

How to customize this sample drug-free workplace program

The following is a sample drug-free workplace program designed to assist you in your safety efforts. The program includes the State of Mississippi requirements needed for you to be eligible to receive a workers' compensation premium credit. There are a few steps that you need to complete to make this program your own.

1. Copy the first page of the policy onto your company letterhead or add your company name and address at the top of the page.
2. In Section I, insert the **implementation date** for your drug-free workplace program.
3. In Section I, insert the **30-day general notice** date (which is 30 days from the date you implement your program).
4. In Section I, complete the references to **[CompanyName]** with the name of your company.
5. In Section I, input the name and phone number for your **medical review officer**.
6. In Section III, Employee Assistance Program, select the appropriate paragraph concerning your employee assistance program and delete the paragraph that does not apply to your business. Your company is not required to pay for an employee assistance program; *however, you are required to provide a resource file of employee assistance providers in your area to meet the requirements of this section*. To find providers in your area, search "substance abuse treatment facilities" online.

It is **important that a copy of this policy be given to every employee of your company, along with a copy of the Drug-Free Workplace Policy Acknowledgement**. Employees are required to sign the acknowledgement form and return it to the Human Resources/Personnel representative to place in their employee files.

To receive the workers' compensation premium credit, please submit a complete copy of your drug-free workplace program policy, a completed Drug-Free Workplace Premium Credit Application and a copy of your list of employee assistance programs to:

Summit
ATTN: Loss Prevention
PO Box 988
Lakeland, FL 33802
or
Fax: 863-668-7566
Email: dfwspcreditadmin@summitholdings.com

Updating your existing drug-free workplace program policy

If you are using this sample drug-free workplace program to revise your current drug-free workplace policy, please complete the steps above and add the date to the top of page one with the word "**Revised**" beside the date. Please note, in paragraph four, you do not need to add a 30-day general notice date if it was already included in your existing policy (this is a one-time notice).

[Company name and address or letterhead]

Mississippi Drug-Free Workplace Program

I. Policy statement

Implementation date: [XX/XX/20XX]

In a commitment to safeguard the health of our employees and to provide a safe environment for everyone, [Company Name] (hereinafter “Company”) has established a Mississippi Drug-Free Workplace Program (“Program”) pursuant to the Drug-Free Workplace Workers’ Compensation Premium Reduction Act, Miss. Code Ann. §§71-3-201 through 71-3-225 (West 2019).

The goal of this program is to balance our respect for individual privacy with our need to keep a safe, productive, drug-free environment. We encourage those who use illegal drugs or abuse alcohol to seek help in overcoming their problems through [an employee assistance program]/[employee assistance service providers].

While Company understands that employees and applicants under a physician’s care are sometimes required to use prescription drugs, abuse of prescribed medications will be dealt with in the same manner as the abuse of illegal substances.

Employees are given notice as of the above date that it is a condition of employment to refrain from reporting to work or working with the presence of alcohol or illegal drugs in his or her body. The unlawful manufacture, sale, distribution, solicitation, possession with intent to sell or distribute, or use of alcohol or other drugs is prohibited in Company’s workplace. **Specifically, the grounds for termination or discipline are as follows:**

- A. Illegal drug use.** The following are considered violations of Company’s drug-free workplace policy and are subject to discipline, including discharge or suspension from employment without pay and loss of workers’ compensation benefits, even for the first offense:
1. Refusing to take a company-required drug test.
 2. Failing a company-required drug test (a *positive* test result).
 3. Bringing illegal drugs onto the company’s premises or property (including company vehicles and jobsites).
 4. Possession of illegal drugs or drug paraphernalia on the employee’s person.
 5. Using, consuming, transferring, selling or attempting to sell or transfer any form of illegal drug (as previously defined) while on company business or at any time during the hours between the beginning and ending of the employee’s workday, whether on company property or not (including company vehicles).
- B. Alcohol abuse/use.** The following are considered violations of Company’s drug-free workplace policy and are subject to discipline, including discharge or suspension from employment without pay and loss of workers’ compensation benefits, even for the first offense:
1. Refusing to take a company-required alcohol test.
 2. Failing a company-required alcohol test.
 3. Being under the influence of alcohol at any time while on company business or at any time during the hours between the beginning and ending of the employee’s

workday, whether on company property or not (including company vehicles). An employee shall be determined to be under the influence of alcohol if:

- a. the employee's normal faculties are impaired due to consumption of alcohol, or
- b. the employee has a blood-alcohol level of .04 or higher.

Employees are subject to drug testing under the standards of this policy on **[General Notice Date: XX/XX/20XX]**, which is 30 days from the above implementation date.

II. Drug testing procedures

Company's Program is required to comply with the substance abuse testing procedures set forth in Mississippi Code Chapter 7 (Drug and Alcohol Testing of Employees) of Title 71, i.e., subsection 71-7-1 through 71-7-33.

A. Definitions

As used in this section of the Program, the following meanings, unless the context requires otherwise:

1. **"Alcohol"** means ethyl alcohol.
2. **"Confirmation test"** means a drug and alcohol test on a specimen to substantiate the results of a prior drug and alcohol test on the specimen. The confirmation test must use an alternate method of equal or greater sensitivity than that used in the previous drug and alcohol test.
3. **"Drug"** means an illegal drug, or a prescription or nonprescription medication.
4. **"Drug and alcohol test"** means a chemical test administered for the purpose of determining the presence or absence of a drug or metabolites in a person's body fluids.
5. **"Employee"** means any person who supplies a service for remuneration or pursuant to any contract for hire to a private or public employer in this state.
6. **"Employee assistance program"** means a program provided by an employer offering assessment, short-term counseling and referral services to employees, including drug, alcohol and mental health programs.
7. **"Employer"** means any individual, organization or government body, subdivision or agency thereof, including partnership, association, trustee, estate, corporation, joint-stock company, insurance company or legal representative, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, and any common carrier by mail, motor, water, air or express company doing business in or operating within this state, which has one or more employees within this state, or which has offered or may offer employment to one or more individuals in this state.
8. **"Illegal drug"** means any substance, other than alcohol, having psychological and/or physiological effects on a human being and that is not a prescription or nonprescription medication, including controlled dangerous substances and controlled substance analogs or volatile substances which produce the psychological and/or physiological effects of a controlled dangerous substance through deliberate introduction into the body.
9. **"Initial test"** means an initial drug test to determine the presence or absence of drugs or their metabolites in specimens.
10. **"Laboratory"** means any laboratory that is currently certified or accredited by the federal Clinical Laboratory Improvement Act, as amended, by the federal Substance Abuse and Mental Health Services Administration, by the College of

American Pathologists, or that has been deemed by the State Board of Health to have been certified or accredited by an appropriate federal agency, organization or another state.

11. **“Neutral selection basis”** means a mechanism for selecting employees for drug tests that:
 - a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and
 - b. does not give an employer discretion to waive the selection of any employee selected under the mechanism.
12. **“Prescription or nonprescription medication”** means a drug prescribed for use by a duly licensed physician, dentist or other medical practitioner licensed to issue prescriptions or a drug that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments or injuries.
13. **“Reasonable suspicion drug and alcohol testing”** means drug and alcohol 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 articulable facts and reasonable inferences drawn from those facts in light of experience, and may be based upon, among other things:
 - a. Observable phenomena, such as direct observation of drug use and/or the physical symptoms or manifestations of being under the influence of a drug;
 - b. Abnormal conduct or erratic behavior while at work, absenteeism, tardiness or deterioration in work performance;
 - c. A report of drug use provided by reliable and credible sources and which has been independently corroborated;
 - d. Evidence that an individual has tampered with a drug and alcohol test during his employment with the current employer;
 - e. Information that an employee has caused or contributed to an accident while at work;
 - f. Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs while working or while on the employer’s premises or operating the employer’s vehicle, machinery or equipment.
14. **“Specimen”** means a tissue or product of the human body chemically capable of revealing the presence of drugs in the human body.

Section 71-7-1.

B. Substances tested

1. Company may test its employees for the following categories of substances: marijuana, cocaine, opiates, amphetamines, phencyclidine, alcohol and other controlled substances. See 15 Code Miss. R. Pt. 16, Subpt. 1, R. 53.4.1 (2020). Here is a list of substances for which Company may test:

Drug	Trade or common name
Alcohol	Liquor, beer, booze
Amphetamines	Biphetamine, Desoxyn, Dexedrine
Cannabinoids	Marijuana, pot, grass
Cocaine	Coke, flake, snow, crack
Phencyclidine HCl	PCP, angel dust

Methaqualone HCl
Opiates
Barbiturates
Benzodiazepines
Synthetic narcotics

Quaalude
Paregoric, Morphine, Tylenol with Codeine
Phenobarbital, Amytal, Nembutal, Seconal
Librium, Valium, Halcion, Restoril
Methadone-Polophine, Methadose,
Propoxyphene-Darvocet, Darvon-N, Dolene

2. The above categories of substances shall be tested as follows:
 - a. Drugs—urine for initial and confirmation tests.
 - b. Alcohol—breath and/or saliva for initial tests; blood for confirmation tests.
 - c. Records regarding urine or blood specimens are required to be retained by the drug testing laboratory at least two (2) years. R. 53.7.8.
 - d. The laboratory shall preserve positive specimens to ensure that the specimens will be available for retests in accordance with Mississippi law. R. 53.7.9. See R. 53.5.
3. Employees may confidentially report the use of prescription or nonprescription medications prior to receiving the drug/alcohol test, by reporting this information to the person giving the test or to Company's medical review officer. Subsections 71-7-3(2)(d) and 71-7-9(3)(b).

C. Drug/alcohol tests

1. Company is authorized to conduct the following types of drug and alcohol tests on its employees:
 - a. Pre-hire drug and alcohol tests may be required as a condition of the employment application, and Company may use a refusal to submit to a test, or positive confirmed test result as a basis for refusal to hire. Company shall give the applicant prior written notice that the applicant may be subject to an alcohol and drug test before hire. Subsection 71-7-3(5).
 - b. Company may require all employees to submit to reasonable suspicion drug and alcohol testing. There is created a rebuttable presumption that Company had reasonable suspicion to test for drugs or alcohol if the specimen provided by the employee tested positive for drugs or alcohol in a confirmatory drug or alcohol test.
 - c. Company may require all employees to submit to neutral selection (random) drug and alcohol testing done in accordance with section 71-7-9.
 - d. An employer may administer drug and alcohol testing or require that the employee submit himself to drug and alcohol testing as provided under section 71-3-121, if the employee sustains an injury at work or asserts a work-related injury.
 - e. Company may require an employee to submit to a drug and alcohol test if the test is conducted as part of a routinely scheduled employee fitness for duty medical examination that is part of the employer's established policy and/or which is scheduled routinely for all members of an employment classification or group.
 - f. Company may require an employee to submit to neutral selection or routine drug and alcohol tests if the employee, in the course of his

employment, enters a drug abuse rehabilitation program, and as a follow-up to such rehabilitation, or if previous drug and alcohol testing of the employee within a 12-month period resulted in a positive confirmed test result, or the drug and alcohol test is conducted in accordance with the terms of an applicable collective bargaining agreement or contract that permits the employer to administer drug and alcohol tests on a neutral selection or routine basis.

- g. If an employee is participating in drug abuse rehabilitation, drug and alcohol testing may be conducted by the rehabilitation provider as deemed appropriate by the provider.
- h. An employee or job applicant required to submit to a drug and alcohol test may be requested by an employer to sign a statement indicating that he has read and understands the employer's drug and alcohol testing policy and/or notice. An employee's or job applicant's refusal to sign such a statement shall not invalidate the results of any drug and alcohol test, or bar the employer from administering the drug and alcohol test or from taking action consistent with the terms of an applicable collective bargaining agreement or the employer's drug and alcohol testing policy, or from refusing to hire the job applicant.

Sections 71-7-3, 71-7-5 & 71-7-7(2).

- 2. If an employee refuses to submit to any of the above drug/alcohol tests, Company may refuse to hire the applicant, discharge the employee from employment with Company, discipline the employee, or refer the employee to a drug abuse assessment, treatment and rehabilitation program at a site certified by the Department of Mental Health. Subsection 71-7-13(7).
- 3. Company may offer opportunities for assessment and rehabilitation if an employee has a positive confirmed test result and Company determines that discipline or discharge are not necessary or appropriate. Subsection 71-7-3(2)(g).
- 4. If an employee receives a positive confirmed drug and alcohol test result, the employee may contest the accuracy of that result or provide an explanation for it. Subsection 71-7-3(2)(h).
- 5. Company may require an employee or job applicant required to submit to a drug and alcohol test sign a statement indicating that he or she has read and understands Company's drug and alcohol testing policy and/or notice. Refusal to sign such a statement shall not invalidate the results of any drug and alcohol test, or bar Company from administering the drug and alcohol test or from taking action consistent with the terms of an applicable collective bargaining agreement or Company's drug and alcohol testing policy, or from refusing to hire the job applicant. Subsection 71-7-3(6).
- 6. The following ramifications apply to an employee or applicant who has a positive confirmed drug and alcohol test, or refuses such a test:
 - a. An employee or job applicant with a confirmed positive drug and alcohol test result shall not be defined as a person with a "handicap."
 - b. Company discharge or discipline of an employee, based on a positive confirmed drug and alcohol test, will be considered for cause.
 - c. Company discharge of an employee, based on a positive drug and alcohol test, shall be considered discharge for willful misconduct.
 - d. A physician-patient relationship is not created between the person performing or evaluating the drug or alcohol test and the employee or applicant.

- e. Mississippi Title 71, Chapter 7, does not prevent Company from establishing reasonable work-place rules concerning employee possession, use, sale or solicitation of drugs, including convictions for drug-related offenses, and disciplining or discharging employees based upon a violation of any of those rules.
- f. If an employee refuses to submit to a drug and alcohol test as requested by Company, then Company may discharge, or discipline, or refer the employee to a drug abuse assessment, treatment and rehabilitation program at a site certified by the Department of Mental Health.
- g. Company may refer any employee, who has violated Company's drug and alcohol use policy, to an employee assistance program for assessment, counseling and referral for treatment or rehabilitation as appropriate. The treatment or rehabilitation shall be at a site certified by the Mississippi Department of Mental Health.
- h. Company may temporarily suspend or transfer an employee to another position, if the employee has a positive on-site initial test. Company may discharge an employee after Company obtains the results of a positive confirmed drug or alcohol test.
- i. Nothing in this Program shall affect Company's right to terminate an employee's employment for a non-drug/alcohol test reason.

Section 71-7-13.

D. Specimen collection/preservation

Company will contract with manufacturers, vendors, or other providers of drug and alcohol testing devices, or with a laboratory, for the purpose of initial drug and alcohol testing of employees to:

- 1. Train employees designated to implement the drug and alcohol testing program in the collecting of specimens and the administering of initial tests; or
- 2. Provide Company with personnel to collect specimens and administer the initial tests. See R. 53.6.1.

E. Test results and challenges

- 1. Company will inform the employee or applicant of (a) a positive confirmed drug or alcohol test within five (5) working days after Company has received the test result report from the laboratory, (b) the consequences of such a report and (c) the employee's options. Subsection 71-7-9(10).
- 2. The employee may request and obtain a copy of the test result report from Company. Subsection 71-7-9(11).
- 3. The employee may provide Company with additional information that explains the test results, and why the test results do not violate Company's drug and alcohol policy, within five (5) working days after the employee receives the positive confirmed test result notice. If Company is not satisfied with the employee's explanation, Company will provide a written explanation as to why the explanation is not satisfactory and place it in the employee's medical and personnel records. Subsection 71-7-9(12).
- 4. Company may not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or applicant based on a positive test result that has not been verified by a confirmatory test. Subsection 71-7-9(13).
- 5. Company may not discharge, discipline, discriminate against or request or require

rehabilitation of an employee based on medical history provided to Company under this Program, unless the employee had an affirmative obligation to provide such information before, upon or after hire. Subsection 71-7-9(14).

F. Laboratory requirements

1. Laboratories utilized as described herein must be certified or accredited by the federal Clinical Laboratory Improvement Act, by the federal Substance Abuse and Mental Health Services Administration, by the College of American Pathologists, or deemed by the State Board of Health to have been certified or accredited by an appropriate federal agency, organization or another state. R. 53.8.1.
2. Confirmation drug and alcohol tests shall only be performed by laboratories; and confirmation tests shall use an alternate method of equal or greater sensitivity than that used on the initial drug and alcohol test. Confirmation tests shall only be utilized if the initial drug and alcohol test is positive. Section 71-7-11.
3. Laboratory reports of a drug/alcohol test result shall include the following:
 - a. The testing laboratory's name and address and the positive identification of the person tested;
 - b. Any positive confirmed drug and alcohol test results on a specimen which tested positive on an initial test, or a negative drug and alcohol test result on a specimen; provided, however, that reports should not make reference to initial or confirmatory tests when reporting positive or negative results;
 - c. The substances included in the test;
 - d. The types of tests conducted for both initial and confirmation tests and the cut-off levels of the tests; and
 - e. The report shall not disclose the presence or absence of any physical or mental condition or of any drug other than the specific drug and its metabolites that an employer requests to be identified.

Section 71-7-19.

G. Medication reporting procedure

Employees or job applicants may confidentially report to Company's medical review officer or to the person giving the alcohol/drug test the use of prescription or nonprescription medications both before and after being tested. Additionally, employees and job applicants shall receive notice of the most common drugs or medications—by brand name or common name, as applicable, as well as by chemical name—which may alter or affect a drug test.

III. Employee assistance

If your company does not offer an Employee Assistance Program, delete the second section and use this version.

Company **does not offer** an Employee Assistance Program (EAP) to provide help to employees and their families who suffer from alcohol abuse, drug abuse or other mental health issues. However, Company maintains a list of local employee assistance service providers available to assist employees with personal or behavioral problems. Please contact Company's human resources department for the list, which is posted at Company's place of business. Subsections 71-3-213(b).

If your company offers an Employee Assistance Program, delete the above section and use

this version.

- A. Company offers an Employee Assistance Program (EAP), notice of which is posted at Company's place of business. Company provides employees with the policies and procedures, regarding access to and utilization of its EAP, through its human resources department.
- B. It is the responsibility of an employee to seek assistance from the EAP *before* alcohol and drug problems lead to disciplinary actions. Once a violation of this policy occurs, subsequently using an EAP on a voluntary basis will not necessarily lessen disciplinary action and may have no bearing on the determination of appropriate disciplinary action.
- C. Company's EAP will provide appropriate assessment, evaluation and counseling and/or referral for treatment of drug and alcohol abuse. Such employees may be granted leave with a conditional return to work, depending on successful completion of the agreed upon appropriate treatment regimen, which may include follow-up testing.
- D. The cost of seeking assistance from an EAP or other provider will be the responsibility of the employee and is subject to provisions of the company's health insurance plan, if any. Please consult the provider for specifics concerning this issue.

IV. Employee education

Company will provide an alcohol/drug abuse education program to all employees prior to its Program under sections 71-3-201 through 71-3-225. Company will provide its employees with an annual general alcohol/drug abuse education program, and education on the effects of alcohol/drug use in the workplace. The alcohol/drug abuse education program should last for at least one (1) hour, and include, but is not limited to, the following information:

- 1. The explanation of the disease of addiction to alcohol and other drugs;
- 2. The effects and dangers of commonly abused substances in the workplace; and
- 3. The company's policies and procedures regarding alcohol and other drug use or abuse in the workplace and how employees who wish to obtain substance abuse treatment can do so.

Section 71-3-215.

V. Supervisor training

Company provides all supervisory personnel at least two (2) hours of training prior to the implementation of the program, and each year thereafter which includes the following:

- 1. Recognizing employee alcohol/drug abuse;
- 2. Documenting/corroborating of employee alcohol/drug abuse;
- 3. Referring alcohol/drug abusing employees to proper treatment providers;
- 4. Recognizing the benefits of referring alcohol/drug abusing employees to treatment programs, as measured by of employee health and safety and company savings; and
- 5. Explaining employee health insurance coverage for alcohol/drug problems, if any.

Section 71-3-217.

VI. Confidentiality

- A. All information, interviews, reports, statements, memoranda and test results ("Confidential Information"), received by Customer through this Program are confidential communications as they pertain to the employee only and may not be used or

received in evidence, obtained in discovery or disclosed in any public or private proceedings, except as provided in sections 71-7-1 through 71-7-33. Section 71-3-219(1).

- B.** Company will only release Confidential Information upon court order, a valid subpoena, and by the employee's written consent authorizing the release of such Confidential Information and including the following information:

1. The name of the person who is authorized to obtain the information;
2. The purpose of the disclosure;
3. The precise information to be disclosed;
4. The duration of the consent; and
5. The signature of the person authorizing release of the information.

Subsections 71-3-219(1) & 71-7-15.

VII. Collective bargaining

Company's employees are not subject to any collective bargaining agreement; however, if one becomes applicable, there may be a right to appeal actions taken by Company due to an employee's confirmed drug test or refusal to take a drug/alcohol test with the Public Employees Relations Commission or applicable court.

Drug-Free Workplace Policy Acknowledgement

I hereby acknowledge that I have received and read [CompanyName's] ("Company's") Drug-Free Workplace Policy, a summary of the drugs which may alter or affect a drug test and a list of local Employee Assistance Programs and drug and alcohol treatment programs. I have had an opportunity to have all aspects of this material fully explained. I understand that I must abide by the policy as a condition of initial and/or continued employment, and any violation may result in disciplinary action up to and including discharge.

Further, I understand that during my employment I may be required to submit to testing for the presence of drugs or alcohol. I understand that submission to such testing is a condition of employment with Company and disciplinary action up to and including discharge may result if:

- 1) I refuse to consent to such testing.
- 2) I refuse to provide all forms of consent and release of liability as are usually and reasonably attendant to such examinations.
- 3) I refuse to authorize release of the test results to the company.
- 4) The tests establish a violation of Company's Drug-Free Workplace Policy.
- 5) I otherwise violate the policy.

I also understand that if I am injured in the course and scope of my employment and test positive for alcohol or drug use or refuse to be tested, I forfeit my eligibility for medical and indemnity benefits under section 71-3-7.

I also understand that the drug-free workplace policy and related documents are not intended to constitute a contract between the company and myself.

The undersigned further states that he or she has read the foregoing acknowledgement and knows the contents thereof and signs below of his or her own free will.

Signature

Date

Witness

Date

Over the Counter and Prescription Drugs Which Could Alter or Affect Drug Test Results

Purpose: This is to inform you of the possible influence that prescription drugs may have on the outcome of a drug test. It is for your information only. If necessary, questions about the outcome of a drug test will be addressed by a licensed physician.

Alcohol	All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. For example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof)
Amphetamines	Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.
Cannabinoids	Marinol (Dronabinol, THC).
Cocaine	Cocaine HCl topical solution (Roxanne)
Phencyclidine	Not legal by prescription
Methaqualone	Not legal by prescription
Opiates	Paregoric, Parapectolin, Donnagel PG, Morphine, Tylenol with Codeine, Emprin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
Barbiturates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebral, Butabarbital, Butalbital, Phenrinin, Triad, etc.
Benzodiazepines	Ativan, Azene, Clonopin, Dalmine, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax
Methadone	Dolophine, Metadose
Propoxyphene	Darvocet, Darvon N, Dolene, etc.

Notification of Positive Drug Test

Dear _____:

On [XX/XX/20XX], you were drug tested according to requirements in our company's drug-free workplace program and policy. In compliance with the State of Mississippi drug testing standards, your urine/blood specimen was tested twice in a controlled laboratory environment.

We have received the results from our company's medical review officer, and the result indicates that you have tested positive (failed the test) for the following substance(s):

_____ Cannabinoids (marijuana)	_____ Alcohol
_____ Amphetamines	_____ Cocaine
_____ Phencyclidine (PCP)	_____ Methaqualone
_____ Opiates	_____ Barbiturates
_____ Benzodiazepines	_____ Synthetic narcotics

In keeping with our company's drug-free workplace policy, the following disciplinary procedure(s) will take place immediately:

[Disciplinary action inserted here by company representative]

If you disagree with the test result or have some other related concern, you have the right, within five (5) working days after receiving this notice, to submit information to us explaining or contesting the test result, and explaining why the positive test result does not constitute a violation of our drug-free workplace policy. You also have the right, within 180 days of your challenge to the drug test result, to have ***your original specimen*** retested at another Agency for Health Care Administration certified laboratory. Arrangements and cost will be your responsibility. Other challenge rights to which you may be entitled are included in your copy of our drug-free workplace policy previously distributed to you.

Our company's medical review officer is [_____]

Phone number [_____]

You may contact your medical review officer to ask questions or discuss your drug test result.

Sincerely,

[Company representative name and title]

Drug-Free Workplace Program Employee Acknowledgement

1. You are hereby advised that Company has implemented a drug and alcohol policy and conducts a testing program, pursuant to Sections 71-7-1, et. al., of the Mississippi Code of 1972, Ann. (hereinafter referred to as “the Act”), and you are hereby advised of the existence of said Act.
 2. All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by Company through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with the Act and these regulations. Any information obtained by Company pursuant to the Act and these regulations shall be the property of the employer. Company shall not release to any person other than the employee or job applicant, or employer medical, supervisory or other personnel, as designated by Company on a need to know basis, information related to drug and alcohol test results unless:
 - a. The employee or job applicant has expressly, in writing, granted permission for Company to release such information;
 - b. It is necessary to introduce a positive confirmed test result into an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding, or
 - c. The information must be disclosed to a federal or state agency or other unit of the state or United States government as required under law, regulation or order, or in accordance with compliance requirements of a state or federal government contract, or
 - d. Disclosed to a drug abuse rehabilitation program for the purpose of evaluation or treatment of an employee; or
 - e. There is a risk to public health or safety that can be minimized or prevented by the release of such information; provided, however, that unless such risk is immediate, a court order permitting the release shall be obtained prior to the release of the information.
- The confidentiality provisions provided for by the Act shall not apply to other parts of an employee’s or job applicant’s personnel or medical files. If an employee refuses to sign a written consent form for release of information to persons as permitted in the Act, Company shall not be barred from discharging or disciplining the employee.
3. An employee or job applicant to be tested shall be given:
 - a. A medication disclosure form to permit the employee or job applicant to disclose any non-prescription or prescription medications that have been taken within forty-five (45) days prior to being tested, and
 - b. A statement that the form shall be submitted directly to the employer’s designated medical review officer, ensuring that no person or entity has access to the information disclosed on the form other than the medical review officer. See R. 53.9.1.

The undersigned further states that he or she has read and understands the above acknowledgement and signs below of his or her own free will.

Signature

Date

Witness

Date