



INDIANA
WORKFORCE
DEVELOPMENT
AND ITS **WorkOne** CENTERS

TO: Indiana's Workforce Investment System

FROM: Randy Gillespie *RG*
Chief Financial Officer

Dennis Wimer *DW*
Deputy Commissioner, Field Operations

DATE: October 31, 2011

SUBJECT: DWD Policy 2010-22, Change 1
Workforce Investment Act Participant Drug Screening

Purpose

The purpose of this policy is to provide guidance to local workforce investment boards and their operators regarding mandatory drug screening for Workforce Investment Act training-level participants.

Rescission

None

Content

Background

Section 181(f) of Title I of the Workforce Investment Act (WIA) specifically provides the State the authority to test and sanction WIA participants for the use of controlled substances. On December 9, 2010, the State Workforce Innovation Council passed a resolution, charging the Indiana Department of Workforce Development (DWD) to develop and implement a drug screening policy for Workforce Investment Act Title I training-level services.

Effective July 1, 2011, all participants that enter into training-level services funded by WIA Title I, individual training accounts and on-the-job training, shall be screened utilizing urinalysis for the use of the following controlled substances prior to beginning training:

- Marijuana
- Cocaine
- Opiates
- Amphetamines/Methamphetamines
- Phencyclidine

Participants who test positive for any of the above named controlled substances shall be sanctioned, or suspended, from receiving WIA-funded training-level services for a period of: 1) ninety (90) calendar days, following the first positive drug screen; or 2) One calendar year, following the second positive drug screen.

DWD has established a contract with a vendor, Nationwide Medical Review, to provide drug screening to those participants that require a drug screen and to review and certify the results of the drug screens. DWD will be responsible for all costs of the drug screens covered by this policy, with no charges being passed on to participants or local workforce investment operators.

Programs Covered by Drug Screening Policy

All participants that enter into training-level services funded by any of the following programs will be required to successfully pass a drug screen prior to being enrolled in training:

- Workforce Investment Act Title I Adult, Dislocated Worker, and Youth
- National Emergency Grant Training
- WIA Title I Rapid Response Training

The term “training-level services” referred to throughout this policy consists of: Individual Training Accounts provided to participants enrolled in WIA-training level activities at eligible training providers and programs included on the State’s Eligible Training Provider List, following the requirements of DWD Policy 2009-13, “Training Provider Eligibility and Establishment of the Eligible Training Provider List under the Workforce Investment Act (WIA);” and On-the-Job Training, defined in WIA Section 101(31).

Participants must only test once throughout their period of participation in training, and a negative/pass drug screen result will be valid until the participant exits integrated WorkOne services. For example, if a participant is in-school studying for an associate degree and will be issued multiple training vouchers (ITAs) throughout his/her course of study, he/she will only be required to take and pass one drug screen. However, if a participant exits the integrated WorkOne system and re-enrolls, he/she must take and pass an additional drug screen.

NOTE: The following programs offered through the integrated WorkOne system are not covered by this policy: Trade Act, Adult Basic Education, Veterans Employment and Training Services, and Wagner-Peyser.

SPECIAL EXEMPTION: Any participant enrolled in On-the-Job Training (OJT) provided by an employer where the passing of a pre-employment drug screen is a condition of employment is exempt from taking a WorkOne-funded drug screen, provided that the pre-employment drug screen provided by the employer tests the participant for at least the same controlled substances required by this policy. The employer-mandated drug screen must have been completed within the previous 30 calendar days from the start date of the WIA funded OJT in order to be acceptable for this exemption.

In order to document that this exception is applied, WorkOne staff should receive a written attestation from the potential OJT employer indicating that a pre-employment drug screen is a condition of employment. WorkOne staff should keep this written attestation on file with the OJT agreement. Additionally, when applying this exemption to a participant, WorkOne staff must enter a case note that indicates that the participant is exempted from the drug screening policy because the employer requires a pre-employment drug screen.

Drug Screening Operational Procedures

When a WorkOne representative makes the determination to send a participant to approved training funded by one of the above named programs, he/she must follow the procedures outlined below.

STEP 1 – Training Referral

1. WorkOne staff shall inform participant of drug screening requirement
 - WorkOne staff shall not discuss nor attempt to answer any questions regarding participant usage of prescription medications; all questions of this type shall be referred to the testing facility following completion of the drug screen.
 - Inform participant that he/she should be prepared to provide any information on prescription medications he/she is taking with the testing facility after the participant completes the drug screen;
 - Information shared with the testing facility will be kept confidential and will not be shared with WorkOne staff or DWD;
2. Review the Disclosure Form with the participant and obtain the participant's signature.
 - WorkOne staff shall review the following key points with the participant:
 - 1) Drug screen must be completed by the close of business the following business day;
 - 2) Government-issued photo identification must be presented at drug screening facility;
 - 3) Participant is solely responsible for returning to WorkOne office with the drug screen results certificate;
 - WorkOne office will not receive results from the testing facility.
 - 4) Participants that fail the drug screen will be sanctioned from receiving training in accordance with the schedule of sanctions covered in this policy.
 - 5) Appeal procedures available.
 - After participant signs and initials Disclosure Form, WorkOne staff shall make a copy of the Form, put it in the participant's file and give a copy to the participant.
3. Review the Frequently Asked Questions sheet with participant and give him/her a copy.

4. Complete the Drug Test Authorization Form with the participant and direct them to the nearest authorized drug screening facility. Give participant the Regional Drug Testing Sites form for your region that includes substance abuse referral information;
 - To ensure equitable access to drug screening facilities, Nationwide Medical Review has established a network of drug screening facilities that are located close to all WorkOne offices throughout the State.
 - WorkOne participants covered by this policy may only complete drug screens at a drug screening facility authorized by Nationwide Medical Review.
5. Participant should have the following documents upon their completion of STEP 1:
 - 1) Disclosure Form signed by the participant
 - 2) Frequently Asked Questions sheet
 - 3) Drug Test Authorization Form completed by WorkOne staff and participant
 - 4) Sheet with Regional Drug Testing Site locations and hours and substance abuse referral information
6. WorkOne staff shall make a case notation that the participant has been referred for pre-training drug screen by entering the following case note:
 - “Drug Test Authorization Form given to (Name) MM/DD/YYYY”
7. Nationwide Medical Review will inform the participant of drug screen results via US Postal Service.
8. There are four possible drug screen results:
 - Negative / PASS
 - Dilute Negative
 - Positive – Verified / FAIL
 - Refusal to Test

STEP 2 – Procedures for Negative / PASS result

1. Participant returns to WorkOne office and presents drug screen results certificate to WorkOne staff;
 - If the participant indicates that he/she cannot produce the results certificate, WorkOne staff shall follow the instructions for Obtaining Drug Screen Results, STEP 7 in these procedures;
2. Make a copy of results certificate and place it in the customer file;
3. Enter the following case note in the participant’s electronic case file:
 - “(Name of WorkOne staff) viewed drug screen results certificate for participant. Participant can proceed with training plan.”
4. Proceed to enroll the participant into approved training.

STEP 3 – Procedures for a Dilute Negative result

1. This result shall be treated the same a Negative / PASS;
2. Follow the procedures provided in STEP 2.

STEP 4 – Procedures for Positive – Verified / FAIL result

1. Participant returns to WorkOne office and presents drug screen results certificate to WorkOne staff;
 - If participant indicates that he/she cannot produce the results certificate, WorkOne staff shall follow the instructions for Obtaining Drug Screen Results, STEP 7 in these procedures.
2. WorkOne staff must make a copy of the results certificate and place it in the customer file;
 - **IMPORTANT: The controlled substance listed on the results certificate citing the cause for the drug screen failure must be completely marked out before WorkOne staff places results certificate in customer file.**
3. WorkOne staff must review the Drug Screen Appeals process contained within this policy with the participant;
4. WorkOne staff must review the Sanctions contained within this policy with the participant;
5. WorkOne staff must review substance abuse referral information contained on the Regional Drug Testing Site Locations form;
6. WorkOne staff shall enter the following case note in the participant's electronic case file:
 - “(Name of WorkOne staff) viewed drug screen results certificate for participant. Participant cannot proceed with training plan. Participant was provided with appeal rights, sanction information, and information on substance abuse counseling. Participant is eligible for reinstatement to WIA program on or after MM/DD/YYYY, and may complete another drug screen at that time.”

NOTE: All results that are considered to be positive are first verified by Nationwide Medical Review's Medical Review Officer (MRO). The MRO is charged with contacting all individuals who test positive to confirm that the positive test was not caused by legally-prescribed medications.

STEP 5 – Procedures for Refusal to Test

1. This result shall be treated the same as Positive – Verified / FAIL;
2. WorkOne staff shall follow the procedures provided in STEP 4, beginning with #3;
3. WorkOne staff shall enter the following case note in the participant's electronic case file:

- “(Name of Participant) refused to complete mandatory drug screen. Participant was provided with sanction information and information on substance abuse counseling. Participant is eligible for reinstatement to WIA program on or after MM/DD/YY.”

STEP 6 – Procedure for Usage When Participant Does Not Return to WorkOne Office with Drug Screen Results

1. Nationwide Medical Review will not supply drug screening results directly to local WorkOne staff;
2. If the participant does not return to the WorkOne office with drug screen results, WorkOne staff will be responsible for following up with the participant to confirm participant completed drug screen;
3. If the participant indicates that he/she completed the drug screen, WorkOne staff should ask the participant to return to the WorkOne office with the drug screen results certificate;
4. If the participant indicates that he/she completed the drug screen, but that he/she lost or never received the results certificate, WorkOne staff should follow the procedures provided in STEP 7.

STEP 7 – Procedure for Obtaining Drug Screen Results Certificate:

WorkOne staff shall only utilize this STEP if a participant indicates that he/she completed the drug screen, but that he/she lost or never received the results certificate.

1. WorkOne staff should send an email to DrugScreenResults@DWD.in.gov requesting the results of the drug screen; the following information is required within the email message:
 - Full name of Participant;
 - Date of drug screen; and
 - Last four digits of participant’s Social Security Number.
2. WorkOne staff will receive a response from DWD indicating which of the four results applies to the participant, within one business day.
3. Place copy of email in participant’s file.

Sanctions for Testing Positive for Controlled Substances

Following the authorities granted to the State by WIA Section 181(f), the following sanctions will be imposed upon WIA participants that test positive for controlled substances:

Upon the first positive drug screen, the participant will be sanctioned from receiving any WIA, NEG, or Rapid Response-funded training-level services for a period of ninety (90) calendar days from the date of the positive drug screen.

Upon the second positive drug screen, the participant will be sanctioned from receiving any WIA, NEG, or Rapid Response-funded training-level services for a period of one calendar year from the date of the positive drug screen.

Participant is eligible for reinstatement to WIA training program following the period of sanctioning, and may complete another drug screen at that time.

Participant Appeal Rights

All participants have the right to appeal the results of a drug screen administered for the purposes of providing WIA, NEG, or Rapid Response-funded services.

Any client that wishes to appeal the results of a drug screen must do so in writing within thirty (30) calendar days of receipt of drug screen results, by submitting an appeal letter to the following:

Equal Opportunity Officer
Indiana Department of Workforce Development
10 North Senate Avenue
Indianapolis, IN 46204

Participants should include the following information within the appeal letter:

- Date and Location of Drug Screen
- Copy of Drug Screen Results Certificate
- Basis for appeal

DWD will assign an administrative law judge to review the appeal, conduct a hearing as appropriate, and determine whether results of drug screen were valid and whether participant should be removed from sanction and allowed to receive WIA-funded training.

Effective Date
Immediately

Review Date
June 30, 2012

Ownership
Chief Financial Officer
Indiana Department of Workforce Development
10 North Senate Avenue
Indianapolis, IN 46204
rgillespie@dwd.in.gov

Action
All WorkOne offices must implement the procedures identified in this policy.

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Attachments

Attachment A – Drug Test Authorization Form

Attachment B – Disclosure Form

ATTACHMENT A – Drug Test Authorization Form



WORKONE DRUG TEST AUTHORIZATION FORM
 State Form
 INDIANA DEPARTMENT OF WORKFORCE DEVELOPMENT

INDIANA DEPARTMENT OF
 WORKFORCE DEVELOPMENT
 10 N. Senate Avenue, Indianapolis, IN 46204
 Telephone: 1-800-891-6499
 Website: www.in.gov/dwd

This authorization is valid until the close of the next business day. Please see the date below.

A PHOTO ID MUST BE PRESENTED WITH THIS FORM AT THE DRUG TESTING FACILITY

*** Attention drug testing facility staff - Fax this form with the CCF to the MRO Office: 317-568-0849 ***

Customer Name		Date	
		/ /	
Customer Address (All results will be mailed unless otherwise noted down below)			
Street Address			
City		State	Zip Code
Fax Number (If results are to be sent by fax)		Results Will be Mailed <input type="checkbox"/> Results Will be Faxed <input type="checkbox"/>	
()			

Authorized By (WorkOne Representative)	
Printed Name	
Signature	Date / /
WorkOne Location:	

Drug test **MUST** be completed by close of the next business day. Not valid after _____

*** Attention drug testing facility staff- Fax this form with the CCF to the MRO Office: 317-568-0849 ***



Disclosure Form - WorkOne Drug Testing Policy

I, the undersigned, understand that I must be drug-free to receive Workforce Investment Act (WIA) Title I funds to support my third party training program. To that end, I understand that within one business day, I must submit to a five-panel drug screen at a testing site specified by the WorkOne Office.

I also understand that I must present a government issued photo ID at the time of testing.

I also understand I will not receive any training until I return to the WorkOne office with the results of the drug screen in the form of a certificate sent to me by the Indiana Department of Workforce Development (DWD)'s vendor, Nationwide Medical Review.

Sanctions for Testing Positive for Controlled Substances

I understand that if I test positive for any controlled substances, I will be sanctioned from receiving WIA Title I-funded training through the WorkOne system for the following periods:

- Upon the first positive drug screen, I understand I will be sanctioned from receiving any WIA, NEG, or Rapid Response-funded training-level services for a period of ninety (90) calendar days from the date of the positive drug screen.
- Upon the second positive drug screen, I understand I will be sanctioned from receiving any WIA, NEG, or Rapid Response-funded training-level services for a period of one calendar year from the date of the positive drug screen.
- I understand I am eligible for reinstatement to WIA training program following the period of sanctioning, and may complete another drug screen at that time.

Appeal Rights

I understand I have the right to appeal the results of the drug screen by submitting an appeal in writing within thirty (30) calendar days of a positive test to the following address:

Equal Opportunity Officer
Indiana Department of Workforce Development
10 North Senate Avenue
Indianapolis, IN 46204

I understand my appeal letter should include the following information:

- Date and Location of Drug Screen
- Copy of Drug Screen Results Certificate
- Basis for appeal

Participant Printed Name

Participant Signature

Date

Witness Printed Name (WorkOne Staff)

Witness Signature (WorkOne Staff)

Date