



PRE-EMPLOYMENT DRUG SCREENING

POLICY # 310	Page 1 of
Effective Date: 4/3/2024 Prior Version Date(s): March 1 2022, June 15 2018, March 28 2017, January 6 2010	Approved 4/2/2024 – Steven E. Yeatman, Cabinet Secretary <i>Steven E. Yeatman</i>

1. Policy Purpose

The purpose of this policy is to promote the safety of children and youth, their families, and department staff by requiring prospective employees or those seeking volunteer opportunities to undergo testing for commonly abused controlled substances.

2. Scope

Any prospective employee (including merit, merit-exempt, causal-seasonal), intern, or volunteer (hereafter referred to collectively as “prospective employees”) must follow this policy.

3. Definitions

- A. Chain of Custody: The method of tracing each specimen to maintain control from initial collection to final disposition.
- B. Collection Sites: The designated locations where prospective employees present themselves to provide specimens.
- C. Confirmation Test: An analytical procedure to identify the presence of a specific drug or metabolite, which is independent of the initial test, performed on the same specimen and which uses a different chemical principle from that of the initial test to ensure reliability and accuracy.
- D. Confirmed Positive Result: The presence of a controlled substance in the pure form or its metabolites, at or above the cutoff level, as identified in two consecutive tests on the same sample which employ different test methods, and which is determined not to have been caused by an alternative medical explanation.
- E. Direct access: the opportunity to have personal, unsupervised contact with persons receiving care or education during the course of the employee’s assigned duties.
- F. Medical Review Officer (MRO): The Vendor will have a certified Medical Review Officer (MRO) on staff. The MRO shall interpret results and consider alternative explanations for positive results.
- G. Non-negative test result: Test results that indicate a positive, diluted, adulterated, substituted, or similar result. The MRO reviews all non-negative test results.
- H. Prospective employee: Any individual seeking merit, merit-exempt, causal-seasonal, internship, and volunteer position within the Department.
- I. Vendor: The organization contracted by the State of Delaware to conduct drug screening for prospective employees.

4. Policy / Procedures

It is the policy of the department that any prospective employee (including merit, merit-exempt, causal-seasonal), intern, or volunteer (hereafter referred to collectively as “prospective employees”) be required to undergo testing for commonly abused controlled substances. All offers of employment, internship, or volunteer opportunities will be conditional upon successful completion of the drug screening. A prospective employee or intern who tests positive in the initial screening will have the conditional offer of employment rescinded. Potential volunteers who produce a positive drug screening result will not be permitted to serve as volunteers. A prospective employee, intern, or volunteer who tests positive for marijuana only during the pre-employment screening may continue in the selection process should they provide an active medical marijuana card or mobile ID card.

The department may conditionally hire an employee who has submitted to the required drug testing. The employee may begin training while the drug testing results are pending but may not have direct access to children until satisfactory test results are obtained by the department.

PROCEDURES

- A. No pre-employment drug screening is required for current department employees being considered for a department position. All other candidates require drug screening.
- B. Only Department of Human Resources staff are authorized to approve the initiation of the pre-employment drug screening test process. The Department of Human Resources will send the prospective employee, intern, or volunteer the drug screening form /lab order with an e-mail advising them of the required drug screen.
- C. Failure of the candidate to report to the designated collection site at the indicated time shall be considered the same as receiving a positive test result and the conditional offer of employment, internship, or volunteer opportunity shall be rescinded.
- D. Pre-employment drug tests shall be conducted by the Vendor in accordance with the Vendor’s procedures, and samples shall be collected by the Vendor’s staff or designated collectors at locations designated by the Vendor. The Vendor shall be responsible for all aspects of the collection, testing, and reporting of results of drug tests in accordance with the contract.
- E. If the vendor determines that the pre-employment drug test is positive, the conditional offer of employment, internship, or volunteer position will be rescinded, and the person will not be hired or be able to volunteer.
- F. If an employee has been conditionally hired and the pre-employment drug test is positive, the employee shall be terminated immediately.
- G. Eligibility for future employment or volunteer
 1. Individuals eliminated from consideration for employment or volunteer opportunity at the department due to positive drug screening results may apply again for employment or volunteer work after 60 days. Offer of employment, internship, or volunteer opportunity will be conditional on providing a negative drug screening result.

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5. Legal Authority / Associated Regulations/Requirements

[Title 16, § 4905A](#)

6. Responsibility for this Policy

Human Resources and the Division of Management Support Services and are responsible for providing guidance regarding this policy.