7a 9/13/21

# ARTICLE 7 - MANAGEMENT RIGHTS

A. Management Rights. The Union recognizes that the City retains all the customary, usual and exclusive rights, decision making, prerogatives, functions and authority connected with or in any way incident to its responsibility to manage the affairs of the City or any part of it.

Without limitations, but by way of illustration, the exclusive prerogatives, functions and rights of the City shall include the following:

1. To direct and supervise all operations, functions and policies of the department in which the employees in the bargaining unit are employed, and operations, functions and policies in the remainder of the City as they may affect employees in the bargaining unit.

2. To close or liquidate an office, branch, operation or facility or combination of facilities, or the relocate, reorganize or combine the work of divisions, officers, branches, operations or facilities for budgetary or other reasons.

3. To determine the need for a reductions or an increase in the work force and the implementation of any decision with regard thereto.

4. To establish, revise and implement standards for hiring, promotion, quality of work, safety, materials, equipment, uniforms, appearance, methods and procedures.

5. To implement new, and to revise or discard, wholly or in part, old methods, procedures, materials, equipment, facilities and standards.

6. To assign and distribute work within classifications.

7. To assign shifts, word days and work locations.

8. To direct the activities of the Department.

9. To determine the need for and the qualifications of new employees, transfers and promotions.

10. To discipline or discharge consistent with Article 9.

11. To determine the need for additional educational courses, training programs, on-the-job training, and to assign employees to such duties for periods to be determined by the City.

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B. Subcontracting. The City shall notify the Union, as soon as possible of the possibility of the City subcontracting out work and/or services currently performed by members of the bargaining unit. Thereafter, the parties shall enter negotiations consistent with ORS 243.698, with the first negotiation session to be scheduled no later than fourteen (14) calendar days of receipt of the City's notice. Should the parties be at impasse following 90 days from the date of the City's notice of the possibility of subcontracting, the parties agree to mediation using an ERB mediator, absent the City's withdrawal of it subcontracting proposal. A mediation session will be scheduled to occur within the next 30 days. Thereafter, the parties will follow the parameters of ORS 243.712, including a final and binding resolution by an interest arbitration.

1pm

# ARTICLE 34 - WAIVER AND SCOPE OF BARGAINING

A. Complete Agreement. Pursuant to their statutory obligations to bargain in good faith, the City and the Union have met in full and free discussion concerning matters in "employment relations," as defined by ORS 243.650(7).

This contract incorporates the sole and complete agreement between the City and the Union resulting from these negotiations. The Union agrees that the City has no further obligation during the term of this Agreement to bargain wages, hours or working conditions within the terms of this agreement. ~~except as specified below.~~

B. Past Practices. The parties recognize the City's full right to direct the work force and to issue rules, regulations and procedures and that these rights are diminished only by the law and this Agreement, including interpretative decisions which may evolve pursuant to the proper exercise of authority given by the law or this Agreement.

1. The employer is not limited, confined, or restricted by past practice, rule, custom or regulation in making changes in policies, procedures, rules and regulations to carry out the mission of the City.

2. However, this Article shall not be interpreted to restrict the Union's right to bargain the decision and impact of subjects of bargaining where the City is compelled to negotiate over the matter by State law.

   In the case of disagreement between the parties, the Employment Relations Board shall make the decision under the subsection as to whether the City is compelled to negotiate under State law.

3. Changes in existing conditions, not withing the terms of this agreement, as associated with "employment relations," during the term of the Agreement shall be negotiated with the Association in accordance with ORS 243.698. The City will provide notice of changes in existing conditions as applicable under ORS 243.698.

C. ~~Union Officers. The Union shall notify the City Manager in writing no later than the first of July of each calendar year of the names of all officers of the Union. In the event of a vacancy of any official position of this Union, the Union will notify the City Manager in writing of the name(s) of the new officer(s) within ten (10) days after the vacancy is filled.~~ *(bargaining note: Moved by TA to Article 16)*

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# ARTICLE 38 - USE OF ALCOHOL AND DRUGS

- Policy 1012

TA SOS
9/13/21

Section A. Clackamas County Police Officers' Association (CCPOA) and the City of West Linn recognize a responsibility to the citizens of West Linn and the City's employees to maintain safe and productive working conditions.

Section B. To aid in the accomplishment of this goal, the following conduct is prohibited:

~~1.~~ Buying, selling, manufacturing, distribution or possessing ~~for the purpose of buying or selling~~ a controlled substance, including marijuana. ~~while on City property or in City vehicles or equipment, or during work hours, including rest and meal periods.~~ For the purposes of this agreement, the use and possession of marijuana is considered a violation of this policy regardless of State law. The use of lawfully prescribed medications, except for marijuana, is permitted subject to prescribed use.

2. Being at work under the influence of alcoholic intoxicants (defined as a blood alcohol content that reaches or exceeds .01% by weight of alcohol in the blood).

3. ~~Possession of, or providing any controlled substance, including marijuana (but excluding any substance lawfully prescribed (except marijuana) for the employee's use which is not being abused and has not been obtained for the purpose of abuse) or~~ Consuming alcoholic intoxicants while on City property or in City vehicles or equipment at any time during work hours, including rest and meal periods.

4. Being at work under the influence of any controlled substance, including marijuana, and/or having such substances present in the body (excluding any substance lawfully prescribed for the employee's use which is not being abused and has not been obtained for the purpose of abuse) while on City property or in City vehicles or equipment at any time or during work hours, including rest and meal periods. An employee has a controlled substance "present in the body" when the employee tests positive in any blood or urine test administered.

5. For purposes of this Article, the term "controlled substance" shall be defined in accordance with ORS 475.005 (6), and also includes marijuana.

Section C. Under the Influence. A person is considered "under the influence" of a controlled substance including marijuana or alcoholic intoxicants if the employee ~~he or she~~ tests positive as described in Section "D" – Testing.

Section D. Testing.

1. Where there is reasonable suspicion that an employee is under the influence as defined above, where an employee is involved in an accident or other incident where reasonable safety precautions appear to have been ignored the employee may be required to consent to blood or urine testing for the presence of drugs or alcohol.

2. A person is considered to have tested positive if the person ~~he or she~~ exceeds the cut off levels for drugs as set by the Department of Health and Human Services at the time of testing. (See Appendix for standard in effect at the time of the execution of this Agreement.) If the Department of Health and Human Services standards change, the parties agree to the definition of the revised cutoff levels at the time of testing.

   A person is considered under the influence of alcoholic intoxicants when the blood alcohol content reaches or exceeds .01% by weight of alcohol in the blood at the time of testing.

   The City shall pay for the cost of the tests. A refusal to consent and promptly submit to such testing made pursuant to this Article, as well as giving false, altered or deliberately diluted urine samples is grounds for termination.

3. For illegal drugs other than those which fall within one of the Department of Health and Human Services categories, any confirmed, reasonable amount of levels which are comparable to the Department of Health and Human Services levels, constitute a positive test result will result in the consequences explained in Section F below.

4. In the event that the test results are positive for a controlled substance, including marijuana, the City, at its expense, shall require that a second confirming test from the same sample be conducted which also must be positive before concluding the employee has such substance(s) present in his or her body. The second confirming test must utilize the G.C./M.S. testing technique.

Section E. Discipline and Other Action. Violation of this policy is subject to disciplinary action. ~~Prohibited conduct described in Section B(1) above, is grounds for termination. Prohibited conduct described in Section B(3) above, may result in discipline action up to and including termination. Prohibited conduct described in Section B(2) and B(4) shall result in action specified below in Section F.~~ *(bargaining note: HB2930 provides for new standards for use of drug and alcohol on duty)*

Section F. Consequences of Test Results.

1. Test results which do not establish that the employee has engaged in prohibited conduct as described in Section B(2) and B(4) of this Article shall result in no further action against the employee related to an alleged violation of that section. The employee shall be informed of such test results, and all documents related to the incident shall be retained only by testing laboratory.

2. Employees who Report Dependencies and Seek Assistance *Before* Committing a Policy Violation – Rehabilitation

   The City encourages employees who have drug and/or alcohol dependencies or think they may have such dependencies to seek assistance voluntarily. When an employee voluntarily reports a drug or alcohol dependency to the Chief and seeks assistance before violating this Policy, that employee will be placed on a leave of absence and/or adjusted working hours to allow for in-patient or out—patient rehabilitation treatment as recommended by a Substance Abuse Professional (SAP).

   The employee will not be permitted to work until such time as a SAP agrees that he/she:

   - Has been evaluated by a Substance Abuse Professional (SAP);
   - If recommended by the SAP, has complied with all rehabilitation/after-care prescribed; and
   - Has a verified negative drug or alcohol test (as applicable).

   Moreover, in order to return to work for the City, an employee seeking assistance must agree to all treatment, rehabilitation, after-care and follow-up testing as set forth in a written Last Chance Agreement required by the City. Any employee who violates the terms of the Agreement is subject to immediate termination. An employee may grieve whether or not he/she violated the Last Chance Agreement but not the agreement itself.

   The time an employee is off work undergoing rehabilitation is unpaid. However, employees may draw their unused, accumulated sick leave, followed by vacation, holiday and compensatory time. Also, employees who are receiving health insurance coverage will be eligible for continuation of health insurance benefits with standard City contributions for the period they are on paid leave. Thereafter, employees may self-pay the insurance premium pursuant to COBRA.

   Any program of treatment will not be at City expense, except to the extent that it is covered by employee health insurance. It is the SAP's responsibility to make a

recommendation as to the employee's immediate fitness to perform the job to which he or she is assigned. An employee who has been returned to work under these provisions shall be subject to retesting at any time for one (1) year following return to work.

3. Employees who Report Dependencies and Seek Treatment *After* Committing a Policy Violation.

   a. Employees who violate the provisions of Section B(4) and who claim drug or alcohol dependencies after violating this Policy are subject to discharge, irrespective of such dependencies. The City may however, at its discretion, allow an employee to undergo evaluation and rehabilitation in lieu of discharge, provided the employee promptly complies with the terms and conditions set forth above. The City will consider the following factors in exercising its discretion: the employee's length of service; the employee's work record, in particular, whether the employee has committed a previous alcohol or drug policy infraction; the consequences of the violation; any other circumstances offered by the employee that mitigates against discharge.

      It is understood and agreed that the references to discipline and discharge set forth in this Policy and any Last Chance Agreements are not intended to supersede "just cause" requirements. The City continues to be bound by principles of "just cause," as well as due process obligations.

   b. If an employee is found to have violated the provisions of Section B(2) and who has not previously committed prohibited conduct specific in Section B(2), the employee immediately shall submit to an evaluation by a qualified professional in the area of substance abuse Substance Abuse Professional (SAP). The evaluator SAP will be selected by the City. This evaluation will be paid for by the City.

      The evaluation will attempt to determine the extent of the employee's use of or dependence on the abused substance(s) ; and, if necessary, recommend an appropriate program of treatment, including but not limited to rehabilitation and counseling to prevent future use. This program of treatment will not be at City expense, except to the extent that it is covered by employee health insurance. If a program of treatment is recommended by the evaluator SAP, the employee shall enroll in it immediately. Failure by the employee to enroll in the recommended program or to complete it successfully shall be grounds for immediate termination from employment. It is the evaluator's SAP's responsibility to make a recommendation as to the employee's immediate fitness to perform the job to which the employee ~~he or she~~ is assigned. An employee

who has committed prohibited conduct specified in Section B(2) shall be subject to retesting at any time for one (1) year following return to work.

If an employee previously has committed prohibited conduct specified in Section B(2), and subsequently is found to have committed such prohibited conduct a second time within two (2) years, shall be subject to the provisions of F(3)(a) above.

*(bargaining note: The provisions of this Article and related appendix are subject to the obligations of HB2930 (2021) and the disciplinary matrix established by the Commission on Statewide Law Enforcement Standards of Conduct and Discipline.)*

Section G. Performance of Official Duties. The provisions of this article do not apply to an officer who is buying, selling or possessing drugs or alcohol in the official performance of their ~~his/her~~ duties within the scope of their employment as approved by the Department.

*(bargaining note: City seeks to revise Lexipol policy (1012) for consistent with CBA)*

# APPENDIX TO ARTICLE 38 - USE OF ALCOHOL AND DRUGS

The initial test shall use an immunoassay which meets the requirements and cutoff values of the DOT Rule 49 CFR Part 40 Section 40.87(F)(a) table. ~~Federal Food and Drug Administration for commercial distribution~~. ~~The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for these five drugs or classes of drugs:~~

| ~~Substance~~ | ~~Initial test level (ng/ml)~~ |
|---|---|
| ~~Marijuana metabolites~~ | ~~100~~ |
| ~~Cocaine metabolites~~ | ~~300~~ |
| ~~Opiate metabolites~~ | ~~300~~ |
| ~~Phencyclidine~~ | ~~25~~ |
| ~~Amphetamines~~ | ~~1000~~ |

All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) quantitative analysis at the cutoff values listed in ~~this paragraph of each drug.~~ the above-referenced DOT Rule.

| Substance | Confirmatory test level (ng/ml) |
|---|---|
| ~~Marijuana metabolites~~ | ~~15~~ |
| ~~Cocaine metabolites~~ | ~~150~~ |
| ~~Opiate metabolites :~~ | |
| ~~Morphine~~ | ~~300~~ |
| ~~Codeine~~ | ~~300~~ |
| ~~Phencyclidine Amphetamines:~~ | |
| ~~Amphetamine~~ | ~~500~~ |
| ~~Methamphetamine~~ | ~~500~~ |

**revised draft 9-13-21**

*(note: his/her references still to be edited appropriately)*

# Alcohol and Drug Use Policy

## 1012.1 PURPOSE AND SCOPE

The intent of this policy is to prevent the use of drugs or alcohol in a manner that can affect the performance of duties or threaten the safety of members of this Department or the public. "Drugs" includes all substances regulated under the Federal Controlled Substances Act, as well as any other substances that have a mind-altering or function-altering affect on the human body. For medications containing controlled substances, refer to the "Medications" section of this Policy.

## 1012.2 GENERAL GUIDELINES

This policy applies to all members of the Department (i.e. employees and reserve officers) unless an applicable collective bargaining agreement contains provisions prohibiting the use of alcohol and drugs ~~in the workplace~~. In that event, the collective bargaining agreement shall be the controlling document.

## 1012.3 EMPLOYEE ASSISTANCE PROGRAM

Members of the Department who engage in any of the following prohibited conduct will be subject to disciplinary action, including termination of employment:

### 1012.3.1 WORKING WITH DRUGS OR ALCOHOL PRESENT IN THE BODY

Working, reporting to work, or returning to work following breaks or meal periods, or being present on City premises while on or off-duty, with any amount of drug(s) or alcohol in a member's system and/or testing positive under this policy. "Testing positive" means a confirmed test result of any detectable level of alcohol or drug(s), and shall be deemed conclusive evidence of a violation of this policy. As used in this policy, "City premises" includes all property rented, leased, owned or controlled by the City of West Linn, including parking lots and adjacent areas and including City equipment and vehicles, whether on or off City property. **Note:** As a limited exception to this rule, members may be expressly authorized to consume alcohol while working as part of a special assignment. Members may also be permitted to consume alcohol at a Department sponsored event, with the express permission of the Chief of Police or other City official. In all of these situations, members of the Department must exercise good judgment, comply with the behavior and performance standards of the department, and obey all applicable motor vehicle laws.

### 1012.3.2 ACTIVITIES INVOLVING DRUGS OR ALCOHOL

Consuming, manufacturing, buying, selling, distributing or possessing any drug(s) or alcohol on City premises while on or off-duty, or while performing work or other activities on the City's behalf while off the premises.

### 1012.3.3 FAILURE TO COOPERATE


These draft policy revisions are presented to meet and confer. The City recognizes the duty to bargain matters of employment relations if required by PECBA, however maintains the management right to adopt policy at its discretion subject to bargaining obligations, if any.

Failing to fully cooperate with any aspect of the Department's enforcement of this policy, including but not limited to, refusing to promptly submit to required testing; giving false, diluted, or altered urine samples or assisting another member of the Department in doing so, or failure to comply with rehabilitation conditions imposed by the Department or rehabilitation counselors.

1012.3.4 FAILING TO REPORT ARRESTS AND CONVICTIONS

Failure to promptly report a conviction, arrest or plea-bargaining for an alcohol or drug related offense. All drug and alcohol related convictions, arrests and plea-bargaining arrangements must be reported to a Captain or the Chief of Police promptly at the first opportunity after the conviction, arrest or plea-bargaining arrangement.

1012.3.5 COMPLIANCE WITH STATE AND FEDERAL LAW

In addition to the above, members of the Department must comply at all times with all applicable federal and state laws and regulations regarding the use of alcohol and controlled substances. Marijuana is a Schedule I drug under the federal Controlled Substances Act, which means that it has no acceptable medical use, and its possession for any purpose is illegal under federal law. Use of marijuana is prohibited under this policy even if the member has a prescription under state law. Any member who is using marijuana under a prescription for a disability must contact Human Resources prior to working with any amount of marijuana in his/her system. Human Resources, in accommodation that would enable the member to comply with this policy.

## 1012.4 WORK RESTRICTIONS

A member of the Department who uses a prescription medication is responsible for consulting with their ~~his or her~~ doctor to determine whether there are any side effects that could affect the member's ability to safely and competently perform his or her job duties. Similarly, a member who uses an over-the-counter medication is responsible for reading the package insert to determine if there are any side effects that could affect the member's ability to safely and competently perform their ~~his/her~~ job duties. If the member, or the member's doctor, believes that the member may be experiencing such side effects, the member must notify a Captain or Human Resources, prior to working with the medication in their ~~his or her~~ system. The member need not disclose the medical condition for which the medication is being taken unless the Department determines that this is necessary to comply with its legal obligations. If the member gives notice of ~~that he is~~ taking medication and may be having side effects, or if the Department has reason to believe that a member is experiencing side effects from a medication, the Department may require the member to provide medical verification from their ~~his or her~~ doctor of the ability to safely and competently perform their ~~his or her~~ job duties. The member may be relieved of duties pending the medical verification if the Department believes the member's job performance is being affected, or that there is a safety risk to the member, other members of the Department or the public. The Department also reserves the right to: Obtain a second opinion from a qualified doctor, selected by the Department at its own expense, if the Department believes there is reason to question the validity or reliability of the member's doctor's opinion; and If there is a conflict, obtain the opinion of a third qualified doctor, selected by the Department at its own expense, to resolve the conflict. As stated above, reporting to work or working with any amount of marijuana in a member's system is a violation of this policy. The use of marijuana



These draft policy revisions are presented to meet and confer. The City recognizes the duty to bargain matters of employment relations if required by PECBA, however maintains the management right to adopt policy at its discretion subject to bargaining obligations, if any.

is also prohibited, on or off duty, without or without prescription. ~~A member who is using marijuana under a prescription for a disability must contact Human Resources prior to working with any amount of marijuana in his or her system, to determine whether there is a reasonable accommodation that would enable the member to comply with this policy~~. Although the lawful use of prescription or over-the-counter medications is not grounds for corrective action by itself, failure to follow the reporting procedure discussed above may subject a member to disciplinary action, including termination of employment. Members may also be subject to disciplinary action for using medication that is unlawfully obtained, or for use that is inconsistent with the prescription or label.

## 1012.5 REQUESTING SCREENING TESTS

### 1012.5.1 ADDITIONAL SCREENING TESTS FOR OFFICERS

An applicant who receives a conditional job offer for that the Department considers to be safety-sensitive will be required to satisfactorily pass a post-offer, pre-employment drug test.

### 1012.5.2 SCREENING TEST REFUSAL

A member will be subject to testing for alcohol and/or drugs if a trained supervisory employee determines that there is a reasonable suspicion that the member has drugs or alcohol in his or her system, in violation of this policy. Reasonable suspicion must be based on specific, contemporaneous, identifiable observations, including the appearance, behavior, speech, or body odors of the member, or other reliable indicators. Members who are required to submit to reasonable suspicion testing are prohibited from transporting themselves to or from the collection site unless there has been a verified negative test result. A supervisory employee will provide such transportation.

### 1012.5.3 POST-ACCIDENT TESTING

Members are subject to testing for the presence of drugs and/or alcohol following an accident involving any Department owned vehicle, an injury to any person, a citation for a moving violation, or property damage that the Department determines to be significant. Under this policy, a member will not be required to submit to post-accident testing for alcohol by blood or by breathalyzer unless there is reasonable suspicion that the member had drugs and/or alcohol in his/her system at the time of the accident.

### 1012.5.4 RETURN TO DUTY FOLLOW-UP TESTING

Members who violate this policy and are permitted to enter into a Last Chance Agreement in lieu of termination of employment will be required to submit to submit to return-to-duty and individualized follow-up testing as outlined by a Substance Abuse Professional (SAP) and/or the terms of the Last Chance Agreement.

## 1012.6 CONFIDENTIALITY

All City property, including but not limited to desks, equipment, vehicles, lockers, etc., will remain the property of the City and will be subject to search if there is reasonable suspicion that the desk, vehicle, locker, item, etc. being searched contains drugs or alcohol. In other words, members have

no reasonable expectation of privacy in these areas. However, no member of the Department shall be forcibly searched or detained. All illegal drugs or drug paraphernalia found in or on City property will be released to law enforcement.

## 1012.7 SAFEGUARDS

The Department recognizes the sensitivity of enforcing this policy, and therefore will utilize qualified supervisory personnel and make arrangements with a certified laboratory to administer testing under this Policy. All positive test results will be confirmed using the Gas Chromatography €" Mass Spectrometry (GC-MS) testing method, or another confirmatory testing method approved by law. Test results and other information concerning drug and alcohol investigations will be treated confidentially and released only on a need-to-know basis or as required by law.

## 1012.8 EMPLOYEE ASSISTANCE PROGRAM

A member of the Department who believes he or she may have a substance abuse problem is encouraged to discuss the problem with a Captain or the Chief of Police or Human Resources. Although the Department will generally support treatment efforts for a member with a substance abuse problem who voluntarily seeks assistance, this option must be pursued before the substance abuse results in performance or attendance problems or a violation of this policy, and before being directed to submit to testing under this Policy.

When a member voluntarily seeks assistance as described above, he or she may be placed on a leave of absence, at the Department's discretion or as required by law, to allow for evaluation by a qualified medical professional or substance abuse professional (SAP) and/or inpatient or outpatient treatment. The member will not be permitted to work until such time as the SAP or other qualified medical professional verifies that the member is fit for duty.

An official website of the United States government Here's how you know

The latest general information on the Coronavirus Disease 2019 (COVID-19) is available on Coronavirus.gov. For USDOT specific COVID-19 resources, please visit our page.



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# DOT Rule 49 CFR Part 40 Section 40.87

## Subpart F - Drug Testing Laboratories

§ 40.87 What are the cutoff concentrations for drug tests?

(a) As a laboratory, you must use the cutoff concentrations displayed in the following table [redacted] nanograms per milliliter (ng/mL). The table follows:

| Initial test analyte | Initial test cutoff[1] | Confirmatory test analyte | Confirmatory test cutoff concentration |
|---|---|---|---|
| Marijuana metabolites (THCA)[2] | 50 ng/mL[3] | THCA | 15 ng/mL. |
| Cocaine metabolite (Benzoylecgonine) | 150 ng/mL[3] | Benzoylecgonine | 100 ng/mL. |
| Codeine/ Morphine | 2000 ng/mL | Codeine<br>Morphine | 2000 ng/mL.<br>2000 ng/mL. |
| Hydrocodone/ Hydromorphone | 300 ng/mL | Hydrocodone<br>Hydromorphone | 100 ng/mL.<br>100 ng/mL. |
| Oxycodone/ Oxymorphone | 100 ng/mL | Oxycodone<br>Oxymorphone | 100 ng/mL.<br>100 ng/mL. |
| 6-Acetylmorphine | 10 ng/mL | 6-Acetylmorphine | 10 ng/mL. |

**Contact Us**

**Office of Drug & Alcohol Policy & Compliance**
1200 New Jersey Ave, SE
Washington, DC 20590
United States
**Email:** ODAPCWebMail@dot.gov
**Phone:** 202-366-3784
**Alt Phone:** 800-225-3784
**Fax:** 202-366-3897

| | | | |
|---|---|---|---|
| Phencyclidine | 25 ng/mL | Phencyclidine | 25 ng/mL. |
| Amphetamine/ Methamphetamine | 500 ng/mL | Amphetamine<br>Methamphetamine | 250 ng/mL.<br>250 ng/mL. |
| MDMA[4]/MDA[5] | 500 ng/mL | MDMA<br>MDA | 250 ng/mL.<br>250 ng/mL. |

[1]For grouped analytes (i.e., two or more analytes that are in the same drug class and have the same initial test cutoff):

Immunoassay: The test must be calibrated with one analyte from the group identified as the target analyte. The cross-reactivity of the immunoassay to the other analyte(s) within the group must be 80 percent or greater; if not, separate immunoassays must be used for the analytes within the group.

Alternate technology: Either one analyte or all analytes from the group must be used for calibration, depending on the technology. At least one analyte within the group must have a concentration equal to or greater than the initial test cutoff or, alternatively, the sum of the analytes present (i.e., equal to or greater than the laboratory's validated limit of quantification) must be equal to or greater than the initial test cutoff.

[2]An immunoassay must be calibrated with the target analyte, Δ-9-tetrahydrocannabinol-9-carboxylic acid (THCA).
[3]Alternate technology (THCA and Benzoylecgonine): When using an alternate technology initial test for the specific target analytes of THCA and Benzoylecgonine, the laboratory must use the same cutoff for the initial and confirmatory tests (i.e., 15 ng/mL for THCA and 100ng/mL for Benzoylecgonine).
[4]Methylenedioxymethamphetamine (MDMA).
[5]Methylenedioxyamphetamine (MDA).

(b) On an initial drug test, you must report a result below the cutoff concentration as negative. If the result is at or above the cutoff concentration, you must conduct a confirmation test.

(c) On a confirmation drug test, you must report a result below the cutoff concentration as negative and a result at or above the cutoff concentration as confirmed positive.

(d) You must report quantitative values for morphine or codeine at 15,000 ng/mL or above.