

LOSS CONTROL

Policyholder Training Series

Policy Training Series (PTS) Important Points:

- Developing a drug free workplace program involves considering state laws and regulations before implementation
- It is important to consider many issues when developing a policy:
 - When to test.
 - Types of tests.
 - Who can require a test.
 - Who will perform the testing.
 - Rehabilitation
 - Confidentiality

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The Drug Free Workplace

Considerations Before Program Implementation

There are currently no federal regulations that apply universally to private sector companies that establish drug-free workplace programs. There are, however, state laws and federal regulations that impact how drug and alcohol prevention is implemented in your workplace. Many states have enacted drug-free workplace laws and regulations and some provide workers' compensation discounts for implementing specific types of drug-free workplace programs. Legal counsel can provide guidance specific to your state.

It is important to consider these issues when developing a written policy:

When to test

The policy must specify the circumstances under which employees are required to undergo testing. An employer may require every employee to undergo testing for cause, such as after an accident or upon hire. They may also choose to implement random testing. It is very important to note that several states restrict or prohibit random testing. Your policy should be reviewed by a legal professional before implemented in the workplace.

Types of tests

Employers should select from among the various types of tests that may be legally available. These include urine, blood, Breathalyzer, hair or saliva.

Who can require a test

A policy should state whether it takes only one supervisor or multiple managers to make the decision to require an employee to test.

Who will do the testing

The written policy will address whether a company, a physician or an outside medical laboratory will conduct the testing. It should also specify if they will conduct a retest.

Rehabilitation

Employers should offer an alternative to discharge an employee in the result of a positive test. The condition of continued employment may entail progress in the program and any poor performance will result in termination.

Confidentiality

The employee's privacy should always be respected when providing samples and results must remain confidential.

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