.

The agency should take all necessary steps, including proper notification to the employee that time off for treatment will be counted as FMLA leave, to capture that time off toward the employee's 12 week entitlement. Even if the employee is in unpaid status, the FMLA requires that the State continue medical insurance benefits until the employee exhausts his/her 12-week FMLA leave. Should the employee fail to complete the substance abuse treatment program or otherwise fail to return to work, the State may recoup the premium payments made on the employee's behalf from the employee's last paycheck.

III. STATE TESTING PROGRAM

A. General Overview

1. Who Must be Tested?

Like the federal testing program, where only certain employees are subject to testing, the state testing program only applies to employees in certain circumstances:

a. <u>Applicants for Safety-Sensitive or Unclassified Positions</u>.

Final applicants who are not state employees who are applying for safety-sensitive positions, and all final applicants for unclassified positions, must complete and successfully pass a drug test as a condition of employment. However, agencies have the discretion not to test an applicant who is a state employee, who has a test on record and who also has not had a break in service.

For intermittent, temporary and external interim appointments, only those employees who are expected to work for four months or more in a safety-sensitive position for which drug testing is normally required will be subject to pre-employment drug testing. Background checks shall be conducted as determined by each Appointing Authority.

b. <u>Employees Reasonably Suspected of Being Under the Influence</u>.

The state testing program applies to any state employee who is suspected to be impaired by or under the influence of drugs or alcohol when reporting for duty or while on the job.

c. <u>Random Testing for positions that are designated Safety-Sensitive in accordance with collective bargaining agreements and/or an agency specific drug free workplace policy</u>.

Employees in the Departments of Rehabilitation and Correction and Youth Services who have direct contact with inmates or youths within those systems are subject to random testing. A random testing program is also in place for State Highway Patrol employees in the Department of Public Safety. Additional safety-sensitive classifications are identified in the collective bargaining agreements and/or an agency specific drug free workplace policy.

2. What Types of Tests are Required Under the State Program?

The state testing program requires applicant testing, reasonable suspicion testing, random testing for certain employees and rebuttable presumption testing. Return-to-duty and follow-up testing are required for employees who have tested positive.

3. Who is Required to Pay for Tests?

Employees are responsible for the cost of any test which is required as the result of a positive test (i.e. return-to-duty, follow-up tests and re-tests).

4. Is Travel and Testing Time Compensated?

Except for return-to-duty testing, all travel time and time spent in the actual testing process will be considered “time worked” for compensation purposes.

5. What if an Employee Refuses to be Tested?

An employee’s refusal to test or failure to cooperate with the testing process **in any way** that would prevent completion of the test will be considered as a **positive** test.

6. What are the Protocols for Collection and Transportation of State Program Tests?

Unless otherwise changed through agreement between the State and the applicable union, the collection, transmission and testing of all samples will conform to the federal Omnibus Transportation Employee Testing Act of 1991 and its implementing regulations.

7. When is a Union Representative Involved?

For both reasonable suspicion and random testing, employees have the right to consult with a union representative, if one is available, within one hour prior to testing. For reasonable suspicion testing, a Union representative may accompany the employee to the collection site as long as it does not delay or impede the testing process.

B. Procedural Guidelines for Testing

The following guidelines are to be used by all agencies in implementing alcohol and drug testing conducted under the State of Ohio Drug-Free Workplace Policy and applicable collective bargaining agreements.

1. How Does the Collection Site Know it is Conducting a State (Non-DOT) Test?

In arranging tests under the state testing program, agencies should inform the collection site:

- that they are scheduling a state (non-DOT) test and specify the type of test(s);
- that the test is for drugs, for alcohol, or for both alcohol and drugs;
- the name of the agency ordering the test, and the agency five-digit account number;
- that a split specimen is required;
- that the collection is for Alere Toxicology Services; and
- the name and State of Ohio User Identification number of the person sent for the specimen collection.

An employee should **NEVER** be sent unannounced to any collection site. The agency should **ALWAYS** call ahead with information needed for the collection. All persons sent for testing should have photo identification.

2. How are Each of the Types of Tests Administered?

a. Applicant Testing.

The agency person responsible for applicant testing schedules a time for the applicant to go to the collection site, and notifies the applicant of that time. The test should be done as soon as possible after notification, but never beyond thirty-two (32) hours after the initial notification. DFWSP should be contacted if the applicant cannot comply with this timeline.

Any applicant who tests positive will not be eligible for state employment for a period of one-year following the date of the positive result. Applicants who refuse to be tested, or whose actions impede the collection process in any way, will not be hired.

b. Reasonable Suspicion Testing.

1) *Who may be tested?*

"Reasonable suspicion" testing shall be conducted when there is reasonable suspicion to believe that an employee, when appearing for duty or on the job, is under the influence of, or his/her job performance is impaired by alcohol or other drugs. This reasonable suspicion must be based upon objective facts or specific circumstances found to exist that present a reasonable basis to believe that an employee is under the influence of, or is using or abusing alcohol or drugs. Examples of reasonable suspicion include, but are not limited to:

- slurred speech;
- disorientation;
- abnormal conduct or behavior;
- involvement in an on-the-job accident resulting in disabling personal injury requiring immediate hospitalization of any person or property damage in excess of $2,000, where the circumstances raise a reasonable suspicion concerning the existence of alcohol or other drug use or abuse by the employee.

2) What documentation must the agency prepare to document its "reasonable suspicion"?

Reasonable suspicion must be documented in writing and supported by two witnesses (for exempt employees, only one witness), including the person having such suspicion. For bargaining unit employees, the immediate supervisor shall be contacted to confirm that a test is warranted based upon the circumstances. This written documentation must be presented as soon as possible to the employee and the department head, who will maintain the report in the strictest confidence. A copy shall be released to any person designated by the affected employee.

3) Who should transport the employee to the collection site?

An employee ordered to undergo a reasonable suspicion test must ALWAYS be transported by the agency to the collection/alcohol test site.

c. <u>Random Testing.</u>

1) Who may be tested?

Employees in the Departments of Rehabilitation and Correction and Youth Services who have direct contact with inmates or youths within those systems are subject to random testing. A random testing program is also in place for State Highway Patrol employees in the Department of Public Safety. Additional safety-sensitive classifications are identified in the collective bargaining agreements and/or an agency specific drug free workplace policy. New employees will be provided notice and training prior to testing..

2) How is the random testing list maintained?

The random testing list will be maintained and administered by DFWSP. Employees will be selected from the random testing list by a computer driven random number process, based upon the position control number of the positions subject to testing. DFWSP will determine the test cycle, number of positions to be selected for testing in each test cycle, and the number of cycles to be run during the testing year.

The percentage of employees to be tested annually will vary. In the first two (2) years of the testing program, up to 30% of the positions in the random testing pool can be tested. During the third year of testing, from 10% - 30% of the total positions in the pool will be selected for testing.

3) What is the time limit for testing?

Any employee whose name is selected for random testing shall be tested in accordance with collective bargaining agreements and/or as determined by DFWSP.

4) Who is responsible for coordination?

Each agency will designate a primary drug testing coordinator, as well as coordinators for each institution/facility. Back-up personnel (with sufficient knowledge to conduct testing in the absence of the designated coordinator) should also be selected for each operational level.

5) *What procedures should the testing coordinators follow?*

Coordinators should follow these procedures:

a) DFWSP prepares both the primary and secondary lists. Each cycle, DFWSP sends the primary testing list to the agency primary drug testing coordinator. Lists will be agency/institution/facility-specific. When required, secondary lists will also be provided to the primary agency drug testing coordinator.

b) Agency primary drug testing coordinators will promptly distribute the list to the appropriate agency/institution/facility coordinators.

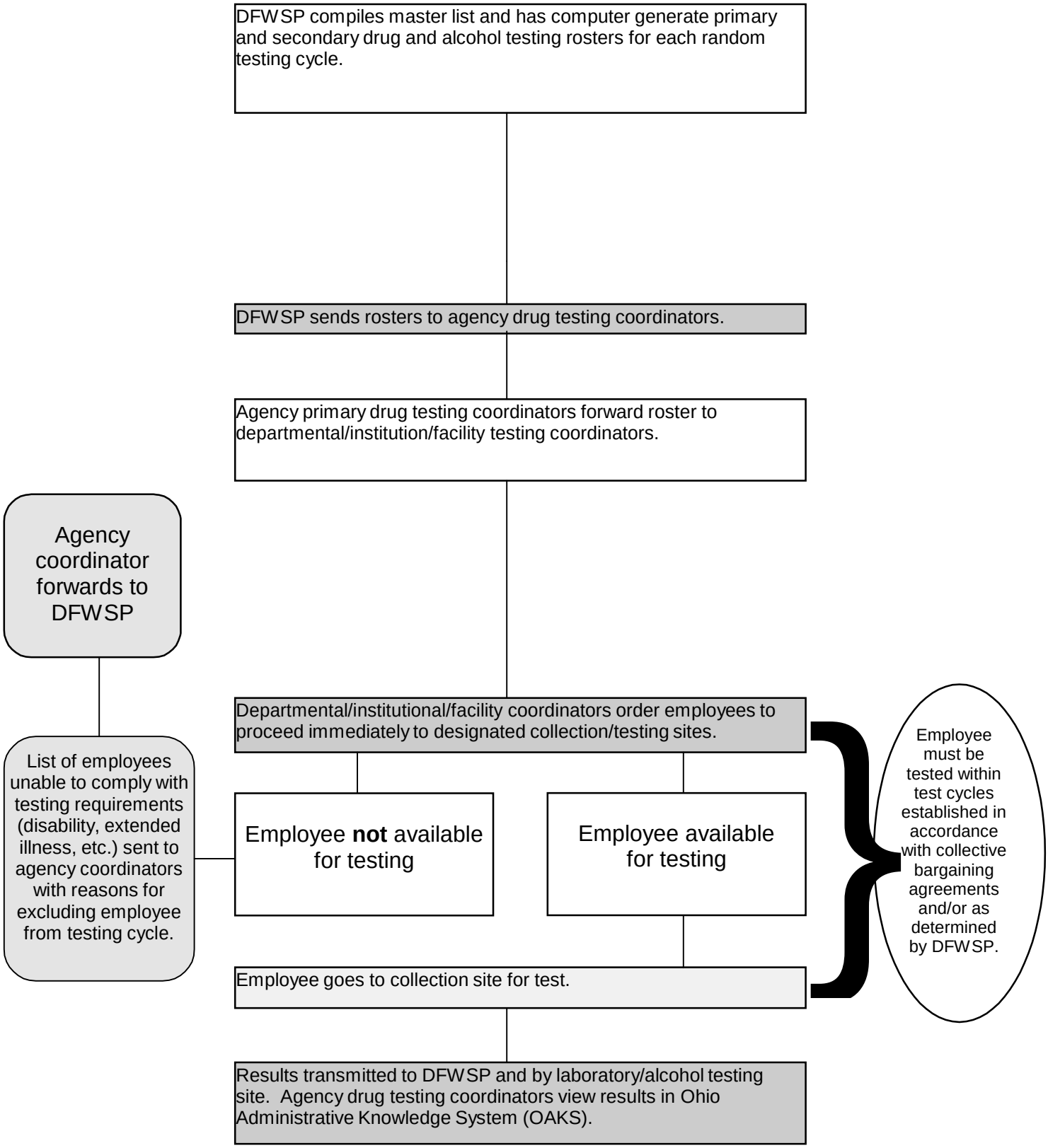
c) Agency/institution/facility coordinators will contact the appropriate collection site to arrange for specimen collection/alcohol testing for all employees scheduled for random testing during that cycle and order the employees to proceed promptly to the collection site.

d) Agency/institution/facility coordinators will prepare a list of all employees unable to comply with the testing requirement (along with a brief explanation as to why, i.e., vacation, illness, etc.). This list is forwarded to the agency coordinator, who reviews the list and forwards it to DFWSP.

e) DFWSP replaces any employee legitimately excluded from the testing process with the next selection from the secondary random testing list. DFWSP sends these selections to the agency coordinators when required.

f) Agency primary drug testing coordinators forward secondary selections to the agency/institution/facility coordinator, who follow the procedures in step c).

Flowchart - State Random Testing



Note: **All tests must be completed within test cycles established in accordance with collective bargaining agreements and/or as determined by DFWSP.**

The DFWSP staff will meet periodically with the agency drug testing coordinators, and other staff involved in the drug testing program to review the progress of the random testing process, and to coordinate any changes necessary to bring the testing process into conformance with testing requirements.

d. Return-to-Duty and Follow-Up Tests.

Any employee with a positive alcohol or drug test will be required to complete a direct observation return-to-duty drug test with a negative test result, or a return-to-duty alcohol test with a negative test result, as a condition for returning to work.

The employee, after successfully completing the direct observation return-to-duty test, will be subject to six (6) unannounced direct observation follow-up tests during the twelve (12) months following his/her return to work. Follow-up testing may continue for up to sixty (60) months after the employee returns to work, if ordered by the Substance Abuse Professional. The employee will be responsible for the cost of any return-to-duty or follow-up tests required.

---

3. What Happens When the Test Result is Positive?

a. Summary checklist.

The following is a summary of the procedures to follow when an employee has tested positive for drugs or above .04 for alcohol. A more detailed explanation of these steps follows.

1) Employee must be picked up at collection site if employee drove and has tested above .04 for alcohol. At that time, employee is prohibited from using a state vehicle.

2) The employee is removed from his or her duties.

3) Agency advises the employee to report promptly to a Substance Abuse Professional (SAP). The agency should personally contact EAP and advise them that the referral is for a positive test result under the state testing program.

4) A pre-disciplinary conference should be held, and all procedures to implement discipline should be followed. If the employee enters into an agreement to be evaluated and to complete any program required by the SAP, the implementation of discipline is to be **SUSPENDED** (See Last Chance Agreement at end of this section).

5) After successful completion of the treatment program, as determined by the SAP, a return-to-duty test must be performed.

6) If negative, the employee may be returned to duty.

7) Any employee who has not produced an official negative return-to-duty test within 180 calendar days after a positive state test result will be terminated for failure to return to work as stipulated in the employee's last chance agreement.

b. <u>Procedures</u>.

1) Transportation from collection site.

Any time an agency is notified of a positive drug/alcohol test (or if the agency has reason to order a post-accident or reasonable suspicion test) the employee must be barred from using a state vehicle. Although employees may be provided a state vehicle to report for random drug or alcohol testing, the agency must retrieve the vehicle and transport the employee back to the workplace if it is informed of a positive alcohol test result. (Drug test results are not immediately available).

2) Removal from duties.

An employee who tests positive for drugs or alcohol must be removed from duty pending release by EAP and/or the SAP and must complete a negative return to duty test.

3) Referral for treatment.

On the first occasion an employee tests positive for alcohol or drugs, the employee will be given the opportunity to be evaluated by a SAP, and may enter into a substance abuse program at the direction of that SAP. No disciplinary action shall be taken against the employee, provided he/she successfully completes the program. An employee's refusal to accept referral for diagnosis, or to follow prescribed treatment will be handled in accordance with the relevant collective bargaining agreement relating to job performance, and may result in disciplinary action up to and including termination.

The agency or EAP must acquire any waivers from the employee necessary to monitor the employee's evaluation and treatment. This can be accomplished with the execution of a Last Chance Agreement. (See Section V for further explanation).

4) Waiver of Discipline.

The employee should be notified and a pre-disciplinary meeting held in accordance with the applicable collective bargaining agreement. The investigation and discipline trail should be no different than any other offense which could result in suspension or termination. The agency should use the meeting to assure that its information is correct, and that all procedural aspects of the test have been performed correctly. If the employee enters into a last chance agreement, imposition of discipline is suspended. If the employee refuses to sign a last chance agreement, discipline may be imposed. Should the employee later test positive for drugs or alcohol, or in any way violate the terms of the last chance agreement, a second disciplinary process and pre-disciplinary meeting should be completed for that offense. The employee should be charged both with the appropriate infraction and the breech of the last chance agreement. A discussion of discipline, last chance agreements and a sample agreement are found later in this manual.

5) Return-to-Duty.

Before an employee who has tested positive for drugs or alcohol (.04 or above BAC) may return to duty, the SAP must certify in writing to either the agency or the EAP that the employee may return to his or her duties, and the employee must pass a return-to-duty drug/alcohol test. Return-to-duty testing and all mandatory follow-up testing will be coordinated with the DFWSP. Agencies may not accept test results not approved by the DFWSP.

6) Follow-Up Tests.

The employee must be tested a minimum of six times within 12 months after the employee returns to duty. Additional tests may be conducted for up to 60 months if ordered by the SAP.

c. <u>Special Procedures.</u>

1) What if the employee requests a retest after a positive test?

An employee's request for a retest of positive drug specimens must be made within 72 hours of an employee being advised of the positive result. The 72 hour clock begins when the employee is first notified of the positive result. All re-tests must be done by a laboratory certified by the U.S. Department of Health and Human Services and coordinated by the state's designated MRO.

d. <u>Designation of Leave</u>

1) How should the employee's pay status be designated?

a) Paid leave.

Until the employee is provided notice of the pre-disciplinary meeting, the employee will be placed on approved **paid** administrative leave. After receiving notice of the pre-disciplinary meeting, if the employee waives the requirement that the meeting take place no earlier than three days after the notice was given, the employee shall remain on approved paid leave until the meeting is conducted.

b) Unpaid leave.

If the employee refuses to waive the 72 hour (three day) requirement, the employee will be placed on approved administrative leave **without pay**. The employee should be informed that he/she will remain in leave without pay status pending the successful completion of any required evaluation and treatment.

c) Supplementing leave without pay.

Employees shall be permitted to utilize sick, vacation and other paid leave to supplement their income during the period which they are placed on unpaid leave of absence due to a positive drug or alcohol test.

2) When does the Family and Medical Leave Act (FMLA) apply?

Agencies are reminded that all paid or unpaid leave (up to 12 weeks) during substance abuse treatment for either drugs or alcohol is qualifying under the Family Medical Leave Act, provided the employee's condition meets the definition of a "serious health condition."

As it relates to treatment for substance abuse, "serious health condition", means an illness, injury, impairment, or physical or mental condition that involves either:

- **any period of incapacity or treatment connected with inpatient care** (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or

- **continuing treatment by a health care provider** which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:

A health condition (including treatment therefor, or recovery therefrom) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:

- treatment two or more times by or under the supervision of a health care provider; or
- one treatment by a health care provider with a continuing regimen of treatment

The agency should take all necessary steps, including proper notification to the employee that time off for treatment will be counted as FMLA leave, to capture that time off toward the employee's 12 week entitlement. Even if the employee is in unpaid status, the FMLA requires that the State continue medical insurance benefits until the employee exhausts his/her 12 week FMLA leave. Should the employee fail to complete the substance abuse treatment program or otherwise fail to return to work, the State may recoup the premium payments made on the employee's behalf from the employee's last paycheck.

IV. WORK RULE

A. Work Rule

All agencies should have a work rule which prohibits covered employees from off-duty use of drugs or alcohol which impairs their ability to perform their duties, and which addresses the consequences of testing positive.

We would recommend the following **work rule**:

> ***"...other actions that could compromise or impair the ability of the employee to carry out his/her duties"***

As with any other agency rule, it is important that this rule, as well as its consequences, be communicated to all employees. Additionally, it should be made clear to employees that refusing to take a test or actions which may impede or delay the testing process (including the employee's failure to produce his/her Commercial Drivers License) is considered insubordination and is treated as a positive test. In these instances the employee should be charged with insubordination, as well as violating the agencies rule against actions that would ***"compromise or impair the ability of the employee to carry out his/her duties."*** The agency's rules should also specify what discipline is being waived or held in abeyance pending successful completion of a substance abuse program.

V. LAST CHANCE AGREEMENT

Last chance agreements shall not be effective for longer than five (5) years, except in the following situations, in which case the last chance agreement shall be for an unlimited duration:

- any accident involving a fatality;
- any accident in which the driver is cited and there is damage to the vehicle(s) requiring tow-away; or
- any accident in which the driver is cited and off-site medical treatment is required.

DRUG FREE WORKPLACE
LAST CHANCE AGREEMENT

I, _____(Hereafter the employee) hereby acknowledge that in my position as _____, with the _____ (Hereinafter the employer) I am subject to the provisions set forth under Drug Free Workplace Policy in accordance with the Federal Omnibus Testing Act, Employer's Drug Free Workplace Policy, and/or Collective Bargaining Agreement.

The employee affirms that he/she has been charged with violating the Employer's Drug Free Work Place Policy and received a pre-disciplinary conference or waived meeting on these charges. The employee also agrees that the alleged offense is in violation of the Department's work rules and/or Collective Bargaining Agreement. Absent this agreement, the Department would otherwise confer the discipline of termination.

The parties agree that the employee's discharge will be held in abeyance contingent upon the employee's successful completion of the following requirements:

1. The employee will be referred to a Substance Abuse Professional by the Ohio Employee Assistance Program. The employee will submit to and cooperate in a substance abuse evaluation by that individual.

2. The employee must complete a substance abuse treatment program and be approved to return to work by the Substance Abuse Professional. Said program of treatment will be prescribed by the Substance Abuse Professional and he/she must certify the successful completion of that program to the employer in writing.

3. The employee must agree to execute any and all releases of medical and other information required by the Ohio EAP and/or the employer which are necessary for the employer to review and evaluate the employee's substance abuse evaluation and treatment program and the employee's participation in same. Any subsequent revocation of such release by the employee may be considered by the employer as a breach of this agreement.

4. The employee must pass a return to duty drug and/or alcohol test which has been identified as such to the employee prior to being permitted to return to work. This test must be scheduled by the employer and a negative result must be received prior to returning to duty. A positive return to duty test result will initiate the original removal order.

5. After his/her return to work, the employee must continue to strictly follow all directives and substance abuse treatment programs required by the Substance Abuse Professional.

6. The employee must not violate any Departmental rule or policy relating to drug or alcohol use, or the terms of this agreement. The length of this agreement shall be: Five (5) years.

7. The employee understands that all return to duty and follow-up drug tests are subject to direct observation procedures and failure of the employee to permit any part of the direct observation procedure will be considered a refusal to test. All follow-up drug and/or alcohol tests must be negative.

8. This agreement will be extended by a period equal to employee leaves of fourteen (14) consecutive days or longer, except for approved periods of vacation leave.

It is agreed by the parties that the employee shall be considered on an unpaid leave of absence (or the employee can use accrued leave) until such time that he/she returns to work under the above conditions or 180 calendar days whichever is shorter. Should the employee fail to properly be certified to return to work by the Substance Abuse Professional and return to work within 180 calendar days, he/she shall be terminated from employment. Should the employee not cooperate fully with the directive of the Substance Abuse Professional or fail to return to work, the employer may terminate his/her employment and seek repayment, from the employee's last paycheck, of any medical premium paid on his/her behalf during their period of unpaid leave.

The employee further understands and agrees that upon his/her return to work he/she will be subject to not less than six (6) random drug and/or alcohol follow-up tests for up to one year and that further random drug

and/or alcohol follow-up testing may be ordered by the Substance Abuse Professional for up to five years. It is also agreed that the employee shall be responsible for payment (within three (3) days) for the amount the employer is charged for any return to duty or follow-up test.

If during the duration of the Agreement, the employee violates this Last Chance Agreement or any subsequent agreement made between the employee and the Substance Abuse Professional or the EAP, if the employee is found in violation of the employer's drug and alcohol policies, if the employee refuses to submit to a drug and/or alcohol test, the employee will be subject to termination from employment. Although the employee will be charged separately for this second offense and afforded a pre-disciplinary meeting before the employer confers discipline, it is understood by the employee that any grievance arising out of his/her discipline shall have the scope of the arbitration limited to the question of whether or not the employee did indeed violate the conditions set forth above and the parties acknowledge the waiver of the contractual due process rights to the extent contained herein.

_____	_____
Employee	Date
_____	_____
Employer Representative	Date
_____	_____
Union Representative/Witness (if applicable)	Date

APPENDICES

Definitions

Ohio EAP Questions and

Answers

Applicant Testing Designated Positions

List of Collection Sites

Definitions

Agency means any office, department, commission, board, institution or facility in the executive branch of government.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Applicant testing means drug testing of final applicants for positions in state service who have tentatively met all relevant employment criteria but have not been officially offered employment with the state. For federal testing, applicant testing means drug testing of final applicants, both within and outside state service, for positions covered by federal testing regulations.

Chain of custody means procedures to ensure the integrity of each specimen for drug testing by tracking its storage from point of collection to final disposition.

Collection site means a place designated by the testing laboratory where individuals present themselves for the purpose of providing a specimen to be analyzed for the presence of drugs.

Commerce means:

(1) Any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States, and

(2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in paragraph (1) of this definition.

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle-

(1) Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or

(2) Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Federal Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Confirmation test for alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing it means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

Controlled substances for State of Ohio or Federal DOT drug testing, mean those substances identified in the Department of Health and Human Services' drug testing panel.

Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

(1) *Inclusions*. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

(2) *Exclusions*.

(I) Damage which can be remedied temporarily at the scene of the accident with out special tools or parts.

(ii) Tire disablement with out other damage even if no spare tire is available.

(iii) Headlight or taillight damage.

(iv) Damage to turn signals, horn, or windshield wipers which make them inoperative.

Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer.

Drug test means a chemical test administered for the purpose of determining the presence or absence of a drug or metabolites in a person's bodily fluids.

Employee means any person holding a position subject to appointment, removal, promotion, or reduction by an appointing officer who is paid by warrant of the auditor of state.

Employer means any person (including the United States, A State, District of Columbia, tribal government, or a political subdivision of a State) who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle. The term employer includes an employer's agents, officers and representatives.

Follow-Up testing means testing ordered as a result of an employee's having tested positive, in violation of an employee's work policy or federal drug testing regulations, on a prior reasonable suspicion, random, or post-accident test.

Licensed medical practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Medical review officer means a person meeting U.S. Department of Health and Human Services requirements to evaluate all positive test results together with a person's medical history and other relevant biomedical information.

Performing (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Positive test result means a test result that was positive on an initial USDHHS approved immunoassay test, confirmed by a gas chromatography/mass spectrometry assay (or other USDHHS confirmatory test(s) meeting National Institute on Drug Abuse, and reviewed and verified by a medical review officer, or a breath test for alcohol administered by the state patrol or a person qualified under rule 3701-53-07 of the Administrative Code or a breath test administered by a facility meeting USDHHS requirements, which equals or exceeds USDHHS positive test threshold levels.

Post accident testing means testing ordered for employees cited for their involvement in an accident which resulted in disabling damage and tow away of the involved vehicles, or off-site medical treatment for persons involved in the accident.

Prescription means a written or oral order for a controlled substance for the use of a particular person given by a practitioner in the course of professional practice and in accordance with the regulations promulgated by the director of the United States Drug Enforcement Administration pursuant to the federal drug abuse control laws.

Random testing means a testing process in which participants are selected by a computer-driven random selection process for unannounced controlled substances and alcohol testing.

Reasonable suspicion testing means alcohol or other drug testing based on a belief that an employee is using or has used drugs in violation of the employer's policy drawn from specific objective and documentable facts and reasonable inferences drawn from those facts.

Refuse to submit (to an alcohol or controlled substances test) means that an employee:

(1) Fails to provide adequate breath for alcohol testing, without a valid medical explanation, after he or she has received notice of the requirement for breath testing in accordance with state or federal testing requirements.

(2) Fails to provide an adequate urine sample for controlled substances testing, without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing in accordance with State or Federal testing requirements.

(3) Engages in conduct that clearly obstructs the testing process.

Return-to-Duty testing means testing which is ordered as a condition for an employee's return-to-duty or resumption of safety-sensitive duties.

Safety-sensitive functions for Federal testing means all time form the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

(1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved form duty by the employer;
(2) All time inspecting equipment as required federal regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
(3) All time spent at the driving controls of a commercial motor vehicle in operation;
(4) All time, other than driving time, in our upon any commercial motor vehicle except time spent resting in a sleeper berth
(5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
(6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Screening test (also known as initial test) In alcohol testing, it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

Specimen means a tissue or product of the human body chemically capable of revealing the presence of drugs in the human body.

Substance means alcohol or drugs.

Substance abuse professional means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and drug Abuse counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Workplace means a state owned or utilized premise for official state business or any place where official state business is conducted.

Ohio EAP

The Ohio Employee Assistance Program is a screening, information, referral and support service for state employees and their family members. The Ohio EAP is designed to help service recipients cope with personal problems such as family and parenting issues, alcohol and other drug abuse, emotional concerns such as anxiety, anger, grief, or depression, and legal and financial difficulties.

The Ohio EAP is supported by both labor and management. It has served state employees and their families since 1984.

Eligibility

All current, disabled or retired state of Ohio employees and their families are eligible to participate.

Service Provided

- Staff members are available to discuss employee concerns and problems, to help in locating an attorney, a financial advisor, a support group, or to make referrals to mental health professionals for ongoing counseling.

- Consultation services are available when an employee has concerns about a family member, a friend or a coworker who may be experiencing personal problems.

- Critical Incident Stress Debriefings are arranged and facilitated by the Ohio EAP staff following traumatic events, such as death or serious injury of a co-worker.

- Intervention Services for Organizations in Transition are provided for agencies and institutions that are undergoing reorganization or downsizing.

- Training is conducted throughout state government on a variety of topics including Workplace Violence Prevention, Drug-Free Workplace, Stress Management, and the contractually-required EAP Referral Training for Supervisors and Union Representatives.

Advocacy is also provided with the managed mental health care provider, should it be needed.

Confidentiality

The Ohio EAP ensures strict confidentiality as governed by state law (Ohio Revised Code section 3701.041) and federal regulations to protect clients. No information regarding an employee's participation in EAP is released unless the employee authorizes it in writing.

Costs

The Ohio EAP is part of the employee benefit package and there is no charge for using this service. If a referral is made for ongoing counseling the employee may be responsible for a small co-payment for each session.

Contacting the EAP

The Ohio Employee Assistance Program (EAP) can be contacted by calling 1-800-221-6327. This is a statewide toll-free call. Within Franklin County, call (614) 644-8545.

Questions and Answers

1. Must a current employee moving into a position covered by federal testing regulations undergo a pre-employment test?

   A. Yes, if he/she is not already in a position requiring federal testing.

---

2. Is time spent in testing "on-duty" time?

   A. Yes

---

3. Does a refusal to test have the same consequences as a positive test?

   A. Yes

---

4. If an employee selected for a random drug test is inadvertently given an alcohol test instead (or vice versa), can the alcohol test be considered a valid test if it is negative?

   A. No.

---

5. What should an agency do if an employee goes to a collection site but refuses to sign the chain of custody form?

   A. Inform the employee that such a refusal would constitute a refusal to test and would have the disciplinary consequences of a positive test result.

---

6. Does the employee pay for return-to-duty and follow-up tests?

   A. Yes

---

7. What happens when an employee experiences "shy bladder" (inability to produce a specimen) at the collection site?

   A. Federal regulations permit the employee to consume up to 40 oz. of liquids over a 3 hour period to produce a suitable specimen.

---

8. An employee was attending a conference at the time his supervisor received notice from the agency drug testing coordinator that a random test was required. Is the employee exempted from the test?

A. For federal random testing, the employee must be tested on the first occasion when he/she returns to work. For state random testing, the employee will be tested during the designated testing cycle.

---

9. An employee's drug test has been ruled positive by the MRO and has been found positive after a retest by another laboratory. Can the employee request still another retest by a laboratory of his/her choice?

A. No.

---

10. Are the results of an employee's federal tests a matter of public record?

A. No.

---

11. Is the employee entitled to a copy of his/her test results?

A. Yes.

---

12. Can the employee instruct the Employer to release copies of his/her test results?

A. Yes, provided the release by the Employer is authorized in writing by the employee.

---

13. What is the time limit beyond which a federal drug test cannot be done?

A. Thirty-two (32) hours. Random tests must be done promptly when ordered. Reasonable suspicion and post-accident drug tests cannot be done beyond 32 hours after the triggering incident or accident. All tests should, as a matter of practice, be done promptly.

---

14. An employee covered by federal testing regulations is involved in an accident involving tow-away of the state vehicle he/she was driving. The employee was not cited for the accident. Would a post-accident test be performed?

A. No. The employee must be cited as a condition for the post-accident test.

15. An employee was involved in an accident, a citation was issued, but no test was done. What should the agency do?

A. A test done by law enforcement or an agency having legal authority to perform an alcohol or drug test after an accident can be used if it can be obtained. If not, documentation must be prepared and kept on record as to why no test was done.

---

16. A collection site sent an agency employee's specimen to a local hospital lab for analysis. The agency has received the results. Are they valid?

A. No. Only results resulting from analysis by a Department of Health and Human Services-certified laboratory are acceptable.

---

17. An employee was given an alcohol test by a supervisor skilled in the eye-nystagmus test process. Is this valid?

A. No, only breath alcohol tests are used in Ohio's compliance with federal or state alcohol testing regulations.

---

18. A former employee has requested that an agency release federal drug test results it conducted on the employee to a prospective employer. Must the agency comply?

A. Yes. The agency may also charge a reasonable fee for retrieving, copying and transmitting the requested records.

---

19. An employee is taken to a collection site for a reasonable suspicion alcohol test, tests positive on the initial test, but negative on the confirmation test. Can the initial positive be used as the official result?

A. No. The confirmation test, in both alcohol and drug testing, is always the test of record.

Applicant Testing
Designated Positions

AGENCY POSITIONS DESIGNATED FOR APPLICANT DRUG TESTING PROGRAM

AGENCY SPECIFIC ADDITIONS

DEPARTMENT OF ADJUTANT GENERAL

CLASS NUMBER	CLASS TITLE
46121	Security Officer Specialist
46125	Security Officer Specialist Supervisor
46126	Security Officer Specialist Manager

DEPARTMENT OF AGRICULTURE

CLASS NUMBER	CLASS TITLE
21122	Grain, Feed & Seed Examiner
21125*	Grain Warehouse Examiner Supervisor
21230	Meat Inspector Trainee
21231	Meat Inspector
21251	Weights & Measures Trainee
21252	Weights & Measures Inspector
21291	Food Safety Specialist 1

CASINO CONTROL COMMISSION

CLASS NUMBER	CLASS TITLE
26141**	Gaming Enforcement Agent
26142**	Gaming Enforcement Investigator

**All positions that are required to carry firearms

DEPARTMENT OF COMMERCE

CLASS NUMBER	CLASS TITLE
24135*	Electrical Inspector Supervisor
24161	Plumbing Inspector 1
24162	Plumbing Inspector 2
26231	Underground Storage Tank Inspector

DEVELOPMENT SERVICES AGENCY

CLASS NUMBER	CLASS TITLE
12731	Mail Clerk Messenger

DEPARTMENT OF DEVELOPMENTAL DISABILITIES

All positions within the Department of Developmental Disabilities located within a Developmental Center

LOTTERY COMMISSION

CLASS NUMBER	CLASS TITLE
26211	Investigator
26216*	Investigation Supervisor 1
46131	Lottery Game Security Specialist
52412	Telecommunications Technician 2
53851	Lottery Delivery Worker
64581	Lottery Ticket Sales Representative 1
64582	Lottery Ticket Sales Representative 2

DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES

CLASS NUMBER	CLASS TITLE
12731	Mail Clerk Messenger
14741	Storekeeper 1
14742	Storekeeper 2
24431	Safety and Health Inspector 1
24432	Safety and Health Inspector 2
52861	Locksmith
65416*	Pharmacy Operations Manager
65531	Nurse Education Consultant
86121	Phlebotomist

OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY

CLASS NUMBER	CLASS TITLE
14741	Storekeeper 1

PHARMACY BOARD

CLASS NUMBER	CLASS TITLE
21561	Pharmacy Board Compliance Agent
21562	Pharmacy Board Compliance Specialist
21565	Pharmacy Board Compliance Regional Supervisor
21566	Pharmacy Board Compliance Supervisor

DEPARTMENT OF PUBLIC SAFETY

CLASS NUMBER	CLASS TITLE
24341	Customer Service Specialist 1
24342	Customer Service Specialist 2

DEPARTMENT OF PUBLIC SAFETY

CLASS NUMBER	CLASS TITLE
26211	Investigator
64931	Public Safety Intelligence Analyst
64935	Public Safety Intelligence Manager
83227*	Chemical Laboratory Supervisor 2
86111	Laboratory Technician 1
86112	Laboratory Technician 2
86141	Criminalist

PUBLIC UTILITIES COMMISSION OF OHIO

CLASS NUMBER	CLASS TITLE
23153*	Public Utilities Administrator 3 (Chief of Compliance)
24933*	PUCO Transportation System Administrator

DEPARTMENT OF REHABLITATION AND CORRECTION

All positions within the Department of Rehabilitation and Correction

DEPARTMENT OF TAXATION

CLASS NUMBER	CLASS TITLE
26816	Tax Criminal Investigations Agent Supervisor
26817	Tax Criminal Investigations Agent Manager
66821	Tax Program Administrator (only positions that carry fire arm)

DEPARTMENT OF TRANSPORTATION

CLASS NUMBER	CLASS TITLE
24945*	Aviation Manager
24946*	Aviation Administrator

BUREAU OF WORKERS' COMPENSATION

CLASS NUMBER	CLASS TITLE
26261	BWC Fraud Investigator

DEPARTMENT OF YOUTH SERVICES

All positions within the Department of Youth Services located within a Juvenile Correctional Facility and/or a Regional Parole Office

*Exempt from Bargaining Unit

POSITIONS DESIGNATED FOR APPLICANT DRUG TESTING PROGRAM

EXEMPT POSITIONS

CLASS NUMBER	CLASS TITLE
18511	Lifeguard
21235	Meat Inspection Supervisor
21245	Food Inspection Supervisor
21545	Medical Board Enforcement Supervisor
21565	Pharmacy Board Compliance Regional Supervisor
21566	Pharmacy Board Compliance Supervisor
21585	Amusement Ride & Game Inspector Supervisor
21586	Amusement Ride & Game Inspector Administrator
22295	Wildlife Officer Supervisor
22296	Wildlife Officer District Supervisor
22297	Wildlife Officer Manager
22525	Park Officer Supervisor
22526	Park Officer Manager
22531	Parks Law Enforcement Staff Officer
22535	Parks Law Enforcement Staff Administrator
22921	Natural Resources Staff Officer 1
22922	Natural Resources Staff Officer 2
22923	Natural Resources Staff Officer 3
22924	Natural Resources Staff Officer 4
22925	Natural Resources Staff Administrator
23115	Motor Carrier Enforcement Inspector Supervisor
23166	Hazardous Materials Investigation Administrator
23315	Railroad Inspection Supervisor

CLASS NUMBER	CLASS TITLE
23316	Railroad Inspection Manager
23515	Enforcement Assistant Agent-in-Charge
23516	Enforcement Agent-in-Charge
23517	Enforcement Assistant Deputy Director
23518	Enforcement Administrator
24115	Building Inspection Supervisor
24145	Elevator Inspection Supervisor
24147	Elevator Inspection Division Chief
24155	High Pressure Piping Inspection Supervisor
24157	High Pressure Piping Inspection Manager
24335	Driver License Station Supervisor
24336	Driver License Examining Supervisor
24425	Breath Alcohol Test Inspection Supervisor
24434	Safety Officer
24453	Industrial Safety Administrator
24485	Industrial Safety Consultant Supervisor
24717	Mine Rescue Superintendent
24718	Mine Safety Manager
24725	Oil and Gas Well Inspection Supervisor
26125	Criminal Investigator Supervisor 1
26126	Criminal Investigator Supervisor 2
26515	Correctional Firefighter Supervisor
26525	Fire Safety Inspector Supervisor
26535	Fire & Explosion Investigation Bureau Investigator Supervisor
26557	Assistant State Fire Marshall 1
26558	Assistant State Fire Marshall 2

CLASS NUMBER	CLASS TITLE
26559	State Fire Marshall
26565	Fire Training Supervisor
26595	Fire Station Captain
26596	Air Base Fire Training Officer
26597	Assistant Fire Chief
26615	Police Sergeant
26616	Police Lieutenant
26617	Police Chief
26914	Watercraft District Administrative Assistant
26916	Watercraft District Supervisor
26965	Watercraft Area Supervisor
26967	Watercraft Region Manager
42455	Correctional Food Service Manager 1
42456	Correctional Food Service Manager 2
42457	Correctional Food Systems Manager
44116	Residential Care Supervisor 1
44117	Hospital Aid Supervisor
44118	Residential Care Supervisor 2
44145	Psychiatric Attendant Supervisor 1
44146	Psychiatric Attendant Supervisor 2
46115	Security Supervisor
46535	Correction Lieutenant
46536	Correction Captain
46537	Correction Major

CLASS NUMBER	CLASS TITLE
46544	Correctional Farm Assistant Supervisor
46545	Correctional Farm Supervisor
46546	Correctional Farm Superintendent
46555	Penal Workshop Superintendent
46581	Juvenile Correctional Operations Assistant Manager
46615	Youth Leader Supervisor
52465	Highway Patrol Radio Dispatcher Supervisor
52475	Highway Patrol Electronic Technician Manager
53141	Building Construction Superintendent
54225	Aircraft Maintenance Superintendent
61526	HC Facilities Surveyor Supervisor 2 – Complaints
61535	HC Facilities Surveyor Supv. 1 – Long Term Care
61536	HC Facilities Surveyor Supv. 2 – Long Term Care
61555	HC Facilities Surveyor Supv. 1 – Non Long Term Care
61556	HC Facilities Surveyor Supv. 2 – Non Long Term Care
61566	HC Facilities Surveyor Supv. 2 – Regulatory Compliance
61585	HC Facilities Surveyor Supv. 1 – Adult Care & Maternity
61586	HC Facilities Surveyor Supv. 2 – Adult Care & Maternity
61741	Nursing Home Administrator
63181	Correction Specialist
64925	Hazardous Materials Specialist Supervisor
65415	Pharmacy Supervisor
65445	Medical Review Nurse Supervisor
65515	Nurse Assistant Director
65516	Nurse Supervisor
65525	Psychiatric/MR Nurse Supervisor

CLASS NUMBER	CLASS TITLE
65565	Industrial Rehabilitation Nurse Supervisor
65735	Sanitarian Supervisor
65785	Health Care Facility Compliance Consultant Supervisor
65795	Mental Health Standards Supervisor
65811	Psychiatric Facility Licensing Program
65915	Veterinarian
65916	Veterinarian Administrator 1
65917	Veterinarian Administrator 2
69325	Correctional Program Supervisor
69345	Alcohol & Drug Counselor Supervisor 1
69346	Alcohol & Drug Counselor Supervisor 2
69816	Parole Services Supervisor
69821	Parole Program Specialist
69825	Parole Program Specialist Supervisor
83226	Chemical Laboratory Supervisor 1
83227	Chemical Laboratory Supervisor 2
83245	Crime Lab Director
83255	Medical Lab Technology Supervisor
83315	Psychologist Supervisor
83465	Assistant Emergency Response Administrator
83466	Emergency Response Administrator
83876	Radiological Health Program Administrator
84635	Radiological Analyst Supervisor
84645	Health Physics Supervisor
84646	Health Physics Administrator 1
84647	Health Physics Administrator 2

CLASS NUMBER	CLASS TITLE
86135	Clinical Health Care Surveyor Supervisor 1
99711	Highway Patrol Cadet
99870	Working Assistant

POSITIONS DESIGNATED FOR APPLICANT DRUG TESTING PROGRAM

BARGAINING UNIT POSITIONS

CLASS NUMBER	CLASS TITLE
18121	Adult Teacher Aide 1
18122	Adult Teacher Aide 2
18123	Adult Teacher Aide 3
21251	Weights & Measures Trainee
21252	Weights & Measures Inspector
21541	Medical Board Enforcement Investigator
21581	Amusement Ride & Game Inspector 1
21582	Amusement Ride & Game Inspector 2
22251	Wildlife Education Officer
22290	Wildlife Officer Cadet
22292	Wildlife Officer
22293	Wildlife Investigator
22520	Park Officer Cadet
22521	Park Officer
22522	Park Officer Investigator
22523	Park Officer Specialist
22551	Lock Area Technician
22581	Armorer
22821	Preserve Officer 1
22822	Preserve Officer 2
22841	Forest Officer 1
22842	Forest Officer 2
22931	Mineral Resources Inspector 1

CLASS NUMBER	CLASS TITLE
22932	Mineral Resources Inspector 2
22933	Mineral Resources Inspector 3
23111	Motor Enforcement Inspector
23161	Hazardous Material Investigation Specialist 1
23162	Hazardous Material Investigation Specialist 2
23181	Public Utilities Gas Pipeline Safety Compliance Investigator
23311	Railroad Inspector 1
23312	Railroad Inspector 2
23313	Railroad Inspector 3
23511	Enforcement Agent
23521	Liquor Control Compliance Officer
24111	Building Inspector
24121	Boiler Inspector
24123	Nuclear boiler Inspector
24131	Electrical Inspector
24140	Elevator Inspector Trainee
24141	Elevator Inspector
24151	High Pressure Pipe Inspector
24321	Motor Vehicle Investigator
24331	Driver License Examiner 1
24332	Driver License Examiner 2 (CDL)
24333	Driver License Examiner 2 (Lead Worker)
24334	Driver License Examiner 2 (Mobile)
24351	Motor Vehicle Inspector
24421	Breath Alcohol Test Inspector
24433	Safety & Health Compliance Inspector

CLASS NUMBER	CLASS TITLE
24461	Radiation Safety Officer 1
24462	Radiation Safety Officer 2
24473	Industrial Safety Hygienist 3
24474	Industrial Safety Hygienist 4
24710	Mine Rescue Operations Coordinator
24711	Mine Safety Inspector 1
24712	Mine Safety Inspector 2
24951	Aviator 1
24952	Aviator 2
26121	Criminal Investigator 1
26122	Criminal Investigator 2
26141	Gaming Enforcement Agent
26142	Gaming Enforcement Investigator
26511	Correctional Firefighter
26531	Fire & Explosion Investigation Bureau Investigator
26560	Fire Training Equipment Technician
26591	Firefighter
26592	Lieutenant Firefighter
26611	Police Officer 1
26612	Police Officer 2
26621	ODNR Central Office Enforcement Officer
26812	Tax Criminal Investigations Agent
26813	Tax Criminal Investigations Senior Agent
26910	Watercraft Officer Cadet
26911	Watercraft Officer

CLASS NUMBER	CLASS TITLE
26912	Watercraft Officer Specialist
26921	Watercraft Investigator
26931	Watercraft Education Officer
42420	Dietetic Technician
42451	Corrections Food Service Coordinator
42541	Corrections Laundry Coordinator
42741	Pharmacy Attendant
44111	Hospital Aide
44112	Therapeutic Program Worker
44113	Hospital Aide Coordinator 1
44114	Hospital Aide Coordinator 2
44141	Psychiatric Attendant
44142	Psychiatric Attendant Coordinator
44161	Licensed Practical Nurse
44211	General Activities Therapist 1
44212	General Activities Therapist 2
44213	Activity Therapy Specialist 1
44214	Activity Therapy Specialist 2
44231	Respiratory Therapist
44263	Licensed Physical Therapist
44271	Speech-Language Pathologist
44310	Occupational Therapy Assistant
44311	Occupational Therapist
44511	Exercise Physiologist
46111	Security Officer 1
46112	Security Officer 2

CLASS NUMBER	CLASS TITLE
46514	Juvenile Correction Officer
46531	Correction Officer
46541	Correctional Farm Coordinator
46551	Penal Workshop Specialist
46552	Penal Work Quality Control Specialist
46611	Youth Leader (Blind/Deaf School)
46621	Child Care Worker
52131	Automotive Mechanic 1
52132	Automotive Mechanic 2
52133	Automotive Technician
52281	Electrician 1
52282	Electrician 2
52311	Machinist 1
52312	Machinist 2
52451	Highway Patrol Communications Technician
52461	Highway Patrol Dispatcher
52471	Highway Patrol Electronic Technician 1
52472	Highway Patrol Electronic Technician 2
52473	Highway Patrol Electronic Technician 3
52511	Highway Patrol Radio Operator
52531	CAD Specialist
53212	Highway Maintenance Worker 2
53213	Highway Maintenance Worker 3
53214	Highway Maintenance Worker 4
53230	Bridge & Lock Tender
53231	Bridge Worker 1

CLASS NUMBER	CLASS TITLE
53232	Bridge Worker 2
53772	Highway Technician 2
53773	Highway Technician 3
53774	Highway Technician 4
53775	Highway Technician 5
53821	Delivery Worker
54211	Aircraft Attendant
54221	Aircraft Maintenance Technician
54411	Equipment Operator 1
54412	Equipment Operator 2
54413	Equipment Operator 3
54414	Equipment Operator 4
54421	Dredge Operator 1
54422	Dredge Operator 2
54441	Vehicle Operator 1
54442	Vehicle Operator 2
54451	Ambulance Operator
54541	Boiler Operator 1
54542	Boiler Operator 2
61511	HC Facilities Surveyor-Entry Adult Care
61512	HC Facilities Surveyor-Independent Adult Care
61521	HC Facilities Surveyor-Entry Complaints
61522	HC Facilities Surveyor-Independent Complaints
61531	HC Facilities Surveyor-Entry Long Care Term
61532	HC Facilities Surveyor-Independent Long Term Care
61541	HC Facilities Surveyor-Entry Maternity

CLASS NUMBER	CLASS TITLE
61542	HC Facilities Surveyor-Independent Maternity
61551	HC Facilities Surveyor-Entry Non Long Term Care
61552	HC Facilities Surveyor-Independent Non Long Term Care
61561	HC Facilities Surveyor-Entry Regulatory Compliance
61562	HC Facilities Surveyor-Independent Regulatory Compliance
61571	HC Facilities Surveyor-Entry Technical Assistance Program
61572	HC Facilities Surveyor-Independent Technical Assistance Program
64921	Hazardous Materials Specialist
65111	Dentist
65311	Emergency Medical Technician-Ambulance
65312	Advance Emergency Medical Technician-Ambulance
65313	Paramedic
65321	Correctional Physician Assistant
65322	Physician Assistant
65340	Physician Resident
65341	Physician
65343	Physician Specialist
65344	Psychiatric Physician
65351	Optometrist
65371	Psychiatrist
65391	Podiatrist
65411	Pharmacist
65413	Pharmaceutical Consultant
65421	Pharmacologist
65441	Medical Review Nurse
65510	Interim Nurse

CLASS NUMBER	CLASS TITLE
65512	Nurse 1
65513	Nurse 2
65521	Psychiatric/MR Nurse
65522	Psychiatric/MR Nurse Coordinator
65561	Industrial Rehab Nurse
65591	Clinical Nurse Specialist
65651	Correctional Nurse Practitioner
65652	Nurse Practitioner
65653	Correctional Advance Practice Nurse – Psychiatric – Mental Health
65654	Advance Practice Nurse – Psychiatric – Mental Health
66361	Energy Specialist
69311	Social Worker 1
69312	Social Worker 2
69313	Social Worker 3
69341	Alcohol and Drug Counselor 1
69342	Alcohol and Drug Counselor 2
69343	Alcohol and Drug Counselor 3
69361	Alcohol & Drug Program Specialist 1 (Certification)
69362	Alcohol & Drug Program Specialist 2 (Certification)
69371	Alcohol & Drug Program Specialist 1(Planner)
69372	Alcohol & Drug Program Specialist 2 (Planner)
69381	Alcohol & Drug Program Specialist 1 (Prevention)
69382	Alcohol & Drug Program Specialist 2 (Prevention)
69391	Alcohol & Drug Program Specialist 1 (**Contract Compliance**)
69392	Alcohol & Drug Program Specialist 2 (**Contract Compliance**)

CLASS NUMBER	CLASS TITLE
69811	Parole Officer
69812	Senior Parole Officer
69861	Juvenile Parole Officer
69862	Senior Juvenile Parole Officer
83311	Psychologist Asstistant 1
83312	Psychologist Asstistant 2
83313	Psychologist
84631	Radiological Analyst
84641	Health Physicist 1
84642	Health Physicist 2
84643	Health Physicist 3
86131	Clinical Health Care Surveyor 1
86132	Clinical Health Care Surveyor 2
86133	Clinical Health Care Surveyor 3
86321	Radiographer
86341	Dental Hygienist
99200	Teacher (Blind/Deaf School)