



RE: NEGATIVE – DILUTE SPECIMENS

A urine drug test result is reported by the laboratory as Neg-Dilute when the specimen's values for creatinine and specific gravity are lower than expected for human urine.

Causes for such values vary and include intentional tampering (drinking excessive amounts of water, adding water, etc.) by the donor or innocent actions or unusual health conditions.

eScreen, Inc. follows Department of Transportation regulations for DOT customers and recommends the regulations to be used as guidelines for NDOT customers.

The following are summary statements from the DOT regulations (and/or DOT explanations):

- The MRO is required to report Neg-Dilute specimens to the employer.
- However, companies may require that the donor re-test *only if that is the company's policy*.
- Furthermore, the company may require that the re-test is an observed only in the cases of return-to-duty or follow-up tests. Otherwise, observed collections are not allowed unless there is another reason (reasonable cause, etc.)
- The DOT forbids testing a third time if the second test is also Negative Dilute
- Neg-Dilutes are considered Negative by the DOT (this is not stated in the regs, but offered in a subsequent clarification on the issue by the DOT).

The following excerpt is taken directly from the DOT regulations:

§40.197 What happens when an employer receives a report of a dilute specimen?

(a) As the employer, if the MRO informs you that a positive drug test was dilute, you simply treat the test as a verified positive test. You must not direct the employee to take another test based on the fact that the specimen was dilute.

(b) If the MRO informs you that a negative drug test was dilute, you may, but are not required to, direct the employee to take another test immediately. Such recollections must not be collected under direct observation, unless there is another basis for use of direct observation (see §40.67(b) and (c)).

(c) You must treat all employees the same for this purpose. For example, you must not retest some employees and not others. You may, however, establish different policies for different types of tests (e.g., conduct retests in pre-employment test situations, but not in random test situations). You must inform your employees in advance of your decisions on these matters.

(d) If you direct the employee to take another test, you must ensure that the employee is given the minimum possible advance notice that he or she must go to the collection site.

(e) If you direct the employee to take another test, the result of the second test – not that of the original test – becomes the test of record, on which you rely for purposes of this part.

(f) If you require employees to take another test, and the second test is also negative and dilute, you are not permitted to make the employee take a third test because the second test was dilute.

(g) If you direct the employee to take another test and the employee declines to do so, the employee has refused the test for purpose of this part and DOT agency regulations.