



ADMINISTRATIVE RULE WAIVER REQUEST

Petitioner Name: Iowa Department of Corrections

Contact Information: Susie Pritchard

Hiring Authority: _____

Administrative Rule to be Waived: 54.7(3)

Statement of Rule:

54.7(3) Preemployment drug tests. A urinalysis drug test may be performed as part of a preemployment physical only for department of corrections correctional officer positions. Application materials for these positions shall include clear notice that a drug test is part of the preemployment physical. Requirements for these tests are as follows:

- a. A urine sample will be collected during the preemployment physical examination.
- b. The sample container will include identification for chain of custody purposes that does not include any part of the applicant's name or social security number.
- c. The container will be transported directly from the site of the physical examination to a laboratory or other testing facility. Samples may be transported via certified mail or courier service.
- d. The sample will be tested and retained by the laboratory or other testing facility for a minimum of 30 days. The applicant may have the sample analyzed, at the applicant's expense, by a laboratory or other testing facility approved in accordance with the administrative rules of the department of public health.
- e. Each drug test will include an initial screen and a confirmation of positive results. The initial screening test may utilize immunoassay, thin layer, high performance liquid or gas chromatography, or an equivalent technology. If the initial test utilizes immunoassay, the test kit must meet the requirements of the Food and Drug Administration. All confirmation tests will be done by Gas Chromatography - Mass Spectrometry (GC-MS) at a laboratory or other testing facility approved in accordance with the administrative rules of the department of public health.
- f. At a minimum, tests will screen for marijuana, cocaine, and amphetamines.
- g. Procedures for obtaining, sealing, identifying, transporting, storing, and retention of samples shall protect the chain of custody and the viability of the sample, and shall comply with department of public health administrative rules.
- h. The laboratory or other testing facility shall report the results of the drug tests to the appointing authority. The confidentiality of the information shall be protected by all parties.
- i. The appointing authority shall provide an applicant an opportunity to rebut or explain the results of a positive drug test by administering a pretest questionnaire or arranging a posttest conference with the applicant.
- j. A positive confirmation drug test will disqualify an applicant from further consideration and hire for department of corrections correctional officer positions.

List the names of the persons or the description of the class known by petitioner to be affected:

Correctional Officer candidates

Briefly describe the change requested, including the portion of the rule to be waived:

The ability to utilize salvia drug testing. Disputed positive salvia tests would require a urine sample be sent to the lab for confirmation.

Justification for waiving rule (attach additional sheets, as needed):

Eliminate urine observation of new Correctional Officers by peers. This is consistent with trauma informed practices and overall staff wellness.



Department Director Signature _____ Date 05/28/20

DAS-HRE Bureau Chief Signature _____ Date _____

Decision:

- Granted
- Denied

Signature of DAS Director's Designee/COO of DAS-HRE  Date 6/17/20