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**Designation by the Labor Commissioner of Occupations as High-Risk
or Safety-Sensitive Occupations Subject to Random
Urinalysis Drug-Testing**

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**Designation by the Labor Commissioner of Occupations
as High-Risk or Safety-Sensitive Occupations
Subject to Random Urinalysis Drug Testing**

Sec. 31-51x-1. Definitions

(a) “Commissioner” means the Labor Commissioner of the State of Connecticut whose mailing address is 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109, or his designee.

(b) “Labor Department” means the State of Connecticut Labor Department.

(c) “Employee” means any individual currently employed or formerly employed by an employer and includes any individual in a managerial position.

(d) “Employer” means any individual, corporation, partnership or unincorporated association, excluding the state or any political subdivision thereof.

(e) “High-risk or Safety-sensitive occupation” means an occupation which,

(1) presents a clearly significant life threatening danger to the employee so occupied, his fellow employees, or the general public and is performed in a manner or place inherent with or inseparable from such danger, and

(2) requires the exercise of discriminating judgment or high degree of care and caution, and

(3) is separate from the ability to discern impaired or enhanced performance by direct supervision and is not reasonably subject to other valid and available means of observation and evaluation which would preclude the necessity of random urinalysis.

(Effective October 23, 1989)

Sec. 31-51x-2. Designation by the commissioner

The Commissioner shall designate a high-risk or safety-sensitive occupation any occupation he has determined after investigation to have met the definition of that term as contained in section 31-51x-1.

(Effective October 23, 1989)

Sec. 31-51x-3. Request for designation

Any employee or his representative, including the collective bargaining agent, or any employer or his representative, may make a written request to the Commissioner that an occupation be designated as a high-risk or safety-sensitive occupation or if there is a request pending for such designation that such designation not be made. Any such request shall include argument and/or evidence in support of the request. Written requests for designation of occupations as high-risk or safety-sensitive occupations or requests that such designations not be made should be mailed to:

Director
State of Connecticut
Occupational Safety and Health
200 Folly Brook Boulevard
Wethersfield, Connecticut 06109

(Effective October 23, 1989)

Sec. 31-51x-4. Investigation by the commissioner

The Commissioner shall investigate a written request only in cases where to his knowledge a designation of high-risk or safety-sensitive will result in the institution or implementation of a program of random urinalysis drug testing for employees in such occupation. The Commissioner shall make all investigations as expeditiously

as possible. The Commissioner may at his discretion investigate separate requests in a consolidated manner.

(Effective October 23, 1989)

Sec. 31-51x-5. Process of investigation

The Labor Department shall furnish to the employer a notice which states that a written request has been received by the department that an occupation be designated as a high-risk or safety-sensitive occupation for the purpose of random urinalysis drug testing. The employer shall post this notice in a conspicuous location accessible to employees at the worksite affected by the request. The notice shall advise that an investigation has been initiated, state the purpose of the investigation, and afford an opportunity for comment within a twenty (20) day period, which period may be extended by the Commissioner if he deems necessary. The Commissioner may seek any further information he deems necessary to complete such investigation.

(Effective October 23, 1989)

Sec. 31-51x-6. Determination by the commissioner

Not later than ninety (90) days after the completion of the investigation the Commissioner shall make a determination and furnish a copy of such determination to the employee or his representative, including the collective bargaining agent, and the employer or his representative, directly affected by the determination. A copy of such determination shall be posted by the employer in a conspicuous location accessible to employees at the worksite affected. No determination of an occupation as a high-risk or safety-sensitive occupation shall create any obligation to institute or implement a program of random urinalysis drug testing. No such determination shall in itself constitute a bar to the limiting or discontinuing of a program of random urinalysis drug testing.

(Effective October 23, 1989)

Sec. 31-51x-7. Review of commissioner's determination

The Commissioner may upon receipt of a written request, which shall include argument and/or evidence for review, review any previous determination that an occupation is or is not a high-risk or safety-sensitive occupation. This section shall not be interpreted to require such a review.

(Effective October 23, 1989)

Sec. 31-51x-8. Maintenance of a list

The Commissioner shall maintain a list entitled, "List of Occupations Designated as High-risk or Safety-sensitive by the Labor Commissioner."

The list shall be a public record pursuant to Connecticut General Statutes and shall consist of all occupations the Commissioner has designated as high-risk or safety-sensitive occupations. The list may serve as a guide in investigations and determinations made pursuant to these Regulations.

(Effective October 23, 1989)