

Title:	PRE-EMPLOYMENT DRUG SCREENING	
Purpose:	To establish pre-employment drug screening guidelines and procedures applicable to prospective employees.	
Issued by:	Employment and Personnel Services	Date: April 2, 2018
References:	Mayor's Dir. 89-4 (6/19/89), Mayor's Dir. 89-8 (10/5/89), Personnel Cir. No. 7-93 (6/23/93)	

I. PURPOSE

The City and County of Honolulu ("Employer") recognizes that because the use of drugs may adversely affect an employee's health, safety and job performance as well as the health and safety of his/her co-workers and members of the general public, appropriate pre-employment post-offer drug screening tests shall be implemented to assist the Employer with identifying prospective employees who use drugs in violation of this policy.

II. DEFINITIONS

1. Drug: Any drug, substance, or immediate precursor listed on Schedule I or II of the State of Hawaii's or the Federal government's Controlled Substances Act.
2. DHR Director: The Director of the Department of Human Resources (DHR) of the City and County of Honolulu.
3. Department: The department head or designee.
4. Verified Positive Test Result: A determination by the City's designated physician that a positive test result for drugs, the metabolites of drugs, or alcohol can be attributed to drug abuse in the levels specified in Rule 11-113-18 of the State Department of Health's Administrative Rules.

III. COVERAGE

This policy covers candidates who have received a conditional offer of employment and who fall within certain designated categories that the DHR Director has established, or who are required by law to be drug tested. No department may have policies or procedures for pre-employment drug testing of prospective employees that are inconsistent from those established in this policy without the DHR Director's written approval.

Drug testing is intended to create a safe working environment for the protection of all employees; protect members of the public who use or avail themselves of the Employer's facilities or services; and protect the public health, safety, or welfare through the drug testing of candidates whose duties directly impact public health, safety, welfare or involve direct contact or authority over children.

IV. DHR DIRECTOR'S RESPONSIBILITIES

As the coordinator of Drug testing, the DHR Director may assume the following duties and responsibilities:

1. Establish categories of prospective employees who shall be drug tested.
2. Determine the drugs for which testing shall be conducted.
3. If the Employer contracts with a laboratory to provide drug testing services, such laboratory must be certified by the State Department of Health to perform drug testing. The laboratory contract shall require the laboratory to comply with all applicable City, State and Federal laws, rules, and regulations relating to the use and protection of personal, medical, and health information; which includes compliance with the Federal Health Insurance Portability and Accountability Act (HIPAA) and Hawaii Revised Statutes, Chapters 487J, 487N and 487R. The contract shall also require the contractor to respect and maintain the confidentiality rights of all individuals who are tested.
4. Administer and/or coordinate with the designated laboratory facility all drug tests required under this policy.
5. Determine the applicable procedures for the receipt and transmission of test results to the appropriate parties.

The DHR Director is responsible for the overall management of drug testing, including administering and establishing procedures, and amending the policy as needed.

V. TEST PROCEDURES

All drug tests shall be conducted in a manner consistent, to the extent possible, with the following provisions:

1. When a department notifies a candidate to report for a pre-employment examination or test, the candidate shall report for and undergo the examination or testing as instructed.
2. Failure to report for and complete the examination or test without adequate reasons may result in the candidate being deemed to have failed the examination or test.
3. If urine is to be collected as part of the test, the urine shall be obtained and tested in a manner consistent, to the extent possible, with the definitions, standards and procedures set forth in Part 40 of the Federal Motor Carrier Safety Regulations and codified in the Code of Federal Regulations, Title 49, Subtitle A; provided, however, the City may contract with a laboratory located within the state which is certified by the State Department of Health to conduct drug testing for drugs that are enumerated in the State Department of Health's Administrative Rules, Title 11, Chapter 113. If the City has chosen to contract with a local laboratory to test for drugs that are enumerated in the State Department of Health's Administrative Rules, the cutoff values for those drugs shall be the values set

forth in the rules or shall have been approved in writing by the Director of the State Department of Health.

VI. REFUSAL TO SUBMIT TO TESTING

The Employer need not select any candidate who refuses to submit to a pre-employment drug test required for that position and the DHR Director may remove the candidate's name from the eligible list from which he/she was selected for the duration of the list.

VII. TEST RESULTS

The City's designated physician shall receive all negative and confirmed positive test results for all candidates who undergo a pre-employment drug test.

1. The City's designated physician shall transmit a report on each verified positive result in accordance with the applicable procedures specified by the DHR Director.
2. The department shall take appropriate action based on the results as set forth in this policy. The test results are highly confidential and shall only be disclosed to those with a legitimate need to know.

VIII. VERIFIED POSITIVE RESULTS

In accordance with Civil Service Rules 3-13(a)(6) and 3-26(c)(8), candidates who have verified positive test results will not be selected, and their names will be removed from any existing eligible lists, for the duration of such lists.

The Employer will reject the application of a candidate who has a verified positive pre-employment test result for a period of six months after the test. After the six-month period, the candidate who had a verified positive pre-employment test result, or any former City employee who had a verified positive test result and was not cleared to return to work, may be selected for a position if the City's designated physician determines there is sufficient evidence to indicate that the candidate is no longer in violation of Civil Service Rule 3-13(a)(6) or Rule 3-26(c)(8). The pre-employment medical and drug test will be held in abeyance pending this determination. If there is insufficient evidence, it will be determined that the candidate does not meet City requirements, the pre-employment medical and drug test will not be conducted, and the candidate's name will be removed from the eligible list from which he/she was selected for the duration of such list.

Candidates who have a verified positive test result may submit applications before the end of the six-month period and/or may have their names restored to the eligible lists from which they were removed only if the City's designated physician determines that there is sufficient evidence to indicate that the candidate is no longer in violation of Civil Service Rule 3-13(a)(6) or Rule 3-26(c)(8). The City's designated physician may require that the candidate undergo a drug test to assist the physician in making the determination. If such a determination is made:

1. The Candidate shall be permitted to submit subsequent applications;
2. The candidate's name shall be restored to the eligible list(s) from which they were

removed, provided such lists are still active and the candidate meets all other necessary requirement;

3. If the candidate is subsequently selected for a position, the above provision requiring the City's designated physician determination that the candidate is no longer in violation of Civil Service Rule 3-13(a)(6) or Rule 3-26(c)(8) before the medical or drug test is conducted shall be considered to have been met.

IX. SAVINGS CLAUSE

Should any part of this policy be rendered or declared invalid by reason of any legislation or by a decree of a court of competent jurisdiction, the invalidation of such part or portion of this policy shall not invalidate the remaining portions thereof, and they shall remain in full force and effect.