



**California Department of Human
Resources (CalHR)
Controlled Substance Abuse
Testing (CSAT) Program Guide**



July 2020



**CALHR
CONTROLLED SUBSTANCE ABUSE TESTING (CSAT) PROGRAM**

Guide for Federal and State CSAT Program Compliance

United States (U.S.) Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA) and U.S. Coast Guard (USCG)
Controlled Substance Abuse Testing Requirements

CalHR, California Code of Regulations, Sections 599-960-599.966,
Controlled Substance Abuse Testing Requirements

State Personnel Board, California Code of Regulations, Sections 213.0-213.6 (Non-DOT)
Pre-employment Testing Requirements

State Memoranda of Understandings-Bargaining Units 1, 3, 4, 5, 6, 7, 8, 11, 12, 14, 15,
17, 19, 20, 21* - Substance Abuse Testing Provisions

*Note: SEIU language requires the California Department of Transportation to administer the testing requirements for Bargaining Unit 11 members with Commercial Driver's Licenses

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Introduction

The state is committed to creating and maintaining a drug-free workplace. Pursuant to Executive Order D-58-86 and Government Code sections 18502, 19261, 19815.4, 19820, CalHR and the State Personnel Board (SPB) has established the California Code of Regulation, sections 213-213.6 and 599.960-599.966. CalHR and the SPB are responsible for establishing the CSAT Program regulations and guidelines to achieve a drug-free workplace, while protecting the privacy of state employees.

The purpose of this guide is to outline programs designed to help prevent accidents and injuries resulting from misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles and other state employees in safety-sensitive classifications or positions covered by federal and state regulations.

This document is in conformity with the federal and state regulations regarding the illegal use of drugs and the abuse of alcohol. In addition, CalHR has established two policies, Tobacco and Marijuana Use, Section 3101 and the Controlled Substance Abuse Testing Policy, Section 3102. Departments shall retain a copy of the policies and regulations for review at any time during normal working hours.

The CalHR CSAT policy formally and clearly states that illegal use of drugs or abuse of alcohol is prohibited at the workplace. To comply with the CSAT policies, we have implemented this guide as a resource for state departments. Departments must be familiar and be aware of the federal and state CSAT requirements, prohibited practices, reporting requirements, the penalties for violating policies, your roles, responsibilities, and be prepared to educate your employees.

An employee whose conduct violates federal or state regulations may be subject to disciplinary action by the employing department in accordance with state laws, regulations, and Memoranda of Understandings.

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CSAT Programs

This section provides an overview of the CSAT Programs:

- Pre-employment Random Testing
- Random Testing
- Reasonable Suspicion
- Post-Accident
- Return-to-Duty
- Follow-up Testing

Pre-employment Testing

Employing departments may require pre-employment testing of applicants for specified classifications or positions designated as safety-sensitive based on the duties involving greater than normal level of trust, and responsibilities approved by the State Personnel Board.

Traditionally, when a classification is established and approved by the SPB, a determination is made on whether the classification has duties that involve a great than normal level of trust, responsibility over health and safety and shall be subject to pre-employment testing. Pre-employment testing is not permitted until the job offer is extended to the applicant. Pursuant to SPB regulations, requirements for pre-employment testing shall include the following:

1. Any examination that includes drug and alcohol testing shall be specified in the announcement; including the type of specimen to be collected and consequences for failing a test.
2. Applicants and current or former state employees transferring to a classification for which testing is required, and has a break in service, must be tested. However, if the employee's previous classification included testing, pre-employment may not be required unless the department policy or MOU agreement requires testing.
3. A commercial laboratory that meets standards required under the Federal U.S. Department of Health and Human Services shall be utilized for testing. In addition, the laboratory utilized may not be a component organization of the state department.
4. Any testing or retesting procedures must be approved by the department and include all of the following:
 - a. Drug screening methodology that is reliable.
 - b. Drug testing that must include at least the following drugs:
 - Amphetamines and Methamphetamines
 - Cocaine
 - Marijuana/Cannabinoids (THC)
 - Opioids (narcotics)

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- Phencyclidine
 - c. Cutoff for screening tests and procedures ensuring a valid specimen is acquired by the collector.
 - d. Proper notification to the applicant or employee, including a statement that applicants who decline to sign the form or to test, will be disqualified from the examination.
 - e. Procedure for confirming a positive test.
 - f. Specimen retention and retesting procedures.
 - g. Notice to applicants on the results.
 - h. Appeal process for failed drug test or background investigation report.
 - i. Provisions for maintaining confidentiality of test results.

Over time, there may be changes to the duties of a classification that will require departments to submit a “sensitive” classification or position requests to CalHR to designate the classification as “sensitive” and require employees in the classification or position to be subject to the CSAT Program. The CalHR “sensitive” position request procedure is outlined in this guide.

Random Testing

CalHR serves as the administrator for the consortium that provides CSAT services for federal DOT and state programs. CalHR manages CSAT testing for four consortium groups which includes:

1. FMCSA random drug and alcohol testing.
2. USCG pool for the Department of Parks.
3. California Department of Corrections and Rehabilitation, Department of Juvenile Justice pool.
4. California Highway Patrol pool.

Departments may use the consortium to meet federal and state testing requirements. Each consortium is managed separately and testing is conducted in accordance with federal and state requirements.

The random drug testing is an automated process under the i3Screen software managed by the CalHR third party administrator, National Drug Screening, Inc. (NDS). The key features of the automated random testing include:

1. A secure web portal for accessing drug test results, ordering drug tests and finding collection sites.
2. A system where users can easily upload, manually add or delete employees to the system at any time before the selection process.
3. Automated random selections to run on a scheduled date or run manually.
4. Notices to Departments of random testing selection via e-mail or secure fax. Alternate lists are available and additional tests can be selected easily.

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The NDS portal address is www.mroresultsonline.com to add new users and support with technical issues. Please send an email to calhr@nationaldrugscreening.com, if you need assistance with your user name or password. CalHR staff can assist department users to reset passwords.

Important Notice and Reminders for Random Testing Requirements

Please review the following requirements to ensure compliance with federal random testing procedures:

- Departments are responsible for ensuring that all identified safety sensitive positions are being drug tested in a timely manner. When employees are selected for testing, you must notify the employee and they shall proceed to collection site as soon as possible per CFR 382.305.
- Employees need to be tested during their selection period for random testing. If they are unable to test during the selection period, notify CalHR to excuse the test. For example, if a random selection is conducted monthly, the employees should be tested during that selection month. If the random selection is conducted quarterly, the employees should be tested during that quarterly period.
- Employee's that are going to be out on any type of an **extended leave** (maternity, FMLA, IDL, sick, vacation, etc) **or no longer employed** (retired, separated, terminated or transferred to position that no longer requires testing). CalHR would need to inactivate the employee until they come back or be removed from the testing pool.
- Coordinators should also be contacting CalHR when they need to **excuse** a test(s) for an employee who was unavailable for the entire selection period and document the reason for not testing.
- When completing the Custody Control Forms (CCF) for DOT employees, please remember to use State Issue Abbreviation + Commercial Driver's License # (CAD1234567) as the Employee ID for the test on the CCFs. For NON DOT employees, the last 6 numbers of SSN are acceptable.
- When selecting a **reasonable suspicion test**, please ensure you are not selecting a test for **random testing**. Reasonable suspicion testing is different from random drug testing as there is an actual suspicion around the behavior of a specific employee, rather than a random test being generated by the system without any prior concerns.
- Departments should continue to have the employees tested during the COVID-19 pandemic, as the testing clinics are practicing safety precautions according to the state Center for Disease Control and Prevention (CDC) requirements.

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Reasonable Suspicion Testing

California regulations provide that “reasonable suspicion is the good faith belief based on specific articulable facts or evidence that an employee may have violated the drug-free workplace policy and that substance testing could reveal evidence related to that violation.”

Reasonable suspicion exists only after the employee’s manager, supervisor and/or designee has considered the facts and evidence in the particular case and agrees that they constitute a finding of reasonable suspicion. A designee shall be an individual other than the suspected employee's immediate supervisor and other than the person who made the initial observation leading to the question of reasonable suspicion. The designee shall be a person who is authorized to act for the department in carrying out the reasonable suspicion evaluation and who is thoroughly trained on the procedures.

Managers and designees determining reasonable suspicion, in addition to supervisors who directly supervise covered employees, must receive at least 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substance use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. This guide provides a list of trainings available under “training and certificates.”

After confirmation by the designee, the facts and evidence upon which the reasonable suspicion is based shall be documented in writing. A copy of the report and testing information shall be given to the affected employee. Please refer to the MOU agreements for additional requirements.

Post-Accident Testing

Each department shall provide notice to all employees subject to testing, supervisors, and managers on the department’s policies and procedures for post-accident testing. The federal requirement for CDL drivers subject to federal testing requirements states that an employee involved in an accident while driving a commercial vehicle must be tested for controlled substance and alcohol if the following conditions exist:

1. The driver was performing safety-sensitive functions with respect to the vehicle, and the accident involved the loss of human life.
2. The driver received a citation under state or local law for a moving traffic violation arising from the accident, and the accident involved bodily injury requiring treatment away from the scene and/or resulted in damage to any vehicle that required the vehicle to be towed/transported away.

If an alcohol test is required and is not administered within two hours following the accident, the department must prepare and maintain a record on file stating the reasons

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the test was not promptly administered. If an alcohol test is required and is not administered within eight hours following the accident, the department must cease attempts to administer an alcohol test and must prepare and maintain the record on file for five years. Records may be requested by the U.S. Department of Transportation, Federal Motor Vehicle Carrier Safety Administration (FMSCA) for audit purposes. The vendor maintains records in their system for immediate access or can provide records to departments upon request.

Prior to the driver operating a commercial motor vehicle, the department shall provide drivers with necessary post-accident information, procedures and instructions, so that drivers will be able to comply with the requirements.

For detailed instructions and information for CDL drivers, please review section 382.303 of part 382 of title 40 of the Code of Federal Regulations. Departments may have policies and procedures in place. In addition, please review the MOU agreements for additional post-accident testing requirements.

Positive Test Results

All employees subject to federal and state CSAT are expected to comply with the requirements. Failure to provide a sample and/or refusing to take a required drug test must be reported as a positive result.

The department and employee must be notified immediately by the collection site if a positive test determined. In addition, the department will be notified if the test result is not found positive for reporting purposes, but the employee is found to have alcohol or drug levels that could be a safety issue for the employee and department.

An employee who tests positive shall not continue to perform his or her safety-sensitive function. The employee will be interviewed by a Medical Review Officers are licensed physicians who have been trained and certified to review the lab results and to validate whether a test is positive. During the MRO interview, the employee will be given an opportunity to provide medical information that the employee believes may have a bearing on the test results.

A department having knowledge that a driver has tested positive, has adulterated, or substituted a test specimen for controlled substances shall not permit the employee to perform or continue to perform safety-sensitive functions.

If the final test result confirms there is a controlled substance or alcohol violation, the employee can no longer perform his or her safety-sensitive functions. The employee must be evaluated and seen by a Substance Abuse Professional (SAP) to verify treatment and education requirements. Upon approval from the SAP, the employee must be retested prior to returning to safety-sensitive duty. Please review the MOU agreements for additional CSAT requirements.

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Return-to-Duty Testing

Employees who have engaged in prohibited conduct under the federal and state regulations must submit to and pass a return-to-duty test prior to performing his or her safety-sensitive functions.

Departments must ensure the employee adheres to the education, treatment, and re-testing requirements prior to performing safety-sensitive functions. Departments shall also review the MOU agreements for any additional requirements.

This guide outlines the Substance Abuse Professionals and Employee Assistance Program (EAP) procedures.

Medical Review Officer

The Medical Review Officer (MRO) serves as the common point of contact between all participants in a drug test (i.e., the employee, department, collection site, and laboratory). MRO services are consistent with the requirements outlined by the U.S. Department of Health and Human Services. These services include:

- Review all specimens reported as positive, adulterated, substituted, invalid, or rejected for testing, and report the verified result to the department or Federal agency;
- Ensure that specimens reported as negative or as negative and dilute are properly reviewed (i.e., at least 5% personally and the remainder by staff under the MRO's direct, personal supervision) and reported to the department or Federal agency;
- Review the results of all federal department agency blind samples and perform the initial investigation into discrepant results;
- Discuss potential invalid results with the laboratory to determine whether further testing at another Department of Health and Human Services certified laboratory is warranted;
- Conduct or facilitate a medical evaluation of the donor when a collector reports that the donor was unable to provide a urine specimen;
- Perform an initial investigation of problems identified in the drug testing process and notify the department and appropriate regulatory authority of findings;
- Monitor the frequency of errors and notify responsible parties to take corrective action to prevent recurrence; and
- Maintain records and confidentiality of drug test information.

Departments seeking assistance with employee test results may contact the MRO for

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guidance by sending a fax to 855-253-5666 or email to mrs@i3screen.com or assistance.

Overview

Federal Program

The Federal Office of Drug and Alcohol Policy and Compliance advises the Secretary on national and international drug testing and control issues and is the principal advisor to the Secretary on rules related to the drug and alcohol testing of safety-sensitive transportation employees in aviation, trucking, railroads, mass transit, pipelines, and other transportation industries. The Office publishes regulations and provides official interpretations on drug and alcohol testing, including how to conduct tests, the evaluation and treatment procedures necessary for returning employees to duty after testing violations.

The state is legally required to comply with the U.S. Department of Transportation (DOT) regulations regarding testing of state employees that have Commercial Driver's Licenses (CDLs). Code of Federal Regulation, title 49, Part 40 requires each state department CSAT coordinator, also known as, Designated Department Representative (DER), to maintain DOT regulations for review at any time during normal working hours.

To comply with federal DOT program regulations, state employees required to have a CDL are prohibited from:

- Use of illicit drugs.
- Abuse of legal drugs (prescription or over-the-counter).
- Abuse of alcohol.
- Sale, purchase, transfer or use or possession of illegal drugs or prescription drugs obtained illegally.
- Arrival to work under the influence of drugs or alcohol.
- Consuming illicit drugs or alcohol while working.

Special Requirements for CDL Clearinghouse

Effective January 6, 2020, employees, departments, motor carriers, designated service agents, medical review officers, and substance abuse professionals must utilize the federal clearinghouse database for federal CDL drivers. The federal clearinghouse database is a secure online system that provides access to real-time information on drivers who have documented violations who should not be allowed to perform safety-sensitive functions.

The intent of the federal clearinghouse database is to improve highway safety by helping departments, state driver's licensing agencies, and state officials by identifying drivers who are not legally permitted to operate commercial motor vehicles due to CSAT violations.

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This guide outlines the specific requirements for departments recruiting drivers who are subject to the federal clearinghouse requirements.

Departments must not employ a driver, subject to controlled substances and alcohol testing, to perform a safety-sensitive function without first conducting a pre-employment query of the federal Clearinghouse database. The department must verify whether the driver:

- Has a verified positive, adulterated, or substituted controlled substances test result.
- Has an alcohol confirmation testing with a concentration of 0.04 or higher.
- Has refused to submit to a test.
- Has used alcohol on duty, used alcohol before duty, used alcohol following an accident, or used a controlled substance.

In addition to conducting the pre-employment inquiry, the department must adhere to the following:

1. Conduct an annual query of the Clearinghouse for information for all employees subject to controlled substance and alcohol testing under this part to determine whether information exists in the Clearinghouse about those employees.
2. In lieu of a full query, a department may obtain the individual driver's consent to conduct a limited query to satisfy the annual query requirement. The limited query will tell the department whether there is information about the individual driver in the Clearinghouse, but will not release that information to the department. The individual driver may give consent to conduct limited queries that is effective for more than one year.
3. If the limited query shows that information exists in the Clearinghouse about the individual driver, the department must conduct a full query within 24 hours of conducting the limited query. If the department fails to conduct a full query within 24 hours, the department must not allow the driver to continue to perform any safety-sensitive function until the department conducts the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions.
4. If any information is entered into the Clearinghouse about a driver during the 30-day period immediately following a department conducting a query of that driver's records, FMCSA will notify the department.
5. No department may allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test; or if an department has reported actual knowledge that the driver used alcohol on duty, used alcohol before duty, used alcohol following an accident, or used a controlled substance, except where a query of the Clearinghouse demonstrates:

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- a. That the driver has successfully completed the SAP evaluation, referral, and education/treatment process; achieves a negative return-to-duty test result; and completes the follow-up testing plan prescribed by the SAP.
 - b. That, if the driver has not completed all follow-up tests as prescribed by the SAP and specified in the SAP report required by federal regulations, the driver has completed the SAP evaluation, referral, and education/treatment process and achieves a negative return-to-duty test result, and the department assumes the responsibility for managing the follow-up testing process associated with the testing violation.
6. Departments must retain for three (3) years a record of each query and all information received in response to each query made under this section. As of January 6, 2023, a department who maintains a valid Clearinghouse registration fulfills this requirement.

For detailed information on the process to register and obtain access to the federal Clearinghouse system, please review the [FMCSA Clearinghouse website](#).

Covered Employees

An employee who is subject to the CSAT requirements and federal regulations are considered covered employees. Pursuant to federal regulations, employees include those who hold a CDL and operate a Commercial Motor Vehicle, defined as a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property, if the motor vehicle meets the following requirements:

- Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to have a placard under the Hazardous Materials Regulations.

Employees who hold a CDL and operate a commercial motor vehicle may not be subject to the federal program testing, if the above requirements are not satisfied. However, an employee could still be subject to CSAT requirements under state regulations.

Employees who are subject to the federal testing regulations shall be placed in a separate random testing pool containing only covered employees for purposes of federal compliance. Federal regulations provide the minimum standards and regulated practices for CSAT testing, and shall be controlling if there are any inconsistent or outdated state laws, regulations, or bargaining agreements related to federal testing requirements. A link to department education and resource materials are provided in this guide under “link to important resource.”

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State Program

The state program applies to employees in classifications and positions designated as “sensitive” pursuant to state regulations. An employee under the state CSAT Program can be tested under pre-employment, reasonable suspicion and may also be tested at random.

The definition of “sensitive” is specified in the California Code of Regulation, section 599.961, which states:

- Sensitive positions are peace officer positions, as defined by the Penal Code sections 830.2(d) and 830.5, and other positions in which drug or alcohol affected performance could clearly endanger the health and safety of others. In addition, there may be classifications or positions with the following general characteristics:
 1. Duties involve a greater than normal level of trust, responsibility for or impact on the health and safety of others; and
 2. Errors in judgment, inattentiveness or diminished coordination, dexterity or composure while performing their duties could clearly result in mistakes that would endanger the health and safety of others; and
 3. Employees in these positions work with such independence, or, perform such tasks that it cannot be safely assumed that mistakes could be prevented by a supervisor or another employee.

Employees covered under the State Program

Each department is responsible for determining which classifications and positions shall be designated “sensitive” and subject to CSAT requirements. Departments must work closely with CalHR to maintain a list of “sensitive” classifications and positions.

If you are a department participating in the CalHR CSAT Program, the procedures for designating a classification or position “sensitive” is provided in this guide under “Sensitive Designation Procedures.”

Responsibilities

CalHR and departments play a significant role to ensure the state is a drug-free workplace, and employees are aware of policies, regulations, and treatment services regarding substance abuse. Below is a summary of key roles and responsibilities for CalHR, departments, supervisors, manager, and employees.

CalHR, Benefits Division

1. Establish and maintain up-to-date CSAT regulations, policies, guides, and

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- resources for departments and employees.
2. Identify any conflicts between CSAT policies and MOU agreements.
 3. Establish and maintain CSAT Third Party Administrator (TPA) master agreement to provide services in compliance with federal and state provisions.
 4. Maintain mandated reports on employee tests and statistical data.
 5. Notify CalHR Labor Relations, Personnel Management Division staff, and Labor Organizations when departments are seeking to designate classifications or positions as a “sensitive” prior to participating in the CSAT Program.
 6. Maintain list of “sensitive” classifications and positions reported to CalHR by the departments.
 7. Communicate to stakeholders any federal and state regulatory amendments that impact the CalHR CSAT Program.
 8. Maintain up-to-date training programs and resources for departments, supervisors, managers, and employees.
 9. Provide guidance to the Governor’s Office, GovOPs, departments, and TPA on any concerns related to the CSAT Program.

Departments

1. Establish and maintain up-to-date departmental drug-free workplace policies and procedures.
2. Review and maintain a copy of the CalHR CSAT regulations, policies, guidelines, and MOU agreements.
3. Participate in the CSAT trainings offered by CalHR and the TPA. The trainings available are provided in this guide under [“links to important resources.”](#)
4. Educate supervisors, managers, and employees on the CSAT requirements, trainings and treatment services.
5. Identify CSAT Program coordinators that will be working closely with CalHR CSAT staff on testing requirements and processes.
6. Determine, with consultation from CalHR, classifications and positions designated “sensitive” under federal and/or state CSAT Programs.
7. Submit “sensitive” classification/positon requests to CalHR for review and approval.
8. Ensure employees in “sensitive” classifications or position are aware of the CSAT requirements.
9. Schedule testing for random, post-accident, reasonable suspicion, etc. for employees under the CalHR and TPA secure system.
10. Ensure employees testing positive are not performing sensitive duties until the employee has completed the required counseling and treatment and approved return to performing their duties.
11. Notify CalHR and update the list of employees in the TPA system to be tested when there are separations, retirements, classification changes, etc.
12. Provide CalHR with an up-to-date list of classifications and positions to be published on the CalHR website by department.
13. Adhere to the special requirements under the federal CDL clearinghouse requirements.

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14. Seek assistance immediately if the employee is violent or threatening from the California Highway Patrol or local police.
15. Maintain confidentiality of employee job performance issues and testing results.
16. Notify CalHR of any concerns related to the CSAT Program.

Supervisors and Managers

1. Review and stay up-to-date on department's drug-free workplace policies and procedures.
2. Review and stay up-to-date on CalHR's policies, guidelines, and training requirements.
3. Communicate with employees on the CSAT requirements, training, and treatment services available to them.
4. Identify and address job performance issues that may be related to alcohol, drug, and prescription use.
5. Participate in required trainings on the signs and symptoms to be aware of potential abuse that may require reasonable suspicion testing. The trainings offered by CalHR and the TPAs are provided in the guide under "[links to important resources](#)."
6. Ensure employees testing positive are not performing sensitive duties until the employee has completed the required counseling, treatment, and approved by the medical review officer to return to performing sensitive duties.
7. Seek assistance immediately if the employee is violent or threatening from the California Highway Patrol or local police.
8. Maintain confidentiality of job performance issues and testing results.
9. Report any CSAT Program issues to your departmental CSAT coordinator.

Sensitive Designation Procedures

Pursuant to state regulations, departments are responsible for determining which classifications and positions should be designated "sensitive" and subject to substance and alcohol testing. CalHR will review and approve each department's request to designate the classification or position "sensitive." Below is a summary of the procedures.

1. Generally, the requesting department's labor relations officers, personnel office, and legal division reviews the classification/positon responsibilities and determines the sensitivity of the classification or position based on the following criteria:
 - Peace officer, firefighter, investigator, or other emergency response staff providing safety and protections.
 - Works in custody setting (regardless of type of work).
 - Provides "hands-on" medical care (e.g., doctor, nurse, medical technician, etc.).
 - Has "guardianship" responsibility for developmentally disabled clients (e.g., teacher, counselor at developmental center).

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- Operates vehicles requiring special license (e.g., heavy truck or school bus).
 - Works in heavy industrial or other potentially dangerous environment (e.g., Department of Water Resource power generator/hydroelectric facilities, Department of Transportation highway workers, etc.).
2. Department submits a sensitive position request, [CalHR Form 163](#) and supporting documents to CalHR CSAT Program staff at Substanceabusetesting@calhr.ca.gov for review.
 3. CalHR CSAT Program receives and reviews the department's request, documentation, and justification for sensitive position designations. This includes:
 - Discussion with CalHR labor relations and Personnel Management Division staff.
 - Review of the classification or position duty statement and job specification.
 - Ensure correct rank-and-file, supervisor, manager, and confidential designations are documented and communication with labor organizations.
 - Determine if classification or position meets requirements specified in CalHR Regulation, sections 599.960-966.
 4. If the classification or position meets the criteria, CalHR completes the sensitive position request process, obtains required signatures, and notice the requesting department. This process can take 30-45 days depending on the complexing of the request.
 5. Departments receiving approval from CalHR will provide the following:
 - Initial notice to employees serving in the identified positions and their department labor representatives. The initial notice should state that the positions is designated sensitive and the employees and union representatives shall be given 30 days to respond.
 - Final notice is provided by the employing department to the employees serving in the classifications or positions designated sensitive.
 - List of employees in the approved classification or position is added to the CSAT Program by CalHR within 60 days after the final notice is provided to the employees. The CalHR CSAT Program staff will add the employee names to the appropriate testing pool.
 - Notice to future employees hired into the safety-sensitive position is provided by the employing department.

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- Notice to CalHR of employee changes, such as adding new employees and deleting employees no longer in the sensitive position provided by the employing department.
6. CalHR contacts the requesting departments if there are issues or questions related to the sensitive position request.

Department Interagency Agreements to Participate in the CalHR CSAT Program

Departments may participate in the CalHR CSAT Program or maintain their own CSAT Program. The California Department of Corrections and Rehabilitation is required to participate in CalHR's CSAT Program pursuant to the Bargaining Unit 6 Memoranda of Understanding. Federal regulations allow departments to establish its own CSAT Program. If departments choose to establish its own program, CalHR recommends departments seek guidance from their legal counsel prior to conducting drug and alcohol testing to ensure compliance with federal and state laws and regulations.

Departments interested in participating in the CalHR CSAT Program, administered through a third party administration, and certified by the federal Workplace CSAT procedures, must establish an interagency agreement with CalHR prior to obtaining CSAT Program services. The interagency agreement is necessary to identify requested services, outline requirements, costs, and administrative fees. In addition, the interagency agreement shall authorize CalHR to process invoicing and billing to departments in the FI\$CAL system.

New CSAT Interagency Agreement Requests

To initiate the interagency agreement process, the following activities must occur:

1. Departments must submit an email request to the CalHR CSAT Program staff at Substanceabusetesting@calhr.ca.gov and request a copy of the CalHR interagency agreement template.
2. Departments must work with their Contracts and Budget staff to determine required services, contract costs, and final provisions based on the estimated testing requirements and service costs provided in the interagency agreement template.
3. Departments must submit the completed cover letter, interagency agreement, and 213 agreement to CalHR via email at Substanceabusetesting@calhr.ca.gov for review.
4. CalHR staff will work with the CalHR Budget and Contract staff to finalize the review and signatures. Executed interagency agreements is sent to the department and a copy is maintained by CalHR.

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Interagency Agreement Renewals

1. CalHR CSAT will notify each department six (6) months prior to the contract end date to renew or extended the interagency agreement to continue participating in the CSAT Program.
2. Departments wishing to renew or extend the agreement must submit the same documents as for new interagency agreement to CalHR for review and coordination with the CalHR Budget and Contracts staff.
3. A copy of the executed interagency agreement must be maintained by the department and CalHR.
4. If a department wishes to terminate the interagency agreement, the department must notify CalHR via email at Substanceabusetesting@calhr.ca.gov .

Testing Procedures

CalHR has established a master agreement with National Drug Screening, Inc. (NDS) to provide CSAT services for departments with executed interagency agreements with CalHR. NDS offers an automated and secure web portal for scheduling alcohol and drug testing, accessing drug test results, ordering drug tests, and finding collection sites. The portal address is www.mroresultsonline.com. Designated users must contact NDS representatives at CALHR@nationaldrugscreening.com to obtain access to establish the user name or password. In order to have access to these services from NDS, you must have an interagency agreement approved from CalHR.

All department users will have unique accounts in the system. Each department's Designated Department Representative (DER) must specify the permission levels for each user. Once the user is set-up in the system, the username identifier is the user's e-mail address and the user is provided a temporary password that must be changed to a confidential password determined by the user.

To add a user, send an e-mail to: CALHR@nationaldrugscreening.com

The information required by NDS includes:

1. Username (first and last name)
2. E-mail address
3. Phone number
4. Permissions (1. Results, 2. Scheduling, 3. Random, 4. Collection sites only). You must indicate the permissions for the user, with 1, 2, 3, 4, or any combination of the 4 available permissions.

Please contact NDS representative at 877-497-1228 at any time for system training on the web portal.

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Testing Procedures Based on Substance

The drug testing process shall be one that is scientifically proven to have accurate and valid urinalysis using an immunoassay-screening test, with all positive screening results being confirmed utilizing gas chromatography/mass spectrometry before a sample is considered positive.

The alcohol testing process shall be one that is scientifically proven to be accurate and valid utilizing: (1) urinalysis using an enzymatic assay screening test, with all positive screening results being confirmed using gas chromatography before a sample is considered positive; (2) breath sample testing using breath alcohol analyzing instruments which meet the federal and state regulations. Substances to be tested shall include the following:

- Amphetamines and methamphetamines.
- Cocaine.
- Marijuana/cannabinoids (THC).
- Opioids.
- Phencyclidine (PCP).
- Barbiturates.
- Benzodiazepines.
- Methaqualone.
- Alcohol.

In addition, with the approval of the department, testing may be conducted for other controlled substances when the appointing power reasonably suspects the use of other substances.

After consulting with expert staff of the laboratory or laboratories selected to perform the testing under this guide, the department shall set test cutoff levels that will identify positive test samples while minimizing false positive test results.

CalHR shall use cutoff levels for established by the federal Substance Abuse and Mental Health Services Administration (SAMHSA) in, Mandatory Guidelines for Federal Workplace Drug Testing Programs.

For alcohol, CalHR shall use the Federal Motor Carrier Safety Administration SAMHSA cutoff levels as described in federal regulations.

Test samples must be collected in a clinical setting such as a laboratory collection site, doctor's office, hospital or clinic or in another setting approved by CalHR on the basis that it provides for at least an equally secure and professional collection process.

CalHR shall use chain-of-custody procedures pursuant to SAMHSA requirements to ensure that a strict chain-of-custody is maintained for the sample from the time it is collected, through the testing process, and to its final disposition. Chain-of-Custody forms

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shall, at a minimum, include an entry documenting date and purpose each time a specimen or sample is handled or transferred and identifying every individual in the chain-of-custody.

Drug tests shall be performed by a commercial laboratory that is certified by SAMHSA, pursuant to Mandatory Guidelines for Federal Workplace Drug Testing Program, based on the latest version published by the federal government, or which meets the standards used by the College of American Pathologists to accredit laboratories for forensic urine drug testing (Standards for Accreditation, Forensic Urine Drug Testing Laboratories, College of American Pathologists).

For random substance testing under this guide, the department must use a scientifically valid method such as a random number table or a computer based random number generator that is matched with social security numbers, payroll identification numbers, or other comparable identifying numbers. The random drug testing annual rate is currently 50 percent and the annual rate for alcohol is 10 percent. These rates are subject to change by the U.S. Department of Transportation.

Collection Sites, Procedures, After Hours, and Results

Under the CalHR CSAT Program, departments have access to collection sites throughout the State of California. The list of collection sites is located on the NDS web portal. If departments need access through a different format, please send an email to CALHR@nationaldrugscreening.com to request assistance.

Common concerns from collection sites are as follows:

1. Collection sites may have questions about billing or about where to send copies of forms. Please defer collection sites to NDS representatives.
2. Forward billing for specimen collections and breath alcohol testing to: National Drug Screening, 129 W Hibiscus Blvd. Suite H, Melbourne, FL 32901 – Phone: 877-497-1228.
3. Where does copy 2 of the CCF form go? The MRO copy gets faxed to the MRO same day, Fax: 855-253-5666 or email to mrs@i3screen.com . Copies of Breath Alcohol Test results should be faxed to NDS at Fax: 888- 226-8701.

Collection sites may also have questions about situations that may occur during the collection that may include shy bladder, temperature out of range, refusal to test and others. If you need assistance with these types of questions, you can call NDS at 877-497-1228.

After Hours Emergency Collections

Call the special emergency number at **877-497-3833** for after hours and/or emergency collections, and provide the dispatch service the following information:

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1. Callers Name, Callers Phone, Agency or department full name, Lab Account Number, and identify CalHR as the contractor.
2. Reason for test: Post Accident or Reasonable suspicion.
3. Federal DOT or State non-DOT, Breath Alcohol Test and Drug test or just Drug or just breath alcohol test.
4. Employee's Name, Employee's ID – SSN, department ID or employee CDL # for drivers under the federal clearinghouse requirements.
5. Employee Phone and Employee exact location.

A Dispatch or Collector will note the information provided above and call back within 30 minutes to provide the collector's information and arrival time. The results of the collection event is provided within the next business day.

For assistance, departments may contact the following:

- NDS Customer Support: 877.497.1228 | Fax: 888.226.8701
- CALHR@nationaldrugscreening.com
- After Hours Testing: 877-497-3833
- Direct to Medical Review Officer: Phone Number: (877) 585-7366, Option 2

If a department user has a permission level that allows access to drug test results, you may obtain results on the web portal. Once the user logs-in to the web portal, the user may go to "All Recent Cases" in the Occupational Health Screening folder and search for all results, pending or complete. The search function is at the top right.

For assistance, please contact the NDS representative at 877-497-1228 or by email at CALHR@nationaldrugscreening.com

Electronic Chain-of-Custody Form (eCCF) and Processes

Departments participating in the CalHR CSAT Program will receive webinar and one-on-one training on the eCCF processes. When utilizing the NDS system, be aware of these key activities:

1. CCF forms issued by departments for testing in remote areas where there are not electronically enabled collection sites and for emergency testing after hours.
2. If departments need additional paper CCFs, please e-mail your request to CALHR@nationaldrugscreening.com and include the following information:
 - Full department name
 - Federal or State forms
 - Lab account number (located on top of your forms)
 - Quantity of forms needed
 - Where to ship the forms (must be a physical address, no P.O. Boxes)

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These forms are expensive and most testing should be done under the eCCF, so please only order quantities that you need.

IMPORTANT: Departments must destroy all previously used custody and control forms for drug testing and previously used CalHR 177 Authorization Forms. Use of the older forms will cause significant delay in obtaining drug testing results and may cause missing results.

Employee Rights

Employees subject to random testing must be notified at least thirty (30) days prior to implementation of the testing program that they will be subject to random substance testing. The notice shall include information explaining the substance abuse testing procedures.

Employees suspected of violating the policy specified in state regulation shall be entitled to representation during any interrogative interviews that could lead to a decision by the appointing power to take adverse action against the employee, regardless of whether the interviews occur before or after the sample is taken. Employees shall also be entitled to representation in any discussions with the Medical Review Officer.

The sample collection process shall include the opportunity for the employee to provide information about factors other than illegal drug use, such as taking legally prescribed medication that could cause a positive test result. At the employee's option, this information is submitted in a sealed envelope to be opened only by the Medical Review Officer if the test result is positive. The employee shall receive a full copy of any test results and related documentation of the testing process.

All confirmed positive samples is retained by the testing laboratory in secure frozen storage for one year following the test or until the sample is no longer needed for appeal proceedings or litigation, whichever is longer. At the employee's request and expense, the sample may be retested by that laboratory or another laboratory of the employee's choice.

Departments should also review the MOU agreement for additional provisions related to employee rights.

Confidentiality of Tests and Employee Records

Departments shall maintain records of the circumstances and results of any substance abuse testing performed. These records, and any other information pertaining to an employee's drug or alcohol test, must be considered confidential and shall be released only to the:

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- a. Employee who was tested or other individuals designated in writing by that employee.
- b. Employee's MRO
- c. CalHR as needed for the effective administration of the CSAT Program.
- d. Individuals who need the records or information to:
 - Properly supervise or assign the employee.
 - Determine, or assist in determining, what action the appointing power should take in response to the test results.
 - Respond to appeals or litigation arising from the drug test or related actions.

Departments may contact the MRO for guidance and supporting documents for appeals and litigation via fax to 855-253-5666 or email to compliance@i3screen.com

Substance Abuse Treatment Referral Procedures

CalHR provides substance abuse treatment referrals under SAP Referral Services, LLC. (SRS) master agreement, which is available to departments contracting for this service. In addition, CalHR has a master agreement under EAP that provides substance abuse counseling services. The procedures for referring employees are outlined below for SRS and EAP services.

Departments contracting with CalHR for SRS services must contact SRS representatives at 855-400-0660 to obtain the following services and reports:

- An initial in-person evaluation with the employee will be scheduled within 72 business hours with a SAP in the employee's preferred area.
- A federal DOT compliant substance abuse program report outlining the recommendations for treatment or education and identifying program resources is forwarded to the Designated Department Representative (DER) within 72 business hours of the evaluation.
- Department employees monitoring for program compliance and any non-compliant issues will be reported to the DER immediately.
- Upon compliance to the substance abuse recommended program, the employee will undergo an in-person follow-up evaluation.
- Within 72 business hours, SRS will produce a follow-up report regarding the employee. This report will include recommendations for a return-to-duty drug and alcohol test, and aftercare, if applicable, a schedule of federal DOT required follow-up random testing.
- Upon the employee's receipt of a negative return-to-duty test, the employee is eligible to resume safety-sensitive duties at the discretion of the department.

If departments are interested in obtaining SRS services, the department must establish an interagency agreement with CalHR. The guide provides the process for initiating an agreement. You may also email CalHR staff at Substanceabusetesting@calhr.ca.gov.

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CalHR administers the EAP, which offers in-person clinical counseling and telephone consultations to guide employees and departments through various concerns. The EAP online tools and tips provide information and resources on a broad array of topics such as emotional and physical wellbeing, workplace success, and achieving personal goals.

Important Notice: EAP does not replace or meet the federal substance abuse treatment requirements. This benefit is solely for counseling and consultation.

For detailed information regarding the availability of EAP services, you may contact:

Magellan Healthcare

Phone: 866-EAP-4SOC (866-327-4762)

TTY callers: 800-424-6117

Website: www.eap.calhr.ca.gov

CSAT Training and Certificates

Training Courses for Departments

1. Federal Office of Drug and Alcohol Policy and Compliance- What Departments Need To Know About DOT Drug and Alcohol Testing?
2. Designated Department Training.
3. Web Portal User Training.
4. Employee Refusal.
5. Illegal drug use.

Supervisors and Managers

1. Supervisor Training-Signs and Symptoms
2. Supervisor training - webinars, up to three per year
3. Supervisor Training PowerPoint Presentation on:
 - Company Policy.
 - DOT Regulations.
 - When to Test.
 - Harmful Effects of Drugs.
 - Indicators of Drug Use.
 - Alcohol Testing.
 - Harmful Effects of Alcohol.
 - Indicators of Alcohol Use.
 - Reasonable Suspicion - Supervisor Responsibilities.
4. Reasonable Suspicion Checklist.
5. First Line Factsheet.
6. Employee Refusal.

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7. Common Sense Confrontation Tips.
8. Drugs of abuse.

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Employees

CalHR and NDS provide Departments with the following resources for employees on the CSAT Program:

1. Employee controlled substance and alcohol training.
2. Employee controlled substance and alcohol training e-book.
3. Employee Brochure –Part I is for all employees to discuss the harmful effects of drug and alcohol use in the workplace. Part II covers the Federal U.S. Department of Transportation covered employees, which includes Drivers in the FMCSA program and employees regulated by the U.S. Coast Guard. The last page of this booklet is for the employee to sign off to indicate they have reviewed this educational document.

Departments may request training information by emailing CalHR staff at Substanceabusetesting@calhr.ca.gov or NDS representatives at CALHR@nationaldrugscreening.com

Audits, Compliance, and Reporting

California Highway Patrol (CHP) Audits

The federal CSAT regulations apply to the departments and drivers who operate commercial motor vehicles holding a CDL. It may also include state employees in other safety-sensitive classifications or positions.

CHP is authorized by the California Vehicle Code, to conduct inspections of a CSAT Program and issue a safety compliance rating indicating the department's CSAT compliance. Since the California Vehicle Code incorporates the federal regulations, CHP uses the federal definitions and interpretations when determining a CSAT is in compliance. Inspections are conducted at the state departments. Departments are required to retain all records pertaining to their CSAT Program. When CHP requests CSAT records, departments must have the records available for inspection within two days of request. All records must be kept confidential.

CHP provides the following detailed information and guidance on their website.

- [CHP Form 800F: Controlled Substance and Alcohol Testing Checklist](#)
- [CHP Form 800J: What is Controlled Substance Testing](#)

Questions may be directed to your nearest CHP Motor Carrier Safety Unit provided in the CHP documents.

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Federal Compliance and Reporting Requirements

Departments subject to federal DOT or U.S. Coast Guard drug and alcohol testing regulations may be required to submit the annual Management Information System (MIS) report. If the MIS report is required, the federal DOT will contact the department in January and the department will be required to submit the MIS report by March 15. Departments participating in the CalHR CSAT Program will have access to reports and data under the NDS web portal system.

Example: If you are required to submit drug and alcohol testing data for the calendar year of 2018, then you must submit your data by March 15, 2019.

For detailed instructions on how to submit the annual MIS report, please review the FMCSA website at <https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/annual-survey-instructions>.

Links to Important Resources

FAQs

- [CalHR CSAT Program: Frequently Asked Questions](#)
- [U.S. DOT Program: Frequently Asked Questions](#)
- [U.S. DOT CDL Clearinghouse: Frequently Asked Questions](#)

Web Pages

- [CalHR: Safety-Sensitive Classification Listing](#)
- [CalHR: Employee Assistance Program](#)
- [CalHR: Substance Abuse Referral Services](#)
- [U.S. DOT: Department Handbook](#)
- [U.S. DOT: Department Best Practices](#)
- [U.S. DOT: FMCSA MIS Reporting Instructions](#)

Related Policies

- [3100-Drug-free Workplace](#)
- [3101-Tobacco and Marijuana Use](#)
- [3201-Substance Abuse Testing Program Policy](#)

Forms

- [CalHR Form 163: Sensitive Position Request](#)
- [CalHR Form 164: Random Testing Pool Addition/Deletion](#)
- [CalHR Form 177: Drug Test and Alcohol Authorization](#)

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- CHP Form 800F: Controlled Substance and Alcohol Testing Checklist
- CHP Form 800J: What is Controlled Substance Testing

Contacts

CalHR Substance Abuse Testing Program
(916) 327-1439
Fax: (877) 407-6257
Email: Substanceabusetesting@calhr.ca.gov

National Drug Screening, Inc.
NDS representative at 877-497-1228
Email: CALHR@nationaldrugscreening.com

SAP Referral Services, LLC. (SRS)
(855) 400-0660
Email: Sapreferralservices.com

Employee Assistance Program
Magellan Healthcare
Phone: 866-EAP-4SOC (866) 327-4762
TTY callers: 800-424-6117
Website: www.eap.calhr.ca.gov