§ 26.67 Random drug and alcohol testing of individuals who have applied for authorization.

(a) When the licensee or other entity collects specimens from an individual for any pre-access testing that may be required under §26.65 or §26.69, and thereafter, the licensee or other entity shall subject the individual to random testing under §26.31(d)(2), except if—

(1) The licensee or other entity does not grant authorization to the individual; or

(2) The licensee or other entity relies on drug and alcohol tests that were conducted before the individual applied for authorization to meet the applicable requirements for pre-access testing. If the licensee or other entity relies on drug and alcohol tests that were conducted before the individual applied for authorization, the licensee or other entity shall subject the individual to random testing when the individual arrives at a licensee’s or other entity’s facility for in-processing and thereafter.

(b) If an individual is selected for one or more random tests after any applicable requirement for pre-access testing in §26.65 or §26.69 has been met, the licensee or other entity may grant authorization before random testing is completed, if the individual has met all other applicable requirements for authorization.

(c) If an individual has confirmed positive, adulterated, or substituted test results from any drug, validity, or alcohol test required in this section, the licensee or other entity shall, at a minimum and as appropriate:

(1) Deny authorization to the individual, as required by §26.75(b), (d), (e)(2), or (g);

(2) Terminate the individual’s authorization, if it has been reinstated, under §26.75(e)(1) or (f); or

(3) Grant authorization to the individual under §26.69.

§ 26.69 Authorization with potentially disqualifying fitness-for-duty information.

(a) Purpose. This section defines the management actions that licensees and other entities may take when an individual has been determined to be non-compliant with a policy or procedure that meets the definition of a FFD removed fitness-for-duty condition.