



Alcohol & Drug Testing

One way to keep workers safe is through a comprehensive workplace alcohol and drug policy. For commercial motor vehicles requiring a commercial driver's license (CDL), an alcohol and drug policy is also required. This includes any organization with a vehicle designed to transport 16 or more passengers, including the driver.

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Why Have a Policy?

The goal of a workplace drug and alcohol policy is to maintain a work environment that is free from the adverse effects of drugs and alcohol. Having a policy in place is important because substance abuse can be a tremendous drain on a company's bottom line. This can take many forms, including decreased productivity, increased absences, a rising number of accidents, more use of sick leave, increases in workers' compensation claims and an increased risk of vehicle crashes. Therefore, every employer should be committed to programs that promote employee safety, health and well-being as well as successful job performance. In support of that commitment, a drug and alcohol policy should be established and enforced.

Implementing the Policy

There are a variety of ways to implement a policy of this nature, including methods specific to applicants vs. employees. Here are examples of both:

For Applicants under Final Consideration for Employment

- All applicants offered employment should be screened for controlled substances and alcohol as part of the final pre-employment process. Test results should be reviewed prior to employment and any offer of employment should be contingent on the candidate passing a drug and alcohol test.
- The Department of Transportation (DOT) requires pre-employment drug testing using a five-panel test for marijuana, cocaine, amphetamines, opiates and phencyclidine using a split specimen at an approved laboratory.
- Prior to the screen, applicants must sign a consent form authorizing the company-designated laboratory to perform the drug and-alcohol screening test and release the results of that test to the company.
- For CDL drivers, the medical review officer (MRO) will review the test results, and if the sample is positive for any of the drugs, conduct confirmation tests using gas chromatography/mass spectrometry (GC/MS) analysis.
- Employers reserve the right to determine the definition of "successfully pass." For CDL applicants, the criteria must be at least as stringent as the DOT requirements.
- Test results should be treated as confidential and should only be communicated to the applicant by the company's designated representative.

In addition, employers must request information on commercial driver applicants from DOT-regulated employers where the applicant has worked for the prior two years after obtaining written consent from the applicant.

Prohibitions for All Employees

The following should be expressly prohibited while on company business or on company premises*:

The use, possession, transportation, solicitation, promotion, sale or transfer of controlled substances as defined by law, except for individual use of prescribed medication.

*Company premises include, but are not limited to, all property, buildings, structures, customer job sites, parking lots and means of transportation owned, leased or rented by the company.



Impact of Substance Abuse

There are a variety of warning signs that employers should look for if they suspect a substance abuse problem:

- Increased absenteeism and tardiness
- Deteriorating work performance, including significant decreases in work quality and/or productivity
- High rates of mishaps, both on and off the job
- Unusually high medical claims
- Excessive mood swings, which may manifest themselves in immoderate levels of talking, anxiety or moodiness
- Overreactions to criticism, both real or imagined
- Avoidance of supervisors
- Deterioration in physical appearance or grooming
- Financial problems

Enforcement

There are several ways to enforce a workplace alcohol and drug policy. The following are suggested elements that will help ensure thorough enforcement.

Employee Acknowledgment

Each employee should be required to provide written acknowledgement of the workplace alcohol and drug policy prior to hire or, for existing employees, upon implementation of the policy. These signed documents should be made a part of the employee's personnel file.

Right to Search

As part of the policy, an employer should explicitly state they reserve the right to search for controlled substances and alcohol on company premises, including the search of personal possessions of employees, where reasonable cause to believe or suspicion exists that drugs and/or alcohol are on company premises.

Employee Drug and Alcohol Tests

- Employees should, at the request of their employer, be tested when there is reasonable cause to believe the employee is using illegal or unprescribed controlled substances, or is substantially impaired by alcohol, illegal or unprescribed controlled substances.
- Any employee who sustains an on-the-job injury or who is involved in an on-the-job accident should be screened for controlled substances and alcohol on the day of the injury or accident at the employer's discretion. Should the injury or accident be so severe that the screening cannot be done on the day of the injury or accident, a screening should be done as soon as possible and before the employee can return to work.
- Drug and alcohol testing is required for any crash involving a commercial motor vehicle that resulted in a fatality, or the driver was cited for a motor vehicle violation AND there was bodily injury OR the driver was cited for a motor vehicle violation AND one or more vehicles had to be towed from the scene.
- The DOT also requires random drug and alcohol testing. At least 50% of a company's drivers must be randomly tested for drugs on an annual basis and 10% of the average number of drivers must be randomly tested for alcohol use.
- "Return to duty" and "follow-up" alcohol and drug testing is required for drivers after they have violated the drug and alcohol standards before they can return to driving duties, and for a minimum of 12 months after returning to driving duties. Tests are unannounced with a MINIMUM of six tests in the first 12 months after the driver returns to duty.

Failure to Comply

- Failure to comply with any provisions of an established drug and alcohol policy should result in discipline, up to and including termination. Non-compliance with the program elements a commercial drivers ability to drive a commercial motor vehicle.
- Employees who are required to submit to a drug and alcohol testing must be asked to sign a consent form. Failure to sign the consent form

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constitutes noncompliance with the policy. Employees initiating a delay in testing are also in noncompliance with the policy. Commercial drivers cannot be required to sign a consent or waiver form.

- If the test of an employee is confirmed positive, the company may offer the employee one or more of the following alternatives:
 - Participate in and successfully complete a certified treatment program approved by the company (note that participation in a treatment program does not mean the past performance problems will be removed from an employee's records)
 - Resignation
 - Termination
- As a condition of continuing employment, any employee who is enrolled in a controlled substance treatment program will be required to grant the company the right to conduct follow-up tests with or without cause and without prior notice at any time during the subsequent 12-month period. Should any of the follow-up test results be confirmed positive, the employee will not be eligible to participate in another company-coordinated treatment program and should be given the following options:
 - Resignation
 - Termination
- Commercial drivers with a confirmed positive test must be removed from any driving positions until he or she has completed a Substance Abuse Professional (SAP) evaluation, referral, and treatment program and successfully passed the "return to duty" drug and alcohol test. The driver is then subject to unannounced follow-up testing for a minimum of 12 months and up to 60 months. If the test has been adulterated or substituted, it is treated as a refusal to test and the driver must be removed from driving duties.

Voluntary Referral

As part of a workplace alcohol and drug policy, employers have the option of implementing a voluntary referral option. With this, any employee who has a drug and/or alcohol problem may request a referral for treatment.

- These requests should be made through the employee's supervisor or the Human Resources department.
- Employees who voluntarily enter a treatment program must successfully complete the treatment program or be terminated.
- Any employee who successfully completes a treatment program may be discharged just like any other employee if, at any time, the employee is diagnosed and confirmed positive on a drug screening or in any other way fails to comply with the company's drug and alcohol policy.
- Commercial drivers who request a referral for treatment must be removed from driving duties until after successful completion of the program. At that time, the same test procedures as required after having a positive test and going through the SAP program should be followed.

