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Background

Substance Use in the Workplace

With only 5% of the world's population, the United States accounts for approximately 60% of illegal drug consumption. Millions of Americans are affected each day by use of alcohol and drugs. Substance use can ruin health, break up families, damage careers, send people to jail or result in loss of life. As such, substance use is widely recognized as a global problem that affects society in general, and no community is immune. This problem has ebbed and flowed over the past several decades and has recently become even more serious. The problems associated with illegal drug use are obvious, but those associated with inappropriate use of alcohol and other drugs (such as prescription medications) are even more frequent and likely to impact the workplace setting.

Employers have the right to reasonable expectations of their employees, such as concern for the safety of everyone in the workplace, protection of company property, timely attendance, job knowledge, and productive work behaviors. Employee use of alcohol and other drugs is a very costly yet preventable problem that may undercut these expectations. Substance users do not leave their unproductive and dangerous behaviors at home when they enter the workplace; use of alcohol and other drugs may jeopardize the safety and health of co-workers and the general public as well as themselves. Statistically, inappropriate substance use is associated with a higher level of absenteeism, greater use of medical benefits, higher incidence and severity of workplace accidents, higher number of workers' compensation claims, greater involvement in theft and loss, and lower productivity than for employees who do not use substances inappropriately. Overall, then, substance use is a serious threat to every employer's "bottom line." Statistics show that:

- ◆ 47% of serious workplace accidents and 40 percent of workplace accidents resulting in fatalities have drug and/or alcohol involvement. (*Occupational Medicine*)
- ◆ 38 to 50% of all workers' compensation claims are related to the use of alcohol or drugs in the workplace. (*National Council on Compensation Insurance*)
- ◆ More than 90% of alcoholics and 74% of drug addicts (up 7% since 1992) are employed. [(*National Institute on Drug Abuse, Department of Health & Human Services (DHHS)*)]
- ◆ 15% to 17% of employees in the average U.S. company affect their workplaces through substance use. (*Bureau of Labor Statistics*)
- ◆ On average, employees with inappropriate substance use cost their employers \$7,000 annually. (*Small Business Administration*)

Beyond these identifiable costs, U.S. employers have been held responsible by courts and by the public in recent years for substance use on the part of their employees. For example, the Exxon Valdez incident cost \$16 billion, and Carroll Heating & Air cost the employer \$850,000. In North Carolina, more than \$5 million was awarded in just two cases. So, no employer is immune from the failure to take into account the reality of substance use/misuse in the workplace, and the impact of substance use can literally put a company out of business.

Costs of Substance Use on the Workplace

Some of the previously mentioned costs of workplace substance use can easily be seen by looking at five specific measures of loss which affect an employer's bottom line. Employers, researchers and other interested parties typically monitor these areas in order to evaluate direct losses attributable to substance use. The five areas are:

- Productivity: Substance users are 33 to 50% less productive than non-users.
- Absenteeism: Employees who use substances inappropriately are absent an average of three weeks more per year and tardy three times more than non-users.
- Accidents: Users are 3.6 times more likely to have an accident on the job, five times more likely to file a workers' compensation claim, and five times more likely to have an accident off the job.
- Medical Claims: Substance users and those with family members who are inappropriate users file medical claims that average 300 to 400% higher than non-users' claims.
- Employee Theft: An estimated 50 to 80% of pilferage loss is due to employees who are inappropriate substance users.

Some companies utilize the following formula to analyze the cost of substance use. This formula for roughly calculating loss takes the number of employees who are inappropriate users times \$7,000 annually. Although every industry has its own "prevalence of use" index that may be more reliable as a specific indicator, the figure of 17% tends to be used as the average percentage of substance users in a work force. This 17% figure is then used in conjunction with the \$7,000 in loss per substance using employee per year in the formula below:

- $17\% \times \text{number of employees} \times \$7,000 = \text{annual cost to the company of substance use.}$

This formula shows how alcohol and other drug use affect employer profitability and includes lost productivity. However, substance use also impacts the health and safety of every company's workers. The human and financial losses borne by our country's business community broadly impacts everyone.

The following statistics further show the extent to which substance use is a workplace problem:

- As previously noted, 74% of illegal drug users are employed.
- 64% of users of alcohol and other drugs who were surveyed admitted that use of these drugs adversely affected their work performance.
- 44% of these users sold drugs to other employees.
- 18% admitted to stealing from co-workers to pay for the drugs.
- 85% of substance users in the workplace can rehabilitate themselves (with assistance) if their employers keep them employed and hold them accountable.
- 76% of current drug users are white.
- 89% of current drug users are 18 years or older.
- 43% of drug users are women (up from 41% in 1992).
- A study conducted by General Motors Corporation revealed that 31% of its blue collar workers and 21% of its white collar staff were impaired or under the influence of alcohol or other drugs at work.

A federally conducted study looked further at the distinctions between various industries in terms of substance use. This study focused on the percentage of drug users who self-identified as having a substance use problem and found that the percentage was highest for the following professions/trades. Since the above statistics reflect self-reporting, they are considered low estimates of the substance use problem faced by these professions.

- Construction - 28.1% self-identified as substance users.
- Finance - 25.3%.
- Repair Services - 22.7%.
- Professional Services - 21.6%.
- Transportation - 18.4%.
- Manufacturing - 14.8%.

This sampling clarifies the 15 to 17% substance use figure applied to the “average” workplace. Depending upon the industry/trade/profession, then, this figure may vary considerably. The problem is very serious, especially since self-reporting is likely to represent significant underreporting. One of the major responses available to employers to deal with this problem is establishing a drug-free workplace program, the goal of which is to make the workplace as drug-free as is humanly possible.

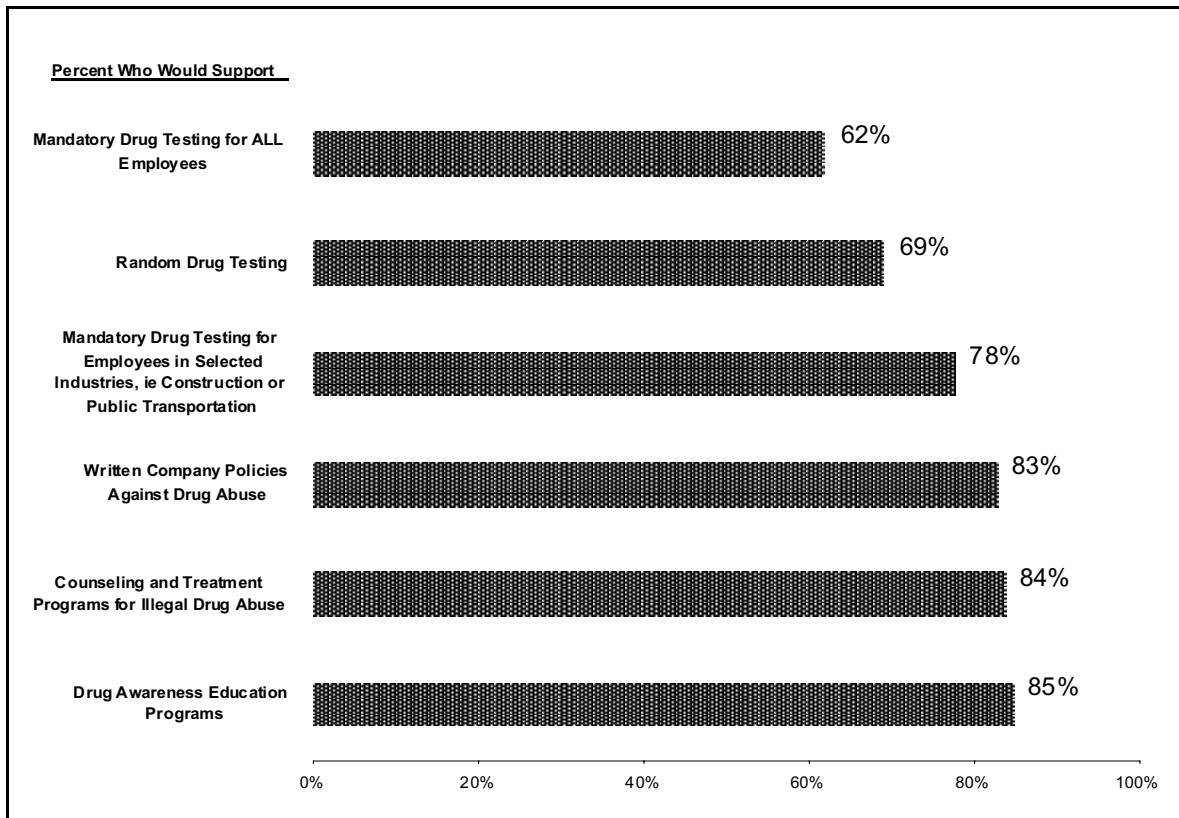
An effective drug-free workplace program can help deter use, detect use and/or possible problems, and put procedures in place to take corrective action if there is a workplace-related problem involving substance use. At the same time, a program of this type can protect employers from operational losses attributable to substance using/misusing employees, while “buffering” employers from legal liability for the damage these employees can cause. A well-designed program may enable an employer to take advantage of discounts and other savings in terms of costs associated with workers’ compensation, health insurance, commercial general liability insurance and commercial automobile insurance. Employers with drug-free workplace programs typically realize a broad range of benefits, making the workplace safer while protecting the employer’s bottom line. In reality, the greatest cost savings to employers come in the long run and not through discounts.

If properly informed, employers and their employees will both come to value a quality drug-free workplace program. In such a program, employees with a substance use/misuse problem are encouraged to get help (voluntary self-referral) or may be forced to get help (after a positive drug or alcohol test). Equally important, those employees without a substance problem are protected from some of the unnecessary accidents and performance problems that stem from employees who have a substance use problem. If properly designed and implemented, a drug-free workplace program should be a win-win proposition that will help to save employees from unnecessary accidents/injuries and also affect the company’s product quality, time and profitability. For these reasons, workers as well as employers say they’re willing to support such a program, if it is implemented appropriately and explained clearly to everyone in the workplace.

Worker Support for Drug-Free Workplace Policies

Some employers are reluctant to implement a substance-free workplace because they perceive that the majority of their employees would not support such a program. However, there is evidence to the contrary which, in fact, suggests that employees are aware of the dangers of substance use in the workplace. If 17% of employees in the average workplace have a substance use problem, this means that 83% do not have a problem. The large majority of employees will typically support a program that addresses the substance use problem since this problem can directly affect them. The paragraph that follows details how one group of surveyed workers viewed various components of a typical drug-free workplace program (DFWP).

A national survey conducted for the Partnership for a Drug-Free America showed that one of the leading drug-free initiatives that a majority of workers would support at their own company is drug awareness education. The Opinion Research Corp. of Princeton, N.J. conducted this survey in which 663 working adults were interviewed, 69% of whom were employed in companies of 1,000 or fewer employees. The survey results are shown in the chart below and clearly show support for a range of “services” that are part of a drug-free workplace program: written drug use policies, counseling/treatment and various types of testing.



N.J. Survey conducted by The Opinion Research Corp. of Princeton,

Source: *The Drug-Free Workplace Employer's Manual*, published by National Drugs Don't Work Partnership, an affiliate of Community Anti-Drug Coalitions of America.

Basic Truths about Substance Use in the Workplace

There are some important “facts” about substance use and misuse in the workplace that employers should consider in attempting to address this serious problem.

1. To bring about a drug-free or substance-free workplace, an employer must deal with:
 - Use of illegal drugs.
 - Misuse of alcohol (as it affects the workplace).
 - Misuse of legal medications/drugs (prescription, over-the-counter).
2. Substance use affects every employer, directly or indirectly, in terms of five key operational categories:
 - Productivity.
 - Absenteeism and tardiness.
 - Accidents and workers’ compensation.
 - Health-care benefits and claims.
 - Pilferage loss and damage.
3. The insidious nature of substance use often causes problems to go unrecognized by employers who fail or refuse to acknowledge that a problem actually exists.
4. Five motivating forces tend to bring employers to the point of action in dealing with the problem of workplace substance use:
 - Being mandated to do something by the government or a contractor.
 - Having a critical incident on the job involving alcohol or drugs.
 - Having a forceful management person who has personal awareness of substance use issues.
 - Management becoming aware of these issues as a result of awareness/outreach campaigns.
 - Availability of discounts on insurance or workers’ compensation premiums, as governmental agencies and insurers offer incentives to employers.
5. Employers who are aware of the problem of workplace substance use and who do want to take action face a number of challenges in bringing about a drug-free workplace:
 - They don’t know what they can do legally and/or what they should do managerially.
 - They don’t know to whom to turn or how to ensure competency of vendors once they identify resources.
 - They believe that getting help to develop and then sustain a dfwp program would be cost-prohibitive (the costs associated with contracting for services, e.g., drug testing).
 - They believe that their employees would quit or would become disruptive in response to implementation of a DFWP program.
6. National experts contend that a responsible, comprehensive drug-free workplace program can save both lives and dollars, and should include five basic components:
 - Written substance use policy.
 - Employee education about the policy, program, issues and resources.
 - Training of supervisors about the policy, program, their role in the program, available resources and how to refer employees to those resources.
 - Substance testing (as appropriate for the work setting).
 - Employee assistance plan.

7. Employers can assume unnecessary risks if they do not carefully plan and implement a comprehensive drug-free workplace program. A number of professions can offer help to an employer in developing its substance policy/program. There is competition among some of these professions, and some vendors (providers of service) may promise that they can help an employer with all of its needs when they are only qualified to deal with some components of the program. For example, an attorney (especially one with a background in employment law) may be qualified to help with policy design, but may not be qualified to help with employee assistance and treatment issues. Moreover, drug-testing laboratories are typically not the appropriate parties to provide policy development. Overall, then, employers are advised to carefully select the vendors with whom they contract services to implement and operate their drug-free workplace programs.
8. Programs such as BWC's Drug-Free Workplace Program are needed to:
 - Inform employers and motivate them with short-term rewards (discounts).
 - Contribute incentive discounts to offset some of the costs of developing a substance policy and related operational procedures, and provide guidance to employers on how to begin implementing a program.
 - Coordinate and make available the technical assistance necessary for many employers (especially smaller employers) to help them establish drug-free workplace programs.
 - Explain to employers the long-range benefits of implementing a drug-free program.

Note: Small companies make up the greatest portion of Ohio workplaces and are critical to our communities and the economy. These employers may be at greater risk based on limited awareness of the substance use problem. They are quickly becoming victims of a trickle-down from larger companies that have implemented a drug-free workplace program. Substance-using employees may leave larger companies or may be barred from employment due to front-end and other types of testing. The larger companies are able to afford to put substantial drug-free workplace programs into place, but smaller companies typically have limited resources available to deal with the substance use problem and may unknowingly hire "castoffs" from other (typically larger) employers.

Substance Use and Treatment

Most of the workplace impact resulting from substance use does not involve people who are "addicted." However, employees who use or misuse substances, even on a recreational or social basis, can be starting down a road toward dependence/addiction. Statistics show that one out of 10 people who drink alcohol will become an alcoholic; the statistics for those who illegally use drugs is even higher. The point is that there is no way of telling who will become dependent or addicted.

Obviously, it is in the best interest of the workplace as a whole for workers to be free of the influence of alcohol or drugs at work. Anyone who is at work under these influences is, at minimum, showing poor judgment or a lack of knowledge, or perhaps the person may be starting to show signs of the path toward dependence and addiction.

Because alcohol is the greatest portion of the workplace substance use problem (constituting 70%), it may be helpful for an employer to know more about this problem. This information is included in the back of the Technical Assistance Manual under "More About Substance Use."

Avoiding “Enabling” Behaviors

Once employers become aware of and knowledgeable about the extent of the substance use problem in their workplaces, and gain an understanding that they can do something about this problem, they face two choices. They can either ignore the situation (for the moment), or they can take preventive action, provide for intervention, make a referral for assessment of the problem and, where necessary, arrange for treatment.

Confronting or dealing with an individual’s drug and/or alcohol problem is a new experience for most employers and supervisors. As something unfamiliar, this type of problem can be discomforting, confusing, somewhat emotionally draining, and even immobilizing. It’s human nature to find ways to avoid dealing with this type of problem. A husband or wife at home who calls in sick for his/her spouse when the spouse really has a bad hangover may be too uncomfortable to deal with the problem. Parents who ignore the smell of alcohol and marijuana on their son/daughter when he or she comes in late from a night out face the same type of problem. Another example is a grandmother who doesn’t inform law enforcement that her addicted grandchild stole another social security check from her mailbox. More information about enabling behaviors that must be overcome in training supervisors is available in the section entitled “More About Substance Use.”

Hopefully, the above information offers some understanding of the problem of substance use in our society, the insidious nature of use/addiction, and the critical need for drug-free workplace programs to help create safer work environments for all employees.

Overview of BWC's Drug-Free Workplace Program

The Ohio Bureau of Workers' Compensation's (BWC's) Drug-Free Workplace (DFWP) Program was developed following an extensive review of other states' programs to determine what had proven successful. A preliminary review showed that workers' compensation programs established in Washington, Tennessee, Florida, Alabama and Georgia and Virginia rewarded companies that operated a substance-free workplace program with a 5% premium discount. Each of these states developed its discount program from a legislative process, and one other state tried, but failed, to institute a DFWP Program through an administrative rule. In addition, 41 states had legislation that addressed use of alcohol and other drugs in the context of workers' compensation. Moreover, 24 states had legislation under which an employer could move to deny a claim based on the involvement of alcohol/other drugs. These statistics change monthly, but national experts such as the National Alliance for Model State Drugs Laws still consider Ohio's as the "landmark" program in the nation.

BWC's DFWP Program was designed to offer a program greater in scope than the others that were reviewed as well as to give employers multiple program levels from which to choose. The program encourages all employers to develop a substance-free work environment through available technical assistance and support, even those not eligible for a discount. The DFWP Program was approved through our rule-making process and incorporated a higher percentage of discount at its lowest program level than any other state's program, with greater discount levels available to employers interested in developing more extensive programs and willing to meet additional requirements. The BWC DFWP Program also incorporates greater protections for employees than the other programs that were reviewed.

In summary, Ohio's DFWP Program stands unique among states which offer workers' compensation programs, with much more extensive benefits for existing Ohio businesses and workers and a strong attraction for *new* industry to come to our state. The program offers flexibility to employers through the multi-tiered approach that allows employers to select the level of program that best suits their businesses.

The BWC Drug-Free Workplace Program was developed with input from a diverse, statewide task force that included representatives from community Drugs Don't Work coalitions, the Coalition for a Drug-Free Greater Cincinnati, the Ohio Department of Alcohol and Drug Addiction Services (ODADAS), Labor, a variety of substance use professionals from different disciplines and representatives from various BWC departments.

The general approach of the DFWP Program is to provide up-front funding to motivate and enable employers to develop and implement a substance-free environment. Discounts on workers' compensation premiums are available for a four or five-year continuous year term and then cease. After that point, the employer's return-on-investment for continuing to operate substance-free will come as savings realized from operating a safer, healthier and more productive workplace. The DFWP Programs that are properly developed and implemented should result in improved claims experience for employers based on reduced accidents, less severe injuries, etc., and should therefore reduce workers' compensation premium costs long-term, even after the discount ceases.

More about BWC's DFWP Program

The Bureau's DFWP Discount Program:

- Is voluntary.
- Makes technical assistance available to all employers.
- Provides discounts to qualifying state-fund employers.
- Provides discounts based on program level and other eligibility factors.

The objectives of the DFWP Program are to:

- Improve safety and health in the workplace.
- Protect employees' rights.
- Buffer the employer from legal liability.
- Reduce workers' compensation costs.
- Save money overall for employers from reduced health care costs, theft and other forms of loss, etc.
- Educate the workforce to become more knowledgeable about substance use, the resources available when help is needed, and how to apply this knowledge to their families.

BWC's Drug-Free Workplace Program has three levels from which an employer may choose, each having its own minimum program requirements that the employer agrees to meet. Each program level has requirements in the five areas that comprise a typical drug-free workplace program, with each level having increasing requirements that correlate with increasing premium discounts for employers.

A comprehensive drug-free workplace program is recognized by both private industry and public agencies as having five components, all of which are required for every level of the BWC Drug-Free Workplace Program:

- Written substance use policy.
- Employee education.
- Supervisor training.
- Drug and alcohol testing.
- Employee assistance.

In addition, BWC has added a sixth program component requiring employers who implement and receive a discount for a Level 2 or 3 DFWP Program. This program component addresses the implementation of BWC's 10-Step Business Plan and ties to an employer's overall safety efforts.

The DFWP Program components work hand-in-hand with each other to:

- Deter substance use.
- Detect employees who use various substances in violation of the policy and program.
- Take action through putting procedures in place to deal with employees who either need or want help or who violate the policy.

Progressively, each DFWP Program level has increasing requirements which correlate with the percentage of premium discount employers may receive. Although an employer may receive only the discount level associated with its approved DFWP Program by meeting the minimum requirements of that level, the employer is free to exceed minimum program requirements at any level. For example, an employer not qualified for a Level 2 discount is free to implement random testing of 10% of the work force (the rate of testing that's required in Level 2).

To receive a discount for implementing and operating a DFWP Program, an employer must be approved by BWC and must fully implement, at a minimum, each of the program components noted above by the applicable dates. These five basic components are required at each of the three levels of the program, while the 10-Step Business Plan is required for employers implementing and receiving a discount for a Level 2 or Level 3 program. Together, these program components provide an integrated approach to creating a substance-free work environment through deterrence, detection and clearly defined actions in response to those who violate the policy or those who voluntarily request help. These program components are charted by program level for convenient review in the DFWP Tri-fold Brochure, along with the discounts associated with each level. This brochure provides a convenient handout and may be requested from your BWC account representative.

General Eligibility

As emphasized in the DFWP Program Procedural Guide and noted in the Overview section, not all employers applying for the DFWP Program will be eligible for a discount. However, employers not eligible for a discount may still implement a drug-free workplace program and may avail themselves of technical assistance and support to be identified by the BWC and the Ohio Department of Alcohol and Drug Addiction Services (ODADAS).

The Bureau will evaluate an employer's eligibility to receive a discount under the DFWP Program, as well as the employer's eligibility for a specific program level and the applicable discount per cent for those who are determined to be eligible. The following criteria are utilized initially to determine eligibility:

- The employer must be a state-fund employer, either private or public employer taxing district. Self-insuring employers and state agencies are not eligible for the discount.
- The employer must be in an active or reinstated policy status the first day of the policy year for the DFWP Program. Employers with other policy statuses will be ineligible until such time as their policy status changes.
- The employer must be current as of March 31 for the application year that begins July 1, or as of September 30 for the application year that begins January 1, as well as subsequent renewal years. Current is defined as not more than 45 days past due on any and all undisputed premiums, assessments, penalties or monies otherwise due to any fund administered by BWC, including amounts due for retrospective rating at the time of the application deadline.
- The employer cannot have cumulative lapses in workers' compensation coverage in excess of 59 days within the 18 months preceding either the application or the renewal deadline.
- The employer must not have had an existing substance-free workplace program in place for four or more years that is determined to be comparable to the Bureau's Level 1 DFWP Program. The expectation is that an employer with a broad-based substance-free workplace program that has been in effect for this length of time will already be enjoying the long-term benefits of improved claims experience and reduced costs associated with having fewer accidents, and fewer and less severe claims. BWC anticipates that an employer that has realized these benefits will have improved its overall workplace safety and perhaps improved its experience sufficiently to benefit from a group rating program. Thus, the employer would not be eligible for a DFWP Program discount, although technical assistance would be available, if requested.
- The employer must continue to meet all eligibility requirements during each year of participation in the program, as well as when applying for renewal, and during each subsequent year of participation in the program, regardless of the employer's DFWP Program level. Failure to do so would result in termination of participation in the program and possible recovery of discount given.

- The employer's participation in the program must be continuous, regardless of whether the employer is eligible for four or five years of discount. If an employer drops out of the program without receiving a discount or repays any discount received, the employer may be eligible for future participation/discount.
- The employer must not have completed its four or five years of participation in the DFWP Program. Those who have completed their eligibility may not reapply.

These criteria are the initial determinants of program eligibility. Any employer determined to be ineligible for participation in the DFWP Program may reapply in a subsequent program year other than those employers who have completed their four or five years of discount eligibility.

The next step is determining and approving the discount percentage for the level of program for which the employer is determined to be eligible.

To receive the premium discount associated with its approved program level, an employer must implement its new DFWP Program by the end of the first quarter of the program year in which the employer is participating. This is September 30 for the program year that begins July 1 and March 31 for the program year that begins January 1. Employers must use the ***Certification of Implementation*** form (U-141) contained in the Sample Forms section of this TAM to inform BWC that the program has been put into place and is "ready to go."

Concurrent Participation in the Drug-Free Workplace Program and Another BWC Alternate Rating or Discount Program

The percent of discount for eligible employers is calculated with regard to an employer's participation in one or more alternate rating programs. If an employer participates in any other alternate rating or discount program offered by BWC, or receives a discount, credit, or benefit for participation in group rating, retrospective rating, or the premium discount program in the same policy year as the DFWP Program, the employer may still participate in the DFWP Program and may be entitled to receive a discount.

Such an employer, however, may receive only the maximum discount, credit, or benefit for whichever program amount is greater for the given policy or program year with the exception that employers in a group-rating program may receive the maximum benefit available to a group rated employer (effective 7/1/2001 program year). Previously, this amount could not exceed 50%. The employer receives up to a 95% benefit from combining the group discount and then applying the DFWP discount. The total benefit cap may change each policy year.

An example of not being able to stack discounts (other than for group rating, with the above limitations) is an employer that is participating in the Premium Discount Program (PDP Plus) and also applies for the Drug-Free Workplace Program. This employer may receive a premium discount equal to whichever is the greater in terms of the PDP Plus discount or the DFWP Program discount as earned individually for the given policy or program year. However, the discounts may not be stacked.

Discounts

Eligibility for Drug-Free Workplace Program Discounts

Employers who meet the general eligibility requirements for the Drug-Free Workplace Program may be eligible for a premium discount of 10%, 15% or 20%, depending upon the program level requested by the employer and approved by BWC.

Discounts

The discount percentages available to eligible employers are displayed in the chart below. These discounts are intended to help an employer with some of the up-front, start-up costs associated with implementing a DFWP Program.

Level 1	Level 2	Level 3		
10%	15%	20%	20%	20%
a	A total of two years must be spent in either of these levels or in combination of the two levels.	For the first year of Level 3.	For the second year of Level 3, and/or for the last year if only qualified for four years of discount.	For the third year of Level 3, and/or for the last year if qualified for five years of discount.

Discounts for Employers with Existing Substance-Free Workplace Programs

If an employer has an existing substance-free workplace program, the employer needs to either include a copy of its current program/policy or a narrative description of the program as requested on the back of the Application Form, when submitted. This detailed information is needed for BWC staff to evaluate the employer's existing program to determine whether the current program is comparable to BWC's Level 1 DFWP Program in terms of discount/program eligibility, eligibility for a Level 2 discount, and number of years of eligibility.

- An employer approved by BWC for a DFWP Program that does not have an existing substance-free workplace program at time of application, or that has had a program in place for less than one year, may receive a maximum of five years of discount.
- An employer that has an existing substance-free workplace program in place for one or more years at the time of application which is judged "comparable" to the BWC's Level 1 DFWP Program may receive a maximum of four years of discount.
- An employer is not eligible for a discount if the employer has had an existing program for four or more years, and this program is determined to be "comparable" to BWC's Level 1 DFWP Program.

Applying for a Level 2 Discount

There are five possible prerequisites for an employer applying for a Level 2 discount, any one of which may lead to the employer being approved for a 15 percent discount. They are:

- The employer must have completed one year of operation of an approved Level 1 DFWP Program by the end of the current program year, or
- The employer must have an existing substance-free workplace program in place for at least one year but less than four years at time of applying for the DFWP Program , and the existing program must be determined to be “comparable” to BWC’s Level 1 DFWP Program, or
- The employer must have successfully completed an employer development program that is on the list maintained by ODADAS (meaning it meets criteria specified in the DFWP Program Rule) and must submit a certificate of successful completion of this program, or
- The employer must have successfully implemented a safety program that has been in place at least two years by the end of the current program year, and such program must be comparable to BWC’s 10-Step Business Plan.
- The employer must be participating in a BWC-approved consortium.

An employer eligible for a Level 2 discount based on any of the above criteria will have either four or five years of eligibility, as follows. If the employer had an existing substance-free workplace program that was determined to be comparable to the Bureau’s Level 1 DFWP Program, the employer will be eligible for a maximum of four years of discount, no more than two of which may be at a Level 3 discount. Otherwise, the employer would be eligible for a maximum of five years of discount, no more than three of which may be at a Level 3 discount.

Applying for a Level 3 Discount

There is one prerequisite for an employer applying for a Level 3 discount that may lead to the employer receiving a 20 percent discount:

- The employer must have completed at least two years of an approved DFWP Level 1 and/or Level 2 Program by the end of the current program year and must agree to incorporate the additional program requirements for a Level 3 DFWP Program.

An employer eligible for a Level 3 discount based on the above criteria will be eligible for either four or five years of program participation, with the number of years of discount eligibility tied to whether the employer had an existing substance-free program which was determined to be comparable to a Level 1 DFWP Program. Having an existing program comparable to a Level 1 DFWP Program would mean the employer would be eligible for a maximum of four years, no more than two of which would be at a Level 3 discount. Otherwise, the employer could receive a maximum of five years of discount, no more than three of which could be at Level 3.

Additional Information about Discounts:

- The discount will be applied to the employer's premium rate, but not to the disabled workers' relief fund assessments or other assessments.
- The discount that the employer receives will not alter the employer's actual total modification calculation under rule 4123-17-03 of the Administrative Code.
- The application of the discount associated with the level of the DFWP Program that was approved by BWC for each employer occurs twice annually for private employers (July 1 or January 1 of the appropriate program year) and once annually for public employer taxing districts (January 1 of the appropriate program year).
- An employer is limited to four continuous years, if eligible for four years of discount, or five continuous years, if eligible for five years of discount, to complete its maximum participation in the discount program, except that an employer which drops out of the program without receiving a discount or which repays any discount that was received, plus interest, may be considered for four or five years of discount, based on eligibility.
- An employer that has completed its eligible four years or five years of participation in the DFWP Program is ineligible to reapply.

Application/Certification/Renewal

Applying for the Drug-Free Workplace Program

BWC will provide employers with a DFWP Program *Application* form as well as other program forms (contained toward the back of this manual in the Sample Forms section). The employer's initial participation and renewal of participation in the DFWP Program will occur on a program year basis, and renewal of participation is requested on the DFWP *Progress Report* (described in the Recordkeeping and Reporting section with the form contained in the Sample Forms section).

The Bureau is responsible for evaluating each *Application* to determine the employer's eligibility to receive a discount under the DFWP Program, the employer's eligibility for a specific program level and the applicable discount percent. An employer may appeal application or renewal rejection to BWC's Adjudicating Committee pursuant to rule 4123-14-06 of the Administrative Code. Only state-fund employers requesting consideration for the program discount need to submit a DFWP Program *Application* form. Once the application has been reviewed and the employer is determined eligible for a discount, BWC will determine whether the employer is eligible for the level of program applied for, using the specific program level requirements discussed in an earlier section of this manual.

Application Process

The employer should fill out the *Application* form and submit the form so it is received by BWC by the deadline for the appropriate program year. The application may be submitted at any time but discounts given will apply only to the program years for which the employer is approved, regardless of the actual date of approval. The Bureau will review the *Application* form and attached information to determine whether the employer is eligible for a discount.

The *Application* form should be filled out completely and must be signed by employer's chief executive officer (or equivalent) as certification of the company's willingness to meet, at a minimum, the requirements of the level of program applied for. An electronic *Application* may be completed via www.ohio.bwc.com. This will negate the requirement for the CEO or equivalent to actually sign the form. In signing the *Application* or completing the form electronically, the employer agrees to repay any discount received, plus interest, for failing to implement or meet the DFWP Program requirements for the approved level. The employer also acknowledges that inaccurate or false representations on the *Application* form may be considered fraudulent representations, subject to applicable statutes.

The *Application* form requests such information as the program period applied for, the requested program level and whether the employer has an existing substance-free workplace program. Submitting a fully completed application, including a copy of the employer's current policy/program or a narrative description of an existing program (on the back side of the *Application*), where appropriate, will allow BWC to begin the application process. The employer has to apply for the DFWP Program only one time rather than for each year since request for renewal of participation, including moving to another program level, is made on the *Progress Report* that is to be submitted by the employer by the end of the third quarter of the program year. The *Application* is due to BWC by June 30 for the July to June program year and by December 31 for the January to June program year. However, BWC welcomes the submission of an *Application* form year-round.

Following approval by BWC, the employer must develop its program and must then complete and submit a ***Certification of Implementation*** form (see Sample Forms section) by the end of the first quarter of the program year after implementing a new DFWP Program. This form is also required if an employer requests to renew its program at a different level. Employers who do not change program levels from one year to the next need not submit a second ***Certification*** form. The Bureau must receive the ***Certification of Implementation*** form by September 30 for the program year that begins July 1, or by March 31 for the program year that begins January 1, to certify that the program has been fully implemented and is, at least, ready to begin. Failure to timely submit this form may result in termination of the DFWP discount. **The employer's written policy is to be submitted by the same date as the *Certification* form; the request for the employer to attach this policy is contained on the *Certification* form. A revised policy that reflects the new program level must be submitted to BWC any time the employer has changed its program level.**

A ***Release of Information*** form (see Sample Forms section) must be filled out completely, signed and submitted with the ***Certification of Implementation*** form by the above deadline. This form allows BWC to do appropriate compliance monitoring and cost-benefit analysis through access to various aggregate information from drug testing labs, Medical Review Officers and employee assistance providers. Information requested will be statistical in nature (e.g., how many tests were administered by category of testing for a given period) and will not involve any confidential information about specific individuals. Failure to timely submit the ***Release of Information*** form with the ***Certification*** form may lead to BWC revoking the DFWP Program discount.

Renewal of participation in the DFWP Program is to be requested on the ***Progress Report*** form (Sample Forms section), which has a specific question about whether the employer is requesting to renew its DFWP Program and, if so, at what level. To be considered for renewal of participation, BWC must receive the completed ***Progress Report*** by either March 31 (for the July 1 program year) or September 30 (for the January 1 program year). The employer must request renewal on this form.

Application, Certification, Progress Report/Renewal, Release of Information

Type of Form	Private Employers	Public Employer Taxing District
<p><u>Application</u></p> <p>For employers to apply to initiate a DFWP Program and receive a discount for participating.</p>	<p><u>For one of two possible program periods:</u></p> <p>Due to BWC by June 30 for the program year beginning July 1 of that year through June 30 of the following year or by Dec. 31 for the program year beginning Jan. 1 of the following year to Dec. 31 of that year.</p>	<p><u>One program period:</u></p> <p>Due to BWC by Dec. 31 prior to the program year beginning Jan. 1 of the following year to Dec. 31 of that year.</p>
<p><u>Certification of Implementation</u></p> <p>For employers implementing a first-year program or moving to another program level.</p>	<p><u>Used for initial program and when approved to move to a new program level:</u></p> <p>Due to BWC by Sept. 30, for the program year that begins July 1 or March 31 for the program year that begins Jan. 1.</p>	<p><u>Used for initial program or when approved to move to a new program level:</u></p> <p>Due to BWC by March 31 for the program year that begins Jan. 1.</p>
<p><u>Progress Report</u></p> <p>For employer to report progress in implementing its DFWP Program and to request renewal of the employer's program or request a new program level.</p>	<p><u>Once a year:</u></p> <p>Due to BWC by March 31 for program year that begins on July 1 or by Sept. 30 for the program year that begins on Jan. 1.</p>	<p><u>Once a year:</u></p> <p>Due to BWC by Sept. 30 for the program year that begins Jan. 1.</p>
<p><u>Release of Information</u></p> <p>For employer to allow BWC access to program information to do compliance monitoring and program evaluation.</p>	<p><u>Once:</u></p> <p>Completed and returned with <i>Certification of Implementation</i> by Sept. 30 for program year beginning July 1, or by March 31 for program year beginning Jan. 1.</p>	<p><u>Once:</u></p> <p>Completed and returned with <i>Certification of Implementation</i> by March 31 for program year beginning Jan. 1.</p>

Withdrawal, Cancellation/Disqualification, Reapplication and Appeal

There are conditions under which an employer's participation in the DFWP Program may terminate. Regardless of whether the employer or BWC initiates program termination, there should be communication between the two parties. Under certain circumstances, an employer that withdraws from the program may reapply for participation at a later date. These circumstances and other issues involved with ending participation are addressed below:

- An employer may withdraw its application for enrollment in the DFWP Program at any time prior to receiving the discount on its premium and will be able to reapply as a new applicant.
- When the employer becomes aware that it will be unable to meet the program requirements associated with the approved DFWP Program level by the required implementation date, the employer should notify BWC **in writing** and should formally withdraw from the program. This preserves the employer's right to reapply for a future program period and to be considered a new applicant. Failure to notify BWC of the employer's inability to meet the program level requirements by the applicable date may result in the employer being disqualified from reapplying for the program in the future, even if employer has repaid BWC for any discount that was received, plus interest.
- BWC may cancel an employer's participation in the DFWP Program if the employer fails to fully implement its program in compliance with the requirements of the program level approved by BWC and for which a discount is being received.

If an employer withdraws from the DFWP Program or has its participation canceled by BWC, the employer may reapply for the DFWP Program as soon as the next program period. There is an exception to the employer's ability to reapply, namely where the employer has already received a discount. In this case, the employer must have repaid the Bureau for the discount plus interest to have its application considered. In addition, BWC may reject an employer's application based on circumstances of the initial program period participation.

- Where an employer's application for participation is rejected by BWC, the employer may appeal either initial enrollment rejection or renewal rejection to BWC's Adjudicating Committee, pursuant to rule 4123-14-06 of the Administrative Code.

NOTE: Upon withdrawal, cancellation or disqualification from the DFWP Program, the employer is required by rule to return monetary benefits associated with any discount received, including interest, which shall be calculated as provided in Division (E) of section 4123.41 of the Revised Code. The employer agrees to this provision in signing the *Application* form and the *Certification of Implementation* form.

An employer may also appeal cancellation of participation or program disqualification to BWC's Adjudicating Committee pursuant to rule 4123-14-06 of the Administrative Code.

Implementation

Basic information about the Drug-Free Workplace Program is available in the Drug-Free Workplace Program Procedural Guide. If you did not receive a Procedural Guide, please contact your BWC account representative. In this section of the Drug-Free Workplace Program Technical Assistance Manual (TAM), each program component is explained more fully in terms of information the employer needs to actually implement the program, with identification of issues that need to be considered and addressed, and resources that are available. This TAM is intended for employers to use as a reference guide as needed. Please consult your BWC account representative regarding the most effective way to utilize this manual.

In developing its overall DFWP Program, policy and procedures, BWC strongly recommends that an employer obtain legal review throughout the process to ensure protection of employees' rights and its own liabilities.

Developing and Becoming a Drug-Free Workplace

To establish a well-thought-out, successful drug-free workplace, there are two basic phases an employer typically goes through. **The first phase** involves program development, where the employer determines the specifications of its program. These details should be described for all employees in the company's written DFWP policy, program documents and operating guidelines. In developing its DFWP Program, the employer should define and assess objectives with two key factors in mind:

- The employer's understanding of all the issues related to implementing a drug-free workplace program (e.g., legal concerns or labor considerations).
- The authorities under whose regulations the employer must operate and to whose guidelines/mandates the employer must adhere (these may include federal laws, such as the Americans with Disabilities Act (ADA), the Family Medical Leave Act (FMLA), U.S. Department of Transportation (DOT)/Federal Motor Carrier Safety Administration (FMCSA) regulatory mandates, whether the company is public or private, union involvement; and the particular states in which the employer operates).

The success of an employer's DFWP Program directly hinges on the employer having a full understanding of such potential impact issues and ensuring compliance with pertinent regulations. For example, consider a situation involving an employer that has never done drug/alcohol testing and wants to implement BWC's DFWP Program. The employer rushes to implement a drug and alcohol testing program and quickly writes a policy. By hurriedly implementing this program without thorough research and thought, with appropriate input from all levels of staff and adequate preparation, the employer will probably not improve its accident record and claims experience. Rather, the employer may be more likely to estrange and demoralize employees and may possibly violate state and/or federal laws by not considering these in developing its program. Prior to taking action, including developing a program outline, there are some basic considerations.

An employer's situation and potential constraints on its DFWP Program depend upon whether the employer is public or private and which states in addition to Ohio the employer operates its business. Under some circumstances the employer may be limited in doing random testing in terms of what the consequences to an employee may be from a positive drug or alcohol test, thereby directing a course of development which the employer needs to follow in putting together its DFWP program.

Beyond that, it is important to analyze how details of operating the program will be handled and whether the employer's operations will logistically support each element of the program, such as the requirement to have a concurring supervisor for a reasonable suspicion test. In addition, mistakes or sloppy security affecting the testing process could compromise an employee's right to privacy and/or lead to charges that an employee has been defamed.

The second phase involves program roll-out and on-going implementation:

- Vendor relationships are established for support services such as drug testing, employee education and supervisor training.
- Employees are informed and educated about the policy, program, issues and available resources.
- Supervisors are trained to perform their expected role/responsibilities within the program.
- Systems are established to be sure that all new management personnel and employees are brought up to speed about the program.

A company is advised to move carefully in completing the first phase of program development and to carefully maintain records to document the second phase so that it meets the requirements of any of the approved levels of the Drug-Free Workplace Program.

Getting Started in Implementing the DFWP Program

The employer's specific work setting, its work culture, its past experience with a substance-free workplace and the level of the Drug-Free Workplace Program being implemented will all affect the order in which the following steps are implemented:

1. Finalize written program policy and operational procedures:
 - Get input from every sector of the company, especially including labor.
 - Present to and, if necessary, negotiate with labor representatives.
 - Run policy by all key personnel and corporate representatives.
 - Ensure review by legal counsel experienced in employment/labor law and drug-free workplace program specialization.
 - Have legal counsel that is familiar with your organization review policy and procedures for consistency with other personnel policies and practices.
2. Establish recordkeeping practices to track and maintain all required documents (the information as well as documents that are to be sent to BWC, the information which needs to be included in reports, and documents/information to be maintained at the employer's workplace). All of this is covered in the Recordkeeping and Reporting section.
3. Finalize testing arrangements:
 - Select vendor(s), which may entail interviewing providers of service to see if they can actually do what they say they can do.
 - Complete entire set-up process for drug and alcohol testing, including ensuring there's a Medical Review Officer (MRO) in place to evaluate positive laboratory drug test results, a collection site, and a laboratory certified by the federal Department of Health and Human Services (DHHS), determining which cut-off levels will be used for each drug and for alcohol.

4. Finalize employee assistance plan:
 - Select plan of action.
 - Create resource list and/or establish relationship.
 - Orient employees to plan or program provider.
 - Train supervisors and management personnel about the plan and/or program and how to utilize it (referral process).
 - Promote DFWP Program (as appropriate).
5. Employee education:
 - Select implementation date.
 - Make preliminary announcement of DFWP Program.
 - Identify and contract with qualified educator to put together a curriculum and materials.
 - Plan timing of initial session to describe employer's DFWP Program to all current staff.
 - Conduct initial session about employer's DFWP Program (certified person not required).
 - Administer employee education in one or more sessions.
 - Include plan to educate new employees.
 - Develop plan to offer on-going education.
 - Keep education session rosters and summary of topics covered.
 - Keep employee signatures showing receipt of written DFWP policy.
6. Supervisor training
 - Identify and contract with qualified trainers.
 - Identify participants.
 - Administer supervisor training.
 - Keep an attendance roster with trainers' particulars, agenda, and session particulars (e.g., date, numbers of hours, subjects covered, etc.) and signatures of attending supervisors.
 - Develop a plan to train new supervisors.

Written Policy

Every Drug-Free Workplace Program starts with the development of a written substance use policy, **which is the critical document for implementing the program**. The written policy is a full and fair disclosure document that should cover every important aspect of the DFWP Program level, which the employer is implementing, including outlining the responsibilities of the employer and employees. For example, an employer must spell out how it will support employees with substance use problems while protecting the right of all employees to a safe work environment. The employer also needs to define its commitment to rehabilitation for an employee who comes forward voluntarily to admit to a substance use problem and how it will handle an employee who tests positive on a drug or alcohol test. The time needs to be taken to developing a written DFWP policy that clearly covers all parts of the program. It is very difficult to spell out all the important components and procedures in a short document, and there is a price to be paid for short-changing this step and putting together a written policy that does not really explain the full program. Employees will have a hard time taking such a policy seriously and will not really understand how it works.

The written policy is the cornerstone of the employer's DFWP Program and serves as an executive summary. To be accepted by the work force in terms of getting employee buy-in and to be effective, the policy should be developed carefully through a collaborative process that involves all levels of employees. If representatives of all levels of employees help build the program, the program will have greater credibility. Staff will be more likely to see the benefits of the program and work towards the program's success. However, many employers do not pay proper attention to this step and, instead, develop their programs without input from various levels of staff.

The employer needs to clearly convey that the purpose of its DFWP Program is to create a safer workplace, to offer support for employees who may have a substance use problem and to protect the large majority of employees who don't have a substance use problem. The tone of the policy and procedures is very important and should stress the employer's caring for the well being of all employees. It is vital that the program be presented in such a manner that everyone is clear that the program applies to all employees, including all levels of management.

The policy should be developed in concert with existing collective bargaining agreements. For example, a bargaining agreement may address what type of testing is allowed or not allowed and what disciplinary steps may be available. This approach goes hand in hand with obtaining input from all levels of staff in developing the DFWP Program.

Also, management and supervisory staff need detailed guidelines to follow in order to appropriately support the DFWP Program. Guidelines should cover such questions as how to transport an employee for a test, whether the employee should be allowed to return to work after the test, who will determine the consequences of a positive test for the employee, whether the employee will be off-duty and, if so, for how long, etc. Perhaps this could be done in a question and answer section as an addendum to the written policy. Again, legal counsel should be consulted in developing the written policy to ensure compliance with all applicable legal requirements.

The written policy is expected to be specific to the employer's DFWP Program, and the policy for a Level 1 DFWP Program would be different from a Level 2 or 3 program. Regardless of program level, the written policy must clearly articulate all aspects of the program, which the employer is implementing.

Written Policy Program Requirements

Every DFWP written policy must:

- Articulate all the elements of the level of the DFWP Program which the employer is implementing.
- State management's reason for creating a substance-free workplace, namely its concerns for employee safety and health, productivity, accident prevention and loss control, and a commitment to rehabilitation.
- Communicate the DFWP Program and policy through an initial presentation to all employees prior to implementing the program and annually through employee education sessions.
- Clearly state that the program applies to all employees, including all levels of management.
- Be in compliance with all pertinent federal and state laws or regulations.
- State that law enforcement authorities may be contacted and requested to come onto the employer's property, when appropriate, in conjunction with a referral for criminal prosecution.
- Contain appropriate references to collective bargaining agreements, and show how the DFWP Program works in concert with these agreements to promote a safer workplace for all employees.
- Include a discussion of confidentiality of the program records to ensure the privacy rights of employees.
- Clarify that nothing in the policy alters the employment-at-will status (if applicable) or affects any other employment issues.
- Identify a DFWP Program administrator and explain the person's role or responsibilities with regard to the DFWP Program.
- Address the use of alcohol, prescription medications, over-the-counter medications or illegal drugs, including:
 - which drug or alcohol tests will be used.
 - the cutoff levels for each.
 - what testing procedures and protocols will be followed and
 - a clear statement that supervisors will be trained regarding their responsibilities related to various testing prior to the implementation of any testing associated with this program.
- Reference the help available to employees with substance use problems.
- Describe how referrals may be made for testing, assessment and employee assistance.
- State what is prohibited and the consequences of a violation of this policy for employees.
- State the consequences, if any, for an employee's refusal to submit to a medical examination or a drug or alcohol test in conjunction with the operation of the employer's DFWP Program.
- State the consequences for any employee attempting to manipulate the drug/alcohol testing process, such as trying to adulterate a specimen.
- State that an employee's violation under the DFWP policy shall not be reported to law enforcement official unless required by a regulatory body or by criminal law provisions.

Level Specific Requirements

The above requirements are to be a part of the written policy for Level 1, Level 2 and Level 3 programs. The employer must ensure that its written policy is reflective of whichever level program the employer is implementing but may exceed these requirements.

Reporting and Documentation Requirements

There are various reporting requirements that an employer must follow. In addition, an employer is expected to maintain some types of information/documents on site at its workplace for purposes of BWC review. The employer is required to submit a copy of its written policy to BWC, along with a completed ***Certification of Implementation*** form and ***Release of Information*** form, by the end of the first quarter of the first program period the employer is in the DFWP Program. In addition, when an employer requests to change program levels on its ***Progress Report*** and this change is approved, the employer must submit to BWC its revised written policy, along with the certification that it has implemented the different program level.

The employer is required to maintain at its workplace:

- A copy of its written policy.
- Copies of acknowledgment forms signed by each employee at the point of receipt of the written policy.

Establishing a Drug-Free Workplace Program: Two Stages

There are two stages that an employer typically travels through to establish a drug-free workplace program. The first step is to develop a policy that articulates every important element of the program that will be implemented. This goes far beyond just sharing the specifics of drug testing and employee assistance plans. The second phase involves program roll-out and on-going implementation. There is often a lack of critical understanding on the part of an employer about the complexity of the first stage. A drug-free workplace program is only as good as its foundation – its policy and operational procedures. If the employer implements a policy and/or operations that have not been designed to accommodate the realities of its work environment, the workplace may be at greater risk than if the employer had no policy at all. Once its DFWP policy is adopted, an employer should enforce the policy consistently; taking the same action for all employees unless logical, non-discriminatory, discretionary examples are clearly explained in the policy.

Importance of Thinking through the Program

An employer needs to first work on the specifications of its DFWP Program by defining its objectives. These details will define the written policy, program documents/forms and operating guidelines. An employer may choose to involve a consultant at this point to be clear on all of the issues that impact a DFWP Program. Legal counsel can be very helpful, especially if the attorney is familiar with the employer's work force and operations and knowledgeable in employment law, including drug-free workplace programs. There are numerous court decisions on substance testing and employee rights that the employer needs to be aware of. It helps to consult these information sources since substance use and employee testing can be emotional topics.

To be effective, the procedures of the employer's DFWP Program need to be developed and expressed in a user-friendly policy. All the details with accompanying appendices and forms need to be spelled out clearly so that everyone in the workplace has access to them. This is especially important in assisting in the large majority of employees being comfortable with the program.

Other factors to consider in developing the program are whether an employer is private or public and the states other than Ohio in which the employer operates. These factors as well as constraints related to union contracts may prevent or limit an employer regarding random drug testing and/or may limit the employer's ability to respond to a positive drug or alcohol test. This could affect how the program is designed.

It is also important for an employer to analyze how operational details will be handled and whether the employer's operations will logically support the DFWP program guidelines, such as the requirement to have another supervisor review and concur in a reasonable suspicion test recommendation. The employer also needs to look at regulatory authorities under whose rules the employer operates. Besides federal laws, such as the ADA and FMLA, there may be DOT/FMCSA mandates, as well as considerations associated with union rules.

Employers should operate its program with maximum concern for confidentiality. An employer should share on a need-to-know basis only such information as a referral or results of a test or an assessment, and the outcome of treatment. Discussing confidentiality of program records at the first employee education session is designed to ensure all employees of the employer's commitment to the privacy rights of individuals. This does not negate the employer's responsibility to report an employee's violation under the DFWP policy to law enforcement officials where required by a regulatory body or by criminal law provisions. It does, however, clearly frame the responsibility for establishing confidentiality procedures and maintaining confidentiality of testing results and program records. Confidentiality implications need to be thought through carefully.

Employers are advised to avoid certain verbiage in their written policies and program operations. In particular, it makes sense to avoid implementing a "fit for duty" policy or using the word "impairment." Performance standards are subject to interpretation, and using these words to describe an employee's behavior or capacity to perform may be a quick road to litigation. The employer's written policy should clearly state standards that **prohibit specific levels of drugs or alcohol from being in an employee's body/system**. In addition, employers should put into their operational procedures a provision that employees being sent to be tested **for cause (reasonable suspicion or post-accident)** should not be allowed to drive themselves to the collection site or home. An employee who is being sent for testing for the possibility of drug or alcohol use should be transported in a safe manner, even if it means calling a cab.

Possible Use of a Task Force to Obtain Broad Support

One approach to developing a written policy is assembling a task force comprised of all levels of staff, including labor representatives. Even if an employer is not unionized, it makes sense to include line staff rather than having only managers and supervisors develop the policy. The program that is developed needs support from all levels of staff to be effective; the more perspectives available in developing the program, the better. For these reasons, the more time spent in initial development of policy/procedures, with input from every sector of the employer's work force, the better the DFWP Program will tend to operate. The DFWP Program Administrator is a logical person to lead the employer's effort to develop the policy and can be involved in the initial communication to all employees about the DFWP Program.

Initially, the task force should be educated about issues involved with substance use, the purpose of a drug-free workplace program, resources that are available, money available to spend on the program, etc. The next step is for the task force to draft a policy statement that reflects the employer's intent in implementing a DFWP Program; this policy will be used to educate all employees. Then, the task force should discuss potential situations and "what ifs", going through a variety of possible scenarios that could occur in the workplace, discussing how such situations should be handled and drafting procedures to clearly address each type of situation. This is part of the process of drafting operational guidelines. The employer then needs to determine whether to merge the two documents (policy and operational procedures) or to finalize them as two separate documents.

These written documents should contain sufficient detail on every aspect of the employer's program. For example, employees need to know under what circumstances they will be tested. They also need reassurances, in writing, that any supervisor or other management representative with the authority to refer someone for a test has had the required training in evaluating why, how and when to refer someone for reasonable suspicion testing (see Supervisor Training section that follows).

Employees need to be aware that, to protect their rights, a supervisor is to consult with another trained management person, where feasible, before initiating testing procedures. This is not only for employee protection but to assure employees that supervisors will receive training, will know what they are doing in observing and evaluating behavior and will follow specified guidelines in referring someone for testing based on reasonable suspicion.

The employer also needs to establish a mechanism for a co-worker to help initiate drug/alcohol testing when there is reasonable suspicion, including how to refer a management staff member or supervisor using/abusing drugs or alcohol. To be effective, the DFWP Program must apply to supervisors and/or managers, not just line staff.

The Written Policy Serves As an Operational Handbook

When done correctly, the employer will have an effective document to be used to guide program implementation; hopefully all contingencies will already have been considered whenever an incident occurs that has to be dealt with without delay. It is also helpful to have a procedure to guide supervisors as needed so that their actions are not affected by emotion, and all staff need to be aware how a situation should be handled. Operating "by the book" and following the written policy allows the employer to deal with everyone on an objective, uniform basis, without necessarily negating compassion and consideration.

Sample Written Policy for Employer to Review in Developing Its DFWP Policy

In the Sample Policies section of the Appendix, there is a template designed to help an employer develop a written policy. This template is not intended for an employer to just copy verbatim but rather to offer some boilerplate language for a policy, a format and basic content of a DFWP Program that would meet the requirements for the DFWP Program. This policy should serve as a tool which employers may use to design layout of their policies, tone of their program, and what verbiage to use. Again, each employer should be sure to create its own, company-specific policy and written procedural guidelines. For ease and convenience, it may be tempting for an employer to adopt a boiler-plate policy developed by or for another employer by merely plugging in the employer's corporate name, but this is not the recommended approach. To be effective, the written policy should be individualized to the employer's specific workforce situation.

Also, some employers receive advice that they should minimize what is put in writing. Copying another employer's program and minimizing the content of its own programs are unlikely to result in an effective DFWP policy and program. Minimizing the program may also cause distrust among line staff in terms of what the program really involves. Employees are much more likely to respect and support a policy that is shared openly and explained. Rather than minimizing an employer's liabilities, the failure to fully share how the program is designed to operate may create additional liabilities and undercut the employer's efforts to create a substance-free workplace. The written policy must carefully reflect the employer's approach and not someone else's approach to redesigning a work environment to be substance-free.

Tips on How to Review (“Qualify”) the Assistance Offered by Vendors

Employers have liabilities, and it is important to consider these when thinking about contracting for services to help develop a quality DFWP Program. It makes sense for an employer to consider obtaining help from professionals who are both knowledgeable in the field of drug-free workplace programs and who can adapt a policy to the specifics of a given employer’s operations. The burden is on the employer to evaluate the qualifications of all potential consultants or providers from whom employers may accept assistance in the development of policy and program guidelines. And, an employer should have legal counsel review its policy and operational guidelines before implementing its DFWP Program.

What to Look for in Specific Professions and the “Qualifying” Process

In the section of this manual entitled “The Process of Choosing/Contracting with Vendors,” we’ve offered helpful hints for employers regarding choosing services (including to develop their DFWP written policies). There are tips on how to choose vendors to determine whether they have the needed credentials, experience and expertise to offer the employer competent help, and to not miss key aspects of the process or written product.

Legal Requirements

There are some critical legal issues for employers to be aware of as they develop their DFWP Programs. Below are references to some of the legal requirements that may apply to an employer’s DFWP Program and which, therefore, are basic compliance considerations for any employer. **An employer should consult its legal counsel regarding the implications of any of these legal requirements on development of its DFWP Program.**

The Drug-Free Workplace Act of 1988

Federal contractors (defined as those with at least \$25,000 in federal performance contracts) and federal grant recipients (no dollar and no territorial limits) must comply with the Drug-Free Workplace Act of 1988. Only the primary contractors and grant recipients (not subcontractors) are covered under this Act. This Act does not require drug testing and does not mention alcohol but focuses on drug awareness education. The Drug-Free Workplace Act requires those recipients of federal dollars identified above to do the following:

- Adopt a policy that is distributed to all covered employees (those directly working on the pertinent contract or grant project). The company’s policy must prohibit “the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance.” Furthermore, the company’s policy must inform employees of the action to be taken against them for violations of the policy. Individual employees must receive their own copies of the policy.
- Establish and maintain an on-going drug-free awareness program for employees that emphasizes drug education. The awareness program may include workshops, brochures, handouts, videotape showings, lectures and posters, and should be documented to demonstrate compliance. The drug awareness program must inform employees of:
 - The dangers of drug use in the workplace.
 - The company’s policy and the penalties for violating that policy.
 - Community resources and available employee assistance programs and drug rehabilitation opportunities (however, an employer is not required to provide a comprehensive Employee Assistance Program).

- Requires notification of authorities of drug convictions. Employees who, while working, violate any criminal drug statute and are convicted must notify their employers within five days of the conviction. The employers must, in turn, notify their contracting agency or grantor within the subsequent 10 days.
- Requires sanctioning of employees with adverse employment actions up to and including termination, or require them to successfully complete rehabilitation.
- Compliance must be implemented in good faith. Employers must comply with the spirit of the Act and make a good faith effort to continue to maintain a drug-free workplace.

Violations of the Act by employers may result in the federal government withholding payments, terminating a contract/grant, or suspending the company from doing business with the federal government, or contract disbarment. It is noteworthy that suspension/disbarment can be for five years, not three years as is normal for federal contracts.

DOT Omnibus Transportation Workers Testing Act of 1991

Based on overwhelming evidence of the impact of substance use nationally, the federal government chose to legislate preventive/interventive strategies/activities in areas where it is responsible for the safety regulations of workers and the general public. There are six divisions under the DOT umbrella which have alcohol and drug program requirements: Federal Motor Carrier Safety Administration (FMCSA), Federal Aviation Administration, Federal Railroad Administration, Federal Transit Administration, Research and Special Programs Administration (Office of Pipeline Safety) and the United States Coast Guard.

- The FMCSA impacts the greatest number of employers and workers, requiring compliance for those employers who employ drivers mandated to have commercial driver's licenses (CDL) and who operate a vehicle that meets one or more of the following:
 - designed to carry 16 or more passengers, including the driver.
 - in excess of 26,000 pounds Gross Vehicle Weight Rating.
 - of any size that is used in the transportation of hazardous material that, by amount, must carry a "hazardous materials" placard

The Drug-Free Workplace Act of 1988 and the DOT Omnibus Transportation Testing Act of 1991 have co-jurisdiction and, together, they require an employer subject to their mandates to have a five component substance-free workplace program:

- Written substance use policy - covering all employees.
- Employee awareness and education - related to DOT objectives.
- Supervisor training - minimum of 60 minutes on alcohol, 60 minutes on drugs.
- Employee assistance - to refer (not necessarily pay for) an employee to a qualified substance use professional for assessment/treatment.
- Drug Testing [an enzyme multiplied immunoassay technique (EMIT) screen and confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) on a urine specimen]:
 - Pre-employment.
 - Post-accident (defined specifically).
 - Reasonable suspicion (defined specifically).
 - Random (50 percent of CDL driver pool).
 - Return to work.
 - Follow-up to treatment.

- Alcohol Testing — National Highway Traffic Safety Administration (NHTSA)-approved breath, saliva screens with NHTSA-qualifying evidentiary breath test (EBT) confirmatory test):
 - Post-accident (defined specifically).
 - Reasonable suspicion (defined specifically).
 - Random (10% of CDL driver pool now required by DOT/FMCSA).
 - Return to work.
 - Follow-up to treatment.

There are also strict procedural guidelines and record keeping required by the federal government. Violations of the Act by employers can result in both employers and drivers who violate these rules being subjected to civil penalties up to \$10,000, among other consequences.

DOT/FMCSA and the DFWP Program

BWC has clarified that employers with employees required to hold a commercial driver's license (CDL) pursuant to federal regulations of the FMCSA/DOT can participate in the DFWP Program at any program level without being in conflict with federal mandates. However, such employers must ensure that all DFWP Program components are applied to all of their employees with the exception described below in the paragraph on Drug and Alcohol Testing. See the appendix section entitled "DOT/FMCSA Employers and the DFWP Program."

Drug and Alcohol Testing

The one exception in terms of employers meeting DFWP Program level requirements for all of their employees is in the area of drug and alcohol testing. Any time a CDL is tested in compliance with federal regulations, the testing process should follow federal guidelines. Any time such testing is done outside of safety-sensitive activities – in other words, not subject to federal regulations – the testing may involve more than the federal five-panel of drugs and the collection site should not use the federal chain-of-custody forms. For example, an employer has chosen to use a nine-panel test, and determines that there is reasonable suspicion not in conjunction with a safety sensitive function. A CDL employee may be tested using the nine-panel, just as any other employee may be tested based on the employer's written policy. In all cases where testing is done under federal mandate, the DOT/FMCSA specimen must be used for the five-panel test only. Overall, whenever testing takes place pursuant to federal regulations, the employer should follow the federal guidelines. If testing is done pursuant to the DFWP Program **only**, the employer should follow DFWP requirements.

In addition, employers should be aware that random testing pools can't co-mingle employees covered under federal regulations and those who are not covered. The employer will therefore need to contract to establish separate pools. Requirements associated with the other basic DFWP Program components (i.e., written policy, employee education, supervisor training, employee assistance and, for Level 2 programs, BWC's 10-Step Business Plan) fall under the "broad umbrella approach" and must apply to all employees.

How a CDL Employer Should Approach Developing a Written Policy

The DFWP policy should be written in a way that fully explains the employer's program to all employees. The employer needs to develop a single **generic written policy** which details the requirements under each DFWP Program component that apply to all employees, and should also include a subsection under each program component that details the additional requirements for CDLs subject to DOT/FMCSA regulations. There are additional DOT/FMCSA requirements for CDL employees in terms of employee education, supervisor training, and employee assistance. Within the employer's policy, a section needs to be included under drug and alcohol testing in which the employer clarifies how testing is to occur for all employees other than CDLs, followed by a separate entry that details how testing will occur for CDLs. Again, the broad umbrella of program requirements applies to all employees, except as specified in terms of the testing category.

Other Federal Legal Concerns That Employers Should Be Knowledgeable About:

Family Medical Leave Act of 1993 (for employers with 50 or more employees).
Americans with Disabilities Act of 1990.
Department of Defense's Drug-Free Work Force Rule.
National Labor Relations Act (NLRA).
The United States Constitution (for public sector and governmental employers).
Civil Rights Act of 1991.

State Law Concerns

There are concerns tied to the common law which employers should be aware of. An employer should seek legal review of its written policy to protect against these liabilities, which include torts, such as defamation; infliction of emotional distress; invasion of privacy; negligent testing; false imprisonment, etc. Since it is legal in Ohio for an employer to do drug testing (with some possible restrictions on public employers), the main legal liability issue tends to surround how the testing process is carried out. In addition, there are some exceptions to Ohio's employment-at-will doctrine that employers need to take into account through consultation with legal counsel.

Related Statutes and Decisions Which Can Have an Impact

There are a variety of other areas of concern regarding which employers should consult with legal counsel. These involve other statutes not mentioned above and related court cases, and such issues as access to medical reports by employees and former employees; workers' compensation eligibility; unemployment compensation; Social Host liability; and handicap discrimination.

Labor Considerations in Developing a DFWP Program and Policy

The National Labor Relations Act (NLRA) generally requires private employers whose work forces are represented by unions to bargain with these unions regarding implementation of drug and alcohol policies and testing requirements applicable to current employees. Unless the union has clearly and unmistakably waived its bargaining rights, employers are not free to unilaterally implement drug and alcohol policies and testing requirements for current employees. They must first notify the union and, upon request, bargain with the union to an agreement, or until a good faith impasse. Employers with unions should contact a regional office of the National Labor Relations Board to discuss what it takes before substance testing can be implemented.

While the NLRA does not require employers to bargain with the union over the implementation of pre-employment drug or alcohol testing for job applicants, drug testing is considered a mandatory subject of collective bargaining for both unionized employees and applicants for employment. This right can't be relinquished by the union without a clear and unmistakable waiver. Based on cases cited by the NLRB, employers appear to be obligated to bargain with their unions before implementing a DFWP Program.

Employers should not ignore their employees if they expect to develop a program that will be supported by employees. Thus, the employer should take into account all current collective bargaining agreements and work openly and in good faith with unions and/or line staff employees to show why a DFWP Program makes sense and how it offers protections and benefits. By proactively approaching labor, the employer has the opportunity to create a win-win atmosphere regarding developing this program which benefits all through a safer workplace.

In addition to federal law (NLRA, Taft-Hartley provisions), Ohio H.B. 4117 (The Collective Bargaining Act), requires that there can be no changes in the workplace conditions, discipline practices or benefits without first notifying the union and, upon request, bargaining with the union to an agreement or until a good faith impasse is reached. An employer needs to be aware that prohibiting union employees from passing out literature or wearing T-shirts which protest implementation of random drug testing, and/or threatening employees involved in such conduct with potentially adverse employment consequences have been held to be unlawful under the federal Taft-Hartley Act. By being aware of these legal responsibilities, employers can stay away from areas of contention, and can focus on developing an arena of cooperation.

Labor's Stand on DFWP Program Issues

Labor representatives focus on the safety, health and protection of the rights of their members. The objectives of the Drug-Free Workplace Program include the same concerns. This is why the DFWP Program balances employee protection and concern for employee rights within each program component. The program promotes improved workplace safety for all employees.

Employers may encounter some resistance from labor, particularly with regard to random testing based on the belief that drug and alcohol testing tends to be intrusive and may be used to selectively harass employees. Substance testing can be used in an adversarial way, such as a mechanism to arbitrarily terminate workers. This is not the intent of this DFWP Program, nor will it be condoned. Through time and challenges to this type of practice by certain employers, the law has become clearer through court decisions which have established boundaries guiding employer application of testing. The goal of the DFWP Program is not to harass employees but to provide for a safer work environment through deterring substance use, detecting use and taking appropriate corrective action, including offering assistance. It should be emphasized to union leaders that the DFWP Program is aimed at protecting the rights and safety of the 83 to 85% of employees in the workplace who are not substance users.

Employee Protections

The BWC Drug-Free Workplace Program has taken significant steps to ensure that application of substance testing does not jeopardize the rights of workers, including:

- Involvement of all levels of staff in developing policy and procedures, including union representatives (as applicable).
- Respect for and awareness of collective bargaining agreements.
- Recommending that, for public employers, safety-sensitive positions (the only employees subject to random testing at Level 2 or 3) be discussed with labor prior to being designated in the written DFWP policy.
- Ensuring the overall program (including testing) applies to all levels of employees, including management.
- Requiring that every aspect of the DFWP Program be spelled out clearly and fully in the written policy, thus ensuring that all employers are aware of testing procedures and that issues such as what constitutes refusal to submit to a drug or alcohol test are clarified.
- Using credentialed educators and trainers for employee education and supervisor training to ensure the accuracy of the information, credibility of the educators' and trainers' expertise, and the clear understanding on the part of employees and supervisors of the entire DFWP Program, especially all the procedures related to testing.
- Linking new hire testing to the probationary time period and to the employee becoming a union member. The employer should discuss this logical timing with the union and stay within its allotted 90 days for testing new hires.
- Ensuring that random testing operates under clearly defined mandates including:
 - being done by a third party utilizing a software program that selects randomly from the employee pool using individual employee identifiers (not names).
- Use of Department of Health and Human Services (DHHS)-certified labs, with specified protocols and clearly defined, defensible cut-off levels that protect employee rights.
- The use of EMIT drug screens with the confirmatory GC/MS test to ensure against false results/positives.
- Use of an independent Medical Review Officer to assess test results to determine whether there was a valid reason for a substance to be present in an employee's system.

Other Protections

Over the years, the science of testing and testing-related protocols have undergone extensive scrutiny and challenge. The result is that today's science and systems have precision accuracy and built-in protections for employees. BWC's DFWP Program protects employees through relying upon the precision of today's systems presence testing.

As required in the DFWP Program, an employer must protect employee rights and should protect its own potential legal liability by using labs certified by the federal DHHS. These labs are also referred to as NIDA (National Institute on Drug Abuse)-certified or SAMHSA (Substance Abuse and Mental Health Services Administration)-certified labs. These labs adhere to established protocols that offer the highest protection and security for both employees and employers. By following the DHHS collection procedures and protocols [GC/MS, use of a Medical Review Officer (MRO), chain-of-custody] as well as protocols required by DOT/FMCSA, where applicable, the testing process affords the greatest measure of protections along with the greatest defensibility.

Employers are less likely to create difficulties for themselves or their employees when they build in practices that protect confidentiality of information and conduct testing with full awareness of the legal liability that exists for using testing in an inappropriate way against workers. BWC expects employers to carefully develop their testing programs and to fully explain testing policy and procedures to all employees through developing a written policy that is discussed with all employees.

The Issue of Substance Testing

Employers and union leadership alike may have varying degrees of knowledge as well as a variety of positive and negative experiences when it comes to substance testing. Labor covers many different work settings and organizations, and there is no single labor position on drug-free workplace policies and substance testing programs. In some cases, the governing body of a particular union will prescribe some specific guidelines that must be incorporated for workers' protection. But, for the most part, every employer's situation will be slightly different in terms of the union's response.

Some employers deal with only one local union. Depending upon the working relationship, history, trust and persons involved, it may be easy for the parties to gain agreement on objectives and practices of a drug-free workplace policy and program. Other employers may deal with several union locals. This may cause the negotiations to last longer before reaching an agreement. In other instances, the employer may be one of several signatories of a union local. Perhaps the employer may pull day labor from a union hall.

Each of these situations will create different dynamics and challenges in the process to gain agreement between the parties. It is important to remember that BWC's DFWP Program requires all employees at all levels of a workplace to be involved in the development of the program. Buy in from all levels of the work force is necessary for an effective program to be implemented. The starting place is the development of a written policy, and the dynamic context for coming to basic agreements between the employer and labor is substance testing.

Keys to Gaining Agreement

It helps if all negotiating parties can stay focused upon the safety, health and rights of workers. Care should be given to collaboratively developing precise procedures to assure that employees are protected against embarrassment, breaches of confidentiality, harassment and unfair treatment. All parties should work to develop a system focused on getting employees the help that they need.

Relationships are critical to the negotiating process. It may make more sense to bring in a neutral, third party to explain the impact substance use is having, testing procedures, etc. In offering to provide employee assistance, the employer is offering a benefit of interest for most labor groups. Negotiating a substance-free workplace policy and program may be more effective and protected if the parties negotiate it as a separate issue from the basic contract. If the policy/program stands as a separate policy, it will help to protect either party from revisiting the DFWP Program specifics and operations every two or three years. In this way, the DFWP Program will stand on its own merits and not be a bargaining chip during contract negotiations.

Employers also need to build a plan and a negotiating platform that underlines what's in it for the worker. If the DFWP Program is going to drive down the frequency and severity of accidents and thereby save the employer money, what will that mean to the worker? If employers' costs are less, they may be able to expand their businesses, and create greater job security. They may also have more profits from which to award raises or bonuses. In addition, it's in the union's interest to protect the rights/safety of all employees, including the 83 to 85% who aren't substance users.

It makes sense for an employer to develop a list of benefits that a program can bring to the work force as well as a list that shows how employees' rights are protected, anticipating what might be seen as program negatives. The employer can compare current practices with possible protections, the offer of an employee assistance plan or program, possible guarantees of a referral to assessment upon an employee's first positive test for a Level 1 program, etc. In addition, employers should review any existing collective bargaining agreements that govern the work force, looking for sections on EAP, progressive discipline, grievance, drug and alcohol testing, etc.

If an employer is aware of other local unions or employers who have successfully negotiated a drug-free workplace program, the employer may ask them to share their experience with the company and with the employer's union representatives. Also, the employer might be able to talk with a union representative with whom the employer enjoys a friendly relationship to explain what the company is trying to accomplish with its DFWP Program.

All levels of staff should be involved in developing the written policy. Perhaps the union can get involved even more fully on the task force that develops the particulars of the DFWP Program. This might secure a greater level of "buy-in." Making a concerted effort to keep union leadership informed and involved at every step of the process should bring about a cooperative environment that fosters success for the program. In addition, the task force could bring in an impartial, third party to educate everyone about the different issues to be considered in developing the DFWP Program. This might help to engender a constructive, problem-solving team approach to writing policy and procedures.

Employee Education

In implementing any level Drug-Free Workplace Program, an employer is responsible for developing an employee education component which is intended to provide all employees with information about the DFWP program and how it operates. Employees should be informed about the specifics of the employer's DFWP Program, which should reflect the requirements for the particular program level being implemented.

Prior to implementing its Drug-Free Workplace Program, the employer should hold an initial educational session at which the program is announced and information shared with the entire work force. Since the intent is to communicate the program, each employee should be given a hard copy of the written policy and acknowledge receipt (see Sample Forms section). Since this is the employer explaining its program to its employees, the employer is not required to involve a credentialed substance use expert although the employer may choose to do so.

Employee awareness education is a critical part of the Drug-Free Workplace Program. It stresses management's commitment to the program and ensures that all employees are informed about the DFWP Program, especially about the content of the written policy itself, the responsibilities of the employer and all employees, the consequences of violating the policy and who to turn to for further answers or to express concerns. The role and responsibilities of the DFWP Program Administrator should be shared at the first employee education session.

During the initial employee education session and any subsequent session(s), it's important to explain clearly and completely how the program will operate; employees should learn about their role in supporting the program. Employees should come away with an understanding regarding the education and training required to have a successful program, and they should receive information regarding the conditions under which testing will occur.

Employee education is a good time to reassure employees about the intent of the program and to win their buy-in and support. Employees need to hear from management that this program is primarily to improve safety and that it applies to all employees from the chief executive officer to line staff. This is where it really helps to have used a task force involving all levels of employees to develop program recommendations. At employee education sessions, employees need to be able to get their questions answered, and they need to feel that time and attention is set aside to respond to their concerns. Listening and responding to concerns may help avoid a possible negative reaction where employees perceive the program as an intrusion or inconvenience rather than a possible benefit to the work force.

Employee Education Program Requirements

To receive a discount for implementing and operating a Level 1 DFWP Program, an employer must meet the following employee education requirements and must certify that it has implemented these requirements by the applicable dates:

- Provide at least two hours of education initially for all employees, and annually thereafter for each year the employer operates a DFWP program. Typically, the first hour or so of employee education would be used to announce the program and the implementation date.
- Ensure that new employees receive their education within first 4 weeks of employment, if at all possible; this can be done through explaining the DFWP Program to new employees.

- Inform employees about content of the DFWP program and discuss the policy, distribute hard copy of policy and obtain signed acknowledgment of receipt from each employee.
- Include information regarding the basics about alcohol and drugs, including the disease model; signs and symptoms associated with substance use, and the effects and dangers of commonly used drugs on the workplace.
- Share a list of helping resources in community that employees can turn to for themselves or their families and include information about how to access company-provided helping services.
- Be presented in one or more sessions.
- Other than the explanation of the employer's program, be presented by a qualified educator, or a person supervised by a qualified educator, defined as holding one of the following substance use credentials:
 - Substance Abuse Professional (SAP).
 - Certified Employee Assistance Professional (CEAP).
 - Certified Chemical Dependency Counselor (CCDCIII).
 - Ohio Certified Prevention Specialist (OCPS) 1 and 2.
- To have their services utilized by DFWP employers, employee education vendors/providers are expected to themselves have a BWC-approved DFWP Program as of January 1, 2000.

Level Specific Requirements

Employers approved for a Level 2 or Level 3 program are required to meet all of the Level 1 employee education requirements. The content of the employee education sessions is where the distinction is made by program level since the employer's written policy must reflect its Level 2 or Level 3 program. Thus, the content of the employee education program for a Level 2 or Level 3 employer should be tailored to reflect the additional program requirements (random testing, upgraded employee assistance, appropriate steps of the 10-Step Business Plan).

Reporting and Documentation Requirements

Once an employer's DFWP Program has been implemented, there are various reporting requirements to be followed. In addition, an employer is expected to maintain specified information/documents on site at its workplace for purposes of BWC review. With regard to employee education, the employer is required to report its progress as well as to maintain various statistical and other documents. These requirements also are covered in the Recordkeeping and Reporting section.

The employer is to include the following information in its progress report:

- Summary of activities related to employee education.
- Planned improvements in employee education for next program year.
- Brief course description of topics covered under employee education.
- Number of employees educated.
- Names and phone numbers of educators who conducted sessions.

In addition, the employer is to maintain at its workplace:

- Copy of written policy (which describes the employee education program).
- The names, qualifications and credentials of educators or of person(s) supervising the persons conducting these sessions.
- Original attendance sheets signed by each attending employee at each education session.

Recommended Approach to Implementing Employee Education

There are two basic stages to establish a drug-free workplace program. In the first phase, the employer develops a written policy that articulates every element of the program. Employee education generally falls within the first phase. The second phase involves program roll-out and on-going implementation, and this is where vendors can assist the employer.

Phase One steps include:

- Determining general content to cover in employee education sessions.
- Identifying and contracting with qualified educators to help design the curriculum and educational awareness materials.
- Developing a plan to ensure all new employees are educated.
- Selecting the DFWP program implementation date and the date for the first employee education session.
- Establishing a routine mechanism to ensure that all new hires receive the hard copy of the policy and the education, as well as sign and turn in an acknowledgment of receipt form.

Phase Two steps include:

- Administering the employee education program and informing/educating employees about the policy, program, issues and available resources.
- Arranging to obtain and maintain education session rosters.
- Maintaining a summary of topics covered in education sessions.
- Obtaining and maintaining signatures showing receipt of the written DFWP policy for all employees.
- Maintaining a process that ensures all new hires receive the policy, attend education sessions and sign and turn in acknowledgment of receipt of policy.

Employee Education Sessions

An employer should first to determine the specifications of its DFWP Program, which is then translated as content of its employee education program. The details of the written policy, program documents/forms and operating guidelines are shared with all employees. If the employer has contracted with a qualified educator, the employer may choose to involve this person in developing part of the training content of the initial session as well as the session(s) on substance use.

BWC recommends that the employer first meet with supervisors to describe the DFWP Program and the critical role they will play in the success of the program. This can count towards the four hours of supervisor training. If supervisors are informed about their DFWP role prior to the time that employees hear about the program, this can promote their credibility and they can answer employee questions as they arise. Supervisors can attend the first employee education session and then bring the knowledge of the questions and concerns raised by the employees to their skill-building training sessions. Much of the information of the employee education session is basic and includes some historical background. If supervisors have this information before their training session, more time can be spent on the supervisor's role/skill building during their training.

At the initial education session, where the DFWP Program is first announced, employees may challenge management and point out anything that has been left undecided, is unclear or is not addressed in the written policy. This is not likely to be detrimental if the program is presented in a comfortable, open setting with pre-determined answers for anticipated questions and concerns.

At this first session, the employer has the opportunity to demonstrate to employees that the DFWP Program was implemented for everyone's benefit, including the protection of the company's business. Whenever the qualified educator (or person supervised by the qualified educator) is involved, this person needs to be armed with the answers to both informational questions about substance use and operational questions about how the program is to be implemented. The DFWP Program Administrator can share this responsibility by handling the operational procedure questions. In any case, those involved in the initial education session need to be ready for potentially strong reactions, interactions, and even possible sharing of a personal problem by an employee.

Suggested Logistics

Logistics of educational sessions can affect the tone of a meeting and the outcome. For example, ideally, employees should be paid for the time spent in the employee education sessions, which can be made an integral part of a work day and can be tied-in to other events, such as safety awards. The employer may choose to serve refreshments or even have door prizes, not to downplay the importance of the educational sessions, but to create a positive flavor and tone for the presentation of the Drug-Free Workplace Program.

The employer needs to demonstrate management's commitment to the program, and one way to do this is to make a real effort to educate everyone about the content of the written policy. The very first educational session is critical and can make or break the morale surrounding this new program. It is worth thinking through carefully how to ensure that the session results in a quality exchange with employees. The employer might choose to involve the vendor in assisting in linking the substance use information to be shared later with the presentation of the employer's program.

The first employee education session for employees is to begin before the DFWP Program is implemented. Ideally, it should be conducted at least 30 to 60 days before the implementation of drug testing to give employees fair notice and allow them to self-refer or clean up their acts. New employees are to attend at least a one hour education session about the DFWP Program within their first month of employment with information on substance use offered as soon as possible.

As previously noted, the employer needs to provide a minimum of two hours of employee education annually for all employees, including management and supervisors. These two-hour annual sessions should be developed on content rather than just attempting to meet the two-hour requirement. Ideally, the first session would also include information for employees about:

- The major problem represented by substance use in the workplace.
- What constitutes substance use and misuse as defined in the employer's written policy.
- The disease model for alcohol and other drugs.
- The signs and symptoms of substance use.
- The effects of commonly used drugs in the workplace.
- What the consequences are for violating the policy.
- What assistance (community resources) employees can receive if they or their family members have a substance use problem.

Additional/later sessions can include information about assistance/resources the employer is providing and how to access these helping resources. Alternatively, all of the information can be covered in one session. Options will vary and may depend on the company's production demands or other operational considerations.

Supervisor Training

In implementing its Drug-Free Workplace Program, an employer is responsible for developing a supervisor training component, designed to provide skill building for all supervisors in terms of their responsibilities for supporting the DFWP Program. Supervisors need to be trained about the impact of alcohol and drugs on the workplace; their responsibilities in relationship to the DFWP Program, policy and procedures; how to recognize, document and confront a possible substance use problem; and how to initiate reasonable suspicion testing. They also need to know how to refer an employee to available resources; how to follow up with employees re-entering the work setting after a positive drug test; and how to handle DFWP Program responsibilities in a manner that is consistent with the applicable parts of any current collective bargaining agreements.

Supervisors are the link to the employer's work force and they are the key to successful implementation of the Drug-Free Workplace policy and program. Not only will poor training (or the lack of training) decrease the chances that the policy will be implemented appropriately, having untrained or under-trained supervisors could also jeopardize an employer's legal protections.

At a level between employees and upper management, direct supervisors face a challenging role. They serve as the eyes, voice and arm of management, yet they may be accustomed to socially imbibing with other employees, including those whom they supervise. The employer and the trainer must help supervisors become comfortable with a safety-on-the-job focus for the DFWP Program. It is critical to show supervisors that they have the backing of the employer for doing what is right in administering the program and that they will not be left hanging out there alone. Supervisors need to know that their DFWP Program responsibilities are considered an important part of their overall supervisory duties, and the employer's expectations should be made clear.

Supervisor Training Program Requirements

To receive a discount for implementing and operating a Level 1 DFWP Program, an employer must meet supervisor training requirements and ensure that:

- All supervisors receive at least four hours of initial skill-building and information-sharing sessions.
- In subsequent years, supervisors who have already received four hours of initial training receive two hours of refresher training.
- New supervisors receive four hours of initial training, with at least two hours of training occurring within six weeks of a current employee becoming a supervisor or from the date of hire of a supervisor.
- Supervisor training is in addition to the annual two hours of employee education.
- The training be presented by a qualified trainer, or by a person who is supervised by a qualified trainer, holding one of the following substance use credentials:
 - SAP
 - CEAP
 - CCDCIII
 - OCPS 1 and 2
- To have their services utilized by DFWP employers, supervisor training vendors/providers are expected to themselves have a BWC-approved DFWP Program.

Level 2 and Level 3 Requirements

Employers with a Level 2 or Level 3 program are required to meet the same supervisor training requirements as for Level 1. The only differences are that, for a Level 2 or Level 3 program, supervisors will need to receive additional training in terms of how random testing is administered, the differences in employee assistance referrals for assessment and/or treatment, and the employer's implementation of the Bureau's 10-Step Business Plan.

Reporting and Documentation Requirements

Once the employer's DFWP Program has been implemented, there are various reporting requirements that an employer must follow. In addition, an employer is expected to maintain specified information/documents at its workplace for purposes of BWC review. The employer is required to report its progress in terms of supervisor training as well as to maintain various statistics and other documents. These requirements are also covered in the Recordkeeping and Reporting section.

The employer is to include the following information in its progress report:

- Summary of activities related to supervisor training.
- Planned improvements in supervisor training for the following program year.
- Brief course description of topics covered under supervisor training.
- Number of supervisors trained.
- Names and phone numbers of trainers who conducted sessions.

In addition, the employer is to maintain at its workplace:

- Copy of written policy describing supervisor training program.
- The names, qualifications and credentials of trainers or of person(s) supervising the persons conducting these training sessions.
- Original attendance sheets signed by each attending supervisor at each training session.

Recommended Approach to Implementing Supervisor Training

As previously noted, the DFWP Program planning process has two basic stages. In the first phase, the employer develops its descriptive written policy, and the second phase involves implementation. Developing a general approach to supervisor training falls within the first phase whereas the second phase involves implementing supervisor training.

In the **first phase**, the employer should:

- Determine general content to cover in supervisor training sessions.
- Identify and contract with qualified trainers.
- Plan the content of refresher training for supervisors who have received the initial training.
- Select a DFWP program implementation date and the date for the first training session, determining whether to do any supervisor training regarding the program prior to meeting with all employees to announce the program.
- Establish a routine mechanism to ensure that all new supervisors receive the required hours of supervisor training within appropriate time frames.

In the **second phase**, the employer should:

- Administer the supervisor training program.
- Arrange to obtain and maintain supervisor training attendance rosters.
- Maintain a summary of topics covered in training sessions.
- Ensure that new supervisors timely receive the required training.

Content of Training

As the employer considers the basic content of its supervisor training, it should recognize that the following topics are critical focal points that cover supervisory responsibilities in relationship to the employer's DFWP Program:

- How to recognize a possible alcohol/drug problem.
- How to document behaviors that demonstrate an alcohol/drug problem.
- How to confront employees with the problem from observed behaviors.
- How to initiate reasonable suspicion and post-accident testing.
- How to handle the procedures associated with random testing (Level 2 and Level 3).
- How to make an appropriate referral for assessment or assistance.
- How to follow up with employees returning to work after a positive drug test.
- How to handle DFWP Program responsibilities in a manner that is consistent with the applicable sections of any pertinent collective bargaining agreements.

Supervisor Training Sessions

Even with the most clear and comprehensive DFWP policy, supervisors still need to be challenged regarding their roles and responsibilities in implementation of the DFWP Program. Some supervisors may be hesitant to address alcohol or other drug issues, while others may resent having to do so. Still others may feel overly aggressive or overly confident about determining reasonable suspicion. None of these approaches is particularly helpful in leading toward objective handling of situations that may occur. Effective supervisor training can address all of these issues and increase the skill level of supervisors, even beyond the DFWP Program, since these are skills (recognition/observation, documentation, confrontation, referral, etc.) that tend to be universal skills for supervisors.

The employer needs to consider whether supervisors should receive their initial training before or after all employees attend the employee education sessions. If the employer thinks that employees will direct a lot of questions or concerns to their supervisors after their initial education session at which the DFWP Program is presented, then it might make sense to train supervisors ahead of time so they will be better informed and able to answer the questions. If the employer wants to maximize its training time, supervisors can receive initial information about the DFWP Program in the first employee education session and can later supplement this with their own training about how to carry out their responsibilities within the policy. Regardless, the employer should be certain that supervisors receive the information outlined for both education and training sessions. Whatever the order of education/training, the employer should consider giving supervisors a copy of the policy and procedures several days prior to their training. Supervisors need to review these documents prior to training and to bring forward any questions or concerns they might have.

If supervisor training occurs after employee education where a lot of program basics are discussed with the supervisors also present, a greater amount of time in the supervisor training can be spent in supervisory skill building activities. In any case, supervisors are also expected to attend employee education sessions to continue to learn about substance use in the workplace and to hear the concerns raised by employees at the employee education sessions.

Suggested Logistics

Making the time for supervisor training is critical for employers, and the logistics and approach for this training may be more challenging than those for employee education. Supervisors not only need to learn the basics of the DFWP Program, they also need to be motivated and armed with practiced skills. This involves spending time with supervisors during each session to build their understandings and buy in, offering individual attention, and having a skilled, experienced trainer.

The amount of time to dedicate for each session may vary, but each should be at least two hours. There should be a speaker/trainer, utilizing small group exercises and discussion, with appropriate films on the topic or topics to be covered. Sessions should be limited to 15 staff, if possible, and the training site should be large enough to comfortably accommodate the number of supervisors; an off-site location may have some advantages. There should be tables to write on and ample space for the supervisors to work in small groups. Copies of the policy, procedures, selected educational materials, an agenda and an evaluation form should be made available to participants. Food or other incentives can enhance the session and create a positive atmosphere for learning.

Ideally, because the objective of supervisor training is to build and practice skills (e.g., recognition, documentation, confrontation, etc.), there should be fewer participants per session than the employer might prefer (from a cost standpoint). Fewer numbers allow for more participant involvement and interaction. The trainer should use small group exercises and/or role-play activities with the supervisors. Supervisors will be more effective in using their newly gained skills in preventing accidents if they have received training in which they walk through the procedures. The trainer should bring forth real-life examples and exceptions to the rules and procedures. Supervisors should be able to expand their base knowledge about the issues involved, such as the impact of alcohol and drugs, drug testing, treatment, employee assistance. They should be made to confront their own attitudes about the policy and problem. They should come to see that these new tools can be used to prevent accidents and losses. Video-tapes can be used to supplement training.

Training Objectives

Upon completion of the initial supervisor training, supervisors should:

- Understand the specific elements of the DFWP policy and procedures, and the program as a whole.
- Understand their roles and responsibilities in implementing the DFWP Program.
- Be aware of the role that their attitudes play in policy implementation.
- Be aware of the supervisor skills that are critical to policy implementation (e.g., recognition, documentation, confrontation, etc.).
- Understand the process of referring an employee to drug/alcohol testing based on reasonable suspicion or post-accident.

For employers with Level 2 or Level 3 programs, supervisors will need to be trained additionally in their responsibilities in the administration of random testing. There are real challenges that need to be supported by training exercises and development/sharing of clear procedures associated with the timing and notification for employees who are randomly selected to be sent for testing. There are also important confidentiality concerns to be dealt with where an employee's test comes back positive, so training also needs to focus on this issue.

As noted, supervisors are the key within the workplace to recognizing if an employee needs help. Supervisors are also very likely to use emotional defenses to avoid dealing with potential alcohol or drug problems. Here are some helpful pointers for supervisors:

1. Recognize that enabling behaviors are occurring and explore the issues behind those behaviors (see Background section on Substance Use, and More About Substance Use section)

What is it that causes a supervisor to ignore the issues or to not allow the employee to experience the negative consequences of his/her use?

2. Become educated on the issues of alcoholism and drug addiction.

Understand the signs and symptoms, the progression and the overall dynamics of the disease. Without this knowledge, people will make assumptions about employees experiencing substance use problems, including alcoholism/addiction and their “situations” that may not be true.

3. Become well informed about the employer’s guidelines for dealing with substance use issues.

Don't forget collective bargaining agreements, agency/business policies and procedures, and state/federal governing bodies. Be aware of *legal* responsibilities.

4. If in doubt about how to proceed, consult with an appropriate staff person.

Remember that these are very sensitive issues that should only be discussed with certain, designated persons.

5. Give the situation time.

It is much more natural to enable than to let someone experience negative consequences of their behaviors. It takes practice to become part of a process to help another person get healthy.

6. Avoid confronting possible users or drug traffickers in a one-on-one situation.

Employees in general, and supervisors and managers in particular, should be instructed not to attempt to take action alone against someone suspected of dealing or using drugs, since to do so may be physically dangerous. In addition, there is substantial value in having reliable witnesses, especially in case of a legal challenge.

The Importance of On-Going Training

Hopefully, employers will not need to use reasonable suspicion or post-accident testing frequently. In all likelihood, this part of an employer’s policy may be dormant for some time. For this reason, supervisors need to receive on-going refresher training, especially in terms of referring someone to reasonable suspicion or post-accident testing. The employer should seize every opportunity to “arm” its supervisors with the knowledge and skills they will need to effectively implement the DFWP policy, and they should be sure there is a plan in place to train new supervisors. An employer’s supervisors are always key players. Preparing them for the challenging task of handling the substance-abusing employee through sound, effective and comprehensive training makes sense. In the “Sample Forms” section of this manual, there are some checklists that may be helpful to supervisors in identifying behaviors that need attention and might result in the need for a reasonable suspicion test.

Drug and Alcohol Testing

The heart of every Drug-Free Workplace Program is drug and alcohol testing. In implementing any level of the BWC DFWP Program, an employer is responsible for developing testing that is intended to detect and deter substance use in the workplace. The employer's written DFWP policy must clearly spell out all aspects of how drug and alcohol testing will be conducted, sharing the meaning of having specified cut-off levels for each tested drug and alcohol, and the procedures or protocols, such as chain-of-custody that define the testing process. Securing support from all levels of employees is important, and employers are encouraged to involve their employees in helping to develop and offer input into the written DFWP policy, which includes the testing policy and related procedures. For all program levels, the employer is required to pay the costs of testing, if receiving a DFWP Program discount from BWC. Only if an employee requests a re-test should the cost be charged to the employee (and only if the test result is again positive).

An employer must develop and adopt detailed procedures for every aspect of the testing process, and there are numerous decisions to be made, such as who will be tested, what drugs will be tested for, at what cut-off levels, under what protocols, conducted by what laboratory, etc. The DFWP Program makes some decisions for an employer, such as requiring a 5-panel drug test with the five drugs specified. However, an employer is free to exceed the minimum program level requirements in its testing program by testing for additional drugs, and there are numerous other decisions to be made. Legal counsel should be consulted throughout the developmental process, especially as to cut-off levels for drug and alcohol testing and operational procedures associated with testing.

Drug and Alcohol Testing Program Requirements

The forms of testing to be used for the DFWP Program will be urinalysis [EMIT screen, also referred to as drug screen, plus a Gas Chromatography/Mass Spectrometry (GC/MS) confirmatory test] for a panel of 5 drugs, and breath or saliva with a confirmatory Evidentiary Breath Test (EBT) for alcohol. To ensure the integrity of testing and for the protection of employees, participating employers must adopt the procedures and chain-of-custody guidelines recommended by the DHHS and required by the DOT/FMCSA.

Employers are responsible for ensuring that DHHS-certified laboratories process the test results and that a qualified Medical Review Officer (MRO) is responsible for evaluating test results. These assurances serve as a protection for both the employer and employees. The drug/alcohol testing used in the DFWP Program is also known as systems presence testing, which is the only scientific, objective evidence that a certain level of substance exists within an employee's system.

To receive a discount for implementing and operating a DFWP Program at any level, an employer is required to fully implement, at a minimum, the following drug and alcohol testing requirements by the applicable dates:

1) Put into place a testing program that includes a minimum of these four categories of testing:

- Pre-employment and/or new hire.
- Reasonable suspicion.
- Post accident.
- Follow-up to assessment or treatment testing.

2) Develop and maintain a written policy that clearly states all the protections being put into place to ensure integrity and accuracy of the testing process:

- Clearly spell out cut-off levels for every drug tested and for alcohol.
- Use DHHS-certified labs, protocols, collection and chain-of-custody procedures.
- Establish re-testing process for an employee to appeal a test result.
- Full details of the testing process.

3) Develop and adopt:

- Procedures to follow for sending a person to be tested.
- Practices for bringing tested employees back to work.
- Rules about compensation for time spent awaiting test results.
- Documentation guidelines.
- Guidelines for security of records and confidentiality assurances.

4) Train supervisors regarding their responsibilities related to various types of testing prior to implementation of testing.

5) Pay for the cost of the tests (except for re-testing requested by an employee where the testing reaffirms a positive result; split specimen testing is mandated to allow reasonable re-testing).

6) Maintain aggregate drug/alcohol testing records and provide BWC with requested testing information on the ***Progress Report***, and maintain specified information and documents associated with drug/alcohol testing on site for BWC audit purposes (see section entitled Record-Keeping and Recording Requirements.)

As noted above, for all program levels, the employer is required to do four categories of testing, each of which is described in the Drug/Alcohol Testing Requirements chart on pages 48 - 49, along with the required percentages of employees to be tested, where applicable.

Level 2 and Level 3 Requirements

Employers with a Level 2 or Level 3 program are required to meet the testing requirements associated with each of the four testing categories. In addition, employers with a Level 2 program must include random drug testing of 10 percent of the employer's total (average annual) work force over the course of the program year. For public employers, **random drug testing** applies only to a designated safety-sensitive position or function (see Definition of Terms from the DFWP Program Rule in the back of this manual), as delineated by the employer in its written policy.

Supervisors will need to receive additional training in terms of how random testing is to be administered, and all employees will need to be educated about how this testing will be implemented and the protections that are in place to ensure the process is appropriate.

An employer with a Level 3 program must include random drug testing of 25% of the employer's total (average annual) work force over the course of the program year. For public employers, random drug testing again applies only to safety-sensitive positions or functions, as defined by the employer in its DFWP policy and the DFWP rule.

To have their services utilized by DFWP employers, drug and alcohol testing vendors/providers should themselves have a BWC-approved DFWP Program.

Drug and Alcohol Testing Requirements for DFWP Program

Type of Test Required	Explanation
<p>Pre-employment (Drug test only)</p> <p>and/or</p>	<p>Required within so many hours (defined by employer) after a conditional offer of employment and before the employee begins any work activity with the employer.</p> <p>and/or</p>
<p>New hire evaluation (Drug test only)</p> <p>100 percent of employees will have been tested through either pre-employment <u>or</u> new hire testing within the first 90 days of employment.</p>	<p>May be done as unannounced test that occurs at any time during an employee's designated probation period, not to exceed 90 days.</p>
<p>Reasonable suspicion (Drug and/or alcohol test)</p> <p>Reasonable suspicion testing will be based on documentation and concurrence among the trained observing supervisor and a second trained supervisor, wherever possible.</p>	<p>Required when there is evidence that an employee is using drugs or alcohol in violation of the company's DFWP policy, drawn from specific, objective facts and reasonable inferences drawn from these facts in light of experience and training. Such facts and inferences may be based on, but are not limited to, any of the following:</p> <ul style="list-style-type: none"> a) Observable phenomena, such as direct observation of drug or alcohol use, possession or distribution, or the physical symptoms of being under the influence of drugs or alcohol, such as but not limited to slurred speech, dilated pupils, odor of alcohol or marijuana, changes in affect, dynamic mood swings, etc. b) A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance (e.g., frequent absenteeism, excessive tardiness, recurrent accidents) which appears to be related to substance use and does not appear to be attributable to other factors. c) The identification of an employee as the focus of a criminal investigation into unauthorized drug possession, use, or trafficking. d) A report of alcohol or other drug use provided by a reliable and credible source. e) Repeated or flagrant violations of the company's safety or work rules, which are determined by a supervisor to pose a substantial risk of physical injury or property damage and which appear to be related to substance use or substance use that may violate the employer's DFWP policy, and do not appear attributable to other factors.

Type of Test Required	Explanation
<p>Post-accident (Drug and alcohol test)</p> <p>All employees who may have caused or contributed to an on-the-job accident, as defined in this rule, shall submit to a drug or alcohol test.</p> <p>This test will be administered as soon as possible after necessary medical attention is received, or within eight hours for alcohol and within 32 hours for other drugs.</p>	<p>Required immediately following an on-the-job accident, as defined by Rule 4123-17-58.</p> <p>Accident means an unplanned, unexpected, or unintended event which occurs on the employer's property, during the conduct of the employer's business, or during working hours, or which involves employer-supplied motor vehicles or motor vehicles used in conducting the employer's business, or within the scope of employment, and which results in any of the following:</p> <ul style="list-style-type: none"> (a) A fatality of anyone involved in the accident. (b) Bodily injury requiring off-site medical attention away from the employer's place of employment. (c) Vehicular damage in apparent excess of a dollar amount stipulated in the employer's DFWP policy, or (d) Non-vehicular damage in apparent excess of a dollar amount stipulated in the employer's DFWP policy. <p>As used in this rule, accident does not have the same meaning as provided in Division (C) of section 4123.01 of the Revised Code, and the definition of this rule is not intended to modify the definition of a compensable injury under the workers' compensation law. Also, this definition of accident does not match the one used by DOT/FMCSA.</p>
<p>Random (Drug Test only) 10 percent of total work force required for Level 2 DFWP. 25 percent of total work force required for Level 3 DFWP. Only safety sensitive positions are required to be tested for eligible public employers.</p>	<p>An unannounced test that occurs at a pre-determined frequency among randomly selected employees.</p> <p>Equal probability of selection each time testing occurs.</p> <p>Unannounced test of <u>all</u> employees, or all those in a classified group (e.g., safety sensitive, etc.). (see definition of Random Selection in Appendix)</p>
<p>Follow-up to treatment or assessment (Drug and/or alcohol test: negotiated with input by the clinician)</p> <p>A minimum (no set maximum) of four tests in first year from date of return-to- duty. Maximum number of tests after first year determined with clinician.</p>	<p>Unannounced testing that occurs when an employee who has been referred to assessment/treatment for substance use returns to work.</p> <p>Occurs during treatment and/or for a period of time following treatment.</p> <p>The first follow-up test will serve as a "return-to-duty" test and occurs before the employee resumes work activities and following a leave associated with a policy violation.</p>

Further Information about the Various Testing Categories

The application of **pre-employment** and/or **new hire** drug testing means that an employer may do one form of testing or the other or, if circumstances warrant, both. The primary distinction is whether the employee has started actually working for the employer. In either case, 100 percent testing is required but, if new hire testing is used with temporary employees, for example, some may not be around to be tested. The employer is making a serious business decision in doing new hire testing since the temporary employee may cause an accident that would have been prevented by a pre-employment test. Nevertheless, this is an employer's business decision. Again, an employer might choose to do either form of testing, and could do both, as long as 100 percent of employees to be hired or newly hired are tested. Where a union contract specifies a probationary period of less than 90 days, the employer using new hire testing should ensure that testing occurs before the probationary period ends, or before the employee officially becomes a union member, when practical. Otherwise, the employer has up to 90 days to complete this testing.

Reasonable suspicion drug or alcohol testing has its own special challenges, especially associated with the quality of training of supervisors to handle the observations, possible confrontations, documentation and communication when certain employee behaviors occur that suggest possible use/misuse of substances in violation of the employer's written policy. For a reasonable suspicion test to be administered, a second supervisor or trained management staff should concur (where possible) with the recommendation of the observing supervisor. This requirement is intended to ensure that reasonable suspicion testing occurs in a clearly spelled out manner, with protections for employees and the employer. Reasonable suspicion testing is considered "for cause" testing. Possible alcohol use in violation of the employer's written policy is most frequently identified through reasonable suspicion testing. This is why the DFWP Program doesn't require random alcohol testing.

Post-accident drug or alcohol testing is administered to all employees who may have caused or contributed to an on-the-job accident (see definition of "accident" in section on DFWP Program terms in the back of this manual and/or chart on page 49). The timing of the testing is important, as noted in the chart. Post-accident testing also is linked directly to BWC's claims determination process where a positive test result related to the person filing the workers' compensation claim is typically communicated to BWC by the employer for use in determining the claims. BWC is requesting that information be reported by the employer on the ***Progress Report***.

Random drug testing is not required at Level 1, but an employer is free to exceed the minimum requirements and include this form of testing. Many substance use experts consider random testing to be the most effective form of testing with the greatest deterrent capacity. All employees, from the company owner or CEO to line staff, are to be put into the random testing pool from which there is equal probability of selection each time the testing occurs. It should be noted that the random selection pool for the DFWP Program is separate from any DOT/FMCSA pool for random testing.

The key characteristics of random testing are that it is as completely a neutral and impartial process as possible, that there is equal probability of selection for each employee each time the testing occurs, that it is based on objective, non-discretionary computer software operated and maintained by an outside contractor, and that employees stay in the selection pool, even if previously selected for testing. Names of employees are not included in the database, merely some indicator such as employee number.

It is critical to educate the entire work force regarding how random testing works, especially since it is frequently misunderstood and/or mistrusted. As the above information indicates, BWC put substantial effort into ensuring employee protections so random testing would not be used against specific individuals for harassment or other inappropriate purposes. BWC expects employers to administer random testing in the spirit of the process described above and employers who violate the above testing provisions may be disqualified from the discount program.

Follow-up drug or alcohol testing involves a follow-up from assessment and/or treatment for any employee who has had a positive test and returns to work, or who self refers for an assessment and/or treatment. It begins with a return-to-duty test as first in a series of at least four tests over the period of a year from employee's return to work. There is a minimum of four tests (no set maximum) for the first year after an employee's return to work. The maximum number of tests after the first year is determined with input from the clinician assessing/treating the employee.

Government-required drug and alcohol testing – while not mandated by the DFWP Program – needs to be taken into account. This includes testing required by the U.S. Department of Transportation (DOT)/Federal Motor Carrier Safety Administration (FMCSA) and other regulatory branches of the DOT (Federal Aviation Administration, Federal Railroad Administration, Federal Transit Administration, Research and Special Programs Administration (includes Office of Pipeline Safety) and United States Coast Guard. How to conduct testing that is subject to the regulatory authority of one or more of the above agencies is addressed in the Written Policy section.

Overall, the testing described above is intended to detect and deter substance use that affects the workplace and, through corrective action, to create a safer work environment for all employees.

Important Note

Employers with a Level 1 program are not prohibited from terminating the employment of an employee based on a first positive test. They are, however, encouraged to look carefully to determine whether the employee could be rehabilitated and to avoid losing their investment in a valued human resource. As long as the employer clearly spells out the options for dealing with an employee who tests positive and consistently applies its own written policy, the employer should be free to differentiate among employees based upon length and quality of service, etc. Thus, the employer may choose to administer discipline to a long-term employee while terminating the employment of someone who has been with the company for a short time. The key is to fully articulate the employer's position in the written policy to ensure that the entire work force clearly understands the rules and they are administered consistently.

For Level 2 or Level 3 DFWP Programs, employers may not terminate an employee on a first positive drug or alcohol test unless the employer specifically establishes this in its written policy. At Level 2 and Level 3, unless otherwise specified in policy, the employer must refer the first-time positive employee for an assessment and/or follow-up treatment, as appropriate. Again, in the spirit of rehabilitation, the employer is required to initially offer the employee help/assistance and do everything possible to retain a valued human resource while aiding families and communities in dealing with substance use. However, after the employer affords the employee a second chance, there is no further requirement as to discipline/consequences regarding subsequent positive test results.

Reporting and Documentation Requirements

Once the employer's DFWP Program has been implemented, there are various reporting requirements that an employer must follow. In addition, an employer is expected to maintain various information/documents at its workplace for purposes of BWC review. The employer is required to report its progress in terms of drug and alcohol testing as well as to maintain various statistics and other documents. These requirements are also described in the section that follows on Recordkeeping and Reporting.

The employer is to include the following information on its *Certification of Implementation* form:

- The date drug and alcohol testing **in compliance with BWC's DFWP Program** began. This date is not to reflect previous testing and cannot be a date that is before the implementation date of the employer's DFWP Program.

On its annual *Progress Report*, the employer is to include:

- A summary of activities related to drug and alcohol testing.
- Planned improvements for the next program year (related to drug/alcohol testing).
- Drug and alcohol testing statistics to help BWC evaluate effectiveness of the various categories of testing (see *Progress Report* at end of Recordkeeping and Reporting section).

Recommended Approach to Implementing Drug and Alcohol Testing

The DFWP Program planning process has two basic stages. Developing a general approach to drug and alcohol testing falls within the first phase. The second phase involves program rollout and on-going implementation. The employer should:

- Plan how to present the purpose of testing and the process of testing to employees at the initial employee education session, and plan to announce the date testing will commence.
- Plan how to present this information to supervisors at the first supervisor training session along with a discussion of the supervisor's role in the testing process.
- Determine particular skill-building approach for supervisors, linked to the testing part of the employer's DFWP Program.
- Identify and contract with a collection site, qualified MRO and certified-DHHS lab.
- Administer the testing program, assigning lead responsibility to the DFWP Program administrator.
- Establish confidentiality guidelines, especially for record keeping and reporting of test results.
- Ensure the company's legal counsel reviews every aspect of the drug and alcohol testing policy and procedures.
- **Include split specimen as a standard collection procedure to allow accurate re-testing, when required. Split specimen testing allows appropriate re-testing. There is no good reason not to contract for this service, which is available at no additional cost, and BWC requires such testing as an employee protection.**

There are many decisions an employer must make before the first employee is tested. It is critical that the employer take the time to establish a solid foundation for its testing program. An employer should not forget that testing may be considered by some employees to be a form of search and seizure and that there are sensibilities that need to be observed in developing the testing program to attempt to ensure support from the work force. Legal counsel can offer guidance on this issue.

The employer needs to become well versed in drug and alcohol testing to avoid possible pitfalls and establish an efficient/effective testing program. The information about testing in this manual is a good start. In addition, an employer can become knowledgeable about testing by having labs explain their services and why the employer should contract with them. The employer's occupational health provider is another resource, and an employer might ask its selected managed care organization (MCO) for assistance. The employer is well advised to work with its DFWP Program task force to think through every conceivable scenario about testing an employee. All of the information obtained through this research and learning process can be used to build procedures to accommodate the specific testing program. The employer also should establish back-up systems in case something unusual occurs in the testing process. It helps to know in advance whom to call for assistance or advice.

There are several dynamic challenges for the employer beginning employee drug and alcohol testing. They include:

- Negotiating the lowest testing price with no hidden costs and staying on top of billing.
- Controlling the confidential receipt of test results and maintaining confidentiality.
- Establishing and maintaining return-to-work policy when an employee is tested for cause.
- Assuring that testing occurs consistently and fairly, including:
 - Follow-up to testing/assessment, including initial return to duty.
 - Remembering to do pre-employment testing before an employee starts work as well as new hire testing within the probationary period or 90 days (whichever occurs earlier).
 - Doing post-accident testing even when there is no reasonable suspicion.
 - Not being tempted to call it a random test when it's really a reasonable suspicion test.
- Identifying that there may be the occasional situation that makes a test difficult such as that involving situations where the Medical Review Officer may need to offer guidance on whether a test is possible such as where an employee has emphysema (unable to give a breath sample) or "shy bladder" or complicated medical condition that may make it difficult to procure a urine specimen. In such situations, the employer should document the reason that a test was not conducted, including information from the MRO evaluating the particular circumstances.

Controlling Confidential Receipt of Test Results and Maintaining Confidentiality

The employer needs to establish a foolproof, confidential mechanism with the lab/MRO to receive test results. Typically, this can be done with a telephone call followed by hard copy in the mail, downloading results from a computer, or over a secured facsimile line. To protect the privacy and confidentiality of tested employees, the employer should select a reporting option that fits its particular workplace. It is imperative that the company designate a primary recipient of the test results and a back up to be contacted only in his or her absence. Employers need to work with their selected lab to find the method best suited for their workplaces.

An employer has to look at overall office logistics to ensure confidentiality. If an employer's fax machine is not private to the person who is receiving the test results, the employer has to decide whether to choose another method to receive results, or have the lab/MRO call ahead and alert the employer's designated person to await receipt as the fax is being transmitted. Even mail can pose a problem if the person opening the mail may not be the employer's designated person; this method of receiving test results would violate confidentiality.

Establishing and Maintaining the Return-to-Work Policy When an Employee Is Tested for Cause

The average amount of time to get negative test results back is 24 to 48 hours from the time the lab receives the specimen. The average to get positive test results back is 72 hours, due to the additional confirmatory step and the intervention of the MRO.

If an employee is sent for a new hire or random test, the form of testing is called suspicion-less while reasonable suspicion or post-accident tests are termed for cause tests. In most cases, when an employee is sent for a reasonable suspicion or post-accident test, he/she should not return to work (and should never be returned to safety-sensitive duty) until after the test results are known. However, this means that an employee may be off duty for one or more days. An employer must determine its practice regarding compensation for those days, must be consistent in its practices, must fight the temptation to bring the employee back to duty prematurely, and should communicate this practice in its written policy. For example, an employer's policy may say that time off will be compensated unless the test result is positive. As long as employees are aware of this policy and it is applied fairly and consistently across the entire work force, then the employer should experience fewer problems with its use.

Assuring that Testing Is Done Consistently/Fairly

It may be obvious that credibility of the testing process in particular is tied to consistent application of clearly articulated procedures and overall fairness of operation. An employer needs to ensure that personality-based decisions do not determine who is tested and how, but that procedures are adhered to.

Drug and Alcohol Testing Practices

It is critical that the employer understand and incorporate into its written DFWP policy the parameters of testing, including the specifics of both drug testing and alcohol testing, both of which have very specific practices associated with how they are to be administered. It is clear from the complexity associated with the above practices that considerable thought must go into developing the employer's testing program.

Drug testing practices are to include testing for the nine drugs identified below and:

- Urinalysis.
- Use of a DHHS-certified laboratory and adherence to the following:
 - DHHS-approved protocol (may exclude split specimen).
 - DHHS-approved chain-of-custody.
 - DHHS-approved collection sites.
 - EMIT drug screen (preliminary test).
 - GC/MS (confirmatory test).
 - MRO review, interview and ruling on any positive test.
 - Split specimen.

Alcohol testing practices will include:

- Breath or saliva initial screen using:
 - NHTSA-approved resources and technical machinery.
 - At .02 percent blood alcohol content (BAC) on the initial screen, it is required that a confirmatory test be done.

- Confirmatory test shall be conducted under the following conditions:
 - Using a federally approved and qualifying evidentiary breath test (EBT).
 - Administered by a qualifying breath alcohol technician (BAT).
 - If the confirmatory EBT testing machine is not available or reasonably accessible, a blood test should be an option made available to the employee to determine the presence of alcohol.
 - The employer is required to document and maintain on file the reason the EBT was not administered.

NOTE: BWC recommends that an alcohol test confirming at .04 percent BAC be considered a positive test under an employer's DFWP policy. This cut-off level is consistent with established practices of the DOT/FMCSA. However, the employer should consult with its legal counsel regarding all cut-off levels.

Specifics of Drug Testing

From July 1, 1997 through June 30, 1998, DFWP employers were required to test for ten drugs

(the nine below plus methaqualones). As of July 1, 1998, the DFWP Program requires an employer to test for at least the nine drugs noted below since lack of availability of "quaaludes" led to methaqualones being eliminated as a required test. To protect the integrity and accuracy of the testing, employers are required to use a laboratory certified by the DHHS and must test for drugs using urinalysis.

9-Panel Drug Test (the first five listed below are the required DOT/FMCSA 5-panel):

- Cocaine (and its derivatives, including crack cocaine).
- Cannabinoids (THC/marijuana, hash).
- Opiates (heroin, codeine, etc.).
- Amphetamines (central nervous system stimulants).
- Phencyclidine (PCP).
- Barbiturates (central nervous system depressants).
- Propoxyphene (Darvon).
- Methadone.
- Benzodiazepines (Valium, Librium, etc.).

Specifics of Drug Testing

From July 1, 1998 through March 27, 2000, DFWP employers were required to test for the nine drugs in the list above. As of March 28, 2000, the DFWP Program requires an employer to test for only the five drugs noted below. Employers are free to test for additional drugs.

5-Panel Drug Test (these are the required DOT/FMCSA 5-panel):

1. Cocaine (and its derivatives, including crack cocaine).
2. Cannabinoids (THC/marijuana, hash).
3. Opiates (heroin, codeine, etc.).
4. Amphetamine (including Methamphetamine - central nervous system stimulants).
5. Phencyclidine (PCP).

NOTE: Sometimes testing involves a CDL employee who is subject to a DFWP test for more than a five-panel **and the testing does not occur pursuant to DOT regulations** (i.e., does not involve a safety-sensitive mandated test). The voiding is subject to split specimen and the paperwork to be utilized by the collection site should be the non-federal chain of custody form.

Specifics of Drug Testing Process

Employers using a DHHS-certified laboratory and an MRO in their drug testing programs need to have very little concern about accuracy. Many protections are built in to ensure the employee's right to accurate results. The integrity of the testing process should be everyone's concern.

DHHS/NIDA/SAMHSA-Certified Laboratories

The federal Department of Health and Human Services (DHHS) certifies laboratories to do substance testing. Sometimes, the DHHS-certified laboratories are referred to under the name of one of the DHHS departments such as "NIDA" (the National Institute on Drug Abuse). Sometimes, the certifying agency is referred to as "SAMHSA" (the Substance Abuse and Mental Health Services Administration), which is NIDA's successor in terms of responsibility for testing. Regardless of the name, a federally certified drug-testing laboratory must meet very stringent standards. Trained technicians follow standardized procedures, which detail the process from specimen collection and packaging to shipping and analysis. The government closely regulates the laboratory procedures and audits performance, using blind sample testing and even facility reviews to ensure the highest of standards are attained and maintained. DHHS-certified labs automatically test for adulterants in a specimen by measuring such things as the pH balance, specific gravity and creatinine. This deals with an employee attempting to adulterate a specimen by adding a foreign substance or extra water.

There are more than 70 DHHS-certified labs around the country, and the number may change periodically. To obtain a list of current DHHS-certified labs, an employer may call CSAP's Drug-Free Workplace Helpline at (1-800-843-4971) for a copy by mail and the Division of Workplace Programs (301-443-6014) for a copy by fax, or the employer may consult the Federal Register at a local library. BWC and ODADAS check the DHHS listing regularly and maintain a listing of certified labs that can be faxed to any interested employer.

Preliminary and Confirmatory Testing

At the laboratory, an EMIT preliminary screening test that is 92 – 98% accurate is performed. When the preliminary drug screen is positive, a GC/MS test is administered on a portion of the same specimen to confirm the positive result. This confirmatory test has been found to be virtually 100 percent accurate. This highly advanced technology is akin to taking a fingerprint of the drug. DHHS-certified test results have been upheld in the courts for more than 20 years.

Medical Review Officer (MRO)

A Medical Review Officer (MRO) is a physician specially trained in substance use disorders. If the GC/MS test is positive, an MRO gives the donor a chance to provide a legitimate medical explanation, such as a legal prescription for the positive result. If the explanation and subsequent proof satisfy the MRO, the MRO reports a negative drug test result to the employer. The employer only receives a positive test result after the MRO has exhausted all legitimate reasons for a positive test result.

Protocol and Chain-of-Custody

A scientifically accurate test can still be flawed by human error. To minimize this error, the technicians are trained to follow strict DHHS protocols that apply to all stages of the testing procedure. A few examples of the extensive guidelines include:

- ✓ Picture identification is required before giving the specimen.
- ✓ The absence of running water in the restroom and a bluing agent added the toilet water prevent the possibility of diluting the specimen.
- ✓ The temperature of the specimen is taken within four minutes to ensure that it came from the donor.
- ✓ The specimen is clearly sealed in tamper-resistant packaging and prepared for shipping in front of the donor.

The chain-of-custody paperwork assures that the donor and specimen are correctly matched. The donor, collector, and all other individuals involved in the entire process sign off on the paperwork.

Re-test

As an additional employee protection, the DFWP requires an employer to allow an employee to appeal test results through a re-test of the original specimen. As a protocol, DHHS-certified labs save part of each specimen for an extended period of time. The employee may have the original specimen re-tested by another DHHS-certified lab, which is chosen by the MRO. **Effective 7/1/2001, BWC mandates that split specimen be used to facilitate a re-test on the initial specimen.**

Specifics of Alcohol Testing

A breath test is the most widely used test for the presence of alcohol is, but the preliminary screening test can be done with a qualifying breath or a saliva test. DFWP and DOT/FMCSA require that initial and confirmatory breath or saliva tests be performed with resources and technical machinery authorized by NHTSA. The confirmatory test must be performed on a qualifying EBT device, which provides a printout. The DFWP Program and DOT/FMCSA both require a BAT who has received the required NHTSA authorized training to administer the test.

Specifics of Alcohol Testing Process

Specific standardized protocol is followed at the collection facility to safeguard against human error occurring during the testing process. Measures are taken to ensure that the instruments are calibrated correctly and routinely. The time between the preliminary screen and the confirmatory screen cannot exceed 30 minutes.

Developing Procedures for Sending an Employee for a Drug or Alcohol Test

After a decision has been made to send an employee for a drug test, measures need to be taken to ensure a smooth, fair and consistent test. Remember to always consult the employer's policy for specifics about testing practices. In general, however, the employer should follow these steps:

STEP 1: Prepare for the test.

- Where appropriate, pull the employee away from safety-sensitive activity.
- When appropriate, complete documentation.
- Determine which test(s) to order.
- Gather necessary paperwork and supplies to give the employee.
- Call collection site.
- Arrange for transportation.

STEP 2: Gain appropriate concurrence and/or arrange for presence of appropriate persons to be present (e.g., union representative).

STEP 3: Inform employee of the need to test.

- Have the employee sign any necessary forms.
- Give necessary forms and supplies to employee.
- Inform employee that he/she must show photo identification.
- Be prepared to answer questions.

STEP 4: Send employee for the test.

- For reasonable suspicion or post-accident testing, direct the employee to proceed immediately to the collection facility.
- For all other types of testing, inform the employee whether or not to return to the work site.

STEP 5: Follow up on the test.

- Ensure that the test was completed.
- Monitor the confidential transmission of test results.
- Document any problems and proceed according to policy guidelines.

Drug and Alcohol Testing: Management of Logistics Chart

The chart below may be helpful to employers in thinking through the logistics associated with managing drug and alcohol testing as it relates to the timing of both routine and for cause tests, transportation issues, employee compensation for time spent in the testing process, and reinstatement to job duties. **Note: Seeking any necessary medical treatment for an injured employee takes priority over administering a drug and/or alcohol test.**

ISSUE	ROUTINE TEST	FOR CAUSE TEST*
Timing of the Test	Test should occur within a pre-determined period of time (e.g., within 24 hours from time of offer of employment).	Drug test should occur as soon as possible, not to exceed 32 hours. Alcohol test should occur as soon as possible, not to exceed 8 hours.
Transportation to collection site	Employee may transport self to collection site	Employee must be transported to collection facility and then home, preferably by a neutral third party (e.g., taxi).
Compensation	Employee typically is compensated while away from the job being tested unless the test result is positive.	Employee typically is not compensated while away from the job being tested or while awaiting test results unless the test result is negative.
Reinstatement to job duties	Employee will return directly to job following the test.	Employee should not resume safety-sensitive duties until test result is received. If the result is positive, he or she should not resume safety-sensitive duties until a negative, return-to-duty test is obtained.

**based on reasonable suspicion or after an accident*

Drug Testing Cut-Off Levels

A cut-off level is defined as the pre-determined level of drug/metabolite that constitutes whether a tested urine specimen is negative or positive. Cut-off levels are used to establish that an employee has one or more of the drugs in his/her system and, therefore, should be considered as having had a positive test. The purpose of identifying cut-off levels (as opposed to saying that any amount of drug/metabolite in the system constitutes a positive test) is to safeguard against a false positive test. In other words, someone who passively inhales marijuana smoke or eats a poppy seed roll (remembering that heroin is a derivative of the poppy plant) will not test positive if appropriate cut-off levels are used. Cut-off levels are measured in nanograms (one billionth of a gram) per milliliter of urine. An initial test is first used to verify the presence of the drug in the individual's system. The confirmatory test, which is 100,000 times more powerful, measures the genetic "fingerprint" of the specific drug, and is 100% accurate. Based on the chart that follow, a Gas Chromatography/Mass Spectrometry (GC/MS) confirmatory test indicating 600 ng/ml of amphetamines in a urine specimen would constitute a positive test. Cut-off levels offer protection to both employees and the employer. BWC is concerned about ensuring testing at levels that show conclusively the presence of a drug in an individual's system but without establishing so high a cut-off level as to be meaningless in maintaining a substance-free workplace. That's why our program is based on standards set by the Federal Department of Health & Human Services (DHHS), which has set cut-off levels that are used in testing that occurs to meet federal requirements.

BWC requires employers to test for the following drugs (the same five drugs also tested for under DOT: amphetamines, cannabinoids, cocaine, opiates and phencyclidine (PCP)). BWC requires the use of cut-off levels that have been established by DHHS, shown in the chart that follows. These cut-off levels have stood the test of time and court challenges.

However, the 5-panel drug test requirement is a minimum and does not prevent employers from choosing to test for additional drugs (such as barbiturates, benzodiazepines, methadone and propoxyphene; club drugs; and designer drugs) in an effort to address additional workplace concerns. The cut-off levels to be followed for these other drugs should come directly from the DHHS-certified laboratory to which the collection site sends the specimens. DHHS, through a department known as SAMHSA (Substance Abuse and Mental Health Services Administration) certifies laboratories under very stringent standards. This laboratory review program was formerly conducted under the auspices of NIDA (the National Institute on Drug Abuse), another department within DHHS. These certified labs will offer guidance to employers on the cut-off levels to use for drugs other than the five drugs tested under DOT and the DFWP Program. These labs will recommend cut-off levels for other drugs that are fair to employers and employees alike, and defensible in court.

DHHS Cut-Off Levels for the 5-Panel Below

Drug	EMIT Screen (ng/ml)	GC/MS Confirmation (ng/ml)
Amphetamines	1000	500
Cannabinoids (Marijuana/THC)	50	15
Cocaine	300	150
Opiates	2,000	2,000
Phencyclidine (PCP)	25	25

Cut-Off Levels for 4 Other Drugs Below

Drug	EMIT Screen (ng/ml)	GC/MS Confirmation (ng/ml)
Barbiturates	300 (typically used)	Consult your DHHS-certified lab
Benzodiazepines (Valium, Librium, etc.)	300 (typically used)	Consult your DHHS-certified lab
Methadone	300 (typically used)	Consult your DHHS-certified lab
Propoxyphene (Darvon, Darvocet, etc.)	300 (typically used)	Consult your DHHS-certified lab

Alcohol Testing

BWC recommends that an alcohol test confirming at .04 percent BAC be considered a positive test under an employer's DFWP policy. This cut-off level is consistent with established practices of the Federal DOT in that it mirrors the federal cut-off level for a positive alcohol test. Employers are free to choose a different cut-off level for alcohol and are advised to consult with knowledgeable legal counsel for review and advice regarding cut-off levels.

Employers with CDLs (Meeting DOT/FMCSA Mandates and DFWP Requirements)

Employers that are implementing a program to satisfy the DFWP Program requirements and must also satisfy DOT testing requirements should carefully think through their operational procedures. There are some differences that an employer needs to be aware of. Employers with CDLs should carefully review the section in this manual entitled "Employers Subject to DOT and DFWP Program Requirements." Employers may contact their BWC account representatives for additional information.

Employee Assistance

Employee assistance is a cornerstone of any DFWP Program. The BWC DFWP Program offers a progressive, three-tiered approach to employee assistance, with additional services required for each higher program level. Employers are encouraged to consider providing employee assistance services that exceed the requirements for their DFWP Program level. An employer must determine what to offer in the way of an employee assistance plan and should shop available vendors accordingly. See “More About Employee Assistance/EAPs” for additional details.

It is important for employers to recognize the distinction between the different types of employee assistance services that may be offered to their employees. An employee assistance plan refers to an employer’s plan of action and designated appropriate resources to assist employees who:

- Seek help on their own for an alcohol or drug problem.
- Are referred by management for a possible problem with alcohol or drug.
- Have a positive alcohol or drug test.

For some employers, employee assistance may be a new concept, but it makes sense that providing employees with assistance to resolve their personal problems before these problems impact the job can save money, prevent problems and build loyalty. Employees who believe their employer cares about them are typically more productive.

There is a variety of employee assistance options that an employer can offer its employees when implementing the DFWP Program. The DFWP requires an employer to have an Employer Assistance Plan, which identifies services for employees who are having substance use problems. These employees typically need an assessment regarding the nature of their problem and what to do to address it. At minimum, the employer is to offer the services described below that conform to the employer’s approved program level; employers may offer a higher level of employee assistance services, and BWC encourages employers to exceed the DFWP requirement.

However, at no level does the DFWP require an employer to have an Employee Assistance Program (known as an **EAP**) which differs from an Employee Assistance Plan. An EAP is a highly developed set of broad-ranging services that employs certified personnel (called CEAPs) and operates in compliance with core technology. This technology is specific to the employee assistance discipline/field and is defined by the Employee Assistance Professional Association (EAPA). In the long run, an EAP should be a cost-effective, comprehensive option for an employer to help its employees deal with problems affecting their work performance. An EAP can identify and help resolve problems by applying short-term counseling, referral and follow-up services. In addition, the EAP can provide such services as management training and consultation, prevention and education programs, crisis intervention, benefits analysis and organizational development.

In any case, regardless of which employee assistance option the employer chooses, the written DFWP policy should clearly articulate the employer’s commitment to helping employees with substance use problems. There should be options for assessment information, referral to assessment/treatment and a general commitment to rehabilitation. The employer’s Plan should be spelled out in the written policy, integrated into the overall program and communicated in the employee information sessions. The written policy spells out the employee assistance services and whether they are company provided and/or community-provided.

One of the primary benefits of the DFWP Program is to make education, prevention, assessment and treatment available to employees. Adult employees are parents, taxpayers, voters and consumers. They frequently are so busy that they don't find the time to learn the basics about substance use or stop to assess that they or someone close to them may be developing a problem with alcohol or other drugs. Once an employer's DFWP Program begins to expose an employee to the facts and impact of substance use, there needs to be a next-step plan for those who want more information or assistance. Because of an excellent community services network subsidized by tax dollars, there are services available for everyone in Ohio regardless of ability to pay.

An Employee Assistance Plan does not necessarily imply that an employer will provide treatment for an employee with a substance use program. However, the employer should identify a plan of action and the applicable resources for employees who seek help on their own, who are referred by management for a possible problem with alcohol/drugs, or who have a positive alcohol/drug test. Employers are encouraged to establish the broadest range of employee assistance services possible to assist in dealing with drug and/or alcohol problems. The different DFWP Program levels (discussed below) each have different requirements of employers in terms of employee assistance.

Regardless of DFWP Program level, the employer must define employee assistance services in a plan and must include:

- The procedures to be followed for referring an employee to qualified substance use professional services for assessment and/or treatment, when appropriate.
- Procedures for re-entry and reintegration of employees back to work after treatment, if used.
- Procedures aimed at protecting confidentiality for employees who voluntarily seek or are referred for assessment and/or treatment, including protection of employee records.
- Guidelines regarding compensation or employment status for an employee's time away from work for assessment and/or treatment, as applicable.

As with the other DFWP Program components, supervisors play a critical role in administering employee assistance. Supervisor training should include how supervisors can effectively meet their responsibilities in terms of referring an employee to qualified substance use resources for assessment and/or treatment.

Employee Assistance Requirements for Each Program Level

For a **Level 1 DFWP Program**, upon an employee's first positive drug or alcohol test, in addition to any corrective action deemed appropriate, the employer must explain to the employee what a substance use assessment is (evaluation of whether the employee has a problem and, if so, to what extent and what assistance is needed). It is important that the employer clearly convey its commitment to the value of such an assessment to the employee since this may be a time to make a difference in getting the employee to really acknowledge and deal with his/her substance use problem. To aid in referral, the employer is expected to provide a list containing names and addresses of qualified substance use assessment resources in the community who can administer an assessment. BWC encourages employers to refer the employee for an assessment on a first positive test rather than to terminate the employee. In any case, the specifics of how employees who test positive will be dealt with (discipline, probation, termination) should be clearly addressed in the employer's written policy.

For a **Level 2 DFWP Program**, an employer is expected to explain what an assessment is and to offer a list of resources (the Level 1 requirements) and to increase its employee assistance services through pre-establishing a relationship for an assessment with a qualified provider. This relationship must allow a three-way exchange of information among an employee who tests positive or self refers, the employer and the provider. Independent chemical dependency counselors, alcohol and drug treatment organizations, and EAPs are among those typically capable of establishing the three-way information exchange required for a Level 2 program.

Level 2 requires that a first positive drug or alcohol test result in a direct referral of the employee for an assessment rather than just providing the person with a list (Level 1) of names and addresses of qualified substance use assessment resources. Employers in Level 2 are not permitted to terminate employees on a first positive test unless they specify this intent in their written policies. Instead, employers are expected to refer the employee for an assessment. A subsequent positive test for that same employee may result in serious disciplinary action being taken including a “second chance” or “last chance” agreement or termination. Employers are also free to terminate based on adulteration, attempted adulteration or refusal to test.

For **Level 3**, an employer is expected to offer more extensive employee assistance services, and incorporate the requirements of both Level 1 (explain assessment and offer list of resources) and Level 2 (referral for assessment and the three-way communication). In addition, the employer also must offer its employees health-care coverage which includes chemical dependency counseling/treatment services. While employers with a Level 3 program are not required to provide an EAP, they are encouraged to develop a more comprehensive employee assistance service plan to benefit their employees. Employers in Level 3 are not to terminate employees on a first positive test unless they specify this intent in their written policies. Instead, employers are expected to refer the employee for an assessment. A subsequent positive test for that same employee may result in serious disciplinary action being taken including a “second chance” or “last chance” agreement or termination. Employers are also free to terminate based on adulteration, attempted adulteration or refusal to test.

Who Pays for Assessment and Treatment?

The employer is required to identify in its written policy who will pay for the services associated with an assessment and any necessary treatment. The intent of the DFWP Program at both Level 2 and Level 3 is to have the employer pay for the majority of these services using the money saved from receiving the discount. Where an employer institutes employee co-pays for assessment and/or treatment services, BWC will review the program for reasonableness of the employee assistance plan in light of the intent. While the DFWP Program does not require that an employer provide or entirely pay for treatment for employees with substance use problems at Level 1 or Level 2, employers may exceed the minimum requirements of their approved DFWP Program level, and are encouraged to absorb the majority of these expenses. Employers may offer assistance ranging from a comprehensive contract with an external EAP provider to assembling knowledge and brochures about the community network of services subsidized by tax dollars.

Employee Assistance Chart

PROGRAM LEVEL	EMPLOYEE ASSISTANCE TYPE OF SERVICES	MINIMUM REQUIREMENTS
1	Employee Assistance Plan	Employer explains what an assessment is to employee upon first positive test or self referral, and provides list of qualified professionals who can do an assessment
2	Employee Assistance Plan or Employee Assistance Program (EAP)	Employer pre-establishes a relationship with employee assistance provider that allows three-way communication of information, so referral can be made <u>and is made</u> upon first positive test
3	Employee Assistance Plan or Employee Assistance Program (EAP)	Employer provides health-care coverage that includes chemical dependency treatment services
All Levels	Written Policy identifies who pays for employee assistance services (assessment, treatment)	Intent is for employer to pay for the majority of costs associated with assessment and any necessary treatment of substance use problem

Reporting and Documentation Requirements

Once the employer's DFWP Program has been implemented, there are various reporting requirements. In addition, an employer is expected to maintain various information/documents at its workplace for purposes of BWC review. The employer is required to report its progress in terms of its employee assistance services as well as to maintain various statistics and other documents. These requirements are also covered in the Recordkeeping and Reporting section.

At nine months into the program year (March 31 for the July - June program year; September 30 for the January - December program year), the employer is required to submit to BWC the following information on the ***Progress Report*** (or via attachment, as applicable):

- Summary of activities organization performed with regard to its employee assistance plan and any planned service improvements for next program year.
- Names, contact persons and phone numbers of employee assistance providers or EAP used during reporting period.
- Statistics related to employee assistance plan or EAP: (see ***Progress Report*** form at the end of Recordkeeping and Reporting section)

Recommended Approach to Implementing Employee Assistance Plan

Employers should become familiar with employee assistance services that tax dollars already support to learn what's available. It may make sense to visit these companies and ask about speakers and services. To learn about the local community service network of service providers, employers should call their local Alcohol, Drug Addiction, and Mental Health (ADAMH) Board, or Alcohol and Drug Addiction Service (ADAS) Board. Another resource is the Ohio Department of Alcohol & Drug Addiction Services (ODADAS) which is the state agency that deals with these boards. An employer can call ODADAS at 1-614-466-3445 if unable to find the number for its local Board.

Employers implementing a Level 1 program are required to become familiar with available employee assistance services and to build a system that supports knowledge about these resources. Employers who exceed that minimum or are participating in Level 2 or Level 3 of the DFWP Program will realize a solid return on their investment for the employee assistance services they provide, especially in implementing an EAP. Research shows that for every dollar that an employer spends in employee assistance services, an employer realizes a range of return on its investment of between \$4 to \$16.95. Furthermore, when an employer is involved in the treatment process and re-entry of a substance-using employee, the chances that the employee will stay clean and sober increase to 85%. "Saving" an employee through providing quality employee assistance services not only saves the employee money in terms of preserving its investment in the employee, it also has a very positive effect on the person's family and capability of affecting family dysfunction.

BWC's 10-Step Business Plan

The 10-Step Business Plan is the core of all BWC safety discount programs. While not mandatory for employers approved for Level 1, it is recommended as a safety program that provides structure and cohesiveness to an employer's overall safety efforts. The intent in incorporating the 10-Step Business Plan for employers implementing a Level 2 or Level 3 program is to stress the importance of integrating substance-free workplace efforts with employers' overall safety and health efforts.

To be eligible for a discount in a Level 2 program, an employer must implement the first five steps of BWC's 10-Step Business Plan during its first year at Level 2. An employer at Level 3 must complete all components of the 10-Step Business Plan during its first year at Level 3 to be eligible for the discount.

The ten steps are summarized in this section. For additional information, please request the brochure entitled "**10-Step Business Plan: A Guide for Developing Organizational Excellence in Safety and Health Management**," which is available from your BWC account representative.

1. Visible, Active Senior Management Leadership

Well-managed businesses establish safety and health as a core value of their organizations. Senior management staff, including the top executive on site, must be the role models for how they want all other employees to act in creating a safe work environment. Active leadership shall include, at a minimum, the following:

- Authorizing the necessary resources for accident prevention.
- Discussing safety processes and improvements regularly during staff or employee meetings.
- Ensuring that all members of management are held accountable for accident prevention activities, and for managing accident prevention processes.
- Annually assessing the success of the safety process by utilizing perceptions surveys, personal interviews and behavior sampling strategies.
- Encouraging employees to take an active part in maintaining a safe workplace.

2. Employee Involvement and Recognition

Both management and employees need to actively participate in the safety and health management process for it to be effective. Employee participation opportunities include:

- Safety and health involvement teams, focus groups, and safety and health committees.
- Accident investigations.
- Safety and health audits.
- Instructing safety and health training programs.

A program is to be established to identify and formally recognize employees for excellence in accident prevention. Recognition opportunities could include:

- Consistently high contribution to safety and health.
- Contribution to continuous improvement through participation in problem-solving, decision making or perception surveys.
- Suggestions for safety and health improvements, or employees who could complete special safety and health projects.

3. Medical Treatment and Return-to Work Practices

Employers are to establish a post-injury or disability management policy and procedure consistent with the Health Partnership Plan (HPP) to help injured or ill employees obtain quality medical care and return to work. The disability management procedure shall include, at a minimum:

- Employers informing their employees of the selected MCO.
- Informing employees of procedures identifying where medical treatment can be obtained.
- Providing employees with other supporting information or materials.
- Immediate reporting of accidents and illnesses to a supervisor.
- Regular supervisory communications with off-work employees during convalescence.
- Investigation of all accidents within 24 hours to identify system or process improvements so corrective measures can be taken.
- When not prohibited by labor agreement, a modified duty or transitional work program that allows employees to return to work in a productive capacity during the recuperative period.

4. Communications

The employer is to include regular verbal and written communication on matters affecting employee safety and health in the organization's approach to managing safety and health.

Communications shall include:

- Quarterly written and/or verbal feedback to all employees on their accident prevention performance.
- A process for upward communication as well as downward and throughout the organization.
- Tools for communication could include memos, bulletin boards, staff and general meetings.
- Feedback should include the organization's overall safety and health performance.

5. Timely Notification of Claims

As of March 1, 1997, an employer must report claims immediately to its MCOs, which reports the claim to BWC within 24 hours. Employers must follow up with their MCOs to ensure all cases involving lost time of more than seven days are reported to BWC within 14 days of the date of injury, or one week of being notified of the incident by the employee. The employer will comply with all requirements for reporting claims to the employer's MCO as specified under the HPP Rules.

6. Safety and Health Process Coordination and Employer Education

The employer is required to designate an individual as the accident prevention coordinator, give that person responsibility and authority to facilitate organizational safety systems and processes, and ensure he or she develops the knowledge and skills for creating a safer working environment. Responsibilities shall include:

- Helping management and employees identify accident prevention and safety and health training needs (possibly through perception surveys, interviews, behavior sampling or other methods).
- Helping supervisors make changes or develop strategies that improve safety and health.
- Identifying and communicating new safety and health requirements.
- Compiling accident- or illness-related records.
- Tracking progress on safety and health-related projects.
- Working with employees to optimize safe work practices.

An employer may choose to delegate these functions to more than one person. A small company owner may assume these duties or delegate them to a manager. In either case, the accident prevention coordinator(s) shall attend at least one safety and health management seminar each year.

BWC's Division of Safety & Hygiene's Ohio Center for Occupational Safety & Health provides numerous seminars to employer representatives at no additional cost. For a listing, employers may call 1-800-OHIOBWC (1-800-644-6292) select option 2, followed by option 2. Any course in BWC's Division of Safety & Hygiene Services catalog may qualify under Step 6.

7. A Written Orientation and Employee Training Plan

Each organization will identify and respond to the specific training needs of its employees, including supervisors, managers and team leaders. Employers will develop a written safety and health training program that documents specific training objectives and instruction processes. Orientation is to include:

- Company safety and health policy.
- Employee responsibilities.
- Medical procedures such as how and when to report injuries or illnesses.
- Actions to take in case of emergencies.
- How to report unsafe practices or conditions.
- Return-to-work procedures.

Safety and health training shall include:

- Hazard communication.
- Bloodborne pathogens, if applicable.
- Specific job/task safe work practices and hazard recognition.

At a minimum, training is to cover procedures for the safe and efficient use of machinery and tools, and ergonomic risk factors, including the prevention of cumulative trauma disorders. Training should also focus on chemical hazards and how to prevent contact or exposure and, if appropriate, procedures for lockout/tagout, hot work permits, and confined space entry. All training must be documented to include the date, topics covered, instructor's name, and the names of employees attending the training session. Each employee in attendance should sign the documentation form on the day of completion of training.

8. Written and Communicated Safe Work Practices

Guidance for employees in the form of written safe work practices is important for a clear understanding of job requirements and responsibilities. The employer is to identify, document and make available to all employees both the general and job-specific safe work practices. All employees are to sign a statement to indicate they have read, understood and will follow the safe work practices.

Examples of the knowledge of general safe work practices that are expected of most employees include:

- Good housekeeping.
- Personal protective equipment.
- First-aid procedures.
- Ergonomic principles.
- Respiratory protection.
- Lockout/tagout procedures.
- Confined-space entry.
- Hazard communication.
- Bloodborne pathogens, if applicable.

Job-specific safe-work practices apply to operations and tasks that involve recognized hazards and risks associated with those specific tasks. These work practices are to be posted or made readily available in each work area.

9. Written Safety and Health Statement

The employer's top executive is required to sign a safety and health policy document to be given to all new hires. The employer will communicate the policy to all employees, then review it with them on an annual basis. The statement/document shall include:

- Management's, supervisors' and employees' responsibilities with regard to the organization's commitment to workplace safety and health.
- The commitment to returning injured or ill employees to work at the earliest opportunity.

10. Recordkeeping and Data Analysis

Organizations must compile occupational accident- and illness-related data to:

- Identify safety and health process problems.
- Help manage the compensation process.
- Provide information necessary for developing solutions to problems.

10-Step Business Plan (PDP Plus) – Plan of Action

Included in the Sample Forms section of this manual is a copy of the ***PDP Plus Plan of Action***, which may be used to report progress in implementing either the five steps or all ten steps of the 10-Step Business Plan. For an employer with a Level 2 DFWP Program, five steps of the 10-Step Business Plan are to be implemented within the employer's first year at Level 2. Progress in implementing these five steps should be documented on the ***Plan of Action Form***. For an employer with a Level 3 DFWP Program, the remaining five steps (or all ten steps for an employer going from Level 1 to Level 3) are to be implemented within the first year at Level 3, and progress in implementing these steps is to be documented on the ***Plan of Action Form***. This form was included to help employers at Level 2 or Level 3 of the DFWP Program who are not participating in the Premium Discount Program (**PDP Plus**) which requires this report. Assigned BWC account representatives will work with each employer who has a Level 2 or Level 3 program on developing the appropriate steps of the 10-Step Business Plan and will offer feedback on each DFWP employer's report prior to date of submission.

Recordkeeping and Reporting

Employers that have been approved by BWC for a discount for implementing a Drug-Free Workplace Program are required to keep various program-related information and to report specified information to BWC at designated times during each year of participation. The intent is to ensure BWC has sufficient information to:

- Determine initial program eligibility.
- Track program participation.
- Ensure all elements of the approved DFWP Program have been implemented and that the program was fully operational throughout the program period.
- Allow program evaluation to occur.

There are five forms on which BWC requests various information: *Application*, *Certification of Implementation*, *Release of Information*, *Progress Report* and, for Level 2 and 3 employers, the *10-Step Plan of Action*. The information required on each form other than the *10-Step Plan of Action* is described in the paragraphs that follow. On the *Application*, *Certification* and *Progress Report*, the chief executive officer (or equivalent) of the employer is asked to certify the accuracy of the information reported. Failure to timely submit any of these required DFWP Program forms may lead to an employer not receiving a discount for participating in the DFWP Program or to repaying BWC for any discount received, plus interest.

Application Information/Reporting

The initial program *Application* asks for basic information about the employer and is intended to allow the Bureau to:

- Evaluate the application.
- Determine eligibility for the program discount.
- Decide at which program level the employer is eligible to begin.
- Determine the maximum number of years of discount eligibility.

To evaluate program/discount eligibility and program level, the employer is asked whether it has an existing substance-free workplace program and, if so, the date the program was implemented. An employer with an existing program is asked to submit documentation of its current program or to submit a narrative description on the back of the application that fully shows the employer's program, including written policy and each component of the program. This information is needed for BWC to determine:

- Whether the employer's program is comparable to a Level 1 BWC DFWP Program.
- Whether the employer is qualified to begin at Level 2 instead of Level 1.
- Whether an employer with a substance-free workplace program that has been in operation for four or more years is eligible for a discount.

The chief executive officer (or another executive staff member) of the company is required to sign the *Application* form certifying that the employer will meet the requirements associated with the level of the DFWP program applied for and/or level approved by BWC. In signing the *Application*, the employer is certifying that any monetary benefits will be repaid, including interest, if the employer fails to fully implement the DFWP Program or meet the specified requirements for which it was approved and received a discount. Failure to submit a complete *Application* would result in an employer not being approved for the program.

Certification of Implementation Reporting

Additional information is required by the end of the first quarter of the program year for employers implementing a new DFWP Program and for those employers changing program levels. Employers must complete and timely submit the ***Certification of Implementation*** form which constitutes the employer's assurance to BWC that the employer has, in fact, implemented the program level approved by BWC by Sept. 30 (for the July 1 program year) or March 31 (for the Jan. 1 program year). In completing the ***Certification*** form, the employer is certifying that its approved DFWP Program is now fully operational and ready to go. This allows the appropriate discount to be given by BWC. In signing the form, the chief executive officer (or another executive staff) of the employer acknowledges that all information on the ***Certification*** form is accurate, under penalty of applicable fraud statutes. Failure to submit a completed signed ***Certification*** form will result in the employer's participation in the program being canceled by BWC.

On the ***Certification*** form, the employer is asked to:

- Identify its approved program level so BWC can ensure that there is clear understanding between the employer and BWC regarding the approved level.
- Check the appropriate blanks to indicate that the employer has implemented each component of the program level for which a discount has been approved.
- Attach a copy of its written DFWP policy.
- Identify by name its DFWP Program administrator.
- Indicate the date that its testing program began or was initiated, checking off each category of testing that has been put into place ("ready to go"). Although, for example, there may not have been any cause to do either post-accident or reasonable suspicion testing by the end of the first quarter, the employer must have procedures in place to do such testing if a situation arises that requires such testing. The employer must also be ready to do pre-employment/new hire testing and, if the employer is at Level 2 or Level 3, must have commenced its random testing.

Release of Information

In applying and being approved to receive a discount for implementing a DFWP Program, a participating employer must fill out a ***Release of Information*** form that entitles BWC to obtain appropriate program information to determine that the approved program level is being implemented pursuant to program level requirements. In completing and signing the ***Release*** form, an employer agrees to permit BWC or its designee:

- Access to perform an on-site audit of its DFWP Program components, related records and documentation.
- Access to various aggregate information from drug testing laboratories, medical review officers and the employee assistance plan or EAP providers. This information will be used for monitoring compliance and analyzing cost-benefits.

Failure to timely submit the ***Release*** form will result in the employer's participation in the program being terminated. The fully completed, signed form is to be submitted one time only, which is at the time of initial certification of program implementation.

Reporting Progress and Renewing Participation in the DFWP Program

The most extensive information requested by BWC is contained on the ***Progress Report***, with receipt due by March 31 for the program year beginning July 1, or Sept. 30 for the program year beginning Jan. 1. The ***Progress Report*** is intended to demonstrate that, during the reporting period, the employer has implemented each program component and has met the requirements for the program level for which a discount was received. The data provided by each employer allows BWC to obtain an overview of each employer's program and allows the overall program to be analyzed in terms of effectiveness in a broad-based program evaluation. BWC intends to assess:

- The effect of an individual employer's program on its workers' compensation experience.
- What was and what was not effective/successful for both an individual employer and from an aggregate standpoint.
- Overall effectiveness of each DFWP Program component.
- How to improve the program (changes in program requirements, information to be kept and reported, etc.).

Whether or not an employer intends to renew its DFWP Program, the employer must timely submit a completed ***Progress Report***, or the employer's participation will be terminated and the employer will be expected to repay the discount, plus interest.

Progress Report Form Is Used to Request Renewal of DFWP Program Participation

The ***Progress Report*** is to be used for an employer to either request renewal of its current DFWP Program level or consideration for another program level. To qualify for renewal, an employer must have:

- Continued to be in compliance with all of the DFWP Program eligibility criteria (i.e., active or reinstated policy status, remaining current, no cumulative lapses beyond 59 days, etc.) throughout the program year.
- Implemented all of the program components associated with the DFWP Program level for which a discount was obtained and must have complied with all of the requirements associated with the approved program level.
- Completed the ***Progress Report*** form and timely submitted it to BWC by the end of the third quarter of the applicable program year and.
- If at Level 2 or Level 3, completed the appropriate portion of the ***10-Step Plan of Action***.

For BWC to obtain key program information to evaluate the program, employers are required to submit the following information or maintain the following information and/or documentation on-site:

Information to Be Sent to BWC That Accompanies the Application

- If the employer has an existing substance-free workplace program, along with information regarding when this program began, BWC needs the employer to submit documentation describing its current program or complete a narrative description of the program (on the back side of the ***Application*** form). This program description is required will enable BWC to evaluate the program and compare it to BWC's Level 1 DFWP Program in order to determine whether an employer may begin at Level 2, whether the employer is entitled to four or five years of discount, and whether the employer is eligible at all for the DFWP Program discount.

Information to Be Sent to BWC with the Certification of Implementation form

- A copy of the employer's written DFWP policy. BWC will assess the written policy to ensure that all program level requirements are being met and that the policy is sufficiently detailed so that all employees would be able to clearly understand the program.
- Name of DFWP Program administrator. The employer is asked to share the name of the program administrator so that BWC knows that the DFWP program is being managed by the employer and whom to contact to discuss the program.
- Date drug/alcohol testing began. BWC wants to know that substance testing has been implemented by the required time frame.

Information to Be Sent to BWC with the Progress Report (data or attachment):

General Information

- Reporting time period. The employer is asked to fill in the time period covered by the report. For initial DFWP Program participation, the first date should be the date the employer actually implemented its program and began keeping program-related data and documentation. The "to" date is the date of the last information included on the **Progress Report**.
- Summary of activities organization performed with regard to its DFWP Program and any planned improvements for next program year. BWC wants each employer to assess its DFWP Program, reflect on what was accomplished, and indicate what the employer learned that might result in changes designed to improve the program.
- Application for Renewal (employer should check its approved program level). BWC needs to know whether the employer is requesting the renewal of its participation in the program. This should be checked unless the employer is asking to be considered for a different program level or not interested in continuing its participation for the next program year.
- Request for new program level (if desired). Where an employer wishes to implement a new/different level DFWP Program, BWC needs to review the request, approve or reject the request (with reason provided if the request is not approved), record the information on our system to ensure that the appropriate discount is provided, and await a revised written policy and timely submission of a completed **Certification** form. Employers are reminded that to apply for a Level 3 program, an employer must be completing two years at Level 1 and/or Level 2.

Employee Education/Supervisor Training

- Brief course description of topics covered under employee education and supervisor training.
- Number of employees educated and number of supervisors trained.
- Names and phone numbers of educators and trainers who performed work.

The above information describes the employer's employee education and supervisor training efforts and enables BWC to ensure that the topics identified in the DFWP Program rule are being offered in the education and supervisor training sessions. This data will enable BWC to verify that certified educators/trainers are involved in presenting or supervising these programs.

Drug and Alcohol Testing

This information is intended to help BWC analyze the impact of the employer's drug/alcohol testing program. This is BWC's opportunity to fully evaluate the results of testing; analyze the numbers by category of test; look at percentage of positives by category; look at the specific drugs for which employees tested positive; and assess the differences between testing that is administered by the employer that has the DFWP Program versus testing that is done by a contractor/sub-contractor. It also gives BWC the opportunity to look at the connection between positive test results and employee assistance services; to look at retention rates following a positive test or voluntary self-referral; and to look at positive test results and accidents that lead to filing of workers' compensation claims.

The employer and BWC are in a win-win safe workplace partnership, and we ask that employers keep careful statistics about all aspects of the program in general and drug/alcohol testing in particular to enable BWC to accurately analyze such program components as types of testing. Regardless of who administered the testing, the employer is responsible for ensuring complete, accurate reporting of test results for all of its employees, including contracted labor. To evaluate the testing program, BWC asks the employer to provide the following information:

- Actual number of new hires of personnel as well as actual number of new hires of contracted labor during reporting period.
- Total number (annual average) of personnel employed by the organization and total number (annual average) of contracted labor during reporting period.
- For public employers only, of the total number of personnel, how many positions or functions are safety sensitive.

The above information gives a big picture of the employer's work force and leads into the test results by categories of drug and alcohol testing specific to each employer's DFWP Program level.

- Number of contracted labor whom you (the employer) tested.
- Number of contracted labor tested by their own employer.
- For both you (the employer), and (separately) for the employer providing contracted labor that tested its own employees, by category.
- Number of positive tests, negative tests, and total tests administered by each testing category below:
 - Number of pre-employment/new hires.
 - Number of reasonable suspicion.
 - Number of post accident.
 - Number of return to duty.
 - Number of random.
 - Number of other (specify the type of test).

For the DFWP employer only, of the number of employees testing positive, identify the numbers of positive tests for each drug type (amphetamines, barbiturates, etc.).

This information on the employees tested by the employer who is completing this form and on whose work sites the DFWP Program is administered enables BWC to assess program effectiveness by comparing test results with the testing done, by category, for each employer who provides contracted labor to the employer with the DFWP Program. Obviously, it makes no sense to have a substance-free work environment for one set of employees on the work site, but to have another group (contract labor) who are not subject to testing. This would not promote a safe work environment unless contract labor was also subject to the same testing. BWC expects contracted labor to be tested by either the employer or the contracting employer, and for the test results (positive, negative and totals) to be reported for each applicable testing category to be reported. If an employer's current contracts don't contain this provision, they need to be re-negotiated to do so.

- Names, contact persons and phone numbers for labs, collection sites, and MRO(s). BWC needs this information to make contact with any of the above to ensure compliance with testing requirements (percentages to be tested, following protocols, etc.).

This information focuses on ensuring that only DHHS-certified are processing specimens, that the employer has arranged an appropriate collection site which follows chain of custody protocols and the procurement of the services of a Medical Review Officer aimed at examining tests results and determining which are to be considered positive results.

Employee Assistance

- Names, contact persons and phone numbers of employee assistance providers utilized during reporting period. This enables BWC to contact employee assistance providers to ensure that the employer is offering services that meet, at minimum, the program level requirements. The employer should obtain statistical information from employee assistance providers.

Workers' Compensation Claims

An employer is required to notify BWC when any workers' compensation claim is filed where the employer is aware that the injured worker filing the claim had a positive post-accident drug or alcohol test. The burden still remains on the employer to prove that the use of the substance by the employee who tested positive following an accident and who filed a workers' compensation claim caused the accident that resulted in the claim being filed. The employer has the burden of proving the existence of a proximate causal relationship between the employee's substance use and the accident leading to the claim filing by that employee.

BWC encourages employers to collect data on employees who test positive and who file a workers' compensation claim so BWC staff can make knowledgeable judgments regarding whether the claim should be allowed or denied (initial determinations).

The employer is asked to provide the following information related to these positive tests and claims filings situations:

- How many on-the-job accidents/injuries occurred where an employee tested positive and later filed a workers' compensation claim?
- Were the positive test results forwarded to BWC?
- If not, explain on an attached page.
- How many additional claims were filed, where the injury to the claimant appeared to be caused by another employee who tested positive?

10-Step Business Plan

- For employers at Level 2 or Level 3, a copy of the completed **10-Step Plan of Action** (see “Sample Forms” in the back of this manual). This enables BWC to evaluate the employer’s progress toward implementing the appropriate steps of the 10-Step Business Plan.

Technical Assistance

- What technical assistance/consultation services were used to implement your DFWP Program? BWC is attempting to assess the types of technical assistance utilized by employers to determine utilization patterns, the types of contractual services being utilized by employers, the relationship (if any) of program effectiveness success to source of technical assistance/consultation, etc. The goal is to improve these services and to attempt to ensure sufficient resources are available.

DFWP Program Administrator

- Name of person.
- Percent of person’s time dedicated to DFWP Program.

BWC wants to ensure the employer has designated a Program Administrator and that this person is committed to a reasonable percentage of time to oversee the program.

To Be Maintained On-Site at the Employer’s Workplace:

BWC requires that some documentation be maintained at the employer’s workplace for possible BWC audit review, as follows:

- Copy of written policy (also sent to BWC at the time **Certification** form is submitted).
- Copies of acknowledgment forms signed by each employee upon receiving the employer’s written policy (shows receipt of policy).
- Name, qualifications and credentials of educators and trainers, or of person supervising educators or trainers (proof of qualifications of educators and trainers or those who supervise education/training).
- Original attendance sheets signed by each attending employee at education session or each attending supervisor at training session (showing all employees receive two hours of education annually and showing supervisors received four hours initially and two hours of refresher training annually).
- Copies of all billings from Medical Review Officers and laboratories (showing drug/alcohol testing program is in place).
- For Level 1: the list of qualified substance use assessment and treatment providers given to employees who test positive (compliance with required assistance for employees).
- For Level 2 and Level 3: copies of all contractual agreements with any employee assistance organizations, including names and phone numbers of contact persons (ensuring arrangements have been made for employees needing assistance to receive it).
- For Level 2 and Level 3: records of implementation of the first five or all ten steps (respectively) of the 10-Step Business Plan (showing progress toward implementing the plan which should be utilized to complete **10-Step Plan of Action**).
- For Level 3: a copy of the employer’s health care plan showing coverage which includes chemical dependency treatment (ensuring health care coverage is in place with treatment paid for by employer).

For more information about the timing of reporting, please refer to the Application/Certification/Renewal section. For the appropriate forms to be used for ***Application, Certification of Implementation, Release of Information, Progress Report and 10-Step Plan of Action***, please refer to the Sample Forms section). Please make copies of these forms as needed to submit as appropriate.

Answers to Commonly Asked Questions

Q. Does the American with Disabilities Act (ADA) limit an employer in terms of refusing to hire an applicant or firing an employee who tests positive for drugs?

A. No. A positive drug test is equated with current usage, and the Act specifically states that current drug users have no ADA protections. Consult your legal counsel for further details.

Q. If an employer tests one employee but not another, does that constitute discrimination?

A. Not necessarily. It depends upon the type of testing and the overall circumstances. In terms of pre-employment testing, all prospective employees must be drug tested. In terms of new-hire testing, all employees should be tested no later than 90 days from date of hire, but some may no longer be employees at the point they would have been scheduled for the 9-panel drug test. Reasonable suspicion and post-accident testing are clearly defined in terms of the circumstances in which they may or should be conducted. The employer is free to define the dollar amounts associated with vehicular and non-vehicular losses that would lead to a drug and/or alcohol test. With appropriate and justifiable management reasoning for different testing practices, a category of workers (as long as all workers in that category are treated alike), may be subject to a level of testing different than another category of workers (also, all treated alike). For example, an employer may want to have its warehouse workers subject to random testing but not its office support personnel. For the purposes of BWC's Level 2 DFWP Program, employees must be subject to a random pool where at least 10 percent will be pulled for testing in the course of the program year. For the Bureau's Level 3 DFWP Program, 25 percent random testing is required. In summary, employers are encouraged to fully describe the testing process in order to avoid discriminating or being charged with discrimination. BWC strongly advises DFWP employers to consult counsel on this and all other legal matters.

Q. Is drug testing a violation of privacy?

A. Drug and alcohol testing are done through what is referred to as "system presence testing." When done appropriately, this type of testing is the only reliable, objective and scientific evidence that an employee has drugs or alcohol in his/her system. Under controlled conditions as defined by the DFWP Rule, the testing process should not violate an employee's rights to privacy. However, it is equally critical that an employer's operational practices in administering its testing program be done in a fair and reasonable manner. This is typically where challenges occur. For example, if an employer wanted to arbitrarily apply observed specimen collection, this might be considered a violation of privacy. An employer is well advised to consult its legal counsel to avoid possible violations of privacy in its written policy and operational procedures.

Q. Do employers have any right to be concerned with what employees do on their own time related to alcohol and drugs?

A. Primarily, an employer is concerned with consumption that compromises an employee's ability to perform his or her job responsibilities safely and productively. There are many substances that can alter a person's abilities even if consumption occurred during non-work hours. For example, marijuana can alter one's depth perception long after the high feeling has passed. So, an employee's use on Sunday afternoon can indeed affect safety on the job the Monday after.

When and under what circumstances an employee's consumption happened should not be the issue. Possibly being under the influence of substances while on the job to the detriment of self or others is the issue. That is why employers should be concerned about employees having a certain level of substance in their body. In terms of a drug/alcohol test, this is referred to as a specific cut-off level and these levels are established through considerable research and defended through court challenges.

Because of the nature of their businesses, some employers may also incorporate consequences for an employee's drug and/or alcohol problems (e.g., driving under the influence, a drug-related conviction for activities happening on the employee's off-duty time, etc.). While these may have occurred off the job, they serve to compromise the company's public image or ability to produce. Of course, the employer's written policy should clearly state these consequences.

Q. Do all operations that call themselves an EAP offer similar services?

A. No. According to the "experts" whom we consulted, everything labeled an EAP is not equal. First, to be considered an EAP, the company must employ certified personnel (CEAPs) and operate in compliance with core-technology specific to the EAP discipline/field. The term "EAP" (Employee Assistance Program) also is used generically by organizations offering a composition of assistance services for employees but not adhering to the core technology of the EAP field. So, employers need to look carefully at the services offered. By definition, an EAP is a cost-effective, comprehensive program to help employees and often their families deal with problems affecting work performance, etc. An EAP identifies and helps resolve problems by applying short-term counseling, referral and follow-up services. In addition, an EAP provides such services as management training and consultation, prevention and education programs, crisis intervention, benefits analysis and organizational development. An employer must determine what it wishes to include within its employee assistance plan and shop accordingly. An EAP is one option and may represent an excellent return on investment (ROI).

Q. What can be done to protect employees from inaccurate drug/alcohol test results? Just how accurate and reliable are the tests?

A. There are thousands of laboratories across the country that will perform drug testing analysis, but less than 100 are certified by the DHHS. An employer that wishes to create a drug-testing program that maximizes employee protections and minimizes legal liabilities will build in the following safeguards:

- Use a laboratory that has been certified by the DHHS, also referred to as NIDA-certified.
- Confirm any positive test with a GC/MS test, virtually 100% scientifically accurate.
- Include a MRO in the process. The MRO reviews the test result and interviews the donor to find any legitimate medical explanation, such as a legal prescription drug, for the positive test result.

As an additional protection for the employee, many employers allow the employee to appeal a positive test result through a re-test of the original specimen. The employee may have the original specimen re-tested by another DHHS-certified lab. Employers using a DHHS-certified laboratory and an MRO in their drug testing programs should have little concern about accuracy. Many protections are built in to protect the employee and the integrity of the test.

Q. How is a drug/alcohol test done?

A. There are a variety of methods used to test for drugs and alcohol including skin patches and urine, blood, breath, saliva and hair. The most common method for drugs is a urine test, and urine specimens are considered the most accurate form of testing for drugs. A considerable body of research exists in support of this position. While blood testing is an option, it is not widely used due to the fear and discomfort that people have about needles. It is also considered a more invasive test, because the specimen is taken from the donor vs. given, as with a urine sample. The most common and accepted test for alcohol is a breath test although saliva tests can be used to get an initial, unconfirmed result. Hair analysis and skin patches are on the market, but they are less widely used or accepted since they are newer forms of testing, with less experience from court cases.

Q. When employees go for a test, are they actually observed giving the specimen?

A. Employees are left to void in privacy and are not observed unless required by an employer's policy or unless there is reason to suspect the individual of tampering or adulterating the process.

Q. What if an employee is taking a drug prescribed by a doctor?

A. The employee can keep taking it the way the doctor intended. If that prescription drug causes a test to be positive, before the company is told anything, the employee will be asked by a MRO to provide documentation of that prescription or to supply the MRO with the doctor's name and number to obtain verbal confirmation. There is a need to verify that the medication that produced the preliminary positive test result was actually prescribed to the employee and that the medication was being used as the doctor intended.

Q. Do over-the-counter drugs ever cause a test to be positive?

A. It is possible. However, as with prescription drugs, an employee would have the opportunity to inform the MRO regarding any medications that had been taken. Because these professionals are certified and trained in pharmacology, toxicology and drug testing technology, MROs can verify that an over-the-counter medication did cause the positive test.

Q. If an employee hangs around people who smoke pot, can he or she test positive for marijuana by just passively inhaling their smoke?

A. It is virtually impossible to get a positive test from passively inhaling marijuana smoke. For a test to be deemed positive, the amount of drug in the system must be above an established cut-off level. Most companies choose cut-off levels adopted by the DHHS. For drugs other than the five drugs tested for under the U.S. Department of Transportation/Federal Motor Carrier Safety Administration, DHHS-certified labs should be consulted; these cut-off levels have been researched extensively and defended in court. If the employer chooses cut-off levels at or above those adopted by the DHHS, the amount of marijuana that an employee might passively inhale will not be enough to put the employee above the cut-off level. Again, a DHHS-certified lab can offer guidance on cut-off levels.

Q. How long after doing drugs will a person still test positive?

A. Because there are so many variables, it is virtually impossible to predict how long a substance will stay in a person's system. It can range from 8 hours to 45 days. Such things as what the drug is, how pure it is, frequency of use, size of the user, etc., will determine its longevity. Marijuana is fat-soluble and will stay in the body longer than alcohol and other water-soluble compounds. The federal government's guidance (adopted by the DFWP Program) is that specimens not be sought after 32 hours for drugs and 8 hours for alcohol.

Q. Are there ways a person can beat a drug test?

A. Possibly, but typically not for long. DHHS-certified laboratories and collection facilities make it virtually impossible, and they respond immediately to each new attempt to adulterate specimens and cover up drug use. Rigorous protocols are followed by the personnel at those facilities to safeguard against tampering or adulteration. For example, the temperature of the specimen is taken within four minutes of the time it's given, and there is bluing in the toilet water. To prevent sample dilution there is no running water in the stall, and donors are not permitted to bring purses or outerwear into the collection area. Also, laboratories test for adulterants and dilution (chemicals or liquid put into the urine) as part of their verification process.

Q. Who will know the results of a drug test?

A. The drug test result is to be handled as a medical record and should not be a part of an employee's general personnel file. Only those staff with a definite need to know [e.g., DFWP Program Administrator, benefits administrator, immediate supervisor (if work adjustments need to be made), etc.] should have access to those results. Results must be held in the highest confidence possible. If not, an employee may consult the DFWP Program Administrator, union representative, etc. to file a grievance. Confidentiality is stressed strongly in BWC's DFWP Program.

More About Substance Use

The information in this section is intended for those employers who would like a fuller description of alcoholism and/or drug addiction, the road down which substance use can sometimes lead.

The Dynamics of Alcoholism (Also Applicable to Drug Addiction): Disease Model

Alcoholism is a primary, chronic disease, with genetic, psychosocial and environmental factors influencing its development and manifestation. The disease is often progressive and fatal. It is characterized by continuous or periodic loss of control over drinking, preoccupation with the drug alcohol, use of alcohol despite adverse consequences and distortions in thinking, notably denial.

Although the process of addiction to drugs is generally quicker, and even though differences exist between people, the following list explains some of the significant similarities in the progression of a dependence on either drugs or alcohol.

First Stage	Second Stage	Late Stage
Occasional relief/escape by using/drinking	Increased tolerance	Using/drinking to feel normal
Rapid intake	Excuses for using/drinking	Significant health consequences
Hallucinations		
Frequent hangovers	Lying about use	Decreased tolerance
Minimizing use	Loss of friends, interests	Obsession with substance
Onset of memory blackouts	Feelings of guilt	Death

An individual's continued use despite adverse consequences signifies that a substance user's pain tolerance is usually quite high. Negative, painful things that happen from using/drinking do not alter the person's pattern of use. For example, getting arrested for a drinking and driving offense, ending a relationship, experiencing financial hardship, and getting fired from a job are all painful consequences of using/drinking that may have no impact on the using/drinking behavior.

Dependence and addiction also are marked by distortions in thinking, notably denial. This is true in virtually every situation when using/drinking is a problem. Someone in trouble tends to deny that drinking is causing any of the problems in his/her life. One of the key dynamics of addiction is that the alcoholic or addict is often the last person to realize that there is a problem.

Prevention, Intervention, Assessment, Treatment

To protect the safety and health of individuals, the best course is to try and prevent or delay the on-set of use of any mind-altering substance such as alcohol or other drugs. Prevention programs for youth have this as a basic goal. With adults, however, the direction of prevention efforts differs slightly, and prevention begins to merge with intervention. Through education and support, a good substance use workplace program will deter use and also provide individuals with information which motivates them to alter or intervene in their own pattern of use of alcohol or drugs.

For those people who are not limiting their own use, however, or for those who have a problem and do not voluntarily seek help, a drug-free workplace program needs to include a mechanism which enables the employer to intervene and to take action. In such a program, supervisors are trained to recognize when an employee may have a problem with alcohol or other drugs. However, supervisors are not qualified to confirm that an individual is under the influence of substances. For this reason, it is important that a scientific “systems presence test” is used. This type of scientific drug or alcohol test can also aid in helping the individual confront his/her own denial that a problem exists.

The fact that an employee has a positive drug or alcohol test does not mean that he/she may need treatment. An assessment needs to be conducted by a qualified professional to determine the nature of the problem that led to a positive test. If treatment for rehabilitation purposes is needed, it needs to be determined how much and what type of treatment is necessary. To determine these needs, a referral is made to a “clinician” for an assessment to be done. The assessment generally includes a questionnaire as well as the clinician doing interviews with employee as well as with family members and/or other support systems.

Avoiding “Enabling” Behavior

Once employers become aware of the problems associated with substance use in the workplace and they understand that they can do something about this problem, they face two choices. They can either ignore the situation (for the moment) or take preventive action, provide for intervention, make a referral for assessment of the problem and, where necessary, arrange for treatment.

Confronting or dealing with an individual’s drug and/or alcohol problem is a new and uncomfortable experience for most employers and supervisors. As something unfamiliar, this type of problem can be frightening, emotionally draining, confusing and even immobilizing. It’s human nature to find ways to avoid dealing with this type of problem. For example, a husband or wife at home who calls in sick for his/her spouse when the spouse really has a bad hangover is too uncomfortable to deal with the problem. Parents who ignore the smell of alcohol and marijuana on their son when he comes in late from a night out face the same type of problem. So does a grandmother who doesn’t inform law enforcement officials that her addicted grandson stole another Social Security check from her mailbox.

In the workplace, supervisors might experience some or all of the following when dealing with such a problem:

- Fear - “What if I’m wrong? What if the employee sues me? How do I really know if she/he is abusing anything? How do I know how the employee will react if I confront what I’ve seen?”
- Insecurity - “How will my peers look at my behavior? What will my other employees do and say?”
- Guilt - “I’ve come to work loaded a few times. How can I go after employees for something I’ve done?”
- Apathy - “This is just one more than I’m being asked to deal with. Let someone *else* do the dirty work. I’m out of here in a few years anyway, so why should I have to mess with this?”
- Anger - “Why should it be any of my business what a person does on his or her own time? Besides, that employee has been up to no good since the day he/she got here. Why am I stuck with what the previous supervisor wouldn’t deal with?”

Whether in the family or in the workplace, these expressions of feeling and confusion can cause people to do nothing, frequently to the employee's detriment, as well as to the welfare of the entire workplace. When feelings such as these block someone from acting to help an individual with a substance use problem, this is considered to be "enabling" the person with the problem to stay on the same destructive course in terms of alcohol or other drug use.

Dealing effectively with the types of problems identified above requires a well-thought-out drug-free workplace program. Enabling behaviors must be challenged since these behaviors allow employees to continue their alcohol misuse or drug use. The written policy developed by the employer serves as a mission statement and road map for the program, and it includes the provision that employees will receive substance use education and be held accountable for not violating the employer's policy. When employers arrange for all employees to be educated about the realities of workplace substance use and when they offer intensive training to supervisors to hold employees accountable, they are supporting efforts to confront the problem rather than enabling the problem to continue. Without these types of tools (education/training), supervisors and others will employ strategies (both conscious and unconscious) to make these uncomfortable feelings go away.

People use the following types of strategies, typically called "emotional defenses," to protect themselves from the types of uncomfortable feelings that are associated with dealing with substance use:

- Denial - Refusing to recognize or acknowledge that a problem even exists.
- Minimizing - Making a situation/behavior appear less serious or significant than it really is.
- Rationalization - Making excuses (usually reasonable sounding ones) for the situation/behavior that are more pleasant than the real reasons.
- Intellectualizing - Recognizing a problem exists but dealing with it in a philosophical, detached manner, with no personal feeling or involvement.
- Anger - Becoming hostile, aggressive or argumentative when thinking about or talking about the situation/behavior.
- Humor - Laughing or joking about the situation/behavior as if there were no unpleasantness about it.
- Withdrawal - Avoiding the situation/behavior by emotionally or physically removing oneself from the person with the problem.

The Process of Choosing/Contracting with Vendors

There is no one central organization that can ensure the ability of professionals and/or verify their level of knowledge about various aspects of drug-free workplace programs. Therefore, employers have to be the ones to evaluate credentials and experience. Employers should seek references by asking for the names of previous clients of anyone whom they are considering contracting with. They should then contact these clients to verify level of competence and satisfaction. Since past performance tends to be the best indicator of future performance, this tends to be a reasonable way to evaluate a consultant's ability. In this section, we've attempted to provide some helpful hints for employers regarding dealing with vendors. Included are how to "qualify" professionals to determine whether they have the needed credentials, experience and expertise to offer the employer competent help.

Tips on How to Evaluate ("Qualify") the Assistance Offered by Vendors

In determining what resources to use to develop its DFWP Program/policy, an employer needs to consider its individual work environment. Environments tend to differ based on the nature of the work being performed, the logistics of managing each employer's operation and the individuals that comprise the work force. Thus, it makes sense to obtain assistance from competent professionals who are both knowledgeable in the field of drug-free workplace programs and in adapting a policy to specific demographics of a given employer's work/operations.

Organizational and human resource consultants, attorneys, drug testing/lab services, employee assistance providers, and treatment centers may consult with employers to establish a drug-free workplace. It is very important for an employer to accurately assess the expertise of each of these professionals. Employers have various liabilities, and it is critical that the professionals chosen by the employer are competent in offering services to create a functional DFWP Program. For example, it's important that a consultant have knowledge of the legal issues that impact drug-free workplace programs and also have practical experience working with employers to implement a program. Otherwise, an employer may put itself at risk. The burden is on the employer to evaluate the qualifications of all potential consultants or providers from whom employers may accept assistance in the development of policy and program guidelines. And, an employer should have legal counsel review the policy and operational guidelines before implementing its program.

Written Policy and Program Development Services

An employer may also obtain assistance in finding knowledgeable legal counsel by contacting the local Bar Association for referral to a selection of attorneys that specialize in employment law and also have expertise in drug-free workplace policy development. Assessing the experience and skills of attorneys and others who may help design and write the employer's policy and procedures is an important initial step in attempting to implement a DFWP Program. The employer should consider consulting legal counsel throughout the written policy development process and have its DFWP Program reviewed in its entirety to ensure compliance with all applicable federal, state and local statutes and to assure there are no conflicts among the various jurisdictions. Also, legal counsel can verify that all employer and employee protections are in place. A DFWP Program that an employer establishes to deal with substance use must be sensitive to, and conform to:

- Federal statutes.
- Any related state laws.
- Any local ordinances that may apply to its written policy and/or the operational practices of its program.

These boundaries may be specifically labeled as drug and alcohol legislation, but they often fall into the category of employment law. Even among employment law specialists, there may be only a limited number who stay current on evolving developments. Clearly, it is in the employer's interest to consult with the most knowledgeable experts in developing their DFWP Program. The attention to developing the employer's DFWP Program that is paid up-front will bear significant dividends down the road, and will be cost-effective in the long run.

Attorneys

An employer implementing a DFWP Program may want to consider some of the following qualifications when shopping for an attorney:

- experienced in drug-free workplace policy and program development.
- able to provide names of satisfied clients for whom the attorney has previously done this type of consultation.
- reviews legislation and the body of case law that has an impact on drug-free workplace programs.
- able to discuss in layman's terms the practical issues associated with operating a DFWP Program.
- knowledgeable in employment and labor law.

Development Consultants

In developing and implementing its DFWP Program, an employer is likely to deal with a number of professions. If a consultant is used to develop policy and operational procedures, the employer should choose a consultant with an established record including a comprehensive knowledge of issues and with experience in the process of drug testing employees. One option is to consult with a consultant organization that works with employers to develop a DFWP Program. The employer is looking for a vendor that specializes in this type of service since it clearly takes a considerable amount of research and attention to stay current on all the issues at the federal and state level. The employer may need the vendor to customize program specifics, and to ensure all liabilities are reviewed. This is an important reason employers should choose carefully in selecting this type of consultant.

As noted above, the people who are capable of helping an employer develop its DFWP policy and program operations are not found within a single profession. It is the employer's responsibility to identify and qualify candidates who might provide this service. To assist in this process, the Ohio Department of Alcohol and Drug Addiction Services (ODADAS) maintains a list of providers offering to assist employers with developing their DFWP Programs. The current directory of vendors includes those who have expressed interest in offering services and who (for Employee Education and Supervisor Training) meet the criteria spelled out in the DFWP Program Rule. Again, from a "buyer beware" legal principle, an employer always needs to verify the level of experience and expertise possessed by any consultant.

Typically, an employer would look for a DFWP program development consultant that:

- Can demonstrate experience in drug-free workplace policy and program development.
- Has up-to-date knowledge regarding legislation and the body of case law that has an impact on drug-free workplace programs.
- Provides references.

- Verifies the ability to go beyond just writing a policy statement by knowledge that:
 - Reflects the most current federal and state legislation.
 - Integrates management and labor concerns.
 - Takes the greatest advantage of workers' compensation, employee benefits and health-care opportunities.
 - Balances the costs including tax considerations and benefits.
 - Balances managerial and legal issues.

Employee Education Services

The employer must work in tandem with some type of substance use professional (or someone supervised by a credentialed professional) to deliver employee education sessions. The employer may choose to have this person involved in the planning portion as well as service delivery. A designated representative of the employer, such as the DFWP Program Administrator, might be a good person to present the details about the employer's policy and program operation, while the qualified outside presenter focuses on alcohol, drug treatment and services information. For additional resources, an employer may turn to its own Employee Assistance Program (EAP) or employee assistance provider, local community services agencies, or local treatment centers, hospitals, colleges and universities. Many high schools also will have qualifying substance use professionals who can help with employee education.

An employer should shop for someone with knowledge of alcohol and other drugs, the disease model associated with alcoholism and drug addiction, and local support resources and systems for troubled individuals. It's helpful, too, if the vendor is willing and able to develop knowledge of the employer's DFWP policy, program procedures and overall business operations. To comply with the BWC's DFWP Program, the educator must hold (or be supervised by someone who holds) one of the approved credentials (SAP, CEAP, CCDCIII, OCPC or OCPS). An employer will still need to evaluate these professionals to determine whether they have the experience/expertise to offer competent help and not miss key aspects of the educational awareness process. The employer should ask for names of previous clients of each professional being considered and confer with some of these clients to verify the level of competence and level of satisfaction.

Supervisor Training Services

The employer needs to think carefully about who will conduct its supervisor training. Obviously, the trainer needs to understand the policy thoroughly and also needs to have a clear understanding of the mission and intent of the employer's program as well as knowledge of good supervisory practices. The trainer's ability to handle difficult questions, to diffuse participant resistance and/or challenge supervisors about their role will play a critical role in how effective the training is.

If planning to use a qualified, credentialed person within its own organization to do supervisor training, the employer should consider the person's ability to present the information in a positive manner, reputation among other supervisors and ability to answer questions directly/honestly. If the person whom the employer wants to do the supervisor training does not hold one of the approved credentials, this person must be supervised by someone who does. When using an outside trainer, the employer needs to ensure that the contractor knows the company's DFWP policy, company culture, substance-free workplace issues (e.g., legal issues, drug testing, etc.), drug and alcohol issues (e.g., addiction, treatment, specific drug information, etc.) and effective management practices (e.g., documentation, coaching and confrontation, etc.).

Many treatment professionals and/or facilities have experience in training supervisors about alcohol and other drug issues. The selected trainer needs to know substance use and drug-free workplace issue, and to understand the DFWP policy, both from a theoretical and a practical standpoint. Because the employer wants its supervisors to become engaged in building skills, it makes sense to shop for a trainer who not only knows the issues but also has the reputation (from referral or references) for getting training participants fully involved. An employer's representative (typically the DFWP Program Administrator) can work in tandem with a qualified trainer to present details about the company's policy and program operation, while the outside trainer focuses on alcohol, drug, treatment and services information and skill building. This can help give the sessions some variety.

The employer may choose to look for the following qualifications in selecting a trainer:

- Expertise in alcohol and other drugs.
- Documented training experience and skills.
- Knowledge of local and national support resources for the employer and employees.
- Willingness to learn the employer's DFWP policy and program procedures.

As with employee education, the employer may work with a substance use professional in planning as well as delivering a supervisor training program. The required, qualified trainer should focus on skill-building exercises designed to help supervisors overcome possible reluctance to deal with the sensitive, emotion-charged issue of alcohol and drug use, and how to become a helper who observes behavior objectively, confronts employees when appropriate, deals appropriately with behaviors that violate the DFWP policy, and offers support to employees in terms of available resources. An employer may turn to its own employee assistance provider or EAP, local community services agencies, or local treatment centers, hospitals, colleges and universities for additional resources. Many high schools also will have qualifying substance abuse professionals who can help with supervisor training.

Drug and Alcohol Testing Services, including Laboratories, Collection Sites (Collectors) and MROs

An employer can shop separately for every element of the drug-testing process. However, there are advantages to negotiating directly with a representative from the laboratory. It is the lab that has the greatest responsibility to make sure all protocols are followed; therefore, the lab is typically capable of referring an employer or setting up such additional components as collection site, the MRO, billing, etc.

Where an employer has a pre-existing relationship with an occupational health clinic, third party administrator or other organization for occupational testing, or the employer is already doing mandated DOT/FMCSA testing, then this might be a good place to begin the shopping process. These relationships are familiar to the employer, and these organizations should be informed about DHHS-certified testing of employees (although they may not actually be involved in the process).

Drug and Alcohol Testing Vendors

Employers participating in BWC's DFWP program are required to use substance testing that incorporates the greatest protections available. Incorporating these protections means spending more time, effort and sometimes more money in shopping, setting up and administering a program. However, it assures a testing process that has greater integrity, is more likely to be accepted by employees, and is less likely to be vulnerable to legal challenges. The key to testing employees the right way is the use of DHHS or NIDA-certified laboratories to analyze urine and blood specimens, and federally authorized (NHTSA) resources for saliva and breath specimens. A list of these laboratories and resources is available through the Federal Registry as well as in the Resources section at the back of this manual.

The federal government has established protocols and chain-of-custody guidelines for specimen collection, transportation of the specimen from the collection site to the laboratory, screening and confirmatory testing, medical review of test results, reporting of those results to the employer, random selection and re-testing. The fees for these elements can be bundled or split apart. If bundled, the employer will not only need to ask what is specifically included in the quoted price but, very importantly, what is missing and not included in the package.

An employer can negotiate directly with the laboratory which will, in turn, recommend vendors and/or will arrange for each additional element of the process needed beyond the laboratory testing. This is a standard practice, and there are strict governmental guidelines for the various disciplines involved to prevent any conflict of interest. Or, the employer can assemble its own configuration of separate entities each carrying out one of the steps in the process (collection, transportation of the specimen, MRO, etc.). In either case, employers will be assured of greater quality and lower cost if they are critical in their shopping.

Negotiating Price

An employer can become confused in obtaining pricing quotes from laboratories. Employers should ask for detailed itemization of what the costs will be, especially if there will be any charges per test beyond what has been quoted or projected. Employers can sometimes find that the price they understood for a complete test does not include the charge for services of a MRO, or of the collection supplies, forms, etc. Ideally, employers should establish a relationship with a lab from which they can walk away if dissatisfied. It is important that employers pay attention on an on-going basis to the number of tests performed and the billings. This will help to avoid surprises.

When shopping for drug testing, it is recommended that the employer solicit multiple bids or quotes. This effort can not only help to assure the best pricing; it can offer an important learning experience for the employer that may make the employer a better price negotiator. The employer should make certain that the issue of indemnification of false positive test results is discussed and resolved when shopping for drug testing. This is an important bottom line issue. It is important for the employer to remain aware of all costs associated with conducting testing. By carefully reviewing billing statements from the laboratory and other parties to the testing process, the employer can appropriately assess one of the major costs of operating the DFWP Program.

Checklist for Negotiating Contract with a Lab

The following is a working checklist to assist representatives of the employer in gathering information when preparing to negotiate a contract with a laboratory for drug and alcohol testing.

Credentials, Facilities, Resources

- ___ Lab certifications/accreditation (beyond DHHS/NIDA-certified)
- ___ Certificate of insurance
- ___ Number of DHHS-certified labs
- ___ Client list
- ___ Number of collection sites within ___ of miles of company locations, hours of operation
- ___ Collection sites (24-hours)
- ___ On-site collection
- ___ Courier system (company-owned or other, frequency, flexibility)
- ___ Reporting mechanism options

Testing procedures

- ___ Negatives and positives — turn around time from specimen collection
- ___ Reporting system (courier, FAX, mail, electronic, etc.)
- ___ Random selection service available
- ___ Post-accident arrangements

Type of testing conducted and costs

- ___ DOT/FMCSA, DHHS/NIDA-5 Bundle vs. split fees
- ___ 9-drug profile Bundle vs. split fees
- ___ GC/MS Bundled vs. split fees
- ___ Specifically requested, additional drug(s)
- ___ Alcohol screen: saliva, breath
- ___ Alcohol test, blood
- ___ EBT: screen and confirm

Negotiable service charges

- ___ Personalized requisitions
- ___ Collection fee
- ___ MRO
- ___ Post-accident/remote customer service
- ___ 1-800 customer service
- ___ Charges for Supplies, Kits, Shipping or Handling
- ___ Random selection service
- ___ Expert witness and court testimony

Specific to alcohol testing

- ___ Certificate of insurance
- ___ NHTSA: EBT and blood collection sites within ___ of miles of employer locations, hours of operation
- ___ Client list
- ___ EBT, blood collection sites (24 hours) and on-site collection
- ___ Certified BAT, STT training (technical assistance, manuals, wall charts, videos)
- ___ Negatives and positives - turnaround time from specimen collection
- ___ Post-accident arrangements
- ___ Random selection service
- ___ Costs: Alcohol test, blood test
 - ___ NHTSA alcohol screen: saliva, breath
 - ___ NHTSA EBT: screen and confirm

Employee Assistance Services

Employers need to be careful in shopping for employee assistance services or contracting with an EAP. There is no central professional body that licenses a quality EAP service. Often the phrase “Employee Assistance Program” is used generically rather than to a full-blown program of coordinated services. It may be used incorrectly to refer to a hotline or an insurance company that assesses employee need and makes a referral for the lowest level of service needed.

A good EAP serves two masters: the employees as individuals and the employer. Generally, contracts will provide for the EAP to be just a phone call or visit away, and able to offer support and recommendations for challenging managerial decisions, and dealing with confrontations and/or unusual situations which arise. Contracts with an EAP often involve an employer paying for the service up-front so it is available and waiting to be used. Employers need to ensure that they get their money’s worth. They should require utilization reports (national rate is 5% to 8% utilization) and take advantage of additional no-cost services offered by the EAP, such as education seminars, EAP promotions, newsletters, payroll stuffers, videotape libraries, etc.

If an employer spends the time to build a solid relationship with a qualified substance use professional, services are likely to be substantially improved. The time spent in building these relationships can make the difference regardless of whether the issue is to get an assessment done expediently or to run interference with an insurance company, and whether the professional is from the local community service or is under contract with the employer’s company.

Professional Associations

There are two professional employee assistance organizations in Ohio with regional and local chapters and which can offer additional information. Employers can call the Employee Assistance Professionals Association (EAPA) (see Resources section at back of manual) for information on how to evaluate and select EAPs, their value, how they operate and how to find quality national, regional, and local providers.

Substance Abuse Professional

One type of professional available to assist an employee with a drug and/or alcohol problem is known as a Substance Abuse Professional or “SAP.” A SAP is qualified under the DFWP Program to administer an assessment of an employee after a positive alcohol or drug test or upon a self-referral. A SAP must be a licensed physician (medical doctor or doctor of osteopathic medicine) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders. A licensed or certified psychologist, social worker, CEAP, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) who meets this criteria also may be a SAP. Employers must assess these as possible resources the same as with any other professional whose services are being considered; the professional degree possessed by the person or title alone does not provide sufficient information for an employer to determine quality of services.

More About Drug and Alcohol Testing

Basics About Drug and Alcohol Testing

BWC recommends that an employer consider a confirmed .04% BAC (Blood Alcohol Content) on an alcohol test as a positive test cut-off level under its DFWP policy. This is consistent with DOT/FMCSA's cut-off level for a positive alcohol test. It's very important that the employer's legal counsel review and advise regarding all cut-off levels, and DHHS-certified labs may offer their invaluable experience in recommending cut-off levels for what is considered a positive test.

BAC is the percentage of alcohol in a person's blood stream. Employees often ask just how much they can drink and still stay under a certain BAC. As a rule, BAC charts like the one below should serve only as a guideline. The numbers are based on averages, and there are many factors that can influence the accuracy of the estimations.

For starters, the following dynamics can influence the rate the body eliminates a drink:

- √ Body size.
- √ What's in the stomach (e.g., food, medications, other drugs, etc.).
- √ What the drink is mixed with (e.g., water, carbonated soda, juice, etc.).
- √ How the drink is mixed (i.e., the amount of alcohol that is added to the drink).

A drink is defined as:

- √ One 12-ounce. beer.
- √ One ounce of 100-proof liquor.
- √ One and one-fourth ounce 80-proof liquor.
- √ One five ounce glass of wine.

Many people are unaware that each of the above has nearly identical amounts of alcohol. It is interesting to note, however, that a person's reaction is generally different when they have consumed six shots of liquor as opposed to six cans of beer.

Approximate Number of Drinks to Reach a Particular BAC

Drinks per Hour	100 lbs.	120 lbs.	140 lbs.	160 lbs.	180 lbs.	200 lbs.	220 lbs.	240 lbs.
1	.04	.03	.03	.02	.02	.02	.02	.02
2	.08	.06	.05	.05	.04	.04	.03	.03
3	.11	.09	.08	.07	.06	.06	.05	.05
4	.15	.12	.11	.09	.08	.08	.07	.06
5	.19	.16	.13	.12	.11	.09	.09	.08
6	.23	.19	.16	.14	.13	.11	.10	.09
7	.26	.22	.19	.16	.15	.13	.12	.11
8	.30	.25	.21	.19	.17	.15	.14	.13
9	.34	.28	.24	.21	.19	.17	.15	.14
10	.38	.31	.27	.23	.21	.19	.17	.16

On the average, alcohol is eliminated from the blood stream at the rate of .015 percent per hour.

While these charts offer an estimate about BAC levels, they should be used with caution in terms of relying upon them to make drinking decisions. Not only can the numbers on a chart vary, but having a person rely on a chart to make drinking decisions can be detrimental.

What the Employee Experiences — Collection Process for Alcohol Testing

The following steps should be taken when an EBT (Evidentiary Breath Testing) device is used to measure the amount of alcohol in an employee's system/breath. These are the same protocols required by the DOT/FMCSA for alcohol testing.

Upon entering the collection facility, the employee will:

- Be required to show positive identification; no test will be administered if the donor does not show such identification.
- Observe the BAT check the accuracy of the EBT by administering an air blank to ensure that the machine registers not greater than .00.
- Observe the BAT opening a sealed mouthpiece.
- Be instructed to blow into the mouthpiece until the EBT indicates that a large enough sample has been obtained.
- Be told the result of the test.
- Be asked, when the result is above the cut-off level, to take another test to confirm those results.
- Be asked, if a confirmation test is warranted, to wait not less than 15 minutes but not more than 30 minutes after the first test; he or she also will be instructed not to eat or drink anything or belch during that waiting period.
- Again observe the BAT check the accuracy of the EBT by administering an air blank to ensure that the machine registers not greater than .00.
- Again observe the BAT open a sealed mouthpiece and repeat the testing process.
- Be told the result of the test.
- Be asked to sign the appropriate paperwork.
- Observe the BAT administer another air blank to check the accuracy of the machine; if the machine registers more than .00, the test will be considered invalid.

What the Employee Experiences — Collection Process for Drug Testing

The following steps are followed in the urine collection process in compliance with DHHS-certified testing guidelines:

Upon entering the collection facility, the donor will:

- Be required to show picture identification; collection site personnel will complete paperwork directly from this identification, and no test will be administered if the donor does not show such identification.
- Be instructed to wash his or her hands and remove any hat, coat, or outer clothing which could conceal efforts to adulterate the urine specimen.
- Not be able to take a purse, parcels or belongings other than a wallet into the restroom. If the donor wishes, the collector will provide a receipt.
- Be accompanied to the restroom by the collector, who will check the commode area to verify there is no running water and that there is bluing in the toilet; the collector will not go into a single facility restroom but, if a multi-stall restroom is used, a collector of the same gender will go into the restroom but not into the stall.
- Urinate into the specimen cup and bring the cup to the collector immediately after voiding.
- Flush toilet only when instructed to do so by the collector.
- Be given the opportunity to wash his or her hands again after collection.
- Observe the collector taking the temperature of the specimen. (Frequently, there is a thermometer directly adhered to the specimen container.) This must be done within four minutes of voiding.
- Be required to repeat the process if there is less than 30 ml of urine (45 ml if it is a DOT/FMCSA-mandated test) in the specimen container.
- Observe the collector transferring the specimen into the storage bottle and securely sealing it to prevent tampering.
- Verify his or her understanding and observation of the process which readies the specimen for transporting to the laboratory.
- Be asked to complete any additional documentation.
- Be given a copy of paperwork and instructed that he/she will be contacted by the MRO if further information is needed. (If the result of the test is positive, the donor will be contacted by the MRO and asked to provide a medical explanation for the presence of the drug/metabolite in the specimen.)

All of the above process steps are to be completed in front of the donor, and the donor will be required to sign his or her initials during several steps to verify his/her observation of the process.

More About Employee Assistance/EAPs

Employee Assistance and Levels of Substance Use Care

Substance use disorders can be treated in a variety of settings, depending upon diagnosis, which includes substance(s) used; the length of time each substance has been used; the frequency of use; tolerance and withdrawal; presence of accompanying psychiatric illness; failure in other treatment attempts/settings; and experience of psychological, social or exceptional dysfunction. Referral for an assessment is a key part of employee assistance services in the DFWP Program, regardless of level.

Types of Care/Treatment

- **Medical Detoxification** - Acute care hospitals, inpatient hospitals and residential settings provide triage and short-term treatment services for patients who have no visibly acute physical or medical problems, except those problems related to withdrawal from alcohol or other drugs. Length of stay generally ranges from two to five days, except for treatment related to use of barbiturates or tranquilizers, which may require 10 to 15 days.
- **Inpatient** - Inpatient hospitals and residential settings provide intensive treatment. Both provide 24-hour supervision and support in a structured, therapeutic environment. This facilitates treatment, rehabilitation and re-socialization.
 - Inpatient hospital settings provide treatment/resolution of medical complications related to substance use.
 - Residential settings provide effective treatment for addiction and the loss of control phase of psychoactive substance use. The setting supports efforts to change behavior in an environment that is controlled for stress and lack of access to alcohol or other drugs. It also has a structured community during hours off from therapy.
 - Halfway houses are residential settings that continue to support efforts to change behavior and provide a controlled therapeutic environment while allowing the client to return to work and/or school.
- **Outpatient:** - Outpatient care settings can provide effective follow-up therapy for drug and/or alcohol dependent persons emerging from a controlled treatment environment, as well as effective intervention for those persons whose illnesses are identified in the early stages.
 - Intensive outpatient programs provide structured substance use treatment for three to eight hours a day, at least three days a week for several weeks.
 - Less structured outpatient treatment consists of a combination of individual, family/significant others, group and educational sessions offered one to two times a week for several weeks.
 - Aftercare services offer weekly group and/or individual counseling in an outpatient setting for the patient and significant other, providing support for continued abstinence and an opportunity to reinforce the life skills needed to integrate recovery into daily routines.
- **Self-Help Groups** - Self help groups provide regular gatherings of recovering individuals with a specific focus. Most use the 12-Step Method to reinforce recovery (e.g., Alcoholics Anonymous, Narcotics Anonymous, and Adult Children of Alcoholics). These are local, affordable sources of support.

Information About EAPs

An EAP is a work site program designed to assist in the identification and resolution of productivity problems associated with employees impaired by personal concerns including, but not limited to: health, marital, financial, alcohol/drug, legal, emotional, stress, or other personal concerns which may adversely affect employee job performance.

- Employee Assistance Professionals Association

An effective way for employers to increase productivity is the services of an EAP. EAPs were developed more than 30 years ago to help employees suffering from alcoholism. In today's workplaces, EAPs are more "broad brush," addressing all types of personal problems that might affect job performance. A well-designed EAP--in conjunction with an employer's DFWP policy, employee education, supervisor training and an appropriate drug/alcohol testing program--may offer an effective and affordable way for an employer to address drug/alcohol problems in the workplace.

An EAP can either be housed internally or provided through services obtained from contracting with an independent, external provider. Staffed by professionals, including CEAPs, certified chemical dependency counselors, licensed social workers and psychologists, EAPs are designed to meet the needs of two clients:

- **Employees** - helping them identify problems and appropriate resources.
- **Employers** - helping them identify and understand productivity and safety issues caused by personal problems, and how to "preserve" employees impaired by such problems.

Employee Assistance Services That Go Beyond DFWP Program Requirements

The nature and extent of services provided by an EAP can vary according to an employer's needs and work culture. In an optimal situation, assessment and counseling services are available not only to employees but also to their families. Employees can request services for themselves, or supervisors can use a referral to the EAP as a tool to remedy an employee's performance problem.

Some of the more traditional EAP services include:

- Assessment.
- Short-term counseling.
- 24-hour telephone access.
- Referral.
- Case management.
- Employee education.
- Crisis intervention.
- Management training and consultation.
- Organizational development.
- Corporate health benefits analysis.
- Program promotion.

Some of the other EAP services that are more "progressive" include managed behavioral care, insurance gate-keeping functions, management of the company's workers' compensation program, and on-site counseling. Optimal use of an EAP means designing a contract that includes services to keep the work force productive, healthy, and safe.

How Companies Are Charged for These Services

There are several ways that EAP contracts can be configured, but the most common approaches are fee-for-service and per-capita pricing.

In a fee-for-service arrangement, the company is only charged when an employee or supervisor uses the service. While this might appeal to the employer who has limited cash flow, is skeptical of EAP benefits or isn't sure how much it will be used, a per-capita pricing arrangement could be counter-productive and confusing to administer. Who, for example, would be given the authority to "authorize" an employee or supervisor to use the EAP? Use of employee assistance services might be discouraged if the bill gets larger each time services are used. An employer might be tempted to use the EAP only in times of crisis as opposed to using services as a preventive tool.

In a per-capita arrangement, the company pre-pays according to the employee census at the time of billing. This way, the company pays whether the services are used or not. There is a built-in incentive, then, to maximize the partnership and make the services work for the employer. Offering this free service to employees may also boost morale.

The Value of EAPs

There are number of studies that cite the economic benefits of having an EAP. These studies conclude that:

- √ There is a return on investment of anywhere from \$5 to \$16 for every dollar spent on an EAP.
- √ There is a decrease of up to 60% in absenteeism and lost time.
- √ There is a decrease of up to 7% in lost time of co-workers and supervisors in discussions of personal problems.
- √ On average, employees file \$7,300 less in health claims.

When investing in an EAP, it is crucial that the employer shop critically. There are a variety of employee assistance options available in terms of provider styles that the employer will have to evaluate. The important element, though, is that the employer understand the options and know the key questions to ask potential providers.

To date, it is not mandated that an EAP be licensed or accredited to sell and/or provide services. Therefore, the employer may approach or be approached by several organizations that call themselves EAPs, but whose services greatly differ from one another. This makes the process of carefully selecting a qualified vendor even more important. One proven method of selecting and qualifying an EAP is through a request for proposal process, where each candidate responds to a series of questions and is asked to submit a formal bid. While the process may appear to be an investment in time, committing the time to learn and qualify an EAP vendor at the onset may give the employer the greatest return on investment in the long run.

To evaluate EAP vendors, it is suggested that the following aspects/information be explored with each potential vendor:

Administrative/Organizational Information

- _____ History
- _____ Licensing/accreditation standards
- _____ Insurance coverage
- _____ Liability claims
- _____ Billing procedures

Staffing

- _____ Technical qualifications
- _____ Clinical supervision
- _____ Diversity
- _____ Turn-over

Access to services

- _____ Office locations
- _____ Hours of operation
- _____ After-hours procedures
- _____ Response to critical situations

Benefits/managed-care issues

- _____ Method for tracking benefits
- _____ Process for analyzing benefits
- _____ Managed care options
- _____ Ability to integrate with existing insurance providers

Program evaluation

- _____ Qualitative & quantitative measures
- _____ Aspects of program that are evaluated and how

Clinical services

- _____ Intake/assessment
- _____ Confidentiality
- _____ Assessment tools

- _____ Brief counseling
- _____ When would it be recommended?

- _____ Referral
- _____ Criteria for selecting providers
- _____ Use of support groups
- _____ Use of community agencies
- _____ Financial affiliations

- _____ Follow-up/case management
- _____ Nature & frequency of contact with referral source
- _____ Nature & frequency of contact with company
- _____ Client records (what is kept, for how long?)

Non-clinical services

- _____ Program promotion
- _____ Supervisor training (learn if they have people qualified to deliver training
with qualifications that meet the Bureau's criteria)
- _____ Employee orientation to EAP services
- _____ Management, supervisor & union steward orientation to EAP services
- _____ Alcohol/drug prevention
- _____ Wellness and health promotion
- _____ Supervisor/management consultation

Reporting (verify that the EAP will work with the BWC's DFWP Program requirements for reporting and information)

- _____ Information that is tracked
- _____ Data collection capabilities
- _____ How EAP activity is reported

Pricing

- _____ Assessment/referral only
- _____ Brief counseling

Miscellaneous

Definitions

Glossary of Acronyms

<u>ADA</u>	Americans with Disabilities Act
<u>ADAMH</u>	Alcohol, Drug Addiction and Mental Health Services Board (Ohio)
<u>ADAS</u>	Alcohol and Drug Addiction Services Board (Ohio)
<u>AOD</u>	Alcohol and Other Drugs
<u>BAC</u>	Blood Alcohol Content
<u>BWC</u>	(Ohio) Bureau of Workers' Compensation
<u>CADCA</u>	Community Anti-Drug Coalition of America
<u>CAP</u>	College of American Pathologists
<u>CCDCIII</u>	Certified Chemical Dependency Counselor
<u>CEAP</u>	Certified Employee Assistance Professional
<u>DHHS</u>	U.S. Department of Health and Human Services
<u>DOT</u>	U.S. Department of Transportation
<u>EAP</u>	Employee Assistance Program
<u>FMCSA</u>	Federal Motor Carrier Safety Administration
<u>5-Panel</u>	A drug test covering five drugs (required by DOT/FMCSA)
<u>GC</u>	Gas Chromatography (part of confirmatory drug test)
<u>MCO</u>	Managed Care Organization
<u>MRO</u>	Medical Review Officer
<u>MS</u>	Mass Spectrometry (part of confirmatory drug test)
<u>NCADI</u>	National Clearinghouse of Alcohol and Drug Information
<u>NHTSA</u>	National Highway Traffic Safety Administration
<u>NIDA</u>	National Institute on Drug Abuse (now SAMHSA)

<u>OBWC</u>	Ohio Bureau of Workers' Compensation
<u>OCPS 1 and 2</u>	Ohio Certified Prevention Specialist
<u>ODADAS</u>	Ohio Department of Alcohol and Drug Addiction Services
<u>OTC</u>	Over-The-Counter medications
<u>SAMHSA</u>	Substance Abuse and Mental Health Services Administration
<u>SAP</u>	Substance Abuse Professional
<u>9-Panel</u>	A drug test covering nine drugs
<u>TPA</u>	Third Party Administrator

Definition of Terms from the DFWP Program Rule

Accident - An unplanned, unexpected, or unintended event which occurs on the employer's property, during the conduct of the employer's business, or during working hours, or which involves employer-supplied motor vehicles or motor vehicles used in conducting the employer's business, or within the scope of employment, and which results in any of the following:

- A fatality of anyone involved in the accident.
- Bodily injury requiring off-site medical attention away from the employer's workplace.
- Vehicular damage in apparent excess of a dollar amount stipulated in the employer's DFWP policy or
- Non-vehicular damage in apparent excess of a dollar amount stipulated in the employer's DFWP policy.

As used in this rule, accident does not have the same meaning as provided in Division (C) of section 4123.01 of the Revised Code, and the definition of this rule is not intended to modify the definition of a compensable injury under the workers' compensation law, nor does it have the same meaning as accident used in DOT/FMCSA requirements.

Drug and alcohol testing - Refers to a range of tests that may be used to address employee use of alcohol and other drugs that affect workplace safety. These tests include pre-employment or new hire testing to screen from the work force persons with existing substance use or misuse problems that may affect workplace safety. These tests also are used for post-accident testing for employees who may have caused or contributed to an accident due to use or misuse of alcohol or other drugs as well as reasonable suspicion testing which utilizes observations from trained supervisors to identify employees whose behavior suggests use or misuse of alcohol or other drugs that may endanger the employee or other employees. In addition, random drug testing is used to identify employees who use alcohol or other drugs in contravention of the employer's DFWP policy, with such testing likely to deter substance use because employees will not know whether or when they might be tested. The five drugs that are required in the drug testing are amphetamines, cannabinoids (THC), cocaine, opiates, and phencyclidine (PCP).

Drug-Free Workplace Program or DFWP Program - BWC's rate program which offers a premium discount to eligible employers that implement a program addressing workplace use and misuse of alcohol and other drugs, including prescription, over-the-counter, and illegal drug use.

Experience equivalency - Refers to consultation and training services offered through a program, which facilitates the development of an employer's DFWP program and may qualify the employer to receive a higher discount based on program level implemented in conjunction with this experience equivalency credit; which has met the criteria specified below; and whose name is maintained on a list by ODADAS.

The criteria for a program deemed as an experience equivalency includes:

- All primary consultants for the organization shall have a minimum of 10 hours annual continuing education in drug-free workplace issues.
- The organization shall have provided drug-free workplace policy and operational procedures development consultation and training for a period of at least two years.
- For purposes of this rule, the organization will provide a certificate only to an employer that completes a minimum of fifteen hours of face-to-face consultation and training and a minimum of 20 additional hours developing the employer's drug-free workplace policy and program operations.

Employee assistance plan - An employer's plan of action and designated appropriate resources to assist employees who:

- Seek help on their own for an alcohol or drug problem.
- Are referred by management for a possible problem with alcohol or drugs.
- Have a positive alcohol or drug test.

Employee Assistance Program or EAP - A cost-effective program to assist employees and their families in dealing with problems affecting work performance. An EAP identifies and helps to resolve problems by applying short-term counseling, referral, and follow-up services, as determined by the contractual arrangement with the employer. In addition, the EAP provides such services as management training and consultation, prevention and education programs, crisis intervention, benefits analysis, and organizational development. A qualified EAP is one recognized by industry standards which employs certified personnel and operates in compliance with core-technology specific to the EAP discipline. An employee assistance program is to be distinguished from an employee assistance plan, which is used generically by employers offering a composition of assistance services for employees but which do not adhere to the core technology of the EAP field, as defined by the Employee Assistance Professional Association (EAPA).

Ohio Department of Alcohol and Drug Addiction Services or ODADAS - Refers to the state agency which may be contacted to provide technical assistance or referral to available community resources for employers interested in developing a DFWP program. ODADAS will maintain a list of DFWP developmental consultant programs meeting specified criteria and offering training to assist employers in developing a DFWP program, with this training being deemed an experience equivalency for purposes of this rule.

Prescription Drug Misuse - The use of over-the-counter drugs or medications prescribed by a licensed medical practitioner by someone other than the person for whom they were prescribed or for purposes other than those for which they were prescribed or manufactured.

Random selection - Drug testing of an employee selected from a pool of employees made regardless of whether any suspicion of illegal drug use exists. This testing is made without advanced notice to the employee and is based on an equal probability of selection. Random selection testing is based upon an objective and non-discretionary computer program operated and maintained by an outside contractor to identify and test a specified percentage of the total work force over the course of a year. All employees, including those previously selected for testing, have an equal chance of being selected each time the testing process occurs, such that some employees may be selected more than once for random selection while other employees may not be selected at all.

Reasonable suspicion - Evidence that an employee is using drugs or alcohol in violation of the company's DFWP policy, drawn from specific, objective facts and reasonable inferences drawn from these facts in light of experience and training. Such facts and inferences may be based on, but are not limited to, any of the following:

- Observable phenomena, such as direct observation of drug or alcohol use, possession or distribution, or the physical symptoms of being under the influence of drugs or alcohol, such as but not limited to slurred speech, dilated pupils, odor of alcohol or marijuana, changes in affect, dynamic mood swings, etc.
- A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance (e.g., frequent absenteeism, excessive tardiness, recurrent accidents) which appears to be related to substance use and does not appear to be attributable to other factors.
- The identification of an employee as the focus of a criminal investigation into unauthorized drug possession, use, or trafficking.
- A report of alcohol or other drug use provided by a reliable and credible source.

Repeated or flagrant violations of the company's safety or work rules, which are determined by a supervisor to pose a substantial risk of physical injury or property damage and which appear to be related to substance use/misuse that may violate the employer's DFWP policy, and do not appear attributable to other factors.

Safety-sensitive position or function - Any job position or work-related function or job task designated as such by the employer, which through the nature of the activity could be detrimental or dangerous to the physical well-being of the employee, co-workers, customers or the general public through a lapse in attention or judgment. The safety-sensitive position or function may include positions or functions where national security or the security of employees, co-workers, customers, or the general public may be seriously jeopardized or compromised through a lapse in attention or judgment.

Supervisor - An employee who supervises others in the performance of their jobs, has the authority and responsibility to initiate reasonable suspicion testing when it is appropriate, and has the authority to recommend or perform hiring or firing procedures.

Drug and Alcohol Testing Terminology

Air blanks - A quality assurance test administered on an EBT to ensure that the machine is testing accurately.

Alcohol concentration - The amount of alcohol in an individual's breath, measured in grams per 210 liters of breath.

Breath alcohol technician (BAT) - The only technician who can conduct a breath alcohol test for the Bureau's DFWP Program. To be classified a BAT, an individual is required to complete training and proficiency requirements outlined by the federal government.

Chain of custody - The protocol followed when submitting specimens for drug testing. It assures that there is no opportunity for contamination or switching of samples. Elements include signed and witnessed forms, sealed and initialed containers, and couriers requiring a receipt.

Collection site - A place where individuals provide specimens of their urine to be analyzed for the presence of drugs, or breath, saliva or (on rare occasion) blood to be analyzed for the presence of alcohol. This site may or may not be owned and/or operated by the laboratory that actually analyzes the specimen.

Confirmatory test - When testing for drugs, this is the second analytical procedure to confirm the presence of a specific drug/metabolite in a urine specimen. This procedure uses a more sophisticated technique (e.g., GC/MS, EBT) to ensure reliability and accuracy. With breath testing for alcohol, the confirmatory test is conducted on an EBT which has the capability to print out the results, date and time, a sequential test number, and the name and serial number of the testing device.

Cut-off level - A pre-determined amount of drug metabolite, measured in nanograms (ng) per milliliter (ml) of urine, which constitutes whether a tested specimen is negative or positive. For example, a test would be declared positive if the amount of drug/metabolite were equal to or above the cut-off level. Employers typically choose levels that have been adopted and tested by a recognized authority such as the Department of Health and Human Services (DHHS) or, for drugs other than the "DOT 5," are recommended by their DHHS-certified laboratory.

DHHS (also referred to as NIDA or SAMHSA)-certified laboratory - A drug testing facility which is certified and closely monitored by the DHHS. To obtain and maintain certification, a laboratory must undergo extensive performance testing and on-site inspections.

Drug metabolite - The specific substance produced when the body breaks down a given drug as it passes through the body and is excreted in the urine.

Evidentiary breath testing devices (EBT) - Instruments used to measure the amount of alcohol in an individual's system. In DOT/FMCSA-mandated alcohol testing, these instruments are approved by the federal government and operated by trained and certified technicians. The DFWP Program is modeled on the federal programs in terms of procedures.

Enzyme multiplied immunoassay technique (EMIT) - A preliminary screening test performed on a urine specimen to identify the presence of a drug/metabolite in an individual's system. The accuracy of this screen ranges between 92% to 98%. If this test is positive, a second and more sophisticated analysis is conducted to confirm which drug/metabolites are present and in what quantity.

Gas Chromatography/Mass Spectrometry (GC/MS) - A state-of-the-art test used to confirm the presence and amount of an identified drug/metabolite in a urine specimen. This test ensures that over-the-counter drugs are not reported as positive results and is virtually 100% accurate from a scientific standpoint.

Laboratory - Facility where a urine specimen is analyzed for the presence of drugs/metabolites. The specimen is typically not collected at this facility, but rather at a designated collection site that then ensures timely transport of the specimen to the laboratory.

Medical Review Officer (MRO) - A licensed physician responsible for receiving laboratory results and determining if there is a medical explanation for the presence of drugs/metabolites in the donor's urine. This physician must have knowledge of substance use disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history and any other relevant medical information. MROs follow extensive guidelines that have been published by the federal Department of Health & Human Services.

Re-test - A second opinion analysis of a urine specimen originally deemed positive for drugs/metabolites. This test is usually requested by the donor and performed at a laboratory meeting the same standards as the lab conducting the first analysis. Re-tests should be done on a split specimen in order to be effective.

Substance Abuse Professional (SAP) - A professional who is qualified by the federal government to perform DOT/FMCSA-required alcohol/drug assessments. Qualified professionals include licensed physicians, licensed/certified psychologists, social workers, employee assistance professionals and certified addiction counselors with knowledge of and clinical experience in the diagnosis and treatment of alcohol/drug-related disorders.

Screening test technician (STT) - A technician who is qualified to use the saliva testing mechanism to screen for alcohol.

Sample Policies

Caution: These policies are supplied only for reference. The employer can study layout, tone and verbiage from these resources. To minimize liability, the employer should develop a policy and operational guidelines for its own workplace. We recommend that an employer not take someone else's policy and plug in the employer's name to obtain a written policy. This will not result in a successful DFWP Program. And, every written policy should be reviewed carefully by qualified legal counsel.

Sample Outline for Alcohol and Drug Policy

This outline provides for all elements of an Alcohol and Drug-Free Workplace Program. You should include those elements which are appropriate to your company's Drug-Free Workplace Program.

Statement of Commitment

Show your commitment to providing a safe workplace for your employees. The policy should clearly state that the use of alcohol and drugs on the job negatively affects the productivity, safety and stability of the workplace, and will not be tolerated.

Statement of Policy

Clearly state your company's attitudes toward alcohol and drug use. The policy will state the organization's zero tolerance toward:

- Employees working while impaired.
- On-the-job possession or use by employees.
- Selling of illegal substances.
- New employee hiring practices.

Violation of Policy

Clearly state the consequences of a violation of the above policies by listing the types and sequence of disciplinary action to be taken (up to and including termination).

Employee Awareness

The policy should state how the employer will provide drug and alcohol educational information to the employees. The types of information presented should include:

- The dangers of drug use in the workplace.
- The drug-free workplace policy and its sanctions.
- Availability of counseling, rehabilitation, and employee assistance.

Implementation of Policy

The policy should clearly state:

- How the policy and related procedures will be communicated to employees.
- Who will be responsible for implementing the policy and procedures.
- Each employee's responsibilities under the policy and procedures.
- How employees can obtain assistance and access to referral services.

Employee Assistance

Communicate to the employees how employee assistance serves the employees by laying out the procedures to:

- Train supervisors and educate employees.
- Identify the substance user.
- Assess the nature and extent of the personal problem.
- Recommend an available course of rehabilitation.
- Follow the employee's progress to maximize treatment outcomes of the employee and his/her family.
- Develop a supportive environment for a healthy lifestyle.

Testing

Clearly communicate all aspects of the testing process to employees:

- Types of Testing:
 - Pre-employment/New hire
 - Reasonable cause or suspicion (provide examples)
 - Post-accident
 - Safety-sensitive positions
 - Transportation.

Clearly state how the testing will be conducted, identifying:

- Procedures for initial testing and procedures for follow-up testing after positive results.
- Consequences of positive test results.
- Confidentiality of test results.

State what will happen if an employee refuses to be tested.

Compliance with Federal Drug-Free Workplace Act

The Federal Drug-Free Workplace Act requires five essential components for any state or local agency (or other employer) receiving at least \$25,000 through a federal grant or contract:

- The drug-free workplace policy statement must be publicized.
- A copy of the policy must be furnished to each employee.
- An employee awareness program must be established.
- Employee criminal convictions must be reported.
- Procedures for disciplinary and/or rehabilitative consequences for policy violations must be established.

Provision for Rehabilitation

State the benefits provided by the company when an employee seeks and obtains rehabilitation services, including provisions for:

- Time for inpatient and/or outpatient treatment.
- Follow-up support after completion of treatment.
- Support in case of relapse.

Definitions

Specifically define any terms that might be ambiguous or might be technical terms not previously defined in the policy. Special effort should be made to define words or phrases which might have a significant impact on the interpretation of the policy. Terms such as “reasonable suspicion,” “controlled substances,” “prescription drugs,” etc., should be clearly defined.

Statement of Confidentiality/Privacy

Make it clear to employees that all aspects of any employee assistance or testing procedures are considered private and will be treated in a confidential manner limited only to individuals with a right to know (state which positions).

Agreement of Participation

Provide an opportunity for the employee to certify that he or she:

- Has been provided with a written copy of the policy.
- Understands all the implications of the policy.
- Agrees to abide by the conditions of the policy.
- Will not use alcohol or illegal drugs in the workplace.

Sample Policies That Reflect DFWP Program Requirements

Disclaimer

The attached sample written Drug-Free Workplace policy comes with an important caution to employers. This policy was designed using the DFWP program requirements for an employer implementing a Level 1 or Level 2 program. It is intended solely to give employers ideas regarding how they can develop and structure a policy that meets the requirements of this program level for a particular type of work environment. The policy attempts to take a make-believe employer's individual work setting and operational realities and fit the DFWP requirements into this framework. Obviously, to have a successful program, employers need to do this for their particular work environments (which vary greatly).

This sample policy **IS NOT** intended to be converted into an employer's DFWP policy by the simple act of the employer inserting its name in place of ABC Company, Inc. Employers are expressly advised not to copy the policy, inserting their name and submitting the document to meet the written policy requirements of their DFWP program level. This approach is unlikely to produce a successful DFWP program that helps create a safer workplace and protects the employer's bottom line. Employers need to be reminded that the biggest value of implementing a drug-free workplace is in its long-range benefits.

An employer can design an effective DFWP Program by involving its staff in developing the policy and procedures for the program. If the employer attempts to just implement a policy out of the blue, without involving staff and without a process that integrates program requirements into the employer's specific working environment, this will not bring about the desired results.

In addition, employers are strongly advised to obtain legal review of their policies before implementing them. The sample written policy has not undergone such a review.

DRUG-FREE WORKPLACE POLICY

XYZ ENTERPRISES, INC.

I. STATEMENT OF POLICY

XYZ ENTERPRISES, INC. (the “Company”) believes that it is very important to provide a safe workplace for all of its employees. The Company is taking steps to address the problem of substance use that negatively affects every workplace, including ours. Our Company is concerned with the health and well being of all employees. We can’t condone and won’t tolerate behaviors on the part of employees that relate to substance use, such as:

- a. Use of illegal drugs;
- b. Misuse of alcohol;
- c. Sale, purchase, transfer, use or possession of any illegal drugs;
- d. Arrival or return to work under the influence of any drug (legal or illegal) or alcohol to the extent that job performance is affected.

Management is fully committed to the Company’s Drug-Free Workplace Program, which establishes clear guidelines for acceptable and unacceptable employee behavior for everyone in the workplace. We will not tolerate substance use in violation of this Policy. Behaviors related to substance use can endanger all employees, not just substance users.

This document (referred to as “the Policy”) describes our Company’s Drug-Free Workplace Program, and every employee is expected to read and understand it. The Policy applies to every employee including top management, and also applies to contractors and subcontractors we may use. The consequences stated in this Drug-Free Workplace Policy will apply to anyone who violates the Policy.

The Company holds all employees accountable in terms of substance use but also supports getting help for employees. Employees who come forward voluntarily to identify that they have a substance problem will receive Company support and assistance. However, if an employee has a substance problem and does not come forward, and the employee then tests positive for drug or alcohol use in violation of this Policy, the Company reserves the right to terminate employment for violation of this work rule. Employees whose jobs are subject to any special law or regulation may face additional requirements in terms of substance use. Other consequences that apply to all employees who violate this Policy are clearly spelled out within this document.

This program will go into within 30 days of the announcement of our Drug-Free Workplace Program and this new Policy that describes the Drug-Free Program. This Policy covers the five key parts of the Company’s Drug-Free Workplace Program. The five parts consist of:

- a written policy that clearly spells out the program and how everyone benefits.
- annual substance awareness education for all employees.
- training for supervisors regarding their responsibilities.
- drug and alcohol testing, the most effective way to change harmful substance use behaviors.
- employee assistance.

Employees will have the opportunity to receive information about substance use as a workplace problem, signs and symptoms, dangers of use, and how and where to get help for themselves and their families. George Johnson will be our Drug-Free Workplace Program Administrator so everyone knows who to go to for information or help. Mr. Johnson will be responsible for arranging drug and alcohol testing, identifying resources that employees can turn to for help for themselves and/or their families, and arranging for qualified people to help with employee awareness education and with supervisor training.

Program Protections

This program is designed to protect employees from the behaviors of substance users. Some of the protections built into the program are:

- Employee records such as testing results and referrals for help will be kept confidential. Information will be on a need-to-know basis. Any violation of confidentiality rights is subject to disciplinary action up to and including termination of employment.
- We're committed to employees who have a substance problem getting help. Each situation will be reviewed individually. Employee assistance is available for employees and their families a list of resources available through Mr. Johnson and posted in the break room.
- All supervisors will be trained in their duties related to testing before this program begins.
- Employees will receive substance awareness education from a qualified person to help identify problems and learn where to turn to for help. This will be done annually.
- Testing will be done through a local laboratory and through a federally certified laboratory that uses the highest level of care in ensuring that results are accurate. This process is 100% accurate in detecting that the substances that the Company is concerned about are present in the employee's "system" in sufficient quantity to lead to behaviors that may endanger the person or other employees. The certified lab will work closely with our local hospital to ensure fairness and accuracy, and we also have a Medical Review Officer (MRO), who is a trained physician responsible for checking whether there's a valid reason for the presence of the substance in the employee's system. The MRO is an expert in substance use. When the MRO receives positive test results, the MRO will contact the employee and any appropriate health care provider to determine whether there is a valid reason for the presence of the drug in the person's system.
- The testing program consists of an initial screening test. If the initial results are positive, then a second test is used. Cut-off levels for each drug and for alcohol are established based on federal guidelines. There are many other protections for employees that are built in.
- An employee's violation of this policy will not be reported to law enforcement unless required by a regulatory body or by criminal statute, such as related to drug trafficking. However, in protection of the workforce, law enforcement may be requested to come onto Company property in conjunction with a referral for criminal prosecution.
- Cut-off levels are used to determine when an employee has enough of a certain drug or alcohol in his/her system so that it should be considered a positive test. These cut-off levels come from federal guidelines and are fair for all employees.

Employee Awareness Education:

Every current employee will be required to attend a session in which this program is discussed. There will be an opportunity to ask questions. The written Policy will be shared, and everyone will be expected to sign for receipt. We'll have a qualified person explain why and how substance use is a workplace problem, the effects, signs/symptoms of use, effects of commonly used drugs in the workplace, and how to get help. We'll also cover how an employee can get a referral for employee assistance, the importance of determining how much of a substance problem the employee has, and what type of help is needed. There will be a minimum of two hours of educational awareness annually for all employees. New employees will hear about the program during orientation and will receive substance education as soon as possible thereafter.

Supervisor Training:

Supervisors will be trained to recognize substance problems that may endanger the employee and others as well as violate this Policy. This training is in addition to annual employee education. Supervisors will be trained about testing responsibilities, how to recognize behaviors that demonstrate an alcohol/drug problem and how to make referrals for help.

Drug and Alcohol Testing: Testing is intended to detect problems, deter usage and allow appropriate corrective action. In addition to alcohol, the drugs that we're testing for are:

- Amphetamines (speed, uppers)
- Cocaine (including Crack)
- Marijuana
- Opiates (Codeine, Morphine)
- Phencyclidine (PCP, "angel dust")

Employee Assistance

The Company believes in offering assistance to employees with a substance problem. Although the Company does not have a rehabilitation program and will not pay for an employee to attend a program, we are supportive of employees taking action on their own behalf to address a substance problem. To help those who come forward voluntarily, we've compiled a list of local community resources. When an employee is determined to have a substance problem, we'll meet with the person to discuss the problem and any violation of this Policy. To continue employment, the employee must agree to an assessment to determine the extent of the problem. This is required in order to correct the problem and be able to avoid violating the Company Policy in the future. The Company reserves the right to terminate based on a positive test.

II. FREQUENCY AND SITUATIONS WHEN TESTING OCCURS

Individuals or employees will be tested for the presence of drugs in the urine and/or alcohol on the breath under any and/or all of the conditions outlined below:

A. Post-Offer, Pre-Employment Medical Examination and Drug Testing

As part of the Company's employment procedures, all applicants will be required to undergo a post-offer, pre-employment medical examination and a drug screen/test that is conducted by a contractor designated by the Company. Any offer of employment is contingent upon, among other things, satisfactory completion of this examination and/or screening, and the determination by the Company and its examining physician that the applicant is capable of performing the responsibilities of the position that has been offered.

B. Reasonable Suspicion Testing

Reasonable suspicion testing will occur when Company management and/or supervision has reason to suspect that an employee may be in violation of this Policy. The suspicion must be documented in writing within 24 hours of the event or prior to the release of the test findings. Reasonable suspicion testing may be based upon, among other things:

1. Observed behavior, such as direct observation of drug/alcohol use or possession and/or the physical symptoms of drug and/or alcohol use;
2. A pattern of abnormal conduct or erratic behavior;
3. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking. The employee is responsible for notification of the Company, within five (5) working days, of any drug-related conviction;
4. Information provided either by reliable and credible sources or independently corroborated regarding an employee's substance use; or
5. Newly discovered evidence that the employee has tampered with a previous drug or alcohol test.

Reasonable suspicion testing does not require certainty, but mere "hunches" are not sufficient to justify testing. To prevent this, all supervisors will be trained in the recognition of drug and alcohol-related signs and symptoms. Testing may be for drugs or alcohol or both.

C. Post-Accident Testing

Post-accident testing will be conducted whenever an accident occurs as defined below. For purposes of this policy, an accident is considered an unplanned, unexpected or unintended event that occurs on Company property, during the conduct of the Company's business, or during working hours, or which involves Company-supplied motor vehicles or motor vehicles that are used in conducting Company business, or is within the scope of employment, and which results in any of the following:

- (i) A fatality of anyone involved in the accident;
- (ii) Bodily injury to the employee and/or another person that requires off-site medical attention away from the Company's place of employment;
- (iii) Vehicular damage in apparent excess of \$750; or
- (iv) Non-vehicular damage in apparent excess of \$500.

When such an accident results in one of the situations below, any employee who may have contributed to the accident will be tested for drugs or alcohol use or both. .

Drug and/or Alcohol Testing after an Accident

Urine specimen collection (for a drug test) or breath/saliva (for an alcohol test) is to occur immediately after a need has been determined. At no time shall a drug specimen be collected after 32 hours from the time of an employment-related incident. Breath or saliva alcohol testing will be performed within two (2) hours of the incident whenever possible, but within eight (8) hours, or it won't be performed but will be documented. If the employee responsible for an employment-related accident is injured, it is a condition of employment that the employee herein expressly grants unto the Company, its officers and management, the right to request that attending medical personnel obtain appropriate specimens (breath, blood and/or urine) for the purpose of conducting alcohol and/or drug testing. Further, all employees herein expressly grant unto the Company, its officers and management, access to any and all other medical information that may be relevant in conducting a complete and thorough investigation of the employment-related accident, to include, but not be limited to, a full medical report from the examining physician(s) or other health care providers.

D. Follow up Testing after Return to Work from Assessment or Treatment

This testing occurs when an employee who has previously tested positive is allowed to return to work under a "second-chance" or "last-chance" agreement. A return-to-duty test is required before the employee is allowed to return to work and, if the employee fails this test, this will lead to termination of employment. Once an employee passes the drug and/or

alcohol test and returns to work, there will be a series of four or more additional tests conducted over a period of at least a year. Any employee with a second positive test result will be terminated.

III. SUBSTANCES TO BE TESTED FOR AND THE METHODS OF TESTING

Systems presence testing is the procedure that is used to identify the presence of the following controlled substances or alcohol that may be present: (A negative initial screening test is considered a negative test.) For each of the tested drugs (amphetamines, cocaine, marijuana, opiates and PCP), there is an initial test used to screen the urine specimen. If the initial screen is positive (at or higher than a cut-off level that comes from the federal Department of Health & Human Services (DHHS), a second or confirmatory test is done. This is a different test and is considered 100% accurate. Detection thresholds (or cut-off levels) are standards that have been established by the DHHS for each of the above drugs after years of research. These levels will be used to interpret all drug screens/tests, whether for a pre-employment examination, reasonable suspicion test, post-accident test or follow up test.

Breath alcohol testing will be conducted by a testing contractor that uses only certified equipment and personnel. Breath alcohol concentrations exceeding .04 will be considered a verified positive result. In the event of an accident where an employee has a “whole blood” alcohol drawn at a medical treatment facility, a result equal to or greater than .04 shall be considered to be a verified positive result. An Evidentiary Breath Test (EBT) is used to confirm any initial positive test result. The Company also expressly reserves the right to add or delete substances on the list above, especially if mandated by changes in existing Federal, State or local regulations or legislation.

An employee attempting to adulterate a specimen or otherwise manipulate the testing process will result in termination of employment, as will a refusal to produce/provide a specimen.

IV. SPECIMEN COLLECTION PROCEDURE

Testing shall be conducted by trained collection personnel, who meet quality assurance and chain-of-custody requirements for urine collection and breath alcohol testing. Confidentiality is required from our labs. Any individual subject to testing under this Policy shall be permitted to provide urine specimens in private, but subject to strict scrutiny by collection personnel so as to avoid any alteration or substitution of the specimen to be provided. Breath alcohol testing will likewise be done in an area that affords the individual privacy. In all cases, there will only be one individual tested at a time. Failure to appear for testing when scheduled shall be considered refusal to participate in testing, and will subject an employee to the range of disciplinary actions, including dismissal, and an applicant to the cancellation of an offer of employment.

V. REVIEW OF TEST RESULTS

To ensure that every employee who is subjected to drug and alcohol testing by Company is treated in a fair and impartial manner, the Company has hired a Medical Review Officer (“MRO”), a medical doctor or doctor of osteopathic medicine with a specialized knowledge of substance abuse disorders. The MRO will be able to determine whether there are any valid reasons for the presence in the employee’s system of the substance that was tested positive.

VI. EMPLOYEES' RIGHTS RELATED TO AN INITIAL POSITIVE TEST RESULT

An employee who tests positive under this Policy will be given an opportunity to explain the findings to the MRO prior to the issuance of a positive test result to the Company. Upon receipt of a confirmed positive finding, the MRO will attempt to contact the employee by telephone or in person. If contact is made by the MRO, the employee will be informed of the positive finding and given an opportunity to rebut or explain the findings. The MRO can request information on recent medical history and on medications taken within the last thirty days by the employee. If the MRO finds support in the explanation offered by the employee, the employee may be asked to provide documentary evidence to support the employee's position (for example, the names of treating physicians, pharmacies where prescriptions have been filled, etc.). A failure on the part of the employee to provide such documentary evidence will result in the issuance of a positive report by the MRO with no attendant medical explanation. A medical disqualification of the employee will result. If the employee fails to contact the MRO as instructed, the MRO will issue a positive report to the Company.

VII. REPORTING OF RESULTS

All test results will be reported to the MRO prior to the results being issued to the Company. The MRO will receive from the testing laboratory a detailed report of the findings of the specimen. Each substance tested for will be listed along with the results of the testing. The Company will receive a summary report, and this report will indicate that the employee passed or failed the test. All of these procedures are intended to be consistent with the most current guidelines for Medical Review Officers, published by the federal DHHS.

VIII. STORAGE OF TEST RESULTS AND RIGHT TO REVIEW TEST RESULTS

All records of drug/alcohol testing will be stored separately and apart from the employee's general personnel documents. These records shall be maintained under lock and key at all times. Access is limited to designated Company officials. The information contained in these files shall be utilized only to properly administer this Policy and to provide to certifying agencies for review as required by Law. Those designated Company officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records. Any breach of confidentiality with regard to these records may be an offense resulting in termination of employment. Any employees tested under this Policy have the right to review and/or receive a copy of their respective test results. An employee may request from the Drug-Free Workplace Program Administrator, in writing, with a duly notarized Employee Request for Release of Drug Tests Results form, requesting that a copy of the test be provided. The Company will use its best efforts to promptly comply with this request and will issue to the employee a copy of the results personally or by U.S. Certified Mail, Return Receipt Requested.

IX. POSITIVE TEST RESULTS

Employees who are found to have a confirmed positive drug or alcohol test will be immediately taken off safety-sensitive duties and are subject to discipline up to and including termination.

X. TERMINATION NOTICES

In those cases where substance testing results in the termination of employment, all termination notices will list "misconduct" as the reason. Termination shall be deemed "for cause."

Date: _____

DRUG-FREE WORKPLACE POLICY

RST, INC.

I. STATEMENT OF POLICY

RST, INC. (the “Company”) believes that it is very important to provide a safe workplace for all of its employees. The Company is taking steps to address the problem of substance use that negatively affects every workplace, including ours. Our Company is concerned with the health and well being of all employees. We can’t condone and won’t tolerate behaviors on the part of employees that relate to substance use, such as:

- Use of illegal drugs;
- Misuse of alcohol;
- Sale, purchase, transfer, use or possession of any illegal drugs;
- Arrival or return to work under the influence of any drug (legal or illegal) or alcohol to the extent that job performance is affected.

Management is fully committed to the Company’s Drug-Free Workplace Program, which establishes clear guidelines for acceptable and unacceptable employee behavior for everyone in the workplace. We will not tolerate substance use in violation of this Policy. Behaviors related to substance use can endanger all employees, not just substance users.

This document (referred to as “the Policy”) describes our Company’s Drug-Free Workplace Program, and every employee is expected to read and understand it. The Policy applies to every employee including top management, and also applies to contractors and subcontractors we may use. The consequences stated in this Drug-Free Workplace Policy will apply to anyone who violates the Policy.

The Company holds all employees accountable in terms of substance use but also supports getting help for employees. Employees who come forward voluntarily to identify that they have a substance problem will receive Company support and assistance. However, if an employee has a substance problem and does not come forward, and the employee then tests positive for drug or alcohol use in violation of this Policy, the Company reserves the right to terminate employment for violation of this work rule. Employees whose jobs are subject to any special law or regulation may face additional requirements in terms of substance use. Other consequences that apply to all employees who violate this Policy are clearly spelled out within this document.

This program will go into within 90 days of the announcement of our Drug-Free Workplace Program and this new Policy that describes the Drug-Free Program. This Policy covers the five key parts of the Company’s Drug-Free Workplace Program. The five parts consist of:

- a written policy that clearly spells out the program and how everyone benefits.
- annual substance awareness education for all employees.
- training for supervisors regarding their responsibilities.
- drug and alcohol testing, the most effective way to change harmful substance use behaviors.
- employee assistance.

Employees will have the opportunity to receive information about substance use as a workplace problem, signs and symptoms, dangers of use, and how and where to get help for themselves and their families. Betty Johnson will be our Drug-Free Workplace Program Administrator so everyone knows who to go to for information or help. Ms. Johnson will be responsible for arranging drug and alcohol testing, identifying resources that employees can turn to for help for themselves and/or their families, and arranging for qualified people to help with employee awareness education and with supervisor training.

Program Protections

This program is designed to protect employees from the behaviors of substance users. Some of the protections built into the program are:

- Employee records such as testing results and referrals for help will be kept confidential. Information will be on a need-to-know basis. Any violation of confidentiality rights is subject to disciplinary action up to and including termination of employment.
- We're committed to employees who have a substance problem getting help. Each situation will be reviewed individually. Employee assistance is available for employees and their families a list of resources available through Ms. Johnson and posted in the break room.
- All supervisors will be trained in their duties related to testing before this program begins.
- Employees will receive substance awareness education from a qualified person to help identify problems and learn where to turn to for help. This will be done annually.
- Testing will be done through a local laboratory and through a federally certified laboratory that uses the highest level of care in ensuring that results are accurate. This process is 100% accurate in detecting that the substances that the Company is concerned about are present in the employee's "system" in sufficient quantity to lead to behaviors that may endanger the person or other employees. The certified lab will work closely with our local hospital to ensure fairness and accuracy, and we also have a Medical Review Officer (MRO), who is a trained physician responsible for checking whether there's a valid reason for the presence of the substance in the employee's system. The MRO is an expert in substance use. When the MRO receives positive test results, the MRO will contact the employee and any appropriate health care provider to determine whether there is a valid reason for the presence of the drug in the person's system.
- The testing program consists of an initial screening test. If the initial results are positive, then a second test is used. Cut-off levels for each drug and for alcohol are established based on federal guidelines. There are many other protections for employees that are built in.
- An employee's violation of this policy will not be reported to law enforcement unless required by a regulatory body or by criminal statute, such as related to drug trafficking. However, in protection of the workforce, law enforcement may be requested to come onto Company property in conjunction with a referral for criminal prosecution.
- Cut-off levels are used to determine when an employee has enough of a certain drug or alcohol in his/her system so that it should be considered a positive test. These cut-off levels come from federal guidelines and are fair for all employees.

Employee Awareness Education

Every current employee will be required to attend a session in which this program is discussed. There will be an opportunity to ask questions. The written Policy will be shared, and everyone will be expected to sign for receipt. We'll have a qualified person explain why and how substance use is a workplace problem, the effects, signs/symptoms of use, effects of commonly used drugs in the workplace, and how to get help. We'll also cover how an employee can get a referral for employee assistance, the importance of determining how much of a substance problem the employee has, and what type of help is needed. There will be a minimum of two hours of educational awareness annually for all employees. New employees will hear about the program during orientation and will receive substance education as soon as possible thereafter.

Supervisor Training

Supervisors will be trained to recognize substance problems that may endanger the employee and others as well as violate this Policy. This training is in addition to annual employee education. Supervisors will be trained about testing responsibilities, how to recognize behaviors that demonstrate an alcohol/drug problem and how to make referrals for help.

Drug and Alcohol Testing

Testing is intended to detect problems, deter usage and allow appropriate corrective action. In addition to alcohol, the drugs that we're testing for are:

- Amphetamines (speed, uppers)
- Cocaine (including Crack)
- Marijuana
- Opiates (Codeine, Morphine)
- Phencyclidine (PCP, "angel dust")

An employee attempting to adulterate a specimen or otherwise manipulate the testing process will result in termination of employment, as will a refusal to produce/provide a specimen.

Employee Assistance

The Company believes in offering assistance to employees with a substance problem. We are supportive of employees taking action on their own behalf to address a substance problem. The Company believes in offering a second chance to employees who are willing to do something about their problem. To help those who come forward voluntarily and those who test positive in violation of this Policy, we've established a relationship with GHI, an employee assistance provider. When an employee reveals or is determined to have a substance problem, the company will meet with the employee to discuss the problem and the violation of this Policy. It is important for the employee to come to an understanding regarding the extent of the problem in order to correct the problem and be able to avoid future usage in violation of the Company Policy. This is required in order to correct the problem and be able to avoid violating the Company Policy in the future. If an employee is willing to actively engage in resolving the substance use problem, the Company will refer the employee to the provider for an assessment and possible outpatient counseling with a substance professional.

An employee who violates this Policy will have the opportunity to meet with the substance counselor, and the Company will be informed whether the employee is attending sessions and actively participating but will not receive information about the specifics of the counseling. An employee who completes these counseling sessions will be allowed to return to work, subject to signing a “second chance” or “last chance” agreement acknowledging that a second violation of the Company substance use Policy may result in termination of employment. The employee will be tested prior to being allowed to return to work and at various times thereafter in conjunction with the substance use professional.

The company has come to an agreement with the union not to terminate employees following a first positive test unless the employee is also found guilty of a criminal offense related to substance use that occurs on Company property or in a Company vehicle or while conducting Company business. An example would be an employee convicted of drug trafficking at work. The only positions that are exempted from this no-termination-on-first-violation rule are the Company pilot and co-pilot and the Drug-Free Workplace Program Administrator. Pilots are too safety-sensitive for the Company to allow an employee to return to, and there are no other positions in the Company that we could bring these employees back into. The DFWP Program Administrator position involves the credibility of this program so this position has to be substance free. If an employee violates the Policy and the employee’s position is one that requires a zero threshold for certain drugs or alcohol under any law or regulation (Federal, State local or otherwise), then the penalty for this drug use or alcohol use may be discipline, up to and including termination of employment. The implementation of discipline or of sanctions shall be at the sole discretion of the Company.

Bureau of Workers’ Compensation’s 10-Step Business Plan

As part of its Drug-Free Workplace Program, the Company will be putting into place a safety plan sponsored by the Bureau of Workers’ Compensation known as the 10-Step Business Plan. This plan is aimed at creating an overall safer workplace. More information about this 10-Step Plan will be communicated to all staff, and informational brochures will be distributed to all employees.

II. FREQUENCY AND SITUATIONS WHEN TESTING OCCURS

Individuals or employees will be tested for the presence of drugs in the urine and/or alcohol on the breath under any and/or all of the conditions outlined below:

A. Post-Offer, Pre-Employment Drug Testing

As part of the Company’s employment procedures, all applicants will be required to undergo a post-offer, pre-employment drug screen/test that is conducted by a contractor designated by the Company. Any offer of employment is contingent upon, among other things, satisfactory completion of this screening, and the determination by the Company that the applicant is capable of performing the responsibilities of the position that has been offered.

B. Reasonable Suspicion Testing

Reasonable suspicion testing will occur when Company management and/or supervision has reason to suspect that an employee may be in violation of this Policy. The suspicion must be documented in writing within 24 hours of the event or prior to the release of the test findings. Reasonable suspicion testing may be based upon, among other things:

1. Observed behavior, such as direct observation of drug/alcohol use or possession and/or the physical symptoms of drug and/or alcohol use;
2. A pattern of abnormal conduct or erratic behavior;
3. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking. The employee is responsible for notification of the Company, within five (5) working days, of any drug-related conviction;
4. Information provided either by reliable and credible sources or independently corroborated regarding an employee's substance use; or
5. Newly discovered evidence that the employee has tampered with a previous drug or alcohol test.

Reasonable suspicion testing does not require certainty, but mere "hunches" are not sufficient to justify testing. To prevent this, all supervisors will be trained in the recognition of drug and alcohol-related signs and symptoms. Testing may be for drugs or alcohol or both.

C. Post-Accident Testing

Post-accident testing will be conducted whenever an accident occurs as defined below. For purposes of this policy, an accident is considered an unplanned, unexpected or unintended event that occurs on Company property, during the conduct of the Company's business, or during working hours, or which involves Company-supplied motor vehicles or motor vehicles that are used in conducting Company business, or is within the scope of employment, and which results in any of the following:

1. A fatality of anyone involved in the accident;
2. Bodily injury to the employee and/or another person that requires off-site medical attention away from the Company's place of employment;
3. Vehicular damage in apparent excess of \$750; or
4. Non-vehicular damage in apparent excess of \$500.

When such an accident results in one of the situations below, any employee who may have contributed to the accident will be tested for drugs or alcohol use or both. .

Drug and/or Alcohol Testing after an Accident

Urine specimen collection (for a drug test) or breath/saliva (for an alcohol test) is to occur immediately after a need has been determined. At no time shall a drug specimen be collected after 32 hours from the time of an employment-related incident. Breath or saliva alcohol testing will be performed within two (2) hours of the incident whenever possible, but within eight (8) hours, or it won't be performed but will be documented. If the employee responsible for an employment-related accident is injured, it is a condition of employment that the employee herein expressly grants unto the Company, its officers and management, the right to request that attending medical personnel obtain appropriate specimens (breath, blood and/or urine) for the purpose of conducting alcohol and/or drug testing. Further, all employees herein expressly grant unto the Company, its officers and management, access to any and all other medical information that may be relevant in conducting a complete and thorough investigation of the employment-related accident, to include, but not be limited to, a full medical report from the examining physician(s) or other health care providers.

D. Follow up Testing after Return to Work from Assessment or Treatment

This testing occurs when an employee who has previously tested positive is allowed to return to work under a “second-chance” or “last-chance” agreement. A return-to-duty test is required before the employee is allowed to return to work and, if the employee fails this test, this will lead to termination of employment. Once an employee passes the drug and/or alcohol test and returns to work, there will be a series of four or more additional tests conducted over a period of at least a year. Any employee with a second positive test result will be terminated.

E. Random Drug Testing

Random drug testing will include all employees and contract workers and is conducted on an unannounced basis. A non-Company testing organization will utilize objective computer software that ensures a truly random selection process in which all employees in the testing pool have an equal statistical likelihood of being selected for testing. When the next random draw is conducted, all employees are again included in the pool with an equal chance of selection, regardless of whether an employee was previously selected. Random testing is designed to deter drug use in violation of the Company Policy and ensure that the Company maintains confidence in its employees’ abilities to perform their duties. The Company has contracted with an outside vendor to perform the periodic selection of employees for inclusion in the random testing pools. The contractor selects employees at random for drug testing at any time during each calendar year. The Company will provide employee identification numbers to be used in the random selection drawings. The contractor will, in turn, furnish the Company with a list of individuals to be tested at the beginning of each selection period. It shall be the responsibility of the Company to notify each employee who was selected with the date, time and location that random testing will be performed. When notified, it shall be the responsibility of the individual employee to provide a urine specimen for drug testing and/or submit to breath alcohol testing. An employee’s failure to comply with the request for a specimen for random testing will result in termination of employment.

III. SUBSTANCES TO BE TESTED FOR AND THE METHODS OF TESTING

Systems presence testing is the procedure that is used to identify the presence of the following controlled substances or alcohol that may be present: (A negative initial screening test is considered a negative test.) For each of the tested drugs (amphetamines, cocaine, marijuana, opiates and PCP), there is an initial test used to screen the urine specimen. If the initial screen is positive [at or higher than a cut-off level that comes from the federal Department of Health & Human Services (DHHS)], a second or confirmatory test is done. This is a different test and is considered 100% accurate. Detection thresholds (or cut-off levels) are standards that have been established by the DHHS for each of the above drugs after years of research. These levels will be used to interpret all drug screens/tests, whether for a pre-employment examination, reasonable suspicion test, post-accident test or follow up test.

Breath alcohol testing will be conducted by a testing contractor that uses only certified equipment and personnel. Breath alcohol concentrations exceeding .04 will be considered a verified positive result. In the event of an accident where an employee has a “whole blood” alcohol drawn at a medical treatment facility, a result equal to or greater than .04 shall be considered to be a verified positive result. An Evidentiary Breath Test (EBT) is used to confirm any initial positive test result. The Company also expressly reserves the right to add or delete substances on the list above, especially if mandated by changes in existing Federal, State or local regulations or legislation.

IV. SPECIMEN COLLECTION PROCEDURE

Testing shall be conducted by trained collection personnel, who meet quality assurance and chain-of-custody requirements for urine collection and breath alcohol testing. Confidentiality is required from our labs. Any individual subject to testing under this Policy shall be permitted to provide urine specimens in private, but subject to strict scrutiny by collection personnel so as to avoid any alteration or substitution of the specimen to be provided. Breath alcohol testing will likewise be done in an area that affords the individual privacy. In all cases, there will only be one individual tested at a time. Failure to appear for testing when scheduled shall be considered refusal to participate in testing, and will subject an employee to the range of disciplinary actions, including dismissal, and an applicant to the cancellation of an offer of employment.

V. REVIEW OF TEST RESULTS

To ensure that every employee who is subjected to drug and alcohol testing by Company is treated in a fair and impartial manner, the Company has hired a Medical Review Officer (“MRO”), a medical doctor or doctor of osteopathic medicine with a specialized knowledge of substance abuse disorders. The MRO will be able to determine whether there are any valid reasons for the presence in the employee’s system of the substance that was tested positive.

VI. EMPLOYEES’ RIGHTS RELATED TO AN INITIAL POSITIVE TEST RESULT

An employee who tests positive under this Policy will be given an opportunity to explain the findings to the MRO prior to the issuance of a positive test result to the Company. Upon receipt of a confirmed positive finding, the MRO will attempt to contact the employee by telephone or in person. If contact is made by the MRO, the employee will be informed of the positive finding and given an opportunity to rebut or explain the findings. The MRO can request information on recent medical history and on medications taken within the last thirty days by the employee. If the MRO finds support in the explanation offered by the employee, the employee may be asked to provide documentary evidence to support the employee’s position (for example, the names of treating physicians, pharmacies where prescriptions have been filled, etc.). A failure on the part of the employee to provide such documentary evidence will result in the issuance of a positive report by the MRO with no attendant medical explanation. A medical disqualification of the employee will result. If the employee fails to contact the MRO as instructed, the MRO will issue a positive report to the Company.

VII. REPORTING OF RESULTS

All test results will be reported to the MRO prior to the results being issued to the Company. The MRO will receive from the testing laboratory a detailed report of the findings of the specimen. Each substance tested for will be listed along with the results of the testing. The Company will receive a summary report, and this report will indicate that the employee passed or failed the test. All of these procedures are intended to be consistent with the most current guidelines for Medical Review Officers, published by the federal DHHS.

VIII. STORAGE OF TEST RESULTS AND RIGHT TO REVIEW TEST RESULTS

All records of drug/alcohol testing will be stored separately and apart from the employee's general personnel documents. These records shall be maintained under lock and key at all times. Access is limited to designated Company officials. The information contained in these files shall be utilized only to properly administer this Policy and to provide to certifying agencies for review as required by Law. Those designated Company officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records. Any breach of confidentiality with regard to these records may be an offense resulting in termination of employment. Any employees tested under this Policy have the right to review and/or receive a copy of their respective test results. An employee may request from the Drug-Free Workplace Program Administrator, in writing, with a duly notarized Employee Request for Release of Drug Tests Results form, requesting that a copy of the test be provided. The Company will use its best efforts to promptly comply with this request and will issue to the employee a copy of the results personally or by U.S. Certified Mail, Return Receipt Requested.

IX. POSITIVE TEST RESULTS

Employees who are found to have a confirmed positive drug or alcohol test will be immediately taken off safety-sensitive duties and are subject to discipline up to and including termination.

XI. TERMINATION NOTICES

In those cases where substance testing results in the termination of employment, all termination notices will list "misconduct" as the reason. Termination shall be deemed "for cause."

Date: _____

ACKNOWLEDGEMENT OF RECEIPT

OF

DRUG-FREE WORKPLACE POLICY

Signing this form acknowledges that the employee has received a copy of the Company's Drug-Free Workplace Policy, has had the opportunity to discuss the Policy and have questions answered, and understands all of the provisions in the Policy. Although it reflect the Company's current Policy regarding substance use, it may be necessary to make changes from time to time to best serve the needs of our organization. However, any changes deemed necessary will be made in writing, and the modified Policy will be shared with every employee.

By my signature below, I acknowledge that I have received a copy of the Drug-Free Workplace Policy of ABC Company, Inc. I understand that it is my obligation to read, understand and comply with the procedures and provisions contained within this Policy.

Date Signed

Employee's Signature

Witness Signature

Printed Name of Employee

ABC COMPANY, INC,

**CONSENT & RELEASE FORM FOR EMPLOYEES AND
APPLICANTS**

I, _____, (applicant or employee name), as an employee/ applicant of ABC Company, Inc. (hereafter, the "Company"), hereby acknowledge that the Company's policy requires me to submit to urine drug testing and/or breath alcohol testing.

I further understand that the purpose of this analysis is to determine or rule out the presence of non-prescribed or prohibited dangerous controlled substances in my system.

I hereby freely and voluntarily consent to this request for a urine sample and/or breath alcohol test, and agree to participate in the testing program.

I hereby and herewith release the Company, its employees, agents and contractors from any and all liability whatsoever arising from this request for testing, from the actual testing procedures, and from decisions made concerning my application for or continuation of employment based on the results of the analysis.

I agree to cooperate in all aspects of the testing program.

I hereby authorize the release of my drug and/or alcohol test results to the contractor's Medical Review Officer (MRO), and/or to the Company's examining physician, as provided by the Company's Policy.

I further acknowledge that the Company has provided me with an opportunity to ask questions related to its drug and alcohol testing program and that all my questions have been answered.

Employee/Applicant Signature: _____ Date: _____

Employee/Applicant Printed Name: _____

Witness Signature and Printed Name: _____

ABC COMPANY, INC.

REPORT OF SUSPECTED JOB-RELATED DRUG OR ALCOHOL USE

The individual identified below is suspected of failing to comply with the Company's Drug-Free Workplace Policy.

Employee Name: _____ Location: _____

List below all of the behaviors observed by the supervisor that created a concern that the employee named above might be in violation of the Company Drug-Free Workplace Policy.

If there were observable changes in the employee's job performance, list these behaviors below.

List below any physical signs or symptoms of possible substance use that the employee exhibited.

Eyes: _____

Coordination: _____

Speech: _____

Other: _____

Other Pertinent Observations:

Name of Supervisor Reporting: _____

Title of Supervisor: _____

Name of Concurring Supervisor/Managerial Witness: _____

Position: _____

Date: _____ Time: _____ Shift: _____

Testing Ordered: _____ Yes Employee Consent: _____/Yes Date Tested:

____ Alcohol

____ No Consent Obtained: _____/No _____

____ Drugs

MRO

Findings: _____

____ Follow-up Actions

Taken: _____

Company Official's Signature: _____

Date:

SAMPLE LAST/SECOND CHANCE AGREEMENT

On _____ [date], [choose appropriate Company personnel such as President, DFWP Administrator, Human Resources Manager, etc.] agreed to your request to seek counseling and referral to a rehabilitation program for alcohol and drug use. The following conditions apply to your rehabilitation program:

1. You must authorize [choose appropriate employee assistance program or treatment program/counselor] to provide proof of enrollment in an alcohol/drug abuse rehabilitation program and proof of attendance at all required sessions on a monthly basis to the Company's [supervisor, DFWP Administrator, H.R. Manager, etc]. The Company will closely monitor your attendance and will terminate your employment (cancel this agreement) if you do not regularly attend all required sessions.
2. You will pay for all costs of rehabilitation which are not covered under the Company's benefits plan.
3. During the _____ (identify time frame in terms of months) following completion of your rehabilitation program, the Company will test you for alcohol and/or drug use on an unannounced basis to determine if you are in compliance with the Company's Drug-Free Workplace policy. The Company will promptly terminate your employment if you refuse to submit to testing or if you test positive during this period.
4. You must meet all established standards of conduct and job performance. The Company will terminate you (your services) if your on-the-job conduct or job performance is unsatisfactory. Satisfactory performance includes ongoing compliance with the Company's drug/alcohol testing policy, including testing if there is reasonable suspicion of a violation of the prohibition of use.
5. Nothing in this agreement alters your employment (contract) status. The Company hopes its employment (contractual) relationship with you will be a happy and enduring one. Nevertheless, you remain free to resign your employment (terminate your agreement) at any time for any or no reason without notice. Similarly, the Company reserves the right to terminate you, (your services) for any or no reason, without notice. No one can alter your at-will status except the [President], in writing.

I voluntarily agree to all of the above conditions and authorize [treatment program/counselor, employee assistance provider] to provide my supervisor with proof of my enrollment and attendance at the recommended rehabilitation program.

Date Agreement Signed

Company Name

Employee Signature

Company Representative Signature

Signature of Witness

Signature of Witness

Sample Forms

Included in this section are the BWC DFWP Program forms and several sample forms for employers to refer to as they create the appropriate forms for their company policy and program.

*Ohio BWC DFWP Program **Application** (U-140)*

*Ohio BWC DFWP Program **Certification of Implementation** Form (U-141)*

*Ohio BWC DFWP Program **Release of Information** Form (U-141)*

*Ohio BWC DFWP Program **Progress Report** (U-142)*

*Ohio BWC **10-Step Business Plan of Action***

Observed Behavior - Reasonable Cause Record

A Checklist for Supervisors

Checklist: Recognizing Job Performance Problems

Reasonable Suspicion Checklist



APPLICATION DRUG-FREE WORKPLACE PROGRAM

INSTRUCTIONS:

- Please print or type.
- If applying for a Level 2 DFWP Program based on completion of an employer development training program, as specified in paragraph (F)(2) of 4123-17-58 of the Ohio Administrative Code, please attach a copy of your certificate of attendance and successful completion of this program.
- Please return this completed form and any attachments to your BWC account representative or:

Attention: Risk Special Programs, L-22
Ohio Bureau of Workers' Compensation
30 W. Spring Street
Columbus, Ohio 43215-2256

NOTE:

BWC must receive a completed application, signed by the employer's chief executive officer, by June 30 for the program year beginning July 1, or by December 31 for the program year beginning January 1. Incomplete applications will be rejected.

Check Program Period applied for: <input type="checkbox"/> July 1 – June 30 <input type="checkbox"/> January 1 – December 31	Check the DFWP Program Level for which you are requesting approval: <input type="checkbox"/> Level 1 <input type="checkbox"/> Level 2	Date of Application
---	---	---------------------

Name of employer and DBA:		Employer BWC Risk/Policy number	
Address	City	State	9-digit ZIP Code
Federal Tax ID number	FAX number ()	Telephone number ()	
Employer contact person for DFWP Program		Telephone number ()	

Indicate your organization's number of employees by category below:

PERSONNEL (include all permanent full time, part time, and intermittent/seasonal) _____

ADDITIONAL CONTRACTED LABOR (average number of these staff utilized annually) _____

ORGANIZATION'S TOTAL WORK FORCE (personnel plus additional contracted labor) _____

FOR PUBLIC EMPLOYERS ONLY – SAFETY SENSITIVE POSITIONS (Of the above total work force, how many are safety sensitive? Refer to Rule citation 4123-17-58, (A)(6), OAC, for definition.) _____

Do you have an existing substance-free workplace program that has been in place for one or more years? ☐ Yes ☐ No

If so, on what date did your program begin? _____

If yes, and your program has been in place for at least a year, please attach a copy of your current policy describing your program and/or complete reverse side.

I hereby certify that my organization is applying to implement a Drug-Free Workplace (DFWP) Program pursuant to Rule 4123-17-58 of the Ohio Administrative Code and is willing to meet, at minimum, the requirements associated with the level of program applied for. When failing to fully implement the DFWP Program or meet the specified requirements, I agree to repay to the Ohio Bureau of Workers' Compensation any DFWP Program discount received, including interest. Also, I certify this information and any attachments are accurate and, if not, may be considered a fraudulent representation which may lead to legal action under the applicable fraud statutes.

_____ Name of Chief Executive Officer (please print)	X _____ Signature of Chief Executive Officer	_____ Date signed
_____ Name of witness (please print)	X _____ Signature of witness	

EXISTING PROGRAM DESCRIPTION

Use the space below to describe your existing substance-free workplace program with a narrative that may include the following program components: Written Policy, Employee Education, Supervisor Training, Drug and Alcohol Testing, Employee Assistance. You should include additional information that you believe would be helpful in explaining your current program and identify when any components were added to your program after its inception. You may include supplemental attachments, e.g., your written policy if it adequately describes your program. However, these do not replace the narrative description required below which allows BWC to determine your eligibility for the program. Use additional sheet of paper if necessary.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



CERTIFICATION OF IMPLEMENTATION DRUG-FREE WORKPLACE PROGRAM

INSTRUCTIONS:

- Please print or type.
- For new program/levels, complete this form and return to the Bureau of Workers' Compensation by September 30, for the program year beginning July 1, or March 31, for the program year beginning January 1. This form constitutes certification that your organization has initiated all components of its Drug-Free Workplace (DFWP) Program in accordance with the requirements specified in 4123-17-58 of the Ohio Administrative Code.
- Please check the appropriate spaces below to indicate that you have initiated/implemented each component of the program level for which you made application and have received approval for a discount.
- Please return this completed form, your written policy, and the Release of Information on page 2 to your BWC account representative or to: Attention: Risk Special Programs, L22, Ohio Bureau of Workers' Compensation, 30 W. Spring Street, Columbus, Ohio 43215-2256.

Name of employer and DBA		Employer BWC Risk/Policy number	
Address	City	State	9-digit ZIP code
Federal Tax ID number	Fax number ()	Telephone number ()	

- ☐ **Policy:** My organization has developed a DFWP Program written policy that is attached/enclosed for BWC's review.
Name of Program Administrator: _____
- ☐ **Employee Education:** My organization has initiated and will maintain an employee education component that meets DFWP program requirements as specified.
- ☐ **Supervisor Training:** My organization has initiated and will maintain a supervisor training program that meets the DFWP Program requirements as specified.
- ☐ **Drug and Alcohol Testing:** My organization has begun or prepared for drug/alcohol testing for employees for the following categories as applicable:
Date testing began for this program:
☐ Pre-employment/New Hire ☐ Follow-up to assessment/treatment
☐ Reasonable suspicion ☐ Random
☐ Post accident ☐ _____ Other (specify) (Use additional sheet if needed.)
- ☐ **DHHS-Certified Drug Testing Lab and Medical Review Officer:** My organization has contracted with a DHHS-certified drug-testing laboratory, collection site and a Medical Review Officer to conduct DFWP Program activities as required.
- ☐ **Employee Assistance:** My organization offers employee assistance services that meet the DFWP Program requirements as specified.
- ☐ **10-Step Business Plan:** My organization has begun to implement the five or ten steps of the 10-Step Business Plan as required for my approved program level.

I hereby certify that my organization has initiated/implemented all components of its Drug-Free Workplace (DFWP) Program by _____, _____, _____ in accordance with, at minimum, the requirements specified for the level of _____ (month and day) (year)

Program approved by BWC and for which a discount will be received. I understand that this constitutes my organization's certification of program implementation that if not accurate, is a fraudulent representation that may lead to legal action under the applicable fraud statutes.

_____ Name of Chief Executive Officer (please print or type)	X _____ Signature of CEO and official title	_____ Date signed
_____ Name of witness (please print or type)	X _____ Signature of witness and official title	

RELEASE OF INFORMATION DRUG-FREE WORKPLACE PROGRAM

INSTRUCTIONS:

- Return this completed form along with the completed Certification of Implementation on page 1 to your BWC account representative or to Attention: Risk Special Programs, L-22, Ohio Bureau of Workers' Compensation, 30 W. Spring Street, Columbus, Ohio 43215-2256.

Name of employer and DBA:		Employer BWC Risk/Policy number	
Address	City	State	9-digit ZIP Code
Federal Tax ID number	Fax number ()	Telephone number ()	

By the signature of the chief executive officer of the employer, the employer agrees that the Ohio Bureau of Workers' Compensation is authorized to receive information from drug testing laboratories, collectors and medical review officers whom the employer has utilized to provide testing and review services as part of the employer's Drug-Free Workplace Program. Signing this release also authorizes BWC to obtain information from the Employee Assistance Plan/Program provider under the employer's DFWP Program. Information obtained by BWC pursuant to this release is solely for purposes of compliance monitoring, statistical collection and cost-benefit analysis.

Name of Chief Executive Officer (please print or type)	<div style="display: inline-block; text-align: center;"> X Signature of CEO and official title </div>	Date signed
--	---	-------------



Progress Report Drug-Free Workplace Program

Dates of data collection	
From	To

Instructions:

- 1. Complete each of the items below in reporting progress annually to BWC by March 31 or September 30, depending upon your Drug-Free Workplace (DFWP) Program year (July to June or January to December, respectively) to address the reporting requirements of 4123-17-58, paragraph (G) of the Ohio Administrative Code. Attach additional pages where it is necessary to include more information than space permits.
- 2. This information, as well as documentation that the employer is to maintain on-site, is required to apply for renewal of your organization's DFWP Program and to request consideration for implementing a different level DFWP Program, in accordance with 4123-17-58, paragraph (G)(3), O.A.C.
- 3. Employer must have completed or be completing two full years of a DFWP Program (Level 1 and/or 2) in order to apply for a level 3 discount.
- 4. "Contracted labor" includes temporary help, leased labor, union hall personnel, etc.
- 5. "Dates of data collection" should capture the actual dates of data collected that are included on the Progress report. The intent is to have all data reported. Thus, the "from" date for the initial Progress Report is the start date of the Program, and the "to" date is the last date of data collected that is included on the Progress Report.
- 6. For "Dates of data collection" in subsequent years, the "from" date should be next day following the previous "to" date.
- 7. Return completed form to your BWC account representative or Attention: Risk Special Programs, L-22, Ohio Bureau of Workers' Compensation, 30 West Spring Street, Columbus, Ohio 43215-2256.

Note: Use page 4 to summarize the activities which your organization has performed with regard to its DFWP Program and any improvements for the next program year. For employers with a Level 2 or Level 3 program, attach a completed copy of the 10-Step Business Plan Progress Report.

1. Indicate whether you are applying for renewal of existing DFWP Program or requesting approval for a new level: **Check one only**
Renewal of Existing /Approved Program: 1 2 3 **New Program Level:** 1 2 3

Name of organization & DBA			Risk/Policy number	Federal I.D. number
Employer address	City	State	9-digit ZIP Code	Phone number ()

Employee Education

2. Attach a brief description of the topics covered under Employee Education.

- (a) Indicate number of employees educated during reporting period: _____
- (b) Name(s) and phone number(s) of certified educator(s) who presented or supervised the DFWP program employee education:

Supervisor Training

3. Attach a brief description of the topics covered under Supervisor Training.

- (a) Indicate number of supervisors trained during reporting period: _____
- (b) Name(s) and phone number(s) of certified trainer(s) who presented or supervised the DFWP program supervisor training:

Continued next page

Drug and Alcohol Testing

4. Drug and Alcohol Testing Statistics for this report:

- (a) Actual number of new hires of personnel during reporting period: _____
 Actual number of new hires of contracted labor during reporting period: _____
- (b) Total number (i.e., annual average) of personnel employed by the organization: _____
 Total number (i.e., annual average) of contracted labor during reporting period: _____
- (c) **For Public Employers Only** If total number of personnel (4b), how many are safety-sensitive positions/functions: _____
- (d) Number of contracted labor (4a and 4b) who tested: _____
 Number of contracted labor (4a and 4b) tested by their own employer: _____
- (e) Of the tests that you administered, please provide the number of each for the testing categories below:
- | | # of Positive Tests | # of Negative Tests | Total # of Tests |
|---|---------------------|---------------------|------------------|
| (i) Pre-employment/New hire: | _____ | _____ | _____ |
| (ii) Reasonable suspicion: | _____ | _____ | _____ |
| (iii) Post accident: | _____ | _____ | _____ |
| (iv) Follow-up to assessment/treatment: | _____ | _____ | _____ |
| (v) Random: | _____ | _____ | _____ |
| (vi) Other testing (specify category) | _____ | _____ | _____ |

Of the positive test results you have reported above, please indicate the number of positives for each drug listed below:

_____ Amphetamines	_____ Cannabinoids (Marijuana, THC)	_____ Opiates
_____ Barbiturates	_____ Cocaine	_____ Phencyclidine (PCP)
_____ Benzodiazepine (Valium, Librium, etc.)	_____ Methadone	_____ Propoxyphene (Darvon, Darvoset, etc.)

- (f) Name(s), contact person(s) and phone number(s) for any lab(s), collection site(s), and Medical Review Office(s) utilized by the employer for drug and alcohol testing under the FWP Program:

Lab(s) name(s)	Contact person(s)	Phone number(s)
1. _____	_____	()
2. _____	_____	()

Collection site(s)	Phone number(s)
1. _____	()
2. _____	()

Medical Review Office (MRO) name(s)	Phone number(s)
1. _____	()
2. _____	()

- (g) Name(s) of employer(s) providing contracted labor to your company who tested their own employees. If necessary, use a separate sheet to provide employer name, policy number/federal tax I.D., and phone number, and also provide the test requested in (4h) for each additional employer.)

Employer name(s)	Risk/Policy number or FEIN	Phone number(s)
1. _____	_____	()
2. _____	_____	()
3. _____	_____	()

- (h) Total number of tests administered by contracted labor employer, by category:

	Employer 1 # of Tests	Employer 2 # of Tests	Employer 3 # of Tests
(i) Pre-employment/New hire:	_____	_____	_____
(ii) Reasonable suspicion:	_____	_____	_____
(iii) Post accident:	_____	_____	_____
(iv) Follow-up to assessment/treatment:	_____	_____	_____
(v) Random:	_____	_____	_____
(vi) Other testing (specify category)	_____	_____	_____

Employee Assistance

5. Name(s) of employee assistance providers whom you have utilized in your Drug-Free Workplace Program:

Employee Assistance Organization	Contact person(s)	Phone number(s)
1. _____	_____	()
2. _____	_____	()
3. _____	_____	()

Workers' Compensation Claims

6. Respond for period for which you are reporting:

- (a) How many on-the-job accidents/injuries occurred where an employee tested positive and later filed a workers' compensation claim _____
- (b) Were the positive test results forward to BWC Yes No If not, explain on an attached sheet.
- (c) How many additional claims were filed where the injury to the claimant appeared to be caused by another employee who tested positive?

Technical Assistance/Consultation Services

7. What technical assistance/consultation services were utilized to implement your DFWP Program: (check those that are applicable)

BWC (1-800-OHIOBWC, Consultants, Risk staff, others)

ODADAS (1-800-788-7254 resource list, other)

Local resource(s) (examples: ADAMH/ADAS Board, EAP, etc.) – specify below:

Contracted resource(s) (example: Drug testing Lab) – specify below, if different than 4f.

Program Administrator

8. Indicate name and percentage of person's time dedicated to DFWP Program:

_____%

Certification

By my signature, I hereby certify that my organization (identified below) has accurately reported the information on this Drug-Free Workplace Program Progress Report and has attached all pertinent documentation requested above as specified in paragraph (G) of 4123-17-58 of the Ohio Administrative Code. I understand that this is a certification that my organization has met all of the applicable requirements of the DFWP Program for the program level implemented, for which we are receiving a discount, and which, if not accurate, constitutes a fraudulent representation which may lead to legal action under the applicable fraud statues.

Printed name of Chief Executive Officer

Chief Executive Officer signature

Date signed

Printed name and official title of witness

Witness signature

Summary of DFWP Program and any Planned Improvements

Use the space below to describe your DFWP Program activities for the reporting period, summarizing each of the components of your approved program (Written Policy, Employee Education, Supervisor Training, Drug and Alcohol Testing, Employee Assistance). If you have an approved Level 2 or Level 3 program, attach a completed copy of the 10-Step Business Plan Progress Report. Use additional sheets if necessary.

[illegible]

10-Step Business Plan **Plan of Action**



PLAN OF ACTION

For Private employers the Plan of Action must be received by BWC no later than **March 31** for program years that start on July 1, and no later than **September 30** for program years that start on January 1 to receive the discount for the previous eligible periods. You will be retroactively billed for non-receipt of the Plan of Action or filing one without appropriate supporting documentation demonstrating your 10-Step implementation.

Employer		Policy Number
Date	_____	
DBA	_____	
Address	_____	Phone # _____
City, State & Zip	_____	Email _____
Employers signature	_____	Title _____
Employer's printed name	_____	

Briefly describe the product or service your business provides.

How many full and part-time employees do you have in Ohio??? (If seasonal, please indicate vs. non-seasonal)

☐ Full-Time ☐ Part-Time ☐ Temporary ☐ Leased Employees



PLAN OF ACTION

BWC USE ONLY

Employer _____	Policy Number _____
----------------	---------------------

ESS _____
S&H PARTNER _____

- ☐ PREMIUM DISCOUNT PROGRAM PLUS (PDP Plus)
☒ DRUG -FREE WORKPLACE PROGRAM (DFWP)
☐ RETROSPECTIVE RATING PROGRAM (RRP) TIER 2

* Mandatory Steps

STEP	DESCRIPTION	PASS	FAIL
1	Visible Active Senior Management Leadership *		
2	Employee Involvement and Recognition *		
3	Medical Treatment and Return to Work Practices		
4	Communication		
5	Timely Notifications of Accidents/Claims		
6	Safety and Health Process Coordination / Education *		
7	Orientation and Training		
8	Written and communicated safe work practices		
9	Written Safety & Health Policy		
10	Recordkeeping and data analysis		

I/ We “agree” with the statements made in the employer’s annual progress report as to the implementation of the steps noted above.

☐ I / We recommend “continuation” in the program.
☐ I / We recommend “removal” from the program.

X _____ BWC SPONSOR X _____ S&H PARTNER

I “disagree” with the statements made in the employer’s annual progress report. Supporting documentation of non-implementation of specific step(s) has been attached.

☐ I / We recommend “continuation” in the program.
☐ I / We recommend “removal” from the program.

X _____ BWC SPONSOR X _____ S&H PARTNER



PLAN OF ACTION

	Employer		Policy Number	
Step 1 - Visible Active Senior	Plan of Action		Person Responsible	Completion Date
	Describe: a) doing now	b) improvements to be made		
Management Leadership				
a) Authorizing necessary resources for accident prevention				
b) Discussing safety processes and improvements regularly during staff or employee meetings				
c) Ensuring management is held accountable for accident prevention activities and for managing accident-prevention processes				
d) Annually assessing the success of the safety process by using surveys, personal interviews and/or behavior-sampling				
e) Encouraging employees to take an active part in maintaining a safe workplace				
BWC Assessment:			Date:	Meets
				Below



PLAN OF ACTION

	Employer		Policy Number	
Step 2 – Employee	Plan of Action		Person Responsible	Completion Date
	Describe:	a) doing now	b) improvements to be made	
Involvement and recognition				
a) Safety and health involvement teams, focus groups, or safety and health committees				
b) Accident investigations analysis and assessment				
c) Safety and health audits				
d) Acting as instructors for safety and health training programs				
Recognition opportunities can include:				
a) Recognizing employees for excellence in accident prevention				
b) Recognizing employees for consistently high contribution to safety and health				
c) Recognizing employees for their contributions to continuous improvement through participation in problem-solving, decision-making or perception surveys				
d) Recognizing employees who suggest safety and health improvements or complete safety and health projects				
BWC Assessment:			Date:	Meets
				Below



PLAN OF ACTION

	Employer		Policy Number	
Step 3 – Medical Treatment And Return to Work Practices	Plan of Action		Person Responsible	Completion Date
	Describe: a) doing now	b) improvements to be made		
a) Informing employees of procedures for obtaining medical treatment, including informing employees of the selected managed care organization (MCO)				
b) Immediate reporting of injuries and illnesses to a supervisor				
c) Regular communication with injured or ill employees who are off work				
d) Investigation of all injuries or illnesses within 24 hours to identify process and corrective measures				
e) When not prohibited by labor agreement, a modified-duty or transitional-work program that allows employees to return to work in a productive capacity during the recuperative period.				
BWC Assessment:			Date:	Meets
				Below



PLAN OF ACTION

	Employer		Policy Number	
Step 4 - Communication	Plan of Action		Person Responsible	Completion Date
	Describe: a) doing now	b) improvements to be made		
a) Quarterly written and/or verbal feedback to all employees on their accident-prevention performance				
b) A process for upward communication and downward communication throughout the organization (including obtaining and responding to employee suggestions)				
c) Communication can include memos, bulletin boards, staff and general meetings				
d) Feedback should include the organization's overall safety and health performance				
BWC Assessment:			Date:	Meets
				Below



PLAN OF ACTION

	Employer		Policy Number	
Step 5 – Timely Notification of Claims	Plan of Action		Person Responsible	Completion Date
	Describe: a) doing now	b) improvements to be made		
	a) Claims are reported immediately to MCO			
b) Verified MCO reports claim to BWC within 24 hours				
BWC Assessment:			Date:	Meets
				Below



PLAN OF ACTION

IMPORTANT

To receive credit for this step your Accident Prevention Coordinator must attend a BWC approved Safety and Health management Seminar according to the following Schedule

	Private	Private	Public	Public Schools
Program Start Date	July 1	January 1	January 1	January 1
Step-6 Credit	Complete by March 31	Complete by September 30	Complete by September 30	Complete by September 30
Plan of Action	Submitted by March 31	Submitted by September 30	Submitted by September 30	Submitted by November 15

Employer		Policy Number		
Step 6 – Safety and Health	Plan of Action		Person Responsible	Completion Date
	Process Coordination	Describe:	a) doing now	b) improvements to be made
a) Helping management and employees identify accident prevention and safety and health training needs through perception surveys, interviews, behavior sampling or other similar methods				
b) Helping supervisors make changes or develop strategies that improve the organization's safety systems and processes				
c) Identifying and communicating new safety and health requirements				
d) Compiling injury and illness-related records				
e) Tracking progress on safety and health-related projects				
f) Working with employees to optimize safe work practices				

IMPORTANT – TO RECEIVE CREDIT FOR THIS STEP, ACCIDENT PREVENTION COORDINATOR MUST ATTEND A BWC APPROVED SAFETY AND HEALTH MANAGEMENT SEMINAR BY MARCH 31 OR SEPTEMBER 30 EACH YEAR.

BWC Assessment:	Date:	Meets
		Below



PLAN OF ACTION

Employer		Policy Number			
Step 7 – Written	Plan of Action			Person Responsible	Completion Date
Orientation and Training Plan	Describe:	a) doing now	b) improvements to be made		
Safety and Health written orientation and training plan will include:					
a) Company safety and health policy statement					
b) Employee responsibilities					
c) Medical procedures, such as how and when to report injuries or illnesses					
d) Actions to take in case of emergency					
e) How to report unsafe practices and conditions					
f) Return to work procedures					
Safety and Health training will include:					
a) Hazard communication					
b) Bloodborne pathogens, if applicable					
c) Specific job/task safe work practices and hazard recognition					
d) Recordkeeping of employee training and sign-off of training					
At a minimum, training must cover:					
a) Procedures for safe and efficient use of machinery and tools					
b) Ergonomic risk factors, including the prevention of cumulative trauma disorders					
c) Chemical hazards and how to prevent contact or exposure					
d) If appropriate, procedures for lockout-tagout, hot work permits and confined-space entry					
BWC Assessment:				Date:	Meets
					Below



PLAN OF ACTION

Step 8 – Written and Communicated Safe Work Practices	Plan of Action		Person Responsible	Completion Date
	Describe: a) doing now	b) improvements to be made		
a) General Safe Work Practices				
b) Job-Specific Safe Work Practices				
c) Employees sign statement that they understand and will follow safe work practices				
BWC Assessment:			Date:	<div>Meets</div> <div>Below</div>



PLAN OF ACTION

	Employer		Policy Number	
Step 9 – Written Safety and Health Policy	Plan of Action		Person Responsible	Completion Date
	Describe: a) doing now	b) improvements to be made		
a) Chief executive officer's philosophy on safety and well-being of employees with his/her commitment to quality				
b) Managers', supervisors', team leaders' and employees' responsibilities regarding the organization's commitment to workplace safety and health				
c) Commitment to returning injured or ill employees to work at the earliest opportunity				
d) Communicated to employees verbally, posted on bulletin board, in employee handbook				
BWC Assessment:			Date:	Meets
				Below



PLAN OF ACTION

	Employer	Policy Number		
Step 10 – Recordkeeping and Data Analysis	Plan of Action		Person Responsible	Completion Date
	Describe: a) doing now	b) improvements to be made		
a) Identify safety and health process problems				
b) Help manage the compensation process				
c) Provide information necessary for developing solutions				
d) Linkage between accident prevention and profitability				
e) Specific costs associated with safety and health problems and accidents				
BWC Assessment:			Date:	Meets
				Below

	Employer		Policy Number	
	Plan of Action		Person Responsible	Completion Date
	Describe: a) doing now	b) improvements to be made		
BWC Assessment:			Date:	<div>Meets</div> <div>Below</div>

Observed Behavior - Reasonable Cause Record, Page 1

Employee Name _____
Identification Number: _____
Observation: Date _____ Time: (_____ a.m./p.m. to _____ a.m./p.m.)
Location: _____

CAUSE FOR SUSPICION

1. **Presence of Drugs and/or Drug Paraphernalia (specify):** _____

2. **Appearance:**

- ☐ Normal
- ☐ Disheveled
- ☐ Dilated/constricted pupils
- ☐ Dry-mouth symptoms
- ☐ Flushed
- ☐ Bloodshot eyes
- ☐ Profuse sweating
- ☐ Runny nose
- ☐ Nose sores
- ☐ Puncture marks
- ☐ Inappropriate wearing of sunglasses
- ☐ Tremors
- ☐ Other (describe) _____

3. **Behavior:**

(Speech):

- ☐ Normal
- ☐ Confused
- ☐ Incoherent
- ☐ Slowed
- ☐ Slurred
- ☐ Silent
- ☐ Whispering
- ☐ Other (describe) _____

(Awareness):

- ☐ Normal
- ☐ Lethargic
- ☐ Confused
- ☐ Lack of coordination
- ☐ Mood swings
- ☐ Paranoid
- ☐ Euphoric
- ☐ Disoriented
- ☐ Other (describe) _____

Observed Behavior - Reasonable Cause Record, Page 2

4. Motor Skills:

(Balance):

- ☐ Normal
- ☐ Swaying
- ☐ Falling
- ☐ Staggering
- ☐ Other (describe) _____

(Walking and Turning):

- ☐ Normal
- ☐ Stumbling
- ☐ Swaying
- ☐ Falling
- ☐ Arms raised for balance
- ☐ Reaching for support
- ☐ Other (describe) _____

- 5. Other Observed Actions or Behavior (specify):** _____

Witnessed by:

(Signature) (Title) (Time) _____ a.m./p.m.

(Signature) (Title) (Time) _____ a.m./p.m.

This document should be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results are released, whichever is earlier.

Checklist: Recognizing Job Performance Problems, Page 1

Are the performance problems:

- Persistent and on going?
- Affecting work efficiency and productivity?
- A change from the employee's usual behavior?

Absenteeism

- _____ Multiple instances of unauthorized leave.
- _____ Excessive use of sick leave.
- _____ Frequent Monday/Friday absences.
- _____ Excessive tardiness, especially on Monday mornings or after lunch.
- _____ Leaving work early.
- _____ Peculiar and increasingly unbelievable excuses for absences.
- _____ Higher absence rate for medical problems such as colds, influenza, stomach problems.
- _____ Frequent, unscheduled short-term absences.

On-the-Job Absenteeism

- _____ Continued absences from work site.
- _____ Long coffee breaks.
- _____ Physical illness on the job.
- _____ Frequent trips to the bathroom.
- _____ Sleeping or dozing off on the job.

High Accident Rate

- _____ Accidents on the job and more accident claims than the norm.
- _____ Near accidents on the job.
- _____ Accidents off the job.
- _____ Failure to wear safety gear.
- _____ Complaints from co-workers regarding disregard of safety standards.

Difficulty Concentrating

- _____ Work requires greater effort.
- _____ Job takes more time.

Confusion

- _____ Trouble recalling instructions, details, etc.
- _____ Increasing difficulty handling complex assignments.
- _____ Trouble recalling his/her own mistakes.
- _____ Gives conflicting information or instructions.
- _____ Has trouble coordinating schedules.

Checklist: Recognizing Job Performance Problems, Page 2

Inconsistent Work Patterns

- _____ Alternate periods of high and low productivity.
- _____ Submission of incomplete reports and data.

Reporting Unfit for Work

- _____ Comes to work in an obviously unfit condition (glazed eyes, yawning, slurred speech, unsteady gait, sleepiness).

Changes in Personal Habits

- _____ Different behavior after lunch than before.
- _____ Decreased attention to appearance or personal hygiene.

Erratic Behavior

- _____ Withdrawn or improperly talkative.
- _____ Argumentative.
- _____ Displays violent behavior.
- _____ Has exaggerated sense of self-importance.
- _____ Spends excessive amount of time on the telephone.
- _____ Irritable.
- _____ Depressed or highly emotional.

Motivation

- _____ Less commitment to the job.
- _____ Unconcerned about quality or quantity of output.
- _____ Frequently says he or she is dissatisfied.
- _____ Does not initiate change or request work or challenges.

Lower Job Quality/Performance

- _____ Misses deadlines.
- _____ Mistakes due to inattention.
- _____ Increased errors.
- _____ Fails to follow procedures.
- _____ Wastes material.
- _____ Doesn't take time to do the job right.
- _____ Makes poor decisions.
- _____ Co-workers or customers complain.
- _____ Improbable excuses for poor job performance.
- _____ Mismanages budget.
- _____ Co-workers cover for his or her work responsibilities.

Checklist: Recognizing Job Performance Problems, Page 3

Lower Quantity/Productivity

- _____ Inconsistent work pace.
- _____ Overwhelmed by realistic workload.
- _____ Consistently falls behind in work.
- _____ Doesn't keep commitments.
- _____ Unavailable for extra work.
- _____ Takes longer and longer to do the same job.

Reduced Job Knowledge/Technical Skill

- _____ Doesn't know work tasks.
- _____ Unable to work independently.
- _____ Frequently needs instruction.
- _____ Doesn't use equipment properly.

Poor Relationships on the Job

- _____ Over-reaction to real or imagined criticism.
- _____ Wide swings in morale and motivation.
- _____ Borrowing money from co-workers.
- _____ Unreasonable resentments.
- _____ Unable to work with others.
- _____ Uses employee time and skills inefficiently.
- _____ Frequent complaints from co-workers.
- _____ Avoids professional activities or training.

Reasonable Suspicion Checklist, Page 1

Name of Observed Employee _____

Location _____

Time _____ **a.m.** _____ **p.m.** _____ **Date** _____

When there is reasonable suspicion that an employee at work is unfit for duty, the supervisor or manager observing the behavior as well as another supervisor/manager as witness, if possible, must complete the checklist below. Where "Other" is checked, please describe.

Observation Checklist

Walking: _____ Holding on _____ Stumbling _____ Unable to walk
 _____ Unsteady _____ Staggering _____ Swaying
 _____ Falling _____ Other _____

Standing: _____ Swaying _____ Feet wide apart _____ Unable to stand
 _____ Rigid _____ Staggering _____ Sagging at knees
 _____ Other _____

Speech: _____ Whispering _____ Slurred _____ Shouting
 _____ Incoherent _____ Slobbering _____ Silent
 _____ Rambling _____ Mute _____ Slow
 _____ Other _____

Demeanor: _____ Cooperative _____ Calm _____ Talkative _____ Polite
 _____ Sarcastic _____ Sleepy _____ Crying _____ Silent
 _____ Sleeping on job _____ Argumentative _____ Excited
 _____ Other _____

Actions: _____ Hostile _____ Fighting _____ Profanity _____ Drowsy
 _____ Threatening _____ Hyperactive _____ Erratic _____ Calm
 _____ Resisting communication _____ Other _____

Eyes: _____ Bloodshot _____ Watery _____ Droopy _____ Dilated
 _____ Glassy _____ Closed _____ Other _____

Face: _____ Flushed _____ Pale _____ Sweaty
 _____ Other _____

Appearance/ _____ Neat _____ Unruly _____ Messy _____ Dirty **Clothing:**
 _____ Stains on clothing _____ Having odor _____ Partially dressed
 _____ Bodily excrement stains _____ Other _____

Breath: _____ No alcoholic odor _____ Faint alcoholic odor
 _____ Alcoholic odor _____ Sweet/pungent tobacco odor
 _____ Heavy usage, breath spray _____ Other _____

Reasonable Suspicion Checklist: Page 2

Movements: ☐ Fumbling ☐ Jerky ☐ Nervous
 ☐ Slow ☐ Normal ☐ Hyperactive
 ☐ Other _____

Eating/ ☐ Gum ☐ Candy ☐ Mints
Chewing: ☐ Other _____

Miscellaneous: ☐ Presence of alcohol and/or drugs in associate's possession or vicinity
 ☐ On-the-job misconduct by employee
 ☐ Employee admission concerning alcohol use and/or drug use or possession
 ☐ If there are witnesses to employee's conduct, list below:

Other Observations: (If accident, provide details)

Employee's Explanation of Reasons for His/Her Conduct:

Once above portion of form has completed by you and a witness, you are now ready to take a position with the employee. Be certain to follow company procedures as outlined in the Drug-Free Workplace Policy.

☐ Employee has agreed to testing (Check one) ☐ Employee has not agreed to testing

Supervisor/Manager Signature Date

Witness Signature Date

The Drug-Free Workplace Program
Rule 4123-17-58 of the Ohio Administrative Code
[Last Revised: Effective 7/1/2001]

4123-17-58 Drug-free workplace (DFWP) discount program. [last revised 7/1/2001]

Pursuant to division (E) of section 4123.34 of the Revised Code, the administrator may grant a discount on premium rates to an eligible employer that meets the drug-free workplace (DFWP) program requirements under the provisions of this rule.

(A) As used in this rule:

(1) "Drug-free workplace program" or "DFWP program" means the bureau's rate program which offers a premium discount to eligible employers for implementing a program addressing workplace use and abuse of alcohol and other drugs, including prescription, over-the-counter, and illegal drug abuse.

(2) "Prescription drug abuse" means the use of over-the-counter drugs or medications prescribed by a licensed medical practitioner by someone other than the person for whom they were prescribed or for purposes other than those for which they were prescribed or manufactured.

(3) "Accident" means an unplanned, unexpected, or unintended event which occurs on the employer's property, during the conduct of the employer's business, or during working hours, or which involves employer-supplied motor vehicles or motor vehicles used in conducting the employer's business, or within the scope of employment, and which results in any of the following:

(a) A fatality of anyone involved in the accident;

(b) Bodily injury requiring off-site medical attention away from the employer's place of employment;

(c) Vehicular damage in apparent excess of a dollar amount stipulated in the employer's DFWP policy; or

(d) Non-vehicular damage in apparent excess of a dollar amount stipulated in the employer's DFWP policy.

As used in this rule, "accident" does not have the same meaning as provided in division (C) of section 4123.01 of the Revised Code, and the definition of this rule is not intended to modify the definition of a compensable injury under the workers' compensation law.

(4) "Reasonable suspicion" means evidence that an employee is using drugs or alcohol in violation of the company's DFWP policy, drawn from specific, objective facts and reasonable inferences drawn from these facts in light of experience and training. Such facts and inferences may be based on, but are not limited to, any of the following:

(a) Observable phenomena, such as direct observation of drug or alcohol use, possession or distribution, or the physical symptoms of being under the influence of drugs or alcohol, such as but not limited to slurred speech, dilated pupils, odor of alcohol or marijuana, changes in affect, dynamic mood swings, etc.;

- (b) A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance (e.g., frequent absenteeism, excessive tardiness, recurrent accidents) which appears to be related to substance abuse and does not appear to be attributable to other factors;
- (c) The identification of an employee as the focus of a criminal investigation into unauthorized drug possession, use, or trafficking;
- (d) A report of alcohol or other drug use provided by a reliable and credible source;
- (e) Repeated or flagrant violations of the company's safety or work rules, which are determined by a supervisor to pose a substantial risk of physical injury or property damage and which appear to be related to substance abuse or substance use that may violate the employer's DFWP policy, and do not appear attributable to other factors.

(5) "Random selection" means drug testing of an employee selected from a pool of employees made regardless of whether any suspicion of illegal drug use exists. This testing is made without advanced notice to the employee and is based on an equal probability of selection. Random selection testing is based upon an objective and non-discretionary computer program operated and maintained by an outside contractor to identify and test a specified percentage of the total workforce over the course of a year. All employees, including those previously selected for testing, have an equal chance of being selected each time the testing process occurs, such that some employees may be selected more than once for random selection testing while other employees may not be selected at all.

(6) "Safety-sensitive position or function" means any job position or work-related function or job task designated as such by the employer, which through the nature of the activity could be detrimental or dangerous to the physical well-being of the employee, co-workers, customers or the general public through a lapse in attention or judgment. The safety-sensitive position or function may include positions or functions where national security or the security of employees, co-workers, customers, or the general public may be seriously jeopardized or compromised through a lapse in attention or judgment.

(7) "Supervisor" means an employee who supervises others in the performance of their jobs, has the authority and responsibility to initiate reasonable suspicion testing when it is appropriate, and has the authority to recommend or perform hiring or firing procedures.

(8) "Ohio Department of Alcohol and Drug Addiction Services" or "ODADAS" means the state agency an employer may contact to provide technical assistance or referral to available community resources for employers interested in developing a DFWP program. ODADAS shall maintain a list of DFWP developmental consultant programs meeting specified criteria and offering training to assist employers in developing a DFWP program. Such training shall be experience equivalency for purposes of this rule.

(9) "Experience equivalency" means consultation and training services offered through a program which facilitates the development of an employer's DFWP program and may qualify the employer to receive a higher discount based on the program level implemented in conjunction with this experience equivalency credit.

The criteria for a program to be an experience equivalency shall include:

- (a) All primary consultants for the organization shall have a minimum of ten hours annual continuing education in drug-free workplace issues;
- (b) The organization shall have provided drug-free workplace policy and operational procedures development consultation and training for a period of at least two years;

and

(c) For purposes of this rule, the organization shall provide a certificate only to an employer that completes a minimum of fifteen hours of face-to-face consultation and training and a minimum of twenty additional hours developing the employer's drug-free workplace policy and program operations.

(10) "Employee assistance plan" means an employer's plan of action and designated appropriate resources to assist employees who:

- (a) Seek help on their own for an alcohol or drug problem;
- (b) Are referred by management for a possible problem with alcohol or drugs; or
- (c) Have a positive alcohol or drug test.

(11) "Employee assistance program" or "EAP" means a cost-effective program to assist employees and their families in dealing with problems affecting their work performance. An EAP identifies and helps resolve problems by applying short-term counseling, referral, and follow-up services, as determined by the contractual arrangement with the employer. In addition, the EAP provides such services as management training and consultation; prevention and education programs; crisis intervention; benefits analysis; and organizational development. A qualified EAP is one recognized by industry standards which employs certified personnel and operates in compliance with core-technology specific to the EAP discipline. An "employee assistance program" is to be distinguished from an "employee assistance plan," which is used generically by employers offering a composition of assistance services for employees but which do not adhere to the core technology of the EAP field, as defined by the employee assistance professional association (EAPA).

(12) "Drug and alcohol testing" means a range of tests that may be utilized to address employee use or abuse of alcohol and other drugs that affect workplace safety. These tests include pre-employment or new hire testing to screen from the workforce persons with existing substance use or abuse problems that may affect workplace safety; post-accident testing, for employees who may have caused or contributed to an accident due to use or abuse of alcohol or other drugs; reasonable suspicion testing, which utilizes observations from trained supervisors to identify employees whose behavior suggests use or abuse of alcohol or other drugs that may endanger the employee or other employees; and random drug testing to identify employees who use alcohol or other drugs in contravention of the employer's DFWP policy, with such testing likely to deter substance abuse because employees will not know whether or when they might be tested. The five drugs that are included in the drug testing are amphetamines, cannabinoids (THC), cocaine (including crack), opiates, and phencyclidine (PCP).

(13) “Consortia” means an entity established to provide more cost-effective services to employers to help the employers meet the DFWP program requirements. Consortia may involve varied pools of employers and their employees, wherein employer education, supervisor training, and drug and alcohol testing may be offered at a reduced cost to the employers who choose to participate. Consortia for drug and alcohol testing purposes may involve contracts with laboratories certified by the department of health and human services and will operate in concert with established protocols and procedures that are consistent with federal guidelines for testing.

(14) “Vendor” means any person or organization that provides service to employers participating in the DFWP program for purposes of employers meeting DFWP program requirements.

(B) Application process.

The bureau shall provide application and renewal forms for use in the DFWP program and shall have final authority to approve a state fund employer to receive a discount based on its participation in this program. An employer's participation in a DFWP program shall be on a program year basis, as shall renewal of participation in a DFWP program. Only state fund employers requesting consideration for the DFWP program discount should submit an application. The bureau shall evaluate each application to determine the employer's eligibility to receive a discount under the DFWP program, the employer's eligibility for a specific program level, and the applicable discount per cent.

(1) A private employer may apply either by June thirtieth for the program year beginning July first of that year to June thirtieth of the following year, or by December thirty-first for the program year beginning January first of the following year to December thirty-first of that year. The progress report and renewal deadlines are March thirty-first for a program year that begins on July first, and September thirtieth for a program year that begins on January first.

(2) A public employer taxing district may apply by December thirty-first prior to the program year beginning January first of the following year to December thirty-first of that year. The progress report and renewal deadlines are September thirtieth for a program year beginning January first.

(3) An employer may withdraw its application for enrollment in the DFWP program under this rule at any time prior to receiving the discount on its premium. When an employer becomes aware that it is unable to meet the program requirements associated with its approved DFWP program level by the required implementation date, the employer shall notify the bureau of its inability and shall withdraw from the program. The employer shall return any monetary benefits associated with any discount received, including interest, which shall be calculated as provided in division (E) of section 4123.41 of the Revised Code.

(C) Eligibility requirements.

The DFWP program under this rule is available in the form of technical assistance and support to all private and public employers. However, eligibility for the discount is limited to state fund employers, with the per cent of discount based on an employer's participation in one or more alternate rating programs. A state fund employer seeking a discount shall apply on a bureau application form to implement a DFWP program and shall satisfy all of the eligibility requirements of this rule. The bureau shall review the application to determine whether the employer is eligible to receive a discount for participation in the DFWP program, determine whether the employer is eligible for the level of program applied for, and determine and approve the discount percentage for the level of program for which the employer is determined to be eligible. An employer that is found to be ineligible for participation in the DFWP program may reapply in a subsequent program year. It is recognized that an employer may implement a DFWP program that exceeds the minimum requirements for the discount level approved by the bureau. For all levels of a DFWP program, the employer shall meet the following requirements:

(1) If an employer participates in any other alternate rating program offered by the bureau, or receives a discount, credit, or benefit for participation in group rating, retrospective rating, or the premium discount program in the same policy year as the DFWP program, the employer may participate in the DFWP program and may receive the discount provided for under this rule. The employer may receive only the maximum discount, credit, or benefit for whichever program amount is greater for the given policy or program year, or as specifically defined below, as follows:

(a) An employer participating in both the premium discount program under rule 4123-17-70 of the Administrative Code and the DFWP program may receive a premium discount equal to the greater of the premium discount program discount or the DFWP program discount as earned individually for the given policy or program year.

(b) An individual employer participating in both group rating under rules 4123-17-61 to 4123-17-68 of the Administrative Code and the DFWP program may implement the DFWP program and receive the associated premium discounts in addition to the group discount; provided, however, the combined discounts may not exceed the maximum discount allowed under the group rating plan.

(c) An employer participating in both retrospective rating under rules 4123-17-41 to 4123-17-54 of the Administrative Code and the DFWP program may only receive a premium discount equal to the maximum of either the discount under the DFWP program or the difference between the employer's premium calculated as an individual employer and calculated in the retrospective rating program.

(d) An employer that has an existing substance-free program that has been in place for four or more years at the time of application and is evaluated as comparable to the level one program under this rule is not eligible for a discount under this rule.

(e) An employer not eligible for a discount under this rule may implement a DFWP program and is encouraged to do so. The bureau and ODADAS will identify available resources for support and technical assistance.

(2) The employer shall be current as of March thirty-first for the application year beginning July first, or September thirtieth for the application year beginning January first, and subsequent renewal years (not more than forty-five days past due) on any and all premiums, assessments, penalties or monies otherwise due to any fund administered by the bureau, including amounts due for retrospective rating at the time of the application deadline.

(3) The employer cannot have cumulative lapses in workers' compensation coverage in excess of fifty-nine days within the eighteen months preceding the application or renewal deadline.

(4) The employer shall be in an active or reinstated policy status the first day of the policy year for the DFWP program.

(5) An employer in the DFWP program shall continue to meet all eligibility requirements during the year of participation in the program, when applying for renewal, and during each subsequent year of participation in the program, regardless of the level of the employer's DFWP program.

(D) General program requirements.

In signing the application form, the chief executive officer or designated management representative of the employer shall certify that the employer shall meet, at a minimum, the program requirements associated with the level DFWP program for which the employer has applied. This certification is required for the employer to be considered for the discount associated with implementing the specific level DFWP program, and the signature certifies that the employer shall return any monetary benefits associated with any discount received, including interest, based on failure to implement or meet the DFWP program level requirements for which it has applied and been approved.

(1) An employer approved by the bureau for a DFWP program that does not have an existing substance-free workplace program at the time of application or that has a program in place for less than one year, may receive a maximum of five years of discount under this rule.

(2) An employer that has an existing substance-free workplace program at the time of application for at least one year but less than four years that is evaluated as comparable to the level one program under this rule may receive a maximum of four years of discount under this rule.

(E) Program requirements - all program levels.

To receive a discount for implementing and operating a DFWP program, an employer shall fully implement, at a minimum, the following program components by the applicable dates.

- (1) Policy - The DFWP program shall include a written policy statement, which, at a minimum, shall consist of the following:
 - (a) Articulate all the elements of the level DFWP program which the employer is implementing;
 - (b) State management's incentive for creating a substance-free workplace (e.g., concern for employee safety and health, productivity, accident prevention, and loss control);
 - (c) Identify a DFWP program administrator and indicate the person's role or responsibilities with regard to the DFWP program;
 - (d) Communicate the DFWP program and policy through initial presentation to all employees prior to the program implementation and/or on a repetitive basis annually through employee education sessions;
 - (e) Clearly state that the program applies to all employees, including all levels of management;
 - (f) Contain appropriate references to collective bargaining agreements and show how the DFWP program works in concert with these agreements to promote a safer workplace for all employees;
 - (g) Address the use or abuse of alcohol, prescription medications, over-the-counter medications, or illegal drugs. The policy should include which drug or alcohol tests will be used, at what cutoff levels and what testing procedures and protocols will be applied; and a clear statement that supervisors will be trained regarding their responsibilities related to various testing prior to the implementation of any testing;
 - (h) Include a commitment to rehabilitation;
 - (i) Describe how referrals may be made for testing, assessment, and employee assistance;
 - (j) Be in compliance with all federal and state laws or regulations;
 - (k) State what is prohibited and the consequences for employees of a violation of this policy;
 - (l) State the consequences, if any, for an employee's refusal to submit to a medical examination or a drug or alcohol test in conjunction with the operation of the employer's DFWP program;

- (m) State the consequences for any employee attempting to adulterate a specimen or otherwise manipulate the drug or alcohol testing process;
 - (n) State that law enforcement authorities may be contacted and requested to come onto the employer's property when appropriate in conjunction with a referral for criminal prosecution;
 - (o) Contain a statement that nothing in the policy alters the employment-at-will status as it affects any other employment issues with the employer;
 - (p) State that an employee's violation under the DFWP policy shall not be reported to law enforcement officials unless required by a regulatory body or by criminal law provisions; and
 - (q) Include a discussion of confidentiality of the program records to ensure the privacy rights of individuals.
- (2) Employee education - The DFWP program shall include employee education, which, at a minimum, shall consist of the following:
- (a) A total of at least two hours annually for all current employees prior to implementation of the DFWP program, and at least annually thereafter for each program year in which the employer operates a DFWP program, and with at least one hour for all new employees within the employee's first four weeks of employment;
 - (b) Inform employees about the content of the DFWP program as delineated in the written policy, a copy of which will be presented, discussed and acknowledged by each employee's signature on an appropriate form;
 - (c) Stress management's commitment to the program;
 - (d) Include the disease model for alcohol and other drugs, the signs and symptoms associated with substance use and abuse, and the effects and dangers of commonly used drugs in the workplace;
 - (e) Share a list of helping resources in the community for employees to utilize for themselves or their families; and
 - (f) Be presented by a qualified educator or a presenter supervised by a qualified educator holding one of the following credentials:
 - (i) Substance abuse professional (SAP);
 - (ii) Certified employee assistance professional (CEAP);
 - (iii) Certified chemical dependency counselor (CCDCIII);
 - (iv) Ohio certified prevention specialist 1 (OCPS 1) or 2 (OCPS 2).
- (3) Supervisor training - The DFWP program shall include supervisor training, which, at a minimum, shall consist of the following:
- (a) At least four hours of initial training for all current and new supervisors (with at least

two hours of training within six weeks of a current employee becoming a supervisor or from the date of hire of a supervisor), in addition to the annual two hours of employee education, for a total of six hours annually;

(b) In subsequent program years, a minimum of two hours of refresher training for supervisors who have received the initial four hours of training, which is in addition to the annual two hours of employee education, for a total of four hours;

(c) A discussion of a supervisor's responsibilities in relationship to the employer's DFWP program, including but not limited to how to recognize a possible alcohol or other drug problem; how to document behaviors that demonstrate an alcohol or other drug problem; how to confront employees with the problem in terms of their observed behaviors; how to initiate reasonable suspicion testing; how to make an appropriate referral for assistance; how to follow up with employees re-entering the work setting after a positive drug test; and how to handle DFWP program responsibilities in a manner that is consistent with any pertinent collective bargaining agreements; and

(d) Be presented by a qualified trainer or a presenter supervised by a qualified trainer holding one of the credentials provided in paragraphs (E)(2)(f)(i) to (E)(2)(f)(v) of this rule.

(4) Drug and alcohol testing - The DFWP program shall include drug and alcohol testing which, at a minimum, shall consist of a five-panel drug screen with gas chromatography/mass spectrometry (GC/MS) and alcohol testing consistent with federal standards. The employer shall implement and pay for drug and alcohol testing as follows, with the stipulation that all categories of testing shall be clearly described and defined in the employer's written policy.

(a) Pre-employment/new-hire testing: at one hundred per cent (drug test required), with testing to be conducted before or within the first ninety days of employment;

(b) Post-accident: All employees who may have caused or contributed to an on-the-job accident, as defined in paragraph (A)(3) of this rule, shall submit to a drug or alcohol test. This test will be administered as soon as possible after necessary medical attention is received, or within eight hours for alcohol and within thirty-two hours for other drugs.

(c) Reasonable suspicion testing based on documentation and concurrence among the trained observing supervisor and a second trained supervisor, wherever possible.

(d) Follow-up testing, for any employee with a positive test, commencing with a return-to-duty test as the first in a minimum of four tests over the period of a year from the date of return to duty for such employee where the employer brings the employee back to work or returns the employee to a safety-sensitive position or function after a positive test; no set maximum during the first year that begins with the date of return to duty. A maximum number of tests after the first year from date of return to work are to be determined by agreement between the employee, the substance abuse professional assessing or treating the employee, and the employer.

For the purposes of the DFWP program, the forms of testing to be utilized will be urinalysis (EMIT screen, also referred to as a drug screen, plus GC/MS confirmation) for a panel of five drugs, and breath or saliva with a confirmatory evidential breath test (EBT) for alcohol. However, if an EBT is not available or reasonably accessible, a blood test should be made available to the employee to determine the presence of alcohol. The employer is required to document and maintain on file the reason the EBT was not administered. To ensure the integrity of testing and for the safety of employees, participating companies must adopt the procedures and chain-of-custody guidelines recommended by the federal department of health and human services (DHHS) and required by the federal department of transportation. Employers shall ensure that DHHS certified laboratories process the test results, and that a qualified medical review officer is responsible for evaluating all test results.

Supervisors shall receive training regarding their responsibilities related to various testing prior to implementation of testing. Cut-off levels shall be clearly stated in the written policy, along with the procedures or protocols, such as chain of custody, that define the testing process.

(5) Employee assistance - The DFWP program shall include an employee assistance plan as defined in paragraph (A)(10) of this rule for levels 1 and 2 DFWP programs, or an EAP as defined in paragraph (A)(11) of this rule for a level 3 DFWP program. Upon an employee's positive test, in addition to any corrective action deemed appropriate, the employer shall explain to the employee what a substance abuse assessment is and, by way of referral, shall provide a list containing names and addresses of qualified substance abuse assessment resources who can administer an assessment.

The specifics of the employee assistance plan as well as any requirements for which the employer contracts with a provider are dependent upon the level DFWP program which the employer implements.

(6) Other - The DFWP program may contain other provisions related to specific program requirements that do not fall into one of the five basic program components.

(7) An employer may use a vendor for any of the following: to develop its DFWP program policy under paragraph (E)(1) of this rule; for an educator or presenter supervised by an educator for employee education under paragraph (E)(2) of this rule; for a trainer or presenter supervised by an educator for supervisor training under paragraph (E)(3) of this rule; for drug and alcohol testing under paragraph (E)(4) of this rule; or for employee assistance under paragraph (E)(5) of this rule.

(a) For an employer to use the services of a vendor under this rule, the vendor, if required by law to possess workers' compensation coverage, either:

- (i) Shall be a current participant in the bureau's DFWP program under this rule;
- (ii) Shall have completed all of the vendor's years of eligible discount in the DFWP program and shall still maintain a DFWP program comparable to the DFWP program under this rule; or
- (iii) If the vendor has applied to the DFWP program under this rule but the bureau has determined the vendor to be ineligible for the program based upon the provisions of paragraph (C)(1)(e) of this rule, shall develop and maintain a DFWP program comparable to the DFWP program under this rule.

(b) If the vendor has applied to the DFWP program under this rule but the bureau has determined the vendor to be ineligible for the program based upon any of the provisions of paragraphs (C)(2), (C)(3), or (C)(4) of this rule, the employer may not use the vendor in the DFWP program to develop its DFWP program or meet any of the DFWP program requirements under this rule.

(8) The bureau may establish and administer consortia for the purpose of more effective program administration and reduced costs for employers participating in the DFWP program under this rule. Consortia will allow the bureau to develop pools to offer groups of employers and their employees the employee awareness information for the employer education requirement of paragraph (E)(2) of this rule, the skill building training requirement of paragraph (E)(3) of this rule, and to pool random testing and other drug and alcohol testing services for the drug testing requirements of paragraph (E)(4) of this rule. The bureau will develop the criteria that will govern how the consortia will operate.

(F) Additional level-specific program requirements.

In addition to the general requirements of paragraph (E) of this rule applicable to all employers participating in the DFWP program and receiving a discount, this paragraph of this rule describes additional specific program requirements for the various levels of the DFWP program.

(1) Level 1 DFWP program.

To receive a discount for a level 1 DFWP program, an employer shall meet all of the general requirements of paragraph (E) of this rule.

(2) Level 2 DFWP program.

To receive a discount for a level 2 DFWP program, an employer shall apply for level 2 DFWP program and, after the first full program year, shall have had a level 1 DFWP program in place for at least one year, shall demonstrate to the satisfaction of the bureau proficiency and readiness to implement a level 2 DFWP program through a documented safety program that is already in place, or shall either have an existing comparable level 1 substance-free workplace program in place, or demonstrate its proficiency and readiness to implement a level 2 DFWP program through documented experience equivalency from a program offering employer DFWP development training that has met the criteria specified in paragraph (A)(9) of this rule and is on the list maintained by ODADAS, or shall be a participant in a consortium that meets the requirements established by the bureau pursuant to paragraph (A)(13) of this rule. The employer shall fully implement the program components detailed in paragraph (E) of this rule, and in addition shall implement the following:

(a) In addition to the drug and alcohol testing DFWP program requirements of paragraph (E)(4) of this rule, the employer shall include random drug testing of ten per cent of the employer's workforce each program year, as shall be clearly described and defined in the employer's DFWP policy. For public employers, random drug testing applies only to safety-sensitive positions or functions, as defined by the employer in the DFWP policy and paragraph (A)(5) of this rule.

(b) In addition to the employee assistance plan DFWP program requirements of paragraph (E)(5) of this rule, the employer shall have pre-established a relationship for assessment which allows for a three-way exchange of information, with the appropriate consent, among the employee, employer, and provider. A first positive drug or alcohol finding shall result in a direct referral for assessment rather than just providing a list of names and addresses of qualified substance abuse assessment resources, unless otherwise defined within the DFWP policy for specific employment positions. In addition, the employer shall identify in the policy who will pay for the services associated with an assessment.

(c) The employer shall implement ~~the first~~ five steps of the bureau's ten step business plan under rule 4123-17-70 of the Administrative Code during the first program year in which it operates a level 2 DFWP program.

(3) Level 3 DFWP program.

To receive a discount for a level 3 DFWP program, an employer shall apply to implement a level 3 DFWP program; shall have conducted a DFWP program at level 1, 2, or 3 for two full years, and shall have met the renewal requirements. The employer shall fully implement the program components detailed in paragraph (E) of this rule, and in addition shall implement the following:

(a) In addition to the drug and alcohol testing DFWP program requirements of paragraph (E)(4) of this rule, the employer shall include random drug testing of twenty-five per cent of the employer's entire workforce each program year. For public employers, random drug testing applies only to safety-sensitive positions or functions, as defined by the employer in the DFWP policy and paragraph (A)(5) of this rule.

(b) In addition to the employee assistance plan DFWP requirements of paragraphs (E)(5) and (F)(2)(b) of this rule, the employer shall offer employees health care coverage which includes chemical dependency counseling and treatment services.

(c) At level 3, the employer shall implement all ten steps of the bureau's ten-step business plan under rule 4123-17-70 of the Administrative Code.

(G) Progress reporting and renewal requirements.

If the bureau determines that an employer is eligible to implement a DFWP program, the employer shall comply with the following requirements for initial participation, and renewal of annual participation in the DFWP program. In order to qualify for renewal, an employer shall have implemented all of the program requirements associated with the DFWP program level for which a discount was obtained by the appropriate implementation date.

(1) The employer shall permit the bureau or its designee access to the employer's job sites for on-site audit of the employer's DFWP program components, related records and documentation. The employer shall sign a "release of information form" for compliance monitoring and cost-benefit analysis purposes which authorizes the bureau to have access to various aggregate information from drug testing laboratories, medical review officers and the employee assistance plan or employee assistance program.

(2) By the end of the first quarter of the program year or a subsequent date established by the bureau, for the first year of an employer's DFWP program, the chief executive officer or designated management representative of the employer shall certify on a form provided by the bureau a statement that the employer has fully implemented and is operating its DFWP program in accordance with the program level requirements for which the employer has applied or is receiving the discount.

(3) The employer shall submit to the bureau a DFWP program progress report on a form provided by the bureau providing information regarding its DFWP program for the program year. The progress report shall include information related to drug and alcohol testing and may also include additional information related to other DFWP program components as requested on the progress form. If the employer is applying for renewal, the employer shall include the DFWP program level that is requested for the next year. The reports shall be certified by the chief executive officer or designated management representative of the employer.

(a) Policy - The employer shall certify that it has developed a DFWP policy that meets or exceeds the program requirements associated with the level of DFWP program for which the employer is receiving a discount. The employer shall submit a copy of the written policy with the certification form. The employer shall maintain the following information on site for audit purposes:

- (i) A copy of the written policy; and
- (ii) Copies of signed acknowledgments from all employees regarding receipt of a copy of the employer's DFWP program policy.

(b) Employee education - The employer shall maintain on site statistics regarding the number of employees educated under the DFWP program, the names and qualifications of all educators who presented the DFWP program employee education sessions, and the names and qualifications of persons supervising any of these educators. In addition, the employer shall maintain the following information on site for audit purposes:

Original attendance sheets, signed by each employee who attended DFWP program employee education, indicating the date and number of hours of each session.

(c) Supervisor training - The employer shall maintain on site statistics regarding the number of supervisors trained under the DFWP program, the names and qualifications of all trainers who presented the DFWP program supervisor training, and the names and qualifications of persons supervising any of these trainers. In addition, the employer shall maintain the following information on site for audit purposes:

Original attendance sheets, signed by each supervisor who attended DFWP program supervisor training, indicating the date and number of hours of each session.

(d) Drug and alcohol testing - The employer shall report statistics regarding the number of employees tested under the employer's DFWP program. The employer shall maintain on site for audit purposes copies of all billings from medical review officers and laboratories. The following statistics shall be reported:

- (i) Total number of employees employed by the company;
- (ii) Number of safety-sensitive positions or functions for both private employers and public employers;
- (iii) Program year and dates or periods of time in which the testing occurred;
- (iv) Number of new hires and percentage tested;
- (v) Aggregate reporting of the number of employees tested for each category of testing required in the employer's DFWP program, including the number and per cent of employees tested for pre-employment/new hire, reasonable suspicion, post-accident, government required, random (if applicable), and other testing if applicable; number of positive versus negative tests for each category; and
- (vi) Names of medical review officers and names, addresses, phone numbers, and contact persons for all labs or collectors utilized by the employer for drug and alcohol testing under the DFWP program.

(e) Employee assistance - The employer shall maintain on site the following information regarding its employee assistance plan or EAP under the DFWP program:

The name of the organization that provided the employee assistance services, and the name and telephone number of the contact person.

(f) Other - An employer implementing a level 2 DFWP program shall report its progress in implementing the first five steps of the bureau's ten step business plan, and an employer implementing a level 3 DFWP program shall report its progress in implementing all ten steps of the ten step business plan. An employer implementing a level 2 or level 3 DFWP program shall maintain records on site of its implementation of either the first five steps or all ten steps of the bureau's ten step business plan, as applicable.

(H) Disqualification from program and reapplication.

The bureau may cancel an employer's participation in the DFWP program for the employer's failure to fully implement a DFWP program in compliance with the approved program level. The bureau shall send written notice of cancellation to the employer, and shall require the employer to reimburse the bureau for any discounts received inappropriately, plus interest, as provided in paragraphs (B)(3) and (D) of this rule.

(1) If the bureau cancels an employer from the DFWP program under this rule for failure to meet the program requirements, the employer may reapply for the DFWP program for the next program period, unless the employer has received a discount and has failed to reimburse the bureau for the discount plus interest. The bureau may deny the application based on circumstances of the initial program period.

(2) When an employer becomes aware that it is unable to fully implement its DFWP program by the required implementation date, the employer shall notify the bureau immediately. The employer's failure to notify the bureau of its inability to fully implement the DFWP program may disqualify the employer from re-applying for the program in the future, even after the required repayment of any discount that may have been received.

(I) Discount requirements.

An employer participating in the DFWP program or meeting renewal performance standards under this rule shall be eligible to receive discounts as provided for in this rule.

(1) The discount for an employer implementing a DFWP program shall be as follows:

(a) For an employer implementing a level 1 DFWP program, ten per cent;

(b) For an employer implementing a level 2 DFWP program, fifteen per cent;

(c) For an employer that has operated a DFWP program at level 1, level 2 or level 3 (the latter without a level 3 discount) for a total of no less than two full years; upon implementing a level 3 DFWP program, the employer is eligible for twenty per cent for each year of remaining eligibility in which the employer is approved to participate at a level 3 DFWP program.

- (2) The discount will be applied to the employer's premium rate, but not to the disabled workers' relief fund assessments or other assessments. The discount will not alter the employer's actual total modification calculation under rule 4123-17-03 of the Administrative Code.
- (3) The application of the discount associated with the level of the DFWP program approved by the bureau for each employer shall occur effective July first or January first of the appropriate program year for private employers, and January first of the appropriate program year for public employers.
- (4) An employer is limited to four continuous years, if eligible for four years of discount, or five continuous years, if eligible for five years of discount, to complete its maximum participation in the discount program under this rule; except that an employer which drops out of the DFWP program without receiving a discount or which repays any discount that was received, plus interest, may be considered for four or five years of discount, based on eligibility.
- (5) An employer which has completed its eligible four years or five years of participation in the DFWP program under this rule is ineligible to reapply.
- (J) An employer may appeal enrollment rejection and renewal rejection to the bureau's adjudicating committee pursuant to rule 4123-14-06 of the Administrative Code.
- (K) Hold harmless statement.
Nothing in this rule requires an employer to implement any policies or practices in developing a DFWP program that conflict or interfere with existing collective bargaining agreements. Rather, the bureau suggests that the employer and employees engage in a collaborative effort to be successful in improving workplace safety by implementing a DFWP program that includes employee input and support.
- Where there are legal issues related to development and implementation of a DFWP program, it is the employer's responsibility to consult with its legal counsel to resolve these issues. An employer shall certify in its application to the bureau that it shall hold the state of Ohio harmless for responsibility or liability under the DFWP program.
- (L) Pursuant to section 4121.37 of the Revised Code, the administrator may establish a program of safety grants for education, assistance, and research for eligible employers who participate in the safety grant program. The safety grant program may include grants to an employer participating in the drug-free workplace discount program under this rule or to an employer with a program comparable to the DFWP program under this rule for the employer to provide for employee and supervisor education and training as required under paragraphs (E)(2) and (E)(3) of this rule. The administrator or administrator's designee may authorize special safety grants which will be given in furtherance of drug-free workplace efforts to those employers who demonstrate capability of promoting the development of any drug-free workplace program component on a regional, statewide or industry-specific level including, but not limited to, incorporation of labor efforts to promote education, training and testing.

- (1) The bureau shall determine whether the employer is eligible for the safety grant program grants under this rule. The bureau may limit participation in the safety grant program based upon the availability of bureau resources for the program and upon the merits of the employer's proposal. The safety grant program is available only to a private state fund employer or a public employer taxing district that shall pay workers' compensation premiums to the state insurance fund, shall have active coverage on the date of agreement to participate in the safety grant program, and shall be a participant in the drug-free workplace discount program under this rule or an employer with a program comparable to the DFWP program under this rule at the time of application for the safety grant program.
- (2) The bureau will assess whether the employer is eligible to receive a safety grant under this rule. The bureau and employer shall enter into a written agreement detailing the rights, obligations, and expectations of the parties for performance of the safety grant program.
- (3) The bureau may meet with the owner or chief executive officer of the employer to evaluate the employer's progress in the safety grant program. The employer shall provide the bureau access to records or personnel to conduct research into the effectiveness of the safety grant program.
- (4) An employer who complies with the requirements of the safety grant program under this rule shall be eligible to receive a grant from the bureau as provided in the written agreement.
 - (a) The bureau may establish by written agreement with the employer the maximum amount of the safety grant program grant.
 - (b) The bureau may establish by written agreement with the employer a requirement for matching funds from the employer in a ratio to be determined by the bureau.
 - (c) The bureau shall monitor the employer's use of the safety grant program grant and may recover the entire grant if the bureau determines that the employer has not used the grant for the purposes of the safety grant program or has otherwise violated the written agreement on the safety grant program.
- (5) The bureau shall evaluate the research data from the safety grant program on a periodic basis. The bureau may publish reports of the research to assist employers in maintaining a drug-free workplace.

Effective date: **July 1, 2001**

Promulgated under: R.C. Sec. 111.15
Rule Authorized by: R.C. Sec. 4121.12, 4121.121
Rule Amplifies: R.C. Sec. 4123.29, 4123.34
Prior effective date: 1/1/01, 3/27/00, 9/7/99, 7/1/99, 5/20/99, 7/1/98, 4/1/97

Resources

The following resources may help the employer to establish a drug-free workplace policy and program. Many of these services are free. Use of these resources will help the employer to implement a drug-free workplace program at minimal costs. Other resources are also available. When calling the numbers below, feel free to ask for additional resources.

Local Resources

Ohio Bureau of Workers' Compensation1-800-OHIOBWC
BWC has business consultants, the Division of Safety and Hygiene and personnel in several field offices who can offer technical assistance and answer questions regarding eligibility for the DFWP Program and the development of your drug-free workplace program. After calling the 1-800 number, select option 24.

Ohio Department of Alcohol and Drug Addiction Services.....1-614-466-3445
Each county in the state of Ohio has an office that is called either an Alcohol and Drug Addiction & Mental Health (ADAMH) Board or an Alcohol/Drug Addiction Services (ADAS) Board which coordinates the pass-through of federal and state funds for the operation of community drug and alcohol services. These local boards can identify the support, assessment and treatment providers in the area.

Ohio Prevention & Education Resource Center1-800-788-7254
OPERC offers a resource directory and assistance in identifying alcohol and drug prevention, education, treatment and drug-free workplace resources in your local community.

National Resources

Community Anti-Drug Coalitions of America.....1-703-706-0560
DDW represents a network of coalitions operating around the United States and offering support to employers operating drug-free workplaces.

Drug-Free Workplace Helpline 1-800-967-5752
The Center for Substance Abuse Prevention (CSAP) offers telephone consultation to business owners, managers and union leaders on the development/implementation of a comprehensive drug-free workplace program. This CSAP Helpline will also serve as a resource for networking with local, state federal or national contacts. This number may roll over shortly to another number or provide additional information.

Employee Assistance Professionals Association (EAPA)1-703-522-6272
This organization provides information on how to qualify and select EAPs, their value, how they operate and how to find quality national, regional, and local providers.

National Clearinghouse for Alcohol and Drug Information (NCADI).....1-800-729-6686
The NCADI – an operational unit of SAMHSA, the Substance Abuse and Mental Health Services Administration, and part of the U.S. Department of Health and Human Services – provides information on all aspects of substance use, such as videos, prevention materials, specific program descriptions, and resources in Ohio and latest research results. Many publications and educational materials are free. All publications are in the public domain allowing you to reprint them under your logo without permission. Call NCADI for a catalog of resources.

Office of the Secretary of Transportation (DOT)1-202-366-3784
Drug Enforcement and Program Compliance, Room 9404
400 Seventh St., S.W.
Washington, D.C. 20590

Ohio Credentialing Board for Chemical Dependency Professionals.....1-614-469-1110

Ohio Parents for Drug-Free Youth.....1-614-540-9985

Ohio State Bar Association1-614-487-2050
This office (or the local Bar Association) can help the employer to identify and network with the legal resources in the community that can help with development of a written policy as well as with operating a DFWP Program.

Substance Abuse Program Administrators Association.....1-800-672-7229
This organization can help with a variety of information including guidelines and networking to third party administrators of testing, collection sites and substance abuse professionals (SAPs).

U.S. Department of Health & Human Services - For the most updated list of DHHS-certified labs, employers may call the National Laboratory Certification Program..... 1-301-443-6014
List of Certified Labs (attached as part of ODADAS Provider Directory)

U. S. Department of Transportation’s (DOT) Office of Drug and Alcohol Policy and Compliance Information Line.....1-800-225-3784
You may request DOT/FMCSA materials by sent to you regarding transportation industry regulations.

DRUG-FREE WORKPLACE PROGRAM

Technical Assistance Provider Directory

**compiled by
ODADAS**

**Providers Last Updated
July 1999**

**Labs Last Updated
July 2001**

A partnership between
the **Ohio Department of Alcohol & Drug Addiction Services (ODADAS)**
and the **Ohio Bureau of Workers' Compensation**

*This directory is intended for the use of employers participating in the **Bureau of Workers' Compensation's Drug-Free Workplace Program**. Agencies listed in this directory are registered with the **Ohio Department of Alcohol and Drug Addiction Services** to offer technical assistance to companies participating in this **BWC discount program**. The vendors in this directory provide one or more of the following services:*

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Alcohol & Other Drug Lab Work

There are three sections to this manual.

Section I. *This section lists all drug testing laboratories that are certified by the federal Department of Health and Human Services (DHHS). The rule for this program requires companies to use a DHHS-certified lab for drug testing activities.*

Section II. *This section lists state and national resources that can further assist companies with a drug-free workplace program.*

Section III. *This section is a listing of agencies that are interested in offering technical assistance to employers implementing a Drug-Free Workplace Program. Agencies are listed by the county of their main office location unless an agency has requested multiple county listings. A number of the agencies listed provide service to multiple counties. If your county is not listed, contact the agencies in the nearest counties for assistance.*

July 3, 2001

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
ADMINISTRATION**

**Current List of Laboratories Which Meet Minimum Standards To Engage in
Urine Drug Testing for Federal Agencies**

AGENCY: Substance Abuse and Mental Health Services Administration, HHS

SUMMARY:

The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of Subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (59 FR 29916, 29925). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines. If any laboratory has withdrawn from the National Laboratory Certification Program during the past month, it will be listed at the end, and will be omitted from the monthly listing thereafter.

Most current information on SAMHSA-approved/certified laboratories is available at the following web site: <http://www.health.org/workplace> (try health.org/workplace/labs/index.htm to pull up the current lab listing on the NCADI (National Clearinghouse for Alcohol and Drug Information) web site. If this is unsuccessful, look for the document on the list of links that is captioned Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies, and Laboratories That Have Withdrawn From the Program (this listing is updated frequently).

FOR FURTHER INFORMATION CONTACT: Mrs. Giselle Hersh or Dr. Walter Vogl, Division of Workplace Programs, 5600 Fishers Lane, Rockwall 2 Building, Room 815, Rockville, Maryland 20857; Tel.: (301) 443-6014, Fax: (301) 443-3031.

SUPPLEMENTARY INFORMATION:

Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Pub. L. 100-71. Subpart C of the Guidelines, "Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies," sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection.

To maintain that certification a laboratory must participate in a quarterly performance testing program plus periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of certification are not to be considered as meeting the minimum requirements expressed in the HHS Guidelines. A laboratory must have its letter of certification from SAMHSA, HHS (formerly: HHS/NIDA) which attests that it has met minimum standards.

The following laboratories meet the minimum standards set forth in Subpart C of the Guidelines:

ACL Laboratories
8901 W. Lincoln Ave.
West Allis, WI 53227
414-328-7840/800-877-7016
(Formerly: Bayshore Clinical Laboratory)

Advanced Toxicology Network
3560 Air Center Cove, Suite 101
Memphis, TN 38118
901-794-5770/888-290-1150

Aegis Analytical Laboratories, Inc.
345 Hill Ave.
Nashville, TN 37210
615-255-2400

Alabama Reference Laboratories, Inc.
543 South Hull St.
Montgomery, AL 36103
800-541-4931 / 334-263-5745

Alliance Laboratory Services
3200 Burnet Ave.
Cincinnati, OH 45229
513-585-9000
(Formerly: Jewish Hospital of Cincinnati, Inc.)

American Medical Laboratories, Inc.
14225 Newbrook Dr.
Chantilly, VA 20151
703-802-6900

Associated Pathologists Laboratories, Inc.
4230 South Burnham Ave., Suite 250
Las Vegas, NV 89119-5412
702-733-7866 / 800-433-2750

Baptist Medical Center - Toxicology Laboratory
9601 I-630, Exit 7
Little Rock, AR 72205-7299
501-202-2783
(Formerly: Forensic Toxicology Laboratory Baptist Medical Center)

Clinical Laboratory Partners, LLC
129 East Cedar St.
Newington, CT 06111
860-696-8115
(Formerly: Hartford Hospital Toxicology Laboratory)

Clinical Reference Lab
8433 Quivira Rd.
Lenexa, KS 66215-2802
800-445-6917

Cox Health Systems, Department of Toxicology
1423 North Jefferson Ave.
Springfield, MO 65802
800-876-3652 / 417-269-3093
(Formerly: Cox Medical Centers)

Dept. of the Navy, Navy Drug Screening Laboratory, Great Lakes, IL
Building 38-H, P. O. Box 88-6819
Great Lakes, IL 60088-6819
847-688-2045 / 847-688-4171

Diagnostic Services Inc., dba DSI
12700 Westlinks Drive
Fort Myers, FL 33913
941-561-8200 / 800-735-5416

Doctors Laboratory, Inc.
P.O. Box 2658
2906 Julia Dr.
Valdosta, GA 31602
912-244-4468

DrugProof, Division of Dynacare/Laboratory of Pathology, LLC
1229 Madison St., Suite 500, Nordstrom Medical Tower
Seattle, WA 98104
206-386-2672 / 800-898-0180
(Formerly: Laboratory of Pathology of Seattle, Inc., DrugProof,
Division of Laboratory of Pathology of Seattle, Inc.)

DrugScan, Inc.
P.O. Box 2969
1119 Mearns Rd.
Warminster, PA 18974
215-674-9310

Dynacare Kasper Medical Laboratories *
14940-123 Ave.
Edmonton, Alberta
Canada T5V 1B4
780-451-3702 / 800-661-9876

ElSohly Laboratories, Inc.
5 Industrial Park Dr.
Oxford, MS 38655
662-236-2609

Express Analytical Labs
1301 18th Ave NW, Suite 110
Austin, MN 55912
507-437-7322

Gamma-Dynacare Medical Laboratories *
A Division of the Gamma-Dynacare Laboratory Partnership
245 Pall Mall St.
London, ONT
Canada N6A 1P4
519-679-1630

General Medical Laboratories
36 South Brooks St.
Madison, WI 53715
608-267-6267

Integrated Regional Laboratories
5361 NW 33rd Avenue
Fort Lauderdale, FL 33309
954-777-0018, 800-522-0232
(Formerly: Cedars Medical Center, Department of Pathology)

Kroll Laboratory Specialists, Inc.
1111 Newton St.
Gretna, LA 70053
504-361-8989 / 800-433-3823
(Formerly: Laboratory Specialists, Inc.)

LabOne, Inc.
10101 Renner Blvd.
Lenexa, KS 66219
913-888-3927 / 800-728-4064
(Formerly: Center for Laboratory Services, a Division of LabOne, Inc.)

Laboratory Corporation of America Holdings
7207 N. Gessner Road
Houston, TX 77040
713-856-8288 / 800-800-2387

Laboratory Corporation of America Holdings
69 First Ave.
Raritan, NJ 08869
908-526-2400 / 800-437-4986
(Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings
1904 Alexander Drive
Research Triangle Park, NC 27709
919-572-6900 / 800-833-3984

(Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings
10788 Roselle Street
San Diego, CA 92121
800-882-7272
(Formerly: Poisonlab, Inc.)

Laboratory Corporation of America Holdings
1120 Stateline Road West
Southaven, MS 38671
866-827-8042 / 800-233-6339
(Formerly: LabCorp Occupational Testing Services, Inc., MedExpress/National Laboratory Center)

Marshfield Laboratories
Forensic Toxicology Laboratory
1000 North Oak Ave.
Marshfield, WI 54449
715-389-3734 / 800-331-3734

MAXXAM Analytics Inc.*
5540 McAdam Rd.
Mississauga, ON
Canada L4Z 1P1
905-890-2555
(Formerly: NOVAMANN (Ontario) Inc.)

Medical College Hospitals Toxicology Laboratory, Department of Pathology
3000 Arlington Ave.
Toledo, OH 43699
419-383-5213

MedTox Laboratories, Inc.
402 W. County Rd. D
St. Paul, MN 55112
651-636-7466 / 800-832-3244

MetroLab-Legacy Laboratory Services
1225 NE 2nd Ave.
Portland, OR 97232
503-413-5295 / 800-950-5295

Minneapolis Veterans Affairs Medical Center
Forensic Toxicology Laboratory
1 Veterans Drive
Minneapolis, Minnesota 55417
612-725-2088

National Toxicology Laboratories, Inc.
1100 California Ave.
Bakersfield, CA 93304
661-322-4250 / 800-350-3515

Northwest Drug Testing, a division of NWT Inc.
1141 E. 3900 South
Salt Lake City, UT 84124
801-293-2300 / 800-322-3361
(Formerly: NWT Drug Testing, NorthWest Toxicology, Inc.)

One Source Toxicology Laboratory, Inc.
1705 Center Street
Deer Park, TX 77536
713-920-2559
(Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB

Pathology-Toxicology Laboratory)
Oregon Medical Laboratories
P.O. Box 972
722 East 11th Ave.
Eugene, OR 97440-0972
541-687-2134

Pacific Toxicology Laboratories
6160 Variel Ave.
Woodland Hills, CA 91367
818-598-3110 / 800-328-6942
(Formerly: Centinela Hospital Airport Toxicology Laboratory

Pathology Associates Medical Laboratories
11604 E. Indiana Ave.
Spokane, WA 99206
509-926-2400 / 800-541-7891

PharmChem Laboratories, Inc., Texas Division
7606 Pebble Dr.
Fort Worth, TX 76118
817-215-8800
(Formerly: Harris Medical Laboratory)

Physicians Reference Laboratory
7800 West 110th St.
Overland Park, KS 66210
913-339-0372 / 800-821-3627

Quest Diagnostics Incorporated
3175 Presidential Dr.
Atlanta, GA 30340
770-452-1590
(Formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated
4444 Giddings Road
Auburn Hills, MI 48326
248-373-9120 / 800-444-0106
(Formerly: HealthCare/Preferred Laboratories, HealthCare/MetPath, CORNING Clinical Laboratories)

Quest Diagnostics Incorporated
4770 Regent Blvd.
Irving, TX 75063
800-842-6152
(Moved from the Dallas location on 03/31/01; Formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated
801 East Dixie Ave., Suite 105A
Leesburg, FL 34748
352-787-9006x4343
(Formerly: SmithKline Beecham Clinical Laboratories, Doctors & Physicians Laboratory)

Quest Diagnostics Incorporated
400 Egypt Rd.
Norristown, PA 19403
610-631-4600 / 800-877-7484
(Formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated
506 E. State Pkwy.
Schaumburg, IL 60173
800-669-6995/847-885-2010
(Formerly: SmithKline Beecham Clinical Laboratories, International Toxicology Laboratories)

Quest Diagnostics Incorporated
7470 Mission Valley Rd.
San Diego, CA 92108-4406
619-686-3200 / 800-446-4728
(Formerly: Nichols Institute, Nichols Institute Substance Abuse Testing (NISAT), CORNING Nichols Institute, CORNING Clinical Laboratories)

Quest Diagnostics Incorporated
One Malcolm Ave.
Teterboro, NJ 07608
201-393-5590
(Formerly: MetPath, Inc., CORNING MetPath Clinical Laboratories, CORNING Clinical Laboratory)

Quest Diagnostics Incorporated
7600 Tyrone Ave.
Van Nuys, CA 91405
818-989-2520 / 800-877-2520
(Formerly: SmithKline Beecham Clinical Laboratories)

Scientific Testing Laboratories, Inc.
463 Southlake Blvd.
Richmond, VA 23236
804-378-9130

S.E.D. Medical Laboratories
5601 Office Blvd.
Albuquerque, NM 87109
505-727-6300 / 800-999-5227

South Bend Medical Foundation, Inc.
530 N. Lafayette Blvd.
South Bend, IN 46601
219-234-4176

Southwest Laboratories
2727 W. Baseline Rd.
Tempe, AZ 85283
602-438-8507 / 800-279-0027

Sparrow Health System
Toxicology Testing Center, St. Lawrence Campus
1210 W. Saginaw
Lansing, MI 48915
517-377-0520
(Formerly: St. Lawrence Hospital & Healthcare System)

St. Anthony Hospital Toxicology Laboratory
1000 N. Lee St.
Oklahoma City, OK 73101
405-272-7052

Toxicology & Drug Monitoring Laboratory
University of Missouri Hospital & Clinics
2703 Clark Lane, Suite B, Lower Level
Columbia, MO 65202
573-882-1273

Toxicology Testing Service, Inc.
5426 N.W. 79th Ave.
Miami, FL 33166
305-593-2260

Universal Toxicology Laboratories, LLC
9930 W. Highway 80
Midland, TX 79706
915-561-8851 / 888-953-8851

*The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. DHHS, with the DHHS' National Laboratory Certification Program (NLCP) contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, the DHHS will recommend that DOT certify the laboratory (Federal Register, 16 July 1996) as meeting the minimum standards of the "Mandatory Guidelines for Workplace Drug Testing" (59 Federal Register, 9 June 1994, Pages 29908-29931). After receiving the DOT certification, the laboratory will be included in the monthly list of DHHS certified laboratories and participate in the NLCP certification maintenance program.

Richard Kopanda, Executive Officer
Substance Abuse and Mental Health Services Administration

The following agencies are registered through the Ohio Department of Alcohol and Drug Addiction Services to provide technical assistance for the Drug-Free Workplace Program.

Allen

Applied Psychological Services
2371 Western Ohio Avenue
Lima OH 45805-3550
Dr. Michael Schafer

419-228-4555

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Saint Rita's Medical Center
CORPORATE EAP
1875 S. Dixie Highway
Lima OH 45804
Dr. Ray Navarre

800-752-7923 or 419-226-9171

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Alcohol & Other Drug Lab Work

Ashland

Mental Wellness Center
2295 West Market St.
Akron OH 44313
Joseph R. Wasdovich

330-869-0700

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Ashtabula

Glenbeigh Health Sources
Alcohol & Drug Treatment Programs
2863 State Route 45
Rock Creek OH 44084-0298
Ms. Pat Weston-Hall

216-563-3400

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Ashtabula Continued

Lake Area Recovery Center
Outpatient Drug Free Program
2801 C. Court
Ashtabula OH 44004

Ms. Kathleen Kinney

216-998-0722

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Auglaize

St. Rita's Medical Center, Corporate EAP
1875 S. Dixie Highway
Lima OH 45804

Dr. Ray Navarre

800-752-7923 or 419-226-9171

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Alcohol & Other Drug Lab Work

Belmont

Crossroads Counseling Services
255 West Main Street
St. Clairsville OH 43950

Mr. Donald Dague

614-695-9447

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Occupational Health System
90 North Fourth Street
Martins Ferry OH 43935

Ms. Judy Baites

614-633-4199

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Brown

Brown County Counseling Alcohol/Drug Program
75 Banting Drive
Georgetown OH 45121

Ms. Doon Cumings 937-378-4811

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Butler

Alcohol and Chemical Abuse Council of Butler County, Ohio
111 Buckeye Street
Hamilton OH 45011

Mr. Thomas Kelechi 513-868-2100

Assessment & Referrals
Supervisor Training

Employee Education
Employer Consultation

EAP Systems
8200 Beckett Park Drive - Suite 204
Hamilton OH 45011

Mr. Jeff Young 513-942-3271

Assessment & Referrals
Policy Development
Supervisor Training

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Millenium
5245 Pros Drive
West Chester OH 45069

Mr. Robert Pierce 513-942-4024

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Partnership EAP, Inc.
29 City Center Plaza
Middletown OH 45042

Ms. Michelle Short 800-927-7370

Employee Education
Supervisor Training

Policy Development
Employer Consultation

Butler Continued

Transitional Living
Drug/Alcohol Addiction Disorder Program
2052 Princeton Road
Hamilton OH 45011

Ms. Joanne Register

513-863-6383

Assessment & Referrals
Policy Development
Supervisor Training

Employer Consultation
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Champaign

L/C Consolidated Care, Alcohol & Drug Outpatient Treatment
1521 North Detroit Street
West Liberty OH 43357

Mr. William Crider/Margaret Appel

937-465-8065

Assessment & Referrals
Policy Development

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Mercy Memorial Hospital
Mercy REACH Substance Abuse Program
904 Scioto Street
Urbana OH 43078

Ms. Jan Ware Ferryman

937-653-5231

Assessment & Referrals
Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Clark

Education & Assessment Program
2455 North Cottingham Road
Springfield OH 45506

Ms. Jessie Wenzler

937-324-3086

Assessment & Referrals
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Employee Education
Supervisor Training
Employer Consultation

McKinley Hall, Inc.
1101 East High Street
Springfield OH 45505

Ms. Judy Hoy

937-328-5300

Assessment & Referrals
Policy Development
Supervisor Training

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Employer Consultation

Clark Continued

Mercy Memorial Hospital
Mercy REACH Substance Abuse Program
Mercy Medical Center
1343 North Fountain Blvd.
Springfield OH 45501-1380
Mr. W. Scott Kibler

937-390-5338

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Clermont

Cincinnati Teen Challenge
Alcohol/Drug Treatment Programs
1466 Rt. #50
P.O. Box 249
Milford OH 45150
Mr. J. Manley League

513-248-0452

Assessment & Referrals
Alcohol & Other Drug Treatment

Alcohol & Other Drug Testing

Clermont Recovery Center
2379 Clermont Center Road
Batavia OH 45103
Mr. Steven Goldsberry

513-732-1710

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Columbiana

Family Recovery Center
964 North Market Street
P.O. Box 464
Lisbon OH 44432
Ms. Eloise Traina

330-424-1468

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Cuyahoga

Associated Safety Trainers Inc.
1520 Rydalmound Road
Cleveland Heights OH 44118
Mr. Bruce DeMarco

216-932-4604

Assessment & Referrals
Policy Development
Employer Consultation

Employee Education
Supervisor Training

Behavior Management Associates, Inc
23200 Chagrin Boulevard, Bldg 4 - Suite 325
Beachwood OH 44122-5402

Dr. Robert Kaplan

216-292-6007

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Center for Families and Children
1468 West Ninth Street, Suite 225
Cleveland OH 44113-1220

Mr. Richard Jones

216-241-6400

Assessment & Referrals
Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Community Action Against Addiction
5209 Euclid Avenue
Cleveland OH 44103

Mr. Ronald Winbush

216-881-0765

Assessment & Referrals
Supervisor Training

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Donald J. Weinstein, Ph.D., Inc.
24100 Chagrin Blvd., Suite 400
Beachwood OH 44122

Mr. Larry Novikoff

216-831-1040

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Cuyahoga Continued

East Cleveland Straight Talk
Alcohol & Drug Outpatient Treatment
12921 Euclid Avenue
East Cleveland OH 44112
Mr. Mark Robinson

216-229-3784

Assessment & Referrals
Alcohol & Other Drug Testing

Alcohol & Other Drug Treatment

First Choice Employee Assistance Program
2500 MetroHealth Drive – 8th Floor
Cleveland OH 44109-1998

Ms. Nancy Willis

216-778-4646

Assessment & Referrals
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Employee Education
Supervisor Training
Employer Consultation

Glenbeigh Center of Beachwood
Alcohol/Drug Outpatient Treatment
3789-B South Green Road
Beachwood OH 44122

Ms. Marylou Mertz

216-464-5800

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Infinity Health Services Inc.
15707 Detroit Avenue - Suite 208
Lakewood OH 44107

Ms. Diane Steffen

216-521-0044

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Kaiser Permanente
14600 Detroit Avenue, Suite 700
Lakewood OH 44107

Ms. Denise James

216-529-4540

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Cuyahoga Continued

Laboratory Consultants Inc.
1431 Chester Avenue
Cleveland OH 44114

Ms. Rachel Ward

216-589-4999

Alcohol & Other Drug Testing

Marymount Behavioral Health Service
Concern: Employee Assistance Progm.
5246 East 98th Street
Garfield Heights OH 44125

Mr. John Kusinski

800-989-3277

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Med Center, Inc.
Alliance for Compliance
8555 Sweet Valley Drive
Valley View OH 44125

Ms. Terry Lakos

800-642-1007

Alcohol & Other Drug Treatment

Alcohol & Other Drug Testing

Mosaics Integrated Health, Inc.
6611 Rockside Road, 215
Independence OH 44131-2344

Ms. Ronna Posta

216-524-7772

Assessment & Referrals
Policy Development
Supervisor Training

Employee Education
Alcohol & Other Drug Treatment
Employer Consultation

Oakview Behavioral Health Center
Alcohol & Drug Addiction Treatment
18697 Bagley Road
Middleburg Heights OH 44130

Mr. Paul Lubben

216-816-8200

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Cuyahoga Continued

ORCA House, Men's Program
1905 East 89th Street
Cleveland OH 44106

Ms. Janice Nedin

216-231-3772

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Phoenix Educational Services, Inc.
201 Bexley Drive
Bedford OH 44146

Ms. Kristie Fleck

440-232-5156

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Policy Development
Supervisor Training
Employer Consultation

Recovery Resources
3950 Chester Avenue
Cleveland Heights OH 44114

Ms. Judy Majcen

216-431-4140

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Shaker Heights Youth and Family Counseling Center
16700 Van Aken Blvd.
Shaker Heights OH 44120

Mr. John Lisy

216-752-9292

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Employee Education

St. Alexis Hospital Medical Center
5163 Broadway
Cleveland OH 44127

Ms. Roxanne Wallace

216-429-8000

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Employee Education

Cuyahoga Continued

Substance Abuse Initiative of Greater Cleveland

Rockefeller Building

614 Superior Ave NW, Suite 300

Cleveland OH 44113-1306

Mr. Richard McCain

216-781-2944

Employer Consultation

The Icarus Group

6370 SOM Center Rd., 205

Solon OH 44139

Andre P. Marmen

440-542-9877

Assessment & Referrals

Policy Development

Supervisor Training

Employer Consultation

Employee Education

Alcohol & Other Drug Treatment

Alcohol & Other Drug Testing

The Phoenix Group

1422 Euclid Avenue - Suite 429

Cleveland OH 44115

Mr. Jonathan Hill or

Ms. Mariann Hopkins

216-241-2204

Assessment & Referrals

Policy Development

Supervisor Training

Employer Consultation

Employee Education

Alcohol & Other Drug Treatment

Alcohol & Other Drug Testing

The Reserves Network

22021 Brookpark Rd.

Fairview Park OH 44126

Hugh R. Fiebig

(serving employers in all counties)

440-779-1400

Assessment & Referrals

Policy Development

Employer Consultation

Employee Education

Supervisor Training

University MEDNET

Department of Occupational Medicine

18599 Lakeshore Boulevard

Euclid OH 44119

Mr. Sidney Rubin

800-589-9494

Assessment & Referrals

Policy Development

Supervisor Training

Employer Consultation

Employee Education

Alcohol & Other Drug Treatment

Alcohol & Other Drug Testing

Cuyahoga Continued

University MEDNET
Dept. of Occupational Medicine
22750 Rockside Road
Bedford OH 44146

Mr. Sidney Rubin

800-589-9494

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Vocational Guidance Services
2239 East 55th Street
Cleveland OH 44103

Mr. Robert Bey

216-431-7800

Assessment & Referrals
Policy Development

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Darke

Darke County Recovery Services
134 West Fourth Street
Greenville OH 45331

Mr. Lyn McArdle

937-548-6842

Assessment & Referrals
Policy Development
Supervisor Training

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Defiance

Five County Alcohol/Drug Program
418 Auglaize Street
Defiance OH 43512

Mr. Kenneth Bond

419-782-9920

Assessment & Referrals
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Employee Education
Supervisor Training
Employer Consultation

Delaware

Delaware Area Recovery Resources
540 U.S. Route 36 East
Delaware OH 43015-9601

Mr. Tony Williams

614-369-6811

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Employee Education

Erie

Bayshore Counseling Services
Erie County Outpatient Office
1218 Cleveland Road - Suite B
Sandusky OH 44870

Ms. Lisa Clark

419-626-9156

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Employee Education

Firelands Community Hospital
Firelands Counseling & Recovery
2020 Hayes Avenue
Sandusky OH 44870

Ms. Patricia Martin

419-627-5000

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Employee Education

Providence Hospital dba Providence Business Health Net
1031 Pierce Street
Sandusky OH 44870

Mr. Richard Haare

419-621-7041

Assessment & Referrals
Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Fairfield

Fairfield County Drug & Alcohol Recovery Center
1856 Cedar Hill Road
Lancaster OH 43130

Mr. Aaron Zirkle

740-687-4500

Assessment & Referrals
Policy Development
Supervisor Training

Alcohol & Other Drug Treatment
Employee Education
Employer Consultation

Working Partners ® (TM) Limited
465 Waterbury Court, Suite E
Gahanna OH 43230

Ms. Dee Mason

614-337-8200

Employee Education
Supervisor Training

Policy Development
Employer Consultation

Franklin

Africentric Personal Develop. Shop
ATOP Alcohol/Drug Outpatient Treatment
1393 East Broad Street - #104
Columbus OH 43205

Mr. Jerry Saunders 614-253-4448

Assessment & Referrals Alcohol & Other Drug Treatment
Employee Education Alcohol & Other Drug Testing
Employer Consultation

Ameritest Health Monitoring Center
611-G Park Meadow Road
Westerville OH 43081

Tom Yontz 614-882-2338

Alcohol & Other Drug Testing

Business Against Substance Abuse (BASA) Coalition/CompDrug
700 Bryden Road – 3rd Floor
Columbus OH 43215

Dee Mason 614-224-4506, Ext. 168

Employee Education Policy Development
Supervisor Training Employer Consultation

Business Medical Services
1020 Dennison Avenue
Columbus OH 43201

Ms. Terri Hollis 614-299-7300

Assessment & Referrals Alcohol & Other Drug Treatment
Policy Development Alcohol & Other Drug Testing
Employer Consultation Alcohol & Other Drug Lab Work

Clemans, Nelson & Associates
355 East Campus View Blvd, Suite 125
Columbus OH 43235

Mr. Mark Lucas 614-437-7447

Employee Education Policy Development
Supervisor Training Employer Consultation

Franklin Continued

Columbus Community Hospital
Chemical Dependency Unit
1430 South High Street
Columbus OH 43207

Mr. Thomas Johnson

614-445-5200

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Concord Counseling Services
Alcohol/Drug Outpatient Treatment
924 Eastwind Drive
Westerville OH 43081

Ms. Mimi Sommer

614-882-9338

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Foley Laboratory Services, Inc.
2550 Corporate Exchange Drive, Suite 101
Columbus OH 43231

Matt Wrobel

800-253-5506, ext. 273

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Alcohol & Other Drug Lab Work

Harding Hospital
Harding Addiction Recovery Center
445 East Granville Road
Worthington OH 43085-3195

Ms. Jill Reece

614-885-5381

Assessment & Referrals
Alcohol & Other Drug Testing

Alcohol & Other Drug Treatment
Employer Consultation

Maryhaven
1755 Alum Creek Drive
Columbus OH 43207

Mr. Paul Coleman

614-445-8131

Assessment & Referrals
Alcohol & Other Drug Testing

Alcohol & Other Drug Treatment
Employer Consultation

Franklin Continued

North Central Mental Health Services
1301 North High Street
Columbus OH 43201

Ms. Glenda Bussell

614-299-6600

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Northwest Counseling Services
Alcohol/Drug Treatment Program
1560 Fishinger Road
Columbus OH 43221

Ms. Jennifer Malone

614-457-7876

Assessment & Referrals
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Employee Education
Supervisor Training
Employer Consultation

Project Linden
Alcohol/Drug Outpatient Treatment
1500 East 17th Avenue
Columbus OH 43219

Ms. Angela Cornelius

614-294-5678

Alcohol & Other Drug Treatment

Alcohol & Other Drug Testing

Southeast Inc.
Alcohol/Drug Outpatient Treatment
16 West Long Street
Columbus OH 43215

Ms. Sandra Stephenson

614-225-0990

Assessment & Referrals
Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Talbot Recovery Services at Park Medical Center
1492 East Broad Street
Columbus OH 43205

Mr. Dennis Ehrie

614-251-3760

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Franklin Continued

The Human Factor
500 West Wilson Bridge Road, Suite 245
Worthington OH 43085
Mr. Cy Cottrell

800-247-8233

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

The Ohio State University
Reference Laboratories
1214 Kinnear Road
Columbus OH 43212

Ms. Trina Shanks

614-487-1441

Policy Development

Employer Consultation

Wellness Group Inc.
1660 North West Professional Plaza, Suite J
Columbus OH 43220

Mr. Floyd Sours

614-442-8385

Assessment & Referrals
Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Alcohol & Other Drug Lab Work

Guernsey

Guernsey Health Choices
Alcohol & Drug Outpatient Treatment
111 North 7th Street
Cambridge OH 43725

Ms. Linda Secrest

614-439-4532

Assessment & Referrals
Policy Development
Employee Education

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Hamilton

Alcoholism Council of the Cincinnati Area NCADD
118 William Howard Taft Road
Cincinnati OH 45219

Mr. Mike Tibbits

513-281-7880

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Hamilton Continued

Bethesda Corp. Health Services (TriHealth)
11129 Kenwood Road
Cincinnati OH 45242

Ms. Connie Bertolucci

513-985-5455

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Clemans, Nelson & Associates
8520 East Kemper Street - Suite 4
Cincinnati OH 45249

Ms. Kelly Babcock

513-530-9200

Employee Education
Supervisor Training

Policy Development
Employer Consultation

Compliance Plus Corp.
305 West 5th Street
Cincinnati OH 45202

Dr. Burton Kleinman

513-241-1307

Policy Development

Employer Consultation

Drake Center, Inc.
151 West Galbraith Road
Cincinnati OH 45216

Ms. Peggy Mitchell

513-948-2552

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Policy Development
Supervisor Training

Family Service of Cincinnati Area
Sharonville Counseling Center
4050 Executive Park Dr. - Suite 404
Cincinnati OH 45241

Ms. Arlene Herman

513-733-3232

Assessment & Referrals
Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Hamilton Continued

Health Alliance

2055 Reading Road - Suite 350

Cincinnati OH 45202

Ms. Carol Kennedy

513-632-1565

Employee Education

Alcohol & Other Drug Treatment

Alcohol & Other Drug Testing

Policy Development

Supervisor Training

Employer Consultation

Lifeway Counseling Centers, Inc.

4015 Executive Park Drive, Suite 305

Cincinnati OH 45241

Ms. Ann Topping

513-769-4600

Assessment & Referrals

Policy Development

Supervisor Training

Employer Consultation

Employee Education

Alcohol & Other Drug Treatment

Alcohol & Other Drug Testing

Millenium

5245 Pros Drive

West Chester OH 45069

Mr. Robert Pierce

513-942-4024

Assessment & Referrals

Policy Development

Supervisor Training

Employer Consultation

Employee Education

Alcohol & Other Drug Treatment

Alcohol & Other Drug Testing

NADT: National Alcohol and Drug Testing Company

2141 Florence Avenue, Suite 109

Cincinnati OH 45206

Lori Riestenberg

513-281-4800

Policy Development

Employer Consultation

Alcohol & Other Drug Testing

ProActive Health Services

401 East McMillan Street

Cincinnati OH 45206

Larry Albice

513-751-3003

Assessment & Referrals

Policy Development

Supervisor Training

Employer Consultation

Employee Education

Alcohol & Other Drug Treatment

Alcohol & Other Drug Testing

Alcohol & Other Drug Lab Work

Hamilton Continued

Public Employees Assistance Program
50 E. Hollister Street
Cincinnati OH 45219

Joan Blumberg

513-421-7600

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Alcohol & Other Drug Lab Work

Talbert House
2600 Victory Parkway
Cincinnati OH 45206

Mr. Neil Tilow

513-751-7747

Assessment & Referrals
Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

U.S. HealthWorks of Ohio
1330 Kemper Meadow Drive - Ste 200
Cincinnati OH 45240

Mr. Robert Gallagher

513-851-5600

Assessment & Referrals
Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Hancock

Corporate EAP
1875 S. Dixie Highway
Lima OH 45804

Dr. Ray Navarre

800-752-7923 or 419-226-9171

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Alcohol & Other Drug Lab Work

The Lincoln Center
1918 North Main Street
Findlay OH 45840

Ms. Nita Rider

419-423-9242

Assessment & Referrals
Policy Development
Employer Consultation
Supervisor Training

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Employee Education

Hardin

Corporate EAP
1875 S. Dixie Highway
Lima OH 45804

Dr. Ray Navarre	800-752-7923 or 419-226-9171
Assessment & Referrals	Employee Education
Policy Development	Alcohol & Other Drug Treatment
Supervisor Training	Alcohol & Other Drug Testing
Employer Consultation	Alcohol & Other Drug Lab Work

Jefferson

Trinity Medical Center West 3203 Johnson Road Steubenville OH 43952	
Pamela Vulelich/Don Ogden	740-264-4250
Assessment & Referrals	Employee Education
Policy Development	Alcohol & Other Drug Treatment
Supervisor Training	Alcohol & Other Drug Testing
Employer Consultation	

Knox

Alcohol and Drug Freedom Center of Knox County 106 East Gambier Street Mount Vernon OH 43050	
Mr. Rick Schlegel	614-397-2660
Assessment & Referrals	Employee Education
Policy Development	Alcohol & Other Drug Treatment
Supervisor Training	Alcohol & Other Drug Testing
Employer Consultation	

Lake

Lake Geauga Center on Alcoholism and Drug Abuse 8827 Mentor Avenue Mentor OH 44060	
Ms. Karen Lambert-Miller	216-951-3511
Assessment & Referrals	Employee Education
Policy Development	Alcohol & Other Drug Treatment
Supervisor Training	Alcohol & Other Drug Testing
Employer Consultation	

Lake Continued

Laurelwood Hospital
Addictive Disease Unit
35900 Euclid Avenue
Willoughby OH 44094
Ms. Jayne Sestak

216-951-4673

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Laurelwood Hospital Counseling Center
35900 Euclid Avenue
Willoughby OH 44094
Ms. Cynthia Downing

216-951-3000

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

University MEDNET
Department of Occupational Medicine
9000 Mentor Avenue
Mentor OH 44060
Mr. Sidney Rubin

800-589-9494

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Employee Education

Licking

Licking County Alcoholism
Prevention Program
62 East Stevens Street
Newark OH 43055
Dr. James Billow

614-366-7303

Assessment & Referrals
Policy Development
Supervisor Training

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Licking Continued

Spencer House
69 Granville Street
P.O. Box 4005
Newark OH 43055

Ms. Connie Carter

614-345-7030

Assessment & Referrals
Alcohol & Other Drug Treatment

Alcohol & Other Drug Testing
Employee Education

Logan

L/C Consolidated Care
Alcohol & Drug Outpatient Treatment
1521 North Detroit Street
West Liberty OH 43357

William Crider/Margaret Appel

937-465-8065

Assessment & Referrals
Policy Development

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Lucas

David Lewandowski, M.Ed. LPC/CCDCIII
3306 Executive Parkway – Suite 201
Toledo OH 43606

David Lewandowski

419-531-3500

Assessment & Referrals
Policy Development
Supervisor Training

Employee Education
Alcohol & Other Drug Treatment
Employer Consultation

Harbor Behavioral Healthcare
One Sun Forest Court
Toledo OH 43623

Mr. Rick Dorman

800-422-5338

Assessment & Referrals
Policy Development
Employer Consultation

Employee Education
Supervisor Training

St. Charles Hospital
Chemical Dependency Services
2600 Navarre Avenue
Oregon OH 43616

Ms. Linda Hineman

419-698-7381

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Lucas Continued

Workplace Resources Ltd.
33425 Executive Parkway, Suite 120
Toledo OH 43606

Catherine Obarski	419-539-4499
Assessment & Referrals	Employer Consultation
Policy Development	Employee Education
Supervisor Training	

Mahoning

Mahoning County Chemical Dependency Program
527 North Meridian Road
Youngstown OH 44509

Mr. Martin Gaudiose	330-797-0070
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Assessment & Referrals	Employee Education
Policy Development	Alcohol & Other Drug Treatment
Supervisor Training	Alcohol & Other Drug Testing
Employer Consultation	

Neil Kennedy Recovery Clinic
2151 Rush Boulevard
Youngstown OH 44507-1598

Mr. Gerald Carter	330-744-1181
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Assessment & Referrals	Alcohol & Other Drug Treatment
Employer Consultation	Alcohol & Other Drug Testing
Supervisor Training	Employee Education
Policy Development	

Northside Medical Center
Adolescent Recovery Services
500 Gypsy Lane
Youngstown OH 44501-0240

Mr. Timothy Schaffner	330-740-3581
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Assessment & Referrals	Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing	

Western Reserve HealthCare System
25 E. Boardman Street, Room 533
Youngstown OH 44503

Ms. Norma J. Connelly	330-743-2873
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Assessment & Referrals	Employee Education
Policy Development	Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing	Employer Consultation

Marion

Marion Area Counseling Center
320 Executive Drive
Marion OH 43302

Ms. Beverly Young

614-387-5210

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

MedCenter Hospital Enrichment Center
1050 Delaware Avenue
Marion OH 43302

Ms. Susan Miller

614-383-7840

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

PERT
1662 Bellefontaine Avenue
Marion OH 43302

E.J. Stitt

614-383-5034

Alcohol & Other Drug Testing Alcohol & Other Drug Lab Work

Medina

Alcohol and Drug Dependency Services of Medina County
246 Northland Drive - Suite 140
Medina OH 44256

Mr. Richard Laposky

330-723-9600

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Mental Wellness Center
2295 West Market St.
Akron OH 44313

Joseph R. Wasdovich

330-869-0700

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Medina Continued

On the Clock Care at Medina General Hospital
1000 East Washington Street
Medina OH 44256

Ms. Bonnie Otonicar

330-725-1000

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Mercer

Corporate EAP
1875 S. Dixie Highway
Lima OH 45804

Dr. Ray Navarre

800-752-7923 or 419-226-9171

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Alcohol & Other Drug Lab Work

Gateway Outreach Center
800 Pro Drive, P.O. Box 488
Celina OH 45822

Mr. Jon McKanna

419-586-4030

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Miami

Dettmer EAP
Upper Valley Medical Center
300 Kienle Drive - Suite A
Piqua OH 45356

Mr. Michael Ruffin

937-773-8271

Assessment & Referrals
Policy Development
Employer Consultation

Employee Education
Supervisor Training

Miami Continued

Miami County Alcoholism Council
423 North Wayne Street
Piqua OH 45356

Mr. Byron Ewick

937-773-7730

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Miami County Mental Health Center
CHOICES

1266 1/2 East Ash Street
Piqua OH 45356

Mr. Michael Ruffin

937-773-3060

Assessment & Referrals
Policy Development

Employer Consultation

Miami County Recovery Council
1059 North Market Street
Troy OH 45373

Mr. Byron Ewick

937-773-7730

Assessment & Referrals
Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Montgomery

ASET Corp.
8900 North Main Street
Dayton OH 45415

Mr. Charles Carroll

937-890-8881

Policy Development

Employer Consultation

Dayton Area Chamber of Commerce, Drugs Don't Work
1 Chamber Plaza

Dayton OH 45402-2400

Ms. Jackie Allen

937-226-8256

Employee Education
Supervisor Training

Policy Development
Employer Consultation

Montgomery Continued

Employee Care of Miami Valley Hospital and Good Samaritan
30 Apple Street
Dayton OH 45409

Mr. John Harris, Director

800-628-9343

Assessment & Referrals
Supervisor Training
Policy Development

Employee Education
Employer Consultation

Franciscan Workplace Health
2300 Edwin C. Moses Blvd, Suite 200
Dayton OH 45408

Ms. Terry Phillips

937-229-7017

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

MedWork, Inc.
725 S. Ludlow St.
Dayton OH 45402

Ms. Lori Goertemiller

937-208-6755

Policy Development
Employer Consultation

Alcohol & Other Drug Testing
Alcohol & Other Drug Lab Work

Millenium
5245 Pros Drive
West Chester OH 45069

Mr. Robert Pierce

513-942-4024

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Paradigm Consulting and Counseling
303 Signalfire Drive
Dayton OH 45458

Mr. K. Jeff Fladen

937-438-8967

Policy Development

Employer Consultation

Montgomery Continued

South Community Inc.
Center for Professional Counseling
Alcohol & Drug Outpatient Treatment
8353 Yankee Street
Dayton OH 45458

Mr. Dennis Maloy

937-435-6660

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Morgan

Morgan Behavioral Health Choices
Alcohol & Drug Outpatient Treatment
Morgan County P.R.E.P. Center
915 S. Riverside Drive - SR 376 S.
McConnelsville OH 43756

Mr. K. David Watts

614-962-6933

Assessment & Referrals
Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Morrow

Morrow County Council on Alcohol and Drugs
950 Meadow Drive
Mount Gilead OH 43338

Mr. Phillip DeVol

419-947-4055

Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Muskingum

Good Samaritan Medical Center
800 Forest Avenue
Zanesville OH 43701

Ms. Jan Hammer

614-454-5927

Assessment & Referrals
Policy Development
Employer Consultation
Supervisor Training

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Employee Education

Muskingum Continued

Muskingum Behavioral Health
Alcohol & Drug Outpatient Treatment
575 Harding Road
Zanesville OH 43701

Mr. Steven Carrel

888-244-1266

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Noble

Noble Behavioral Health Choices
48 Olive Street
Caldwell OH 43724

Ms. Shelly Schwieterman

614-732-5988

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Ottawa

The Giving Tree
Alcohol & Drug Outpatient Treatment
335 Buckeye Blvd.
Port Clinton OH 43452

Ms. Mariann Davids

419-734-2942

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Paulding

Corporate EAP
1875 S. Dixie Highway
Lima OH 45804

Dr. Ray Navarre

800-752-7923 or 419-226-9171

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Alcohol & Other Drug Lab Work

Perry

Perry Behavioral Health Choices
Weekend Rural Alternative Prog DIP
Morgan County P.R.E.P. Center
915 South Riverside Dr-SR 376 South
McConnelsville OH 43756

Ms. Jan Wade-Watts

800-300-0932

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Pickaway

Pickaway Area Recovery Services
210 Sharon Road - Suite 4
Circleville OH 43113

Mr. Barry Bennett

614-477-1745

Assessment & Referrals
Policy Development
Employee Education

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Supervisor Training

Portage

Coleman Professional Services
5982 Rhodes Road
Kent OH 44240

Ms. Luci Payne

800-603-4327

Assessment & Referrals
Policy Development
Employer Consultation
Supervisor Training

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Employee Education

IEBT Corporation
PO Box 266
393 West Cleveland Avenue, C
Mogadore OH 44260-0266

Ms. Judi Miller

800-628-5106

Assessment & Referrals
Policy Development
Supervisor Training

Employer Consultation
Employee Education

Preble

Preble County Recovery Center
100 East Somers Street
Eaton OH 45320-0646
Ms. Connie Holden

937-456-3376

Assessment & Referrals
Policy Development
Supervisor Training

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Putnam

Corporate EAP
1875 S. Dixie Highway
Lima OH 45804
Dr. Ray Navarre

800-752-7923 or 419-226-9171

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Alcohol & Other Drug Lab Work

New Direction Center, Outreach and Recovery Services
117 Court Street
Ottawa OH 45875
Mr. Keith Brown

419-523-6862

Assessment & Referrals
Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Richland

Mental Wellness Center
2295 West Market St.
Akron OH 44313
Joseph R. Wasdovich

330-869-0700

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Richland Continued

New Beginnings Recovery House
347 Second Avenue
P.O. Box 1946
Mansfield OH 44901-1946

Ms. Susan Lehr Messer

419-526-6168

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Target Care at Richland Hospital
1451 Lucas Road
Mansfield OH 44901

Blake Wagner

419-589-5511

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Ross

ADENA Occupational Health Center
272 Hospital Drive
Chillicothe OH 45601

Mac Peters

740-779-7813

Assessment & Referrals
Alcohol & Other Drug Treatment
Employer Consultation

Employee Education
Supervisor Training

Scioto Paint Valley Mental Health Center
Martha Cottrill Clinic
4449 State Route 159
P.O. Box 6179
Chillicothe OH 45601

Ms. Landa Dorris

740-775-1260

Assessment & Referrals
Policy Development
Supervisor Training

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Sandusky

Memorial Hospital Healthlink
715 S. Taft Avenue
Fremont OH 43420

Ms. Nannette Russell

419-334-6657

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Scioto

The Counseling Center
1311 Second Street
Portsmouth OH 45662

Mr. Edward Hughes

740-354-6685

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Stark

Center for Occupational Health
2626 Fulton Drive, NW
Canton OH 49718

Mr. Jeff VanDorsten

330-453-6090

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Policy Development
Supervisor Training
Employer Consultation

Concern Employee Assistance Program
Columbia Mercy Medical Center
1320 Mercy Drive
Canton OH 44708

Ms. Michele Morgart

330-489-1415

Assessment & Referrals
Policy Development
Supervisor Training

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Immediate Medical Services
2461 West State
Alliance OH 44601

Mr. Robert Cole

330-823-0400

Alcohol & Other Drug Treatment

Alcohol & Other Drug Testing

Stark Continued

Longford Health Sources of Massillon Community Hospital
875 Eighth Street NE
P.O. Box 805
Massillon OH 44648

Mr. Max Burkins

330-837-6897

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Mental Wellness Center
2295 West Market St.
Akron OH 44313

Joseph R. Wasdovich

330-869-0700

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Nova Behavioral Health
832 McKinley Avenue NW
Canton OH 44703

Ms. Pamela Woodward

330-455-9407

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Quest Recovery Services
1341 Market Avenue North
Canton OH 44714-2675

Mr. Donald Davies

330-453-8252

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Employee Education

Work, Health & Safety Services at Columbus Mercy Medical Center
6200 Whipple Avenue
North Canton OH 44720

Ms. Patricia West

330-966-8798

Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Testing
Alcohol & Other Drug Lab Work

Summit

Community Drug Board
Akron Drug Abuse Clinic
725 East Market Street
Akron OH 44305

Mr. Theodore Ziegler

330-434-4141

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Employee Education

Edwin Shaw Hospital
1621 Flickinger Road
Akron OH 44312

Ms. Carol Simpson/Mr. Randy Vipperman

330-784-1271, ext. 151

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Family Services of Summit County
Employee Family Assistance Program
212 East Exchange Street
Akron OH 44304

Ms. Cristine McCorkle

330-376-9494

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Mental Wellness Center
2295 West Market St.
Akron OH 44313

Joseph R. Wasdovich

330-869-0700

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Summit Continued

Occupational Health Consultants of America
3428 W. Market Street
Akron OH 44333

Ms. Margie Roop 330-836-2754

Assessment & Referrals	Employee Education
Policy Development	Employer Consultation
Supervisor Training	

Summa Health System
Occupational Health Department
525 East Market Street
Akron OH 44310

Ms. Jane Sposky 330-375-3306

Assessment & Referrals

Tri-County Employee Assistance Program
520 South Main Street - Suite 2411
Akron OH 44311

Mr. Richard DeLuca 330-762-7908

Assessment & Referrals	Employee Education
Policy Development	Supervisor Training
Alcohol & Other Drug Testing	Employer Consultation

Zenza, Ltd.
8530 North Boyle Parkway
Twinsburg OH 44087

Ms. Bev Dubin/Ms. Tracy Skormin 800-688-6246

Assessment & Referrals	Employee Education
Policy Development	Supervisor Training
Alcohol & Other Drug Testing	Employer Consultation

Trumbull

St. Joseph Health Center
Behavioral Health Services
667 Eastland Avenue
Warren OH 44485

Ms. Pat Hartman 330-306-5030

Assessment & Referrals	Employee Education
Policy Development	Alcohol & Other Drug Treatment
Supervisor Training	Alcohol & Other Drug Testing
Employer Consultation	

Tuscarawas

Self-Help Inc.
125 Fair Avenue NE
New Philadelphia OH 44663

Ms. Jean Martin

330-343-6636

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Union

Employee Network
19510 Middleburg P.C. Road
Milford Center OH 43045

Ms. Deanna Douglas

937-349-7945

Assessment & Referrals
Policy Development
Supervisor Training

Employee Education
Employer Consultation

Occupational Health Center
500 London Avenue
Marysville OH 43040

Ms. Debbie Shelton

937-644-0573

Alcohol & Other Drug Treatment

Alcohol & Other Drug Testing

Union County Behavioral Health Care, Alcohol & Drug Treatment Programs
Charles B. Mills Center
715 South Plum Street
Marysville OH 43040

Mr. John Lauritsen

937-644-9192

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Van Wert

Corporate EAP
1875 S. Dixie Highway
Lima OH 45804

Dr. Ray Navarre

800-752-7923 or 419-226-9171

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing
Alcohol & Other Drug Lab Work

Warren

Center of Warren/Clinton Counties
107 Oregonia Road
Lebanon OH 45036

Mrs. Phyllis Mitchell

513-933-1131

Assessment & Referrals
Policy Development
Supervisor Training

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Washington

Marietta Memorial Hospital
Center for Chemical Dependency Services
401 Matthew Street
Marietta OH 45750

Mr. Charles Hasse

740-373-8816

Assessment & Referrals
Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Selby Occupational Health Center
1106 Colegate Drive
Marietta OH 45750

Ms. Darlene Powers, R.N.

740-568-2020

Alcohol and Other Drug Testing

Alcohol & Other Drug Lab Work

Wayne

Center for Occupational Health
1799 Beall Avenue
Wooster OH 44691

Mr. Jeff VanDorsten

330-263-7270

Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Wayne County Alcoholism Services
149 East Liberty Street - Suite 211
Wooster OH 44691

Ms. Bobbi Douglas

330-264-8498

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Wayne Continued

Your Human Resource Center
2692 Akron Road
Wooster OH 44691

Dr. Robert Zeh

330-264-9597

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Wood

Behavioral Connections of Wood County
Alcohol & Drug Treatment
320 West Gypsy Lane Road
Bowling Green OH 43402

Mr. Randy LaFond

419-352-2551

Assessment & Referrals
Policy Development
Supervisor Training
Employer Consultation

Employee Education
Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Out of State

ASAP: Alcohol & Substance Abuse Prevention Programs Inc.

Executive Square Office Park
5509 West Gray Street, Suite 102
Tampa FL 33609-1053

Mr. Robert Anderson

800-329-6334 ext. 236

Assessment & Referrals
Supervisor Training
Employer Consultation

Alcohol & Other Drug Testing
Alcohol & Other Drug Lab Work

Coastal Health Management Services
6202-A Presidential Court
Fort Myers Florida 33919

Ms. DeAnna Slater

800-533-8107

Alcohol & Other Drug Treatment

Alcohol & Other Drug Testing

Optum - A Division of United HealthCare Services

6300 Olson Memorial Hwy
Route MN010 - EISO
Golden Valley Minnesota 55427

Ms. Dawn Baker-Batch

612-797-2751

Assessment & Referrals

Employer Consultation

Preventco., Inc.

2705 Brown Train - Suite 203
Bedford Texas 76021

Dr. Charles Granger

817-285-0222

Assessment & Referrals
Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing

Reid Hospital Corporate EAP
1401 Chester Boulevard
Richmond Indiana 47374

Mr. Patrick Chimenti

765-983-3274

Assessment & Referrals
Policy Development
Employer Consultation

Alcohol & Other Drug Treatment
Alcohol & Other Drug Testing