

RESOLUTION NO. 190-21 6-22-21

COL Amend Policy 065

AMENDING CAYUGA COUNTY POLICY NO. 065, PRE-EMPLOYMENT DRUG TESTING

BY: Hon. Ryan Foley, Chair, Government Operations
Hon. Keith Batman, Chair, Ways & Means

WHEREAS, recent changes in New York State Law involving the use of marijuana, both recreationally and medically; and

WHEREAS, Cayuga County Policy No. 065, Pre-Employment Drug Testing Policy, includes marijuana in the schedule of drugs which are tested; and

WHEREAS, after due deliberation, the county considers testing and disqualification of employment for individuals testing positive for marijuana to be an impediment to hiring qualified individuals; now, therefore be it

RESOLVED, that County Policy No. 065, Pre-Employment Drug Testing Policy is hereby amended, effective immediately, as set forth in the annexed policy statement.



State of New York }
County of Cayuga }

I do hereby certify, that I have compared the forgoing copy of a Resolution duly passed and adopted by the Cayuga County Legislature at a meeting held on the 22nd day of June 2021 with the original Resolution, and that the same is a true and correct copy and transcript thereof, and the whole thereof.

Given under my hand and official seal June 23, 2021

Shula P. Smith
CLERK, CAYUGA COUNTY LEGISLATURE

CAYUGA COUNTY POLICY MANUAL

Section 65

adopted 6-23-21 Resolution 190-21

Subject: Pre-Employment Drug Testing Policy

Supersedes policy of 6-28-11 Res.274-11

PRE-EMPLOYMENT DRUG TESTING POLICY

PURPOSE:

The purposes of this policy are to provide a safe and productive working environment, to prevent accidents, injuries and property damage which may result from drug abuse, and to protect vulnerable clients who are dependent on public services.

SCOPE:

This policy covers applicants for all County positions, including applicants for temporary and seasonal positions, part-time working less than half time, limited term, represented employees on employment agreements, and non-represented employees on employee agreements. This policy does **not** cover elected officials or potential Highway employees subject to drug testing per the DOT regulations.

POLICY STATEMENT:

Cayuga County is committed to a workplace which is free from the effects of unauthorized drug use. Unauthorized drug use may pose serious risks to the user and his or her colleagues, as well as to the public we serve. Therefore, Cayuga County has chosen to conduct pre-employment screening to prevent hiring of individuals whose unauthorized use of drugs creates a potential for impaired or unsafe job performance.

Applicants for positions within Cayuga County will undergo screening for the presence of drugs as a condition for employment. Applicants will be required to submit to a urinalysis test at a location of Cayuga County's choice.

TABLE OF CONTENTS

Pre-employment testing..... 2
Costs of Testing... 3
Drug Testing Procedures..... 3
Drug Test Results Review... 3
Communication of Results... 4
Record Keeping Procedures 4

Pre-Employment Testing

Pre-employment drug testing is required for all positions except Elected Officials and Highway workers subject to DOT regulations. Applicants will be notified via job specification announcements, Cayuga County Website, Cayuga County Civil Service Canvass letters and the Cayuga County Application that drug testing is a requirement of the selection process.

A drug test result which is verified as positive for unauthorized use of a controlled substance, or found to be substituted or adulterated, will disqualify the applicant for the offered position.

A negative dilute result is unsatisfactory on a pre-employment test. Applicants will be given one additional opportunity to provide a valid specimen that same day. The result of the second test will determine whether the applicant is eligible for employment.

A person who receives any of the following results on the drug test is not eligible to be hired, and is disqualified from consideration from County employment for a period of twenty-four (24) months from the date of the test results:

- Verified “positive”
- Second “negative dilute”
- Second sample outside the allowed temperature range,
- “cancelled-invalid result” where the donor’s explanation is not accepted by the MRO,
- Verified “adulterated”
- Verified “substituted.”

Cost of Testing

The County will pay for all pre-employment drug testing.

Drug Testing Procedures

Urine specimen collection for drug testing will be performed by qualified individuals in conformance with current standards of practice, and with respect for the privacy and dignity of the person giving the specimen.

If an applicant is unable to provide an adequate volume of urine on the first attempt (“shy bladder”), he/she will have an opportunity to drink up to 40 ounces of fluids within three hours. At the end of this period, if a sample of adequate volume has not been provided, the test will be cancelled. A retest will be allowed if the applicant provides a medical evaluation from a licensed physician, acceptable to the County, who has expertise in the medical issues raised by the applicant’s failure to provide a sufficient specimen.

The collector will check the temperature of the specimen upon receiving it from the applicant. The acceptable temperature range is 90-100 degrees Fahrenheit. If the specimen is outside the acceptable range, the applicant will begin a second unobserved collection. If the second specimen is also outside the acceptable range, the applicant will be disqualified. If within range, the second specimen will be tested.

Drug Test Results Review

Drug test results of an applicant which are reported as positive, adulterated, or substituted by the testing site will be reviewed and verified by the Medical Review Officer (MRO).

A POSITIVE drug test result is defined as the detection of any one or more of the substances listed in the table shown below.

<u>Substance or Class</u>	<u>Substance or Class</u>
Amphetamines	Barbiturates
Benzodiazepines	Cocaine
Opiates	Phencyclidine
Propoxyphene	Methadone
Methaqualone	

Communication of Results

The MRO or his/her designated representative will report test results ONLY to the designated Human Resource Professional. If the test is positive, the MRO or his/her authorized representative will report the identity of the controlled substance. Confidentiality will be strictly maintained.

Applicants may obtain copies of their test results by requesting them in writing from the Human Resources Department 160 Genesee Street Floor 2 Auburn, NY 13021 within 60 days of being notified of the results.

Record Keeping Procedures

The County's Human Resources Department will maintain pre-employment drug testing records in a secure filing system with information available only on a "need to know" basis for a period of seven years.