

# Enhancing Safety through a Drug-free Workplace

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# Enhancing Safety Through a Drug-Free Workplace

## Agenda

<b><u>Time</u></b>	<b><u>Topic</u></b>
8:30	Introductions Scope of the problem Statistics & cost Definition of DFWP program Elements of a DFWP program <ol style="list-style-type: none"><li>1) Written policy</li><li>2) Supervisor Training</li><li>3) Employee education</li></ol>
<b>10:00</b>	<b>BREAK</b>
10:15	<ol style="list-style-type: none"><li>4) Drug &amp; alcohol testing</li><li>5) Employee assistance</li></ol> Employer & employee benefits BWC specific program
<b>12:00</b>	<b>DISMISS</b>



## **Course Objectives**

Elements of a drug-free workplace program

Written policy

Supervisor training

Employee education

Drug and alcohol testing

Employee assistance

Employer benefits in reduced accidents, cost savings, and increased productivity

Employee benefits in safety and health, well-being, security, and morale

Resources for creating your own drug-free workplace program.



## Possible Follow-up Activities

The following list contains suggested activities for students to do back at the workplace upon completion of the class.

- Present ideas from class to supervisors/management.
- Contact BWC employer specialist to explore BWC's discount program.
- If you already have management buy-in, create a written policy which is reviewed by competent legal counsel.
- Review current policy for any weaknesses or updates, improvements, clarifications.
- Review your company's past reports for patterns that could be related to drug/alcohol abuse.
- Review exposure to drugs/alcohol in your local geographic area, your industry/profession.
- Use the resources (websites) in the manual to explore DFWP further.
- Calculate the potential cost to your company.
- Research insurance discounts.
- Check out a drug testing consortia in your area.



# Activity Plan

	Activity	Other people involved	Target Deadline
<input type="checkbox"/>			





## Enhancing Safety through a Drug-Free Workplace

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*"This wasn't something I wanted to deal with, but I finally realized somebody was going to get hurt if I didn't."*

Owner of a construction firm in Iowa.

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*"The program has saved a couple of lives. One person was almost killed in an accident, and we lost a couple of vehicles due to drunk driving. Since the program started, there have been no accidents."*

Owner of a taxi company in Illinois

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# Statistics & Costs

## *The Scope of the Problem*

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## Cost to American Businesses

Alcohol and other drug use costs American businesses an estimated \$102 billion every year in lost productivity, accidents, employee turnover, and related problems (Economic Costs of Alcohol and Drug Abuse and Mental Illness: 1987, ADAMHA, 1990).

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## **Substance use is a national problem that's also a workplace issue.**

77% of illicit drug users and 90% of alcoholics are employed

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By occupation, the highest rates of current illicit drug use and heavy drinking were reported by:

- food preparation workers, waiters, waitresses and bartenders (19 %);
- construction workers (14 %);
- service occupations (13 %);
- transportation and material moving workers (10%).

Bureau of Labor Statistics

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### Small employers are more at risk

Among the population of full-time employed current illicit drug users:

- 44% work for small establishments (1-24 employees)
- 43% work for medium establishments (25 - 499 employees)
- 13% work for large establishments (500 or more employees)

Among the population of full-time employed heavy drinkers:

- 36% work for small establishments
- 47% work for medium establishments
- 17% work for large establishments

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*"We were working on a project for a Department of Defense contractor, and I was afraid they'd pull the contract if they found out anyone was using drugs on the job. One of my men was behaving very strangely. Two days in a row he had minor accidents - he cut his finger, then he skinned his knee. I told the guy I wanted to drug-test him. He made a big fuss, but then he admitted he'd used marijuana over the weekend...."*

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*...He said he wasn't the only one. Fortunately, he got help. Until then I'd had a simple policy saying employees could be tested because of the government contract, but I expanded the policy to include very specific procedures about how we were going to deal with employee problems."*

Manager of an electronic components manufacturer in Santa Clara, California

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- On average, 15 - 17% of any U.S. workforce uses alcohol or other drugs *(Bureau of Labor Statistics)*

- Users cost employers an average of \$7,000 - \$25,000/year *(Small Business Administration)*

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### Cost Savings/Benefits of a DFWP Program

- Increased safety
- Improved productivity
- Reduced Theft
- Reduced Absenteeism / Tardiness
- Reduced Healthcare Cost
- Improved Morale

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## Increased Safety

- **Up to 40% of industrial fatalities and 47% of industrial injuries have alcohol and other drug involvement.** (Occupational Medicine)
- **Users are 3 - 4 times more likely to be involved in workplace accidents.**
- **40% of the time they injure a co-worker.** (Occupational Medicine)
- **Users are five times more likely to file a workers' compensation claim.**
- **Users are five times more likely to have an accident off the job.**

Cost Savings/Benefits

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## Reduced use of health care benefits.

### Users:

- **Incur 300% - 400% more medical costs**
- **Use benefits 8 times more often**

Cost Savings/Benefits

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**Improved productivity:  
higher quality product,  
produced more timely,  
with less stand-around time.**

**Users are 33% - 50% less productive.**

Cost Savings/Benefits

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**Reduced loss, theft and pilferage to support substance habit**

**50% - 80% of loss, theft and pilferage in the workplace is attributable to substance use.**

Cost Savings/Benefits

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*"Tardiness is gone and the Monday 'can't-come-to-work-because-I-have-the-flu syndrome' is gone. Sloppy work, bad work, or unfinished jobs are gone too. A couple of years ago, before employees were in treatment, we used to get a lot of customer complaints. We don't anymore."*

Owner of manufacturing firm in Oregon

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**Reduced absenteeism and tardiness:**

**Users are absent an average of three weeks more per year and tardy three times more than non-users.**

Cost Savings/Benefits

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## Improved Employee Morale

**Safer workplace –  
employer showing care  
results in improved morale**

Cost Savings/Benefits

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## Can you afford not to have a DFWP Program?

**Cost of a User / Your profit margin =  
Sales required to cover a user.**

- \$7,000 (average cost of user) / 5% = \$140,000 in sales
- 15% of average American workforce are users.

100 workers \* 15% = 15 workers  
15 workers \* \$7,000 = \$105,000  
**\$105,000 / 5% = \$2,100,000 in sales**

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*"It is the greatest thing you can do for yourself and your employees, and it doesn't have to cost a lot. The most expensive thing you can do is nothing."*

Owner of a small manufacturing firm in Georgia

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# A Drug-Free Workplace Program

*Purpose and Elements*

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## Drug-free Workplace Program Purpose

- Detect use
- Take corrective action
- Deter use

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## Drug-free workplace program elements

1. Written Substance Policy
2. Supervisor Training
3. Employee Education
4. Drug and Alcohol Testing
5. Employee Assistance

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## 1. Written Policy:

### Road Map for Success

- Essentials of a written policy:
- Reason
- Who it applies to
- What is prohibited
- Consequences
- Privacy (confidentiality & administration)
- Supervisor training
- Employee education/assistance

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## Essentials of a Written Policy

- **Clearly state why the policy or drug-free workplace program is being implemented**
- **Clearly state that the program applies to all employees**
- **Clearly state description of behaviors that are prohibited**

Written Policy

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- **A thorough explanation of the consequences for violating the policy**
- **A discussion of confidentiality of the program records to ensure the privacy rights of employees**
- **Identify and explain the role and responsibilities of a DFWP program administrator**

Written Policy

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- **State which substances are prohibited**
- **State what constitutes a positive test**
- **State what testing procedures will be followed**
- **State occasions on which testing will occur**

Written Policy

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- **State the consequences of refusing to be tested or attempting to adulterate or substitute a specimen.**
- **Reference the help available to employees with substance abuse problems.**

Written Policy

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- **State that supervisors will be trained prior to the implementation of any testing**
- **Communicate the DFWP program and policy to all employees prior to implementation**
- **State that all employees will receive education annually**

Written Policy

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*"Most employers say it looks like an insurmountable mountain at the beginning. You have to think of so many things. For people who've never done a policy statement, that alone can seem overwhelming. But then a lot of the people we work with say they're glad they had it in place, because situations have come up where they needed it. Also they've seen reductions in accident rates and costs for health care and workers' comp."*

Organizer of drug-free workplace programs in Florida

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## Essentials of a Written Policy

- Union/employee input
- Legal review

Written Policy

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## 2. Supervisor Training

Supervisors play a key role in keeping a workplace alcohol and drug free.

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Supervisor training is an integral part of every DFWP program. At a minimum, supervisor training should include a review of:

- The company's DFWP policy
- The supervisor's specific responsibilities
- Skills necessary to identify and document performance & behavior problems that may be related to alcohol and other drugs.
- Referring employees for testing and to available assistance.

Supervisor training

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*"Like any company, I found that I wasn't immune to substance abuse. My best worker got himself in trouble, and I just couldn't sit back and do nothing. I created a policy, informed my managers, and had them all tell the employees exactly what the company expected and the consequences of drug use on the job. I can't offer treatment, but I give time to recover - it's better than trying to replace good people. Sure it costs me something - but my employees seem grateful that I took action and now everyone knows what to expect."*

Owner of data processing company

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### 3. Employee Education

***Knowledge is a Deterrent***

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**Effective employee education programs provide:**

- **Company specific information such as details of the DFWP policy**
- **The nature of alcohol and drug abuse**
- **Its impact on work performance, health, personal and family life**
- **What types of help are available**

Employee education

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**Certified Trainers/Educators**

- Provide the best results
- Emphasize importance of training/education
- Have more expertise
- Have more credibility with employees
- Have more up-to-date information
- Share a better quality of information
- Enhance appropriate policy implementation

Employee education

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*"Drug testing was a big decision for me, and I had a lot of questions: Is it legal to drug test my employees? How should I go about informing my workers that we're implementing this new policy and program? How much will it cost? What do I do if an employee tests positive? Do I have to offer treatment? Can I afford to help employees with drug problems? ..."*

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*... Fortunately, I knew another business owner in my community who had recently started a testing program. I called her for advice, and she was able to give me some resources to get started."*

Owner, manufacturing company

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## 4. Drug and Alcohol Testing

- Occasions for testing
- The greatest deterrent
- How to test

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## Occasions for Testing

- **Pre-employment / New Hire**
- Reasonable suspicion verified by trained supervisor
- Post-accident with accident including fatality, off-site medical attention required, property and/or vehicular damage beyond a specified amount.
- Random
- Follow-up to assessment or treatment

Testing

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## Occasions for Testing

- Pre-employment / New hire
- **Reasonable suspicion verified by trained supervisor**
- Post-accident with accident including fatality, off-site medical attention required, property and/or vehicular damage beyond a specified amount.
- Random
- Follow-up to assessment or treatment

Testing

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*"Someone came into our office looking for a job. 'We do drug testing here,' I told him. 'That's why I came,' he said. 'When my life is on the line and in my co-worker's hands, I want to know that he's not high - and your program makes me feel safe.' "*

Owner of a marine supply and building company in Washington

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*"Employers almost always say, 'That's not for us - we're too small.' Then, when they realize how easy and inexpensive it is and that this is something a small business can really use, they want to sign on. After that we hear from them a lot. Many employers in small businesses feel very isolated. We give them a place where they can bounce their ideas off a sympathetic listener."*

Director of an EAP in rural Virginia

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## Occasions for Testing

- Pre-employment / New Hire
- Reasonable suspicion verified by trained supervisor
- **Post-accident with accident including fatality, off-site medical attention required, property and/or vehicular damage beyond a specified amount.**
- Random
- Follow-up to assessment or treatment

Testing

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## H.B. 223

- **Effective 10/13/2004**
- **Under specific circumstances, substance in system presumed to be cause of accident**
- **Accident caused by substance is not compensable**
- **Injured worker can show proof that injury caused by something other than substance**

Testing

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## Occasions for Testing

Random testing:

The best deterrent

- Percentage of workforce tested each year
- Employees unaware of when test may occur

Testing

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## Random Testing

**To assure against accusations of impropriety, it is recommended that you use an outside vendor with specialized computer software. This will assure:**

- Completely neutral & impartial
- Equal probability of selection for each employee each time testing occurs. Employees stay in selection pool, even if previously selected.
- Employee number is used, not names of employees

Testing

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## Occasions for Testing

- Pre-employment / New Hire
- Reasonable suspicion verified by trained supervisor
- Post-accident with accident including fatality, off-site medical attention required, property and/or vehicular damage beyond a specified amount.
- Random
- **Follow-up to assessment or treatment**

Testing

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## Types of Tests

- Hair Test
- Blood Test
- Saliva Test
- Sweat Test
- Quick Test
- Urine Test

Testing

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## Advantages of Urine Testing

- Least invasive
- Most reliable
- Withstood court challenges
- Opportunity for split specimen testing

Testing

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## Recommended protections for testing reliability and integrity:

- Collection site
- Certified laboratory
- Preliminary screen
- Confirmatory test
- Cut-off levels
- Medical Review Officer

Testing

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## Who Pays for the Drug Test ?

Normally, employers pay for drug tests. Sometimes employers require the employee to pay for the test, and if the results are negative, the employer reimburses the employee. If employees are expected to pay, this should be stated in the written policy.

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The cost of a drug test at a DHHS-certified laboratory will vary depending on the services provided and the geographic location. While the cost may be slightly higher than with a non-certified laboratory, the added security and accuracy will protect you in a court of law should a test result be challenged.

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## Collection Site Protocol

- Worker identified by photo identification or employer representative
- Chain of custody begins – evidence of control of specimen from donor to lab
- Worker empties pockets and removes outside garments
- Worker washes hands
- Worker enters restroom (in privacy) to give a specimen

Testing

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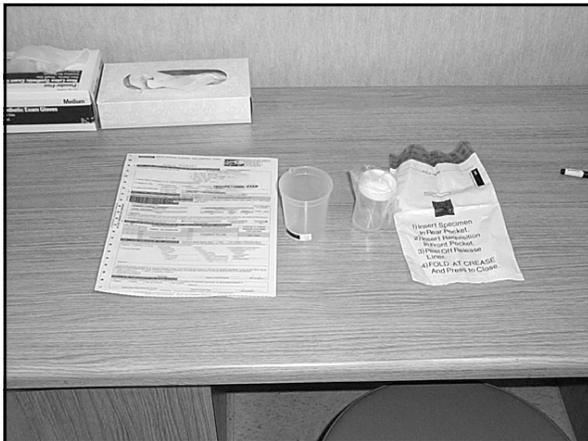
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## Collection Site Protocol

- Restroom has bluing in toilet water and no running water.
- Worker provides a specimen and immediately carries to collector waiting outside restroom
- Temperature is checked
- Specimen is sealed in a container with tamper evident tape that the donor initials
- Chain of custody form completed
- Sealed specimen and chain of custody form are placed in sealed plastic bag
- Sealed bag is transported to the lab

Testing

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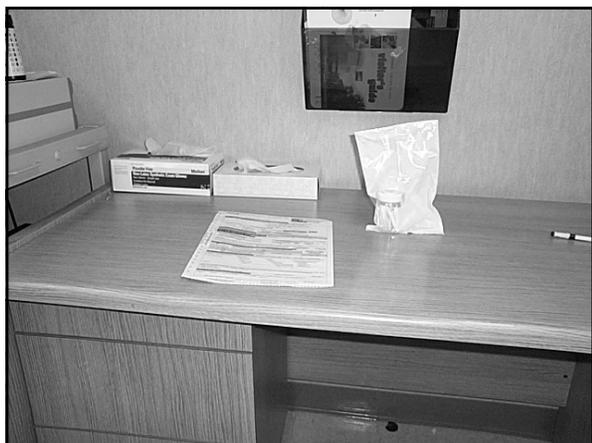
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## Protections in Collection Process

### For employee:

- Collector works with one worker at a time to ensure specimens/paperwork do not get switched
- Tamper evident packaging
- Chain of custody

Testing

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## Protections in Collection Process

### For employer:

- Photo identification
- Hand washing/emptying pockets
- Lack of water for dilution of specimen

### For both:

- Chain of custody

Testing

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Recommended protections for testing reliability and integrity:

- Collection site
- Certified laboratory
- Preliminary screen
- Confirmatory test
- Cut-off levels
- Medical Review Officer

Testing 64

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Certified Laboratory

**Recommend the use of a U.S. DHHS Certified Laboratory**

Accuracy

Credibility

Reliability

Testing 65

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Preliminary Test

The Enzyme Multiplied Immunoassay Technique (EMIT)

- **92% - 98% accurate screening test**
- If negative, testing is complete
- If positive, a confirmation test is conducted

Testing 66

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## Confirmation Test

### Gas Chromatography/Mass Spectrometry (GC/MS)

- 100% accurate
- If negative, testing is complete
- If positive, results should be reviewed by Medical Review Officer (MRO)
- Can results be something other than negative or positive?

Testing

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### Recommended protections for testing reliability and integrity:

- Collection site
- Certified laboratory
- Preliminary screen
- Confirmatory test
- Cut-off levels
- Medical Review Officer

Testing

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## Definition of Cut-off Level

**Cut-off level - a predetermined amount of drug metabolite [measured in nanograms (ng) per milliliter (ml)] that constitutes whether a tested urine specimen is positive or negative. A test is positive if the amount is equal to or above the cut-off level.**

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## Cut-off Levels

- Meaning of “negative”
- Amount of drug absorption possible from passive exposure
- Different than the limit of detection
- Impossible to differentiate between passive and active exposure at very low levels of detection

Testing 70

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## Cut-off levels for 5-panel drug test

<u>Drug Class/Description</u>	<u>Preliminary Test</u>	<u>Confirmatory Test</u>
<b>Amphetamines</b> - stimulants (“speed”)	1000 ng/ml	500 ng/ml
<b>Cannabinoids</b> - euphoricants (marijuana)	50 ng/ml	15 ng/ml
<b>Cocaine</b> - stimulants (“crack”)	300 ng/ml	150 ng/ml
<b>Opiates</b> - narcotic analgesics (codeine, morphine)	2000 ng/ml	2000 ng/ml
<b>Phencyclidine</b> - hallucinogens (PCP)	25 ng/ml	25 ng/ml

Cut-off level - a predetermined amount of drug metabolite [measured in nanograms (ng) per milliliter (ml)] that constitutes whether a tested urine specimen is positive or negative. A test is positive if the amount is equal to or above the cut-off level.

Testing 71

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## 9-Panel Drug Test

- Barbiturates
- Benzodiazepines
- Methadone
- Propoxyphene

What drugs affect your workplace?

- Ecstasy
- OxyContin (fda.gov)
- Other

Testing 72

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Recommended protections for testing reliability and integrity:

- Collection site
- Certified laboratory
- Preliminary screen
- Confirmatory test
- Cut-off levels
- Medical Review Officer

Testing

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## Role Of The MRO

- **Review of relevant biomedical information**
- **Administrative review of negative drug tests**
- **Managing test results reported as adulterated, diluted, or unable to be tested**
- **Evaluate validity of "shy bladder" claims**
- **Split specimen analysis or original specimen re-analysis processing**

Testing

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## The MRO Process

- **Specimen is tested and results sent to the MRO**
- **MRO reviews results and Chain of Custody Forms**
- **If results are positive or suggest specimen tampering, MRO contacts donor for discussion**
- **MRO determines if there is an alternative medical explanation for test results**
- **MRO orders any additional tests or consults as required**
- **MRO reports results to the employer**

Testing

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Recommended protections for testing reliability and integrity:

- Collection site
- Certified laboratory
- Preliminary screen
- Confirmatory test
- Cut-off levels
- Medical Review Officer

Testing

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## Alcohol

- Breath, Blood or Saliva
- Recommend breathalyzer using certified machine and technician

Testing

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## Issues with Alcohol Testing

What is an “unacceptable” level?

- “Legally intoxicated” **0.08 g/dl**
- Removal from work under DOT regulations **0.02 g/dl**
- Removal from work and referral for evaluation (SAP) **0.04 g/dl**

The recommended cut-off level is .04 g/dl

Testing

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Reasons for the recommendation of .04 g/dl:

- Difficult to interpret below .04
- Consistent with DOT standards
- Research shows impairment in the workplace

Testing

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## 5. Employee Assistance

Considered a cornerstone of any DFWP Program

What assistance do you offer?

- None provided
- Refer for assessment and/or treatment
- Provide health benefits coverage including chemical dependency treatment

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## Employee Assistance Program (EAP)

**An EAP is one way for an organization to offer help to employees with personal problems, including problems with alcohol and other drugs. This component can be a sign of employer support and a source of improved productivity. Although not every employer will want or be able to afford an EAP, it is worth considering. Low-cost options for offering an EAP are available, making this component within reach even for companies with limited resources.**

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## Employee Assistance Plan

### Recommended:

- Procedures to be followed when referring for assessment and/or treatment as appropriate
- Procedures for re-entry/reintegration
- Procedures aimed at protecting confidentiality
- Guidelines regarding compensation or employment status for an employee's time off work for assessment and/or treatment as applicable

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## Drug-free workplace program elements - summary

1. Written Substance Policy
2. Supervisor Training
3. Employee Education
4. Drug and Alcohol Testing
5. Employee Assistance

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*"I found out the hard way that employees often have multiple problems associated with drug use. Some of my employees had lines of credit with me. One who got injured in an accident while driving a tractor had a \$3,500 line of credit. Then, I found out he was using it to finance his cocaine habit!"*

Owner of a paving firm in suburban Maryland

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*"Bolloed down, what I'm saying to my employees is this: The safety, health and productivity of this workplace, the employees, and the public are all things I value highly, and threatening them by using or abusing substances puts your employment at risk. If you don't listen, you could be disciplined or lose your job. I'll answer whatever questions you have because this is important. That's it. That's the bottom line."*

Owner of a trucking company

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## Benefits of a Drug-Free Workplace Program

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## Employers Benefit

### Increases:

- Staff morale
- Employee motivation
- Customer satisfaction
- Customer retention
- Positive public image
- Savings through incentive programs offered by insurance carriers
- Savings through fewer accidents and property damage

87

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## Employers Benefit

### Decreases:

- Accidents
- Errors
- Incidents requiring disciplinary action
- Absenteeism
- Tardiness

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## Employers Benefit

### Decreases:

- Employee theft and fraud
- Legal expenses
- Insurance claims
- Staff turnover
- Chances of hiring substance abusers
- Workers' compensation cost

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## Employees Benefit

- Improved safety
- Improved health
- Increased productivity
- Higher morale
- Increased security
- Increased well-being

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# Ohio Bureau of Workers' Compensation

*Discounts available to employers with  
Drug-Free Workplace Programs*

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## BWC's DFWP Programs

- Voluntary
- Both private and public state fund employers are eligible
- Multi-tiered - 3 program levels for flexibility
  - ✓Level 1: 10% discount
  - ✓Level 2: 15% discount
  - ✓Level 3: 20% discount
- Private employer program years begin July 1 or January 1. Public employer program year begins January 1.

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## BWC Program Requirements

- Written Substance Policy
- Supervisor Training
- Employee Education
- Drug and Alcohol Testing
- Employee Assistance

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## BWC's Supervisor Training Requirements

### DFWP

- Four hours initial training
- Two hour refresher training annually
- Training is in addition to employee education

### DF-EZ

- Two hours initial training
- One hour refresher training annually
- Training is in addition to employee education

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## BWC's Employee Education Requirements

### DFWP

- Two hours annually
- Presented by a qualified educator or a person supervised by a qualified educator.

### DF-EZ

- One hour annually
- Presented by a qualified educator or a person supervised by a qualified educator.

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## BWC's Testing Requirements

- Level 1 – No Random Testing
- Level 2 – 10% Random Testing
- Level 3 – 25% Random Testing

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**BWC's Employee Assistance Requirements**

**DFWP** - Requirements vary at each level of participation.

**DF-EZ** - Level one requirements only

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**Employee Assistance**

LEVEL 1 - Explain benefits of assessment and share list of community resources

LEVEL 2 - Level 1 requirements plus establish relationship with EAP provider

LEVEL 3 - Level 1 & 2 requirements plus make available health benefits including chemical dependency treatment

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**Drug-Free Workplace Program is a part of your Safety Program**

BWC 10-Step Business Plan is required at some levels of participation in the DFWP discount program

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**BWC's DF-EZ  
Plus Discounts**

***Additional Premium Discounts for DF-EZ  
Participants:***

**Claims Frequency reduced by 15% or more  
results in an additional 5% premium rebate**

**Claims Severity reduced by 15% or more results  
in an additional 10% premium rebate**

**15% or more reduction in both provides a 5%  
bonus premium rebate for a total of 20%**

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**BWC's DFWP Safety Grant Program**

- 2 to 1 match up to \$10,000 for private employers and funds can be used for most expenses of the DFWP program.
- 3 to 1 match up to \$15,000 for public taxing districts and funds can be used for most expenses of the DFWP program.

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**Enrollment Process**

**How to Apply for DFWP and DF-EZ**

**Submit application.**

- Paper Copy
- Electronic Copy ([www.ohiobwc.com](http://www.ohiobwc.com))

**Check the box that asks about state-funded construction, or mark the application at the top to show applying based on construction contract.**

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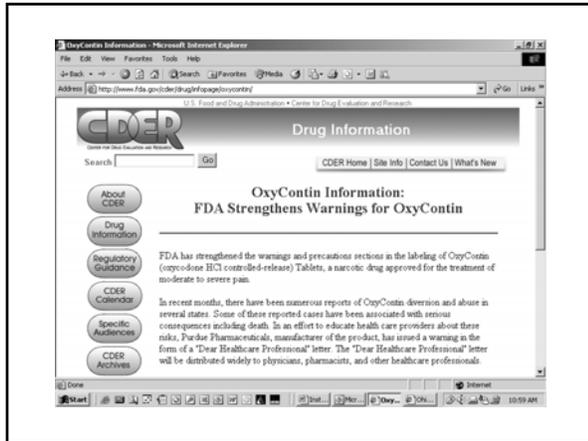
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*"I just can't do all of the parts of a full drug-free workplace program right now. But I've learned a lot about this issue. I know that, at best, a drug-free workplace program can save a life. For some employees, awareness - asking questions about themselves and drugs- and knowing that my policy is there can open the door to change. I can encourage them to seek treatment. I really believe that a worker who is recovering is a productive worker, and better than no worker or someone who doesn't know the job."*

Manager of a chemical company

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**QUESTIONS?**

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## **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.

## Acronyms

<b><u>ADA</u></b>	Americans with Disabilities Act
<b><u>ADAMH</u></b>	Alcohol, Drug Addiction and Mental Health Services Board (county)
<b><u>ADAS</u></b>	Alcohol and Drug Addiction Services Board (county)
<b><u>AOD</u></b>	Alcohol and Other Drugs
<b><u>BAC</u></b>	Blood Alcohol Content
<b><u>BWC</u></b>	(Ohio) Bureau of Workers' Compensation
<b><u>CADCA</u></b>	Community Anti-Drug Coalition of America
<b><u>CAP</u></b>	College of American Pathologists
<b><u>CCDCIII</u></b>	Certified Chemical Dependency Counselor
<b><u>CEAP</u></b>	Certified Employee Assistance Professional
<b><u>DHHS</u></b>	U.S. Department of Health and Human Services
<b><u>DOT</u></b>	U.S. Department of Transportation
<b><u>EAP</u></b>	Employee Assistance Program
<b><u>FMCSA</u></b>	Federal Motor Carrier Safety Administration
<b><u>5-Panel</u></b>	A drug test covering five drugs (required by DOT/FMCSA)
<b><u>GC/MS</u></b>	Gas Chromatography/Mass Spectrometry (confirmatory drug test)
<b><u>MCO</u></b>	Managed Care Organization
<b><u>MRO</u></b>	Medical Review Officer
<b><u>NCADI</u></b>	National Clearinghouse of Alcohol and Drug Information
<b><u>NHTSA</u></b>	National Highway Traffic Safety Administration
<b><u>NIDA</u></b>	National Institute on Drug Abuse (predecessor to SAMHSA)
<b><u>OCPS</u></b>	Ohio Certified Prevention Specialist
<b><u>ODADAS</u></b>	Ohio Department of Alcohol and Drug Addiction Services
<b><u>OTC</u></b>	Over-the-counter medications
<b><u>SAMHSA</u></b>	Substance Abuse and Mental Health Services Administration
<b><u>SAP</u></b>	Substance Abuse Professional
<b><u>9-Panel</u></b>	A drug test covering nine drugs
<b><u>TPA</u></b>	Third Party Administrator





# **DRUG-FREE WORKPLACE SAMPLE POLICY**

## ***I. STATEMENT OF POLICY***

Employer (“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. Behaviors related to substance use can endanger all employees, not just substance users. 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, trafficking, 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 our Drug-Free Workplace Policy 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 and intend to hold everyone reasonably responsible for supporting the Policy.

This document (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 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 spelled out within this document.

This program will go into within 30 (60) days of the announcement of our Drug-Free Workplace Program and this new Policy that describes our program. Our Policy covers five key parts of the Company’s Program. The five parts are:

- a written policy that clearly spells out the program rules 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 behaviors related to substance use.
- employee assistance.

Employees will have the opportunity to receive information about how substance use is a problem affecting the workplace. You will learn the signs and symptoms, dangers of use, and how and where to get help for yourselves and your families. (Name) will be our Drug-Free Coordinator so everyone knows who to go to for information or help. He/she will be responsible for arranging drug and alcohol testing, as needed, and will have a list of places that employees can turn to for help for themselves and/or their families. He/she will also arrange to get knowledgeable presenters to educate our employees about substance use.

## **Protections for Employees**

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

- Employee records like 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 our Drug-Free Coordinator and posted in the break room. We want you to come forward if you have a substance problem and not wait. If you test positive, you're risking losing your job. We don't want that to happen.
- All supervisors will be trained in their duties related to testing before this program begins.
- All employees will receive awareness education every year to help identify problems and learn where employees can go for help.
- Collection of urine specimens and breath testing will be done at a local clinic, and urine drug test specimens will be analyzed by a laboratory certified by the federal government. These labs use the highest level of care in ensuring that results are accurate, and the process that's used is 100% accurate in detecting that the substances that the Company is concerned about are present in the employee in sufficient quantity to lead to behaviors that may hurt the person or other employees. The lab will work closely with our local clinic to ensure fairness and accuracy of every test, and we also have a Medical Review Officer (called an MRO), 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 drugs and alcohol. 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 for what will be considered a positive test. These levels show that the employee didn't just have a little of the substance in his or her system but enough to affect workplace safety and the ability to do the job. These cut-off levels come from federal guidelines and are fair for all employees.

### **Employee Awareness Education:**

Every employee will attend a session in which this policy is discussed. You will have a chance to ask questions. We'll give everyone a copy of our written Policy, and everyone will be expected to sign that they received it. Later, 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. There will be a minimum of two hours of substance education 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 the employee education session. 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 will be used to detect problems, get employees not to use substances in a way that they violate our Policy and then allow us to take appropriate action to correct the situation. In addition to alcohol, the drugs that we're testing for are:

- Amphetamines (speed, uppers)
- Cocaine (including crack cocaine)
- Marijuana
- Opiates (codeine, heroin, morphine)
- Phencyclidine (PCP, "angel dust")

### **Employee Assistance**

The Company believes in offering assistance to employees with a substance problem. We don't have a rehabilitation program and can't afford to pay for someone to attend a program, but we are supportive of employees taking action on their own behalf to address a substance problem. We have a list of local community resources to give to employees who come forward voluntarily to seek help. The list includes places to go for an assessment and for treatment. When an employee has a substance problem, we'll meet with the employee to discuss the problem and any violation of this Policy. The Company reserves the right to terminate based on a positive test.

## ***II. WHEN WILL A TEST OCCUR?***

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 test conducted by a contractor the Company designates. Any offer of employment is depends upon satisfactory completion of this examination and/or screening, and the determination by the Company and its examining physician that the person is capable of performing the responsibilities of the position that has been offered.

### **B. Reasonable Suspicion Testing**

Reasonable suspicion testing will occur when management has reason to suspect that an employee may be in violation of this Policy. The suspicion will be documented in writing prior to the release of the test findings. A reasonable suspicion test may occur based on:

1. Observed behavior, such as direct observation of drug/alcohol use or possession and/or 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 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 managers/supervisors will be trained to recognize 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, regardless of whether there’s an injury. We consider an accident an unplanned, unexpected or unintended event that occurs on our property, during the conduct of the our business, or during working hours, or which involves one of our 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 (you fill in the amount); or
- (iv) Non-vehicular damage in apparent excess of (you fill in the amount).

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 drugs) or breath/saliva (for alcohol) is to occur as quickly as possible after a need to test has been determined. At no time will a urine specimen be collected after 32 hours from the time of an employment-related incident. Breath or saliva alcohol testing will be performed as quickly as possible but no later than eight hours after the incident, or it will be documented but not performed. If the employee responsible for an employment-related accident is injured, it is a condition of employment that the employee grants the company the right to request that attending medical personnel obtain appropriate specimens (breath, urine and/or blood) for the purpose of conducting alcohol and/or drug testing. Further, all employees grant the Company access to any and all other medical information that may be relevant in conducting a complete and thorough investigation of the work-related accident including a full medical report from the examining physician(s) or other health care providers. A signed consent to testing form is considered a condition of employment. Management reserves the right to determine who may have caused or contributed to a work-related accident and may choose not to test after minor accidents if there is no violation of a safety or work rule, minor damage and/or injuries and no reasonable suspicion.

### **D. Follow up Testing after Return-to-Duty from Assessment or Treatment**

This test occurs when an employee who has previously tested positive and the decision is made to not terminate the employee under a “last-chance” agreement. A negative return-to-duty test is required before the employee will be allowed to return to work. 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, management may choose to do additional unannounced tests for as long as we deem necessary. Any employee with a second positive test result will be terminated. Follow-up tests will be unannounced and may occur at any time for a time period that management considers reasonable. The intent is to deter any subsequent usage that would result in a violation of our Policy and result in termination of employment.

### ***III. SUBSTANCES TO BE TESTED FOR AND METHODS OF TESTING***

The procedure that we're relying on is called systems presence testing. This is how qualified testing professionals identify the presence of one or more of prohibited controlled substances or alcohol that may be present in the employee. There is an initial screening test. If it's negative, then a negative test is declared. If the initial test is positive (comes in at or higher than the cut-off level), a second test called a "confirmatory" test is done. This is a different test and is considered 100% accurate by experts and in court. Cut-off levels are standards that have been established each of the tested 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 medical clinic 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 "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) will typically be used to confirm any initial positive test result. The Company also 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 laws.

An employee who adulterates, attempts to adulterate or substitutes a specimen or otherwise manipulates the testing process will be terminated. A refusal to produce/provide a specimen is considered a positive test unless there's a verifiable medical reason that the specimen could not be produced.

### ***IV. SPECIMEN COLLECTION PROCEDURE***

Urine specimens and breath testing will be conducted by trained collection personnel who meet standards for urine collection and breath alcohol testing. Confidentiality is required from our collection sites and labs. Employees are 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. 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. An observed voiding will only occur if there is grounds for suspecting manipulation of the testing process.

### ***V. REVIEW OF TEST RESULTS***

To ensure that every employee who is tested is treated fairly, we have hired a Medical Review Officer ("MRO"). The MRO is a doctor with a specialized knowledge of substance abuse disorders and 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.

### ***V. EMPLOYEES' RIGHTS WHEN THERE'S A 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 a detailed report of the findings of the analysis from the testing laboratory. 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 Department of Health and Human Services.

#### ***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. 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 own test results. An employee may request from the Drug-Fee Coordinator, in writing, presenting 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: \_\_\_\_\_



## **Sample Forms**

Acknowledgement of Receipt of DFWP Policy

Consent & release form for employees/applicants

Report of suspected job-related drug/alcohol use

Last chance agreement

Observed Behavior - Reasonable Cause Record

Checklist for supervisors: Recognizing Job Performance Problems

Reasonable Suspicion Checklist

# **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 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 Policy of the Company. 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

## CONSENT & RELEASE FORM FOR EMPLOYEES/APPLICANTS

I, \_\_\_\_\_, (applicant or employee name), as an employee/applicant of 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: \_\_\_\_\_

Employee/Applicant Printed Name: \_\_\_\_\_

Signature of Witness Signature \_\_\_\_\_

Printed Name of Witness: \_\_\_\_\_

Date of Signatures: \_\_\_\_\_

## REPORT OF SUSPECTED JOB-RELATED DRUG/ALCOHOL USE

The individual identified below is suspected of failing to comply with the Company's drug-free 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's drug-free policy.

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

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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 Any Other Supervisor/Management 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: \_\_\_\_\_

## LAST CHANCE AGREEMENT

On \_\_\_\_\_ [date], [choose appropriate company personnel such as President, Drug-Free Coordinator, 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 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, Drug-Free Coordinator, 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 that 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 may 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 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

**Observed Behavior - Reasonable Cause Record, Page 1**

Employee Name _____
Identification Number: _____
Observation: Date _____ Time: (_____ a.m./p.m. to _____ a.m./p.m.)
Location: _____ (Street Address) (City) (State) (ZIP Code)

**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) \_\_\_\_\_ a.m./p.m.  
(Time)

\_\_\_\_\_  
(Signature) (Title) \_\_\_\_\_ a.m./p.m.  
(Time)

**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 for Supervisors: 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/  
Chewing:**     Gum                             Candy                     Mints  
                   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 our drug-free policy.**

Employee has agreed to testing      (Check one)       Employee has not agreed to testing

\_\_\_\_\_  
Supervisor/Manager Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date



## **Resources**

**Ohio and national resources**

**Hallmarks of Successful Drug-free Workplace Programs**

**Division of Safety & Hygiene Resources**

**Saving You Time and Research**



## 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.

### **Ohio Resources**

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) and Mental Health (ADAMH) Board or an Alcohol and 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 Center .....1-800-788-7254  
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 Association .....1-614-487-2050

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

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.

U.S. Dept of Health & Human Services  
Substance Abuse and Mental Health Services Administration

## Employer Tip Sheet #3

### HALLMARKS OF SUCCESSFUL DRUG-FREE WORKPLACE PROGRAMS



Employers who have successfully implemented drug-free workplace programs offered these suggestions to employers who are just beginning to address the issue of alcohol and other drug abuse in their own organizations:

#### Think Things Through

Starting a drug-free workplace program requires careful planning. It's important to think ahead, define clear goals for the program, and seek advice from other employers with experience when you need it. Learn as much as you can about existing programs and policies before you begin.

#### Involve Employees

Work with your most valuable resource: your employees. They can help get the message out, clarify goals, and make sure the program fits into the daily reality of your workplace. Showing employees that you value their input vests them in the program and helps to make it work. Most estimates indicate that at least 8 out of 10 of your employees are probably not abusing alcohol or other drugs -- they are already part of the solution.

#### Emphasize Fairness

Drug-free workplace programs are serious business. Violating a drug-free workplace policy could mean that someone will lose a job or not be offered one. Protect your organization with procedural rules that are clear, fair, and consistently applied. The policy should also include provisions for appeal. With these steps in place, employees are more likely to support the program and trust that the employer will carry it out fairly.

#### Consider the Collective Bargaining Process

Where drug testing is a mandatory subject of collective bargaining, the rules for involvement of employee representatives are clear. Even when drug testing is not subject to collective bargaining, or when it is mandated by law, discussing the drug-free workplace policy with union representatives can be very useful. They may have model programs or other ideas to offer, and they can be very helpful in communicating program purpose, procedures, and policies to the employees they represent.

#### Protect Confidentiality



Employees will support and have faith in your drug-free workplace program when their confidentiality is protected. If employees choose to tell coworkers about their private concerns (e.g., results of a drug test), that is their decision. However, when an employee tells you something in confidence, you

are obligated to keep it between the two of you. To ensure employee support of the program and avoid legal problems, make confidentiality a priority and spell out the penalties for anyone who violates it. (See the Supervisor's Guide for more information about confidentiality.)

### **Ensure Accurate Testing and Objective Review**

If your program includes alcohol or other drug testing, satisfy yourself and your employees that samples are correctly collected; the chain of custody is flawless; the tests are conducted by properly trained and supervised laboratory technicians using equipment that is appropriately maintained; laboratory performance and accuracy is independently reviewed; and results are communicated through a medical review officer (MRO) trained to render judgments.

### **Ensure Proper Use of the Program**

Fair procedures and provisions for appeal reduce the possibility of misunderstandings between employers and employees. Train your supervisors to carry out their roles in the drug-free workplace program appropriately, and review and evaluate their performance in this area to prevent misuse of the program.

### **Ask For Legal Review**

Whether you write the first draft of your policy yourself or tailor an existing policy to your needs, having your program, policy, and procedures reviewed by an attorney experienced in labor and employment matters in your State is extremely important. An attorney can advise you on any relevant State laws governing drug-free workplace programs or employer testing, and on how the Americans With Disabilities Act (ADA) may affect your program implementation. An attorney can also alert you as laws and regulations change over time. (See the Supervisor's Guide, "Other Issues" section, for more information about the ADA.)

### **Pay Attention to the "Human" Factor**

A drug-free workplace program that communicates care and concern for employees is more likely to succeed than one that seems scary or that intimidates employees. Providing assistance for employees with alcohol or other drug problems is one way employers can communicate that they care. Not every organization can afford to cover the costs of treatment for alcohol or other drug abuse; however, you can encourage employees to seek outside help and make it clear that help is available.

### **Ensure Good Communication and Ongoing Review**

Explain your drug-free workplace program by using a variety of communication strategies. The message should be clear from the start. Effective ways to communicate include written materials, charts, meetings, question-and-answer sessions, and a suggestion box. Employers who are successful at this know it is important to repeat the message periodically, watch how

the program works on a day-to-day basis, invite feedback, and revise the program as needed to meet the specific needs of the workplace.

## Stay Current

Drug-free workplace programs are being studied and improved all the time. Keep current by joining local drug-free advocacy groups or coalitions. Some trade and professional associations also provide up-to-date information about drug-free workplace issues. Some employers ask an employee group to periodically review the program and suggest appropriate changes.

## Address Concerns and Barriers

Employers with successful drug-free workplace programs report that they had a number of barriers to overcome before implementing a successful program. The following are examples of common barriers you may face as you consider implementing a program:

### Is my company too small?

No organization is too small to be concerned about creating a workplace free of the effects of alcohol and other drug abuse. Problems related to alcohol and other drug abuse can arise in a workplace of any size, and a workplace without a policy or program is exactly where problems are likely to occur.

### Will a drug-free workplace program cost too much money?

You can be part of the solution without spending a lot of money. Although smaller businesses usually have fewer resources for hiring outside trainers or for paying for treatment, they can do something. Free or low-cost assistance is often available. Implementing a drug-free workplace program in stages is another option; for example, you could begin by establishing a clear policy that defines the company's expectations. That way, everyone knows what to do if an alcohol or other drug problem arises. The materials in this kit offer suggestions to help you minimize the cost of a program.

### Will I be sued?

Drug-free workplace policies, drug testing, and personnel actions that are tied to violating a drug-free workplace policy are widely accepted employment practices. As long as confidentiality is protected and the employer implements the policy in a fair and consistent manner, the chances of being sued are minimal. Again, have your policy and procedures reviewed by an attorney who is experienced in labor and employment matters in your State -- before you put the policy/program in place.

### Do I need to bother? . . .

## **Wouldn't I know if employees were abusing alcohol or other drugs?**

Abuse and addiction are serious, complex, and progressive illnesses. You may not "know" about an employee's condition until the later stages of the disease process because that is when problems related to abuse or addiction become most apparent. So you may or may not know if employees are abusing alcohol or other drugs.

Organizations that don't have drug-free workplace programs tend to be places where alcohol or other drug abusers want to work. Having a program in place now can reduce costly problems in the future. In addition to all of the other health, safety, and security risks that can arise, no employer wants to be the employer of choice for people who abuse alcohol or other drugs.

## **Will having a program create negative attitudes among employees?**

Employees will be concerned and have questions about any new policy or program. Because of the sensitive nature of a drug-free workplace program, it is important to involve employees, listen to their questions and concerns, and explain why the decision has been made to implement a drug-free workplace program in the organization. If the program is presented in a positive way -- not as punishment -- the chances are good that employees will respond positively.

## Resources Available from the Division of Safety & Hygiene (DSH) Libraries

(800) 644-6292 (614) 466-7388

[library@bwc.state.oh.us](mailto:library@bwc.state.oh.us)

[www.ohiobwc.com](http://www.ohiobwc.com)

### Safety training:

- Safety talks, outlines and scripts - DSH Safety leader's discussion guide, Training Center's One-hour safety presentations, reference books, web resources
- Videos – hundreds of safety and health topics
- Books and articles on training techniques

### Machine and equipment safety:

- Safety standards (ANSI, NFPA, CGA)
- Books and articles on power presses, material handling equipment, lockout/tagout, etc.

### Sample written programs:

- DSH program profiles and sample written programs
- Reference books
- Internet resources

### Illness and injury statistics:

- Statistics from the U.S. Bureau of Labor Statistics
- National Safety Council's *Injury Facts*
- National Institute of Occupational Safety & Health (NIOSH) studies

### Hazard communication and chemical safety:

- Chemical safety information
- Material safety data sheets (MSDSs)
- Sample written programs
- Videos
- Internet resources

### Safety standards

- American National Standards Institute (ANSI) standards (including standards for construction, machinery and equipment, personal protective equipment)
- National Fire Protection Association (NFPA) fire codes (including the Life Safety Code and the National Electrical Code)
- Compressed Gas Association (CGA) standards

### Other topics of interest (books, articles, magazines, videos and standards):

- Confined spaces
- Electrical safety
- Job safety analysis
- New employee orientation
- Powered industrial trucks
- Respiratory protection
- Safety culture
- Scaffolds

Directories and lists of vendors of safety equipment

Occupational Safety & Health Administration (OSHA) regulations

*Manual of Uniform Traffic Control Devices (MUTCD)*

Recommendations of useful Internet sites

BWC publications

## **Saving You Time and Research**

Requests for copies of OSHA standards, information on starting a safety committee, a video on accident investigation techniques -- these are some of the thousands of inquiries BWC's Division of Safety & Hygiene (DSH) libraries receive each year.

### **DSH has two libraries to serve you:**

- The central library in the William Green Building in downtown Columbus;
- The resource center and video library located at the Ohio Center for Occupational Safety and Health (OCOSH) in Pickerington.

Both libraries are open 8 a.m. to 4:45 p.m., Monday through Friday. Your need for information does not require a visit to the library. You can phone, fax, or e-mail your requests and receive a quick response.

**The central library** provides free information services on the topics of occupational safety and health, workers' compensation and rehabilitation.

**The OCOSH resource center** provides similar services for those who visit OCOSH for meetings and training center classes.

**The video library** offers an extensive collection of videotapes to supplement your organization's safety and health training program. It is a convenient and popular source for Ohio employers to borrow quality occupational safety- and health-related training aids.

Visit our Web site at **[www.ohiobwc.com](http://www.ohiobwc.com)**.

Central library  
30 W. Spring St., Third Floor  
Columbus OH 43215-2256  
**1-800-OHIOBWC**  
(614) 466-7388  
(614) 644-9634 (fax)  
[library@bwc.state.oh.us](mailto:library@bwc.state.oh.us)

OCOSH resource center  
13430 Yarmouth Drive  
Pickerington OH 43147  
**1-800-OHIOBWC**  
Resource center (614) 728-6464  
Video library (614) 644-0018



## One Hour Safety Presentation

The main goal of the Division of Safety & Hygiene is the reduction of accidents and illnesses in the workplace. Toward this goal, the One Hour Safety presentation is designed to support the delivery of a presentation to co-workers in your workplace to help them understand and promote safer and healthier work environments. It is recommended that you take the DSH Training Center course as a background for using One Hour Safety Presentation to train others at your workplace. Call 1-800-OHIOBWC, option 2, 2, 2 for class dates and locations.

The One Hour Safety Presentation contains:

- Transparency Masters from which films can be made to use on an overhead projector,
- Instructor Notes which gives the instructor suggestions and script notations to use during the presentation, and
- Student Handouts which can be copied for those attending the presentation.

Materials are included for a one-hour presentation on each of these topics:

- ✓ Accident Analysis
- ✓ Bloodborne Pathogens
- ✓ Effective Safety Teams
- ✓ Enhancing Safety through a Drug-Free Workplace
- ✓ Ergonomics Basic Principles
- ✓ Ergonomics Developing an Effective Process
- ✓ Hazard Communication
- ✓ Lockout/Tagout and Safety-related Work Practices
- ✓ Machine Guarding Basics
- ✓ Measuring Safety Performance
- ✓ Powered Industrial Trucks Training Program
- ✓ Respiratory Protection
- ✓ Violence in the Workplace

Applications used:

- 1) Text documents (ending in .txt) can be opened with any word processing program.
- 2) Microsoft PowerPoint slides (ending in .ppt) can be opened with the Microsoft PowerPoint program. If you do not have PowerPoint and you do have Windows 95, 98, 2000 or Windows NT operating system, you can view the PowerPoint slides by downloading a free PowerPoint Viewer from the following website:  
<http://office.microsoft.com/downloads/default.aspx?Product=PowerPoint&Version=95|97|98|2000|2002&Type=Converter|Viewer>
- 3) Adobe Reader document (ending in .pdf) contains the One Hour Safety Presentation in read-only format. It can be opened when you download Adobe Reader, which is available free of charge at the following website:  
<http://www.adobe.com/products/acrobat/readstep2.html>

If you have comments or questions about these materials for One Hour Safety Presentation, please e-mail us: [OCOSHTrng@bwc.state.oh.us](mailto:OCOSHTrng@bwc.state.oh.us)

# Transparency Masters

# **Enhancing Safety through a Drug-Free Workplace**

**Substance use is a national problem  
that's also a workplace issue.**

**77% of illicit drug users and 90% of  
alcoholics are employed**



- On average, 15 - 17% of any U.S. workforce uses alcohol or other drugs *(Bureau of Labor Statistics)*
- Users cost employers an average of \$7,000 - \$25,000/year *(Small Business Administration)*



# **Benefits of a DFWP Program**

- Improved safety
- Improved health
- Increased productivity
- Higher morale
- Increased security
- Increased well-being
- Customer satisfaction
- Customer retention
- Positive public image



# Essentials of a Written Policy

- **Clearly state why the policy or drug-free workplace program is being implemented**
- **Clearly state that the program applies to all employees**
- **Clearly state description of behaviors that are prohibited**



- **A thorough explanation of the consequences for violating the policy**
- **A discussion of confidentiality of the program records to ensure the privacy rights of employees**
- **Identify and explain the role and responsibilities of a DFWP program administrator**



- **State which substances are prohibited**
- **State what constitutes a positive test**
- **State what testing procedures will be followed**
- **State occasions on which testing will occur**



- **State the consequences of refusing to be tested or attempting to adulterate or substitute a specimen.**
- **Reference the help available to employees with substance abuse problems.**
- **State that supervisors will be trained prior to the implementation of any testing**
- **Communicate the DFWP program and policy to all employees prior to implementation**



# Written Policy Needs

- Union/employee input
- Legal review



# **Supervisor Training**

**Supervisor training is an integral part of every DFWP program. At a minimum, supervisor training should include a review of:**

- The company's DFWP policy**
- The supervisor's specific responsibilities**
- Skills necessary to identify and document performance & behavior problems that may be related to alcohol and other drugs.**
- Referring employees for testing and to available assistance.**



# **Employee Education**

**Effective employee education programs provide:**

- **Company specific information such as details of the DFWP policy**
- **The nature of alcohol and drug abuse**
- **Its impact on work performance, health, personal and family life**
- **What types of help are available**



# Occasions for Testing

- Pre-employment / New Hire
- Reasonable suspicion verified by trained supervisor
- Post-accident with accident including fatality, off-site medical attention required, property and/or vehicular damage beyond a specified amount.
- Random
- Follow-up to assessment or treatment



# Employee Assistance

Considered a cornerstone of any  
DFWP Program

- What assistance do you offer?
  - **None**
  - **Refer for assessment and/or treatment**
  - **Provide health benefits coverage including chemical dependency treatment**



# Instructor Notes

# **Enhancing Safety through a Drug-Free Workplace**

**Substance use is a national problem  
that's also a workplace issue.**

**77% of illicit drug users and 90% of  
alcoholics are employed**

Statistics from National Institute on Drug Abuse

- On average, 15 - 17% of any U.S. workforce uses alcohol or other drugs *(Bureau of Labor Statistics)*

- Users cost employers an average of \$7,000 - \$25,000/year  
*(Small Business Administration)*

**Costs Include:**

Tardiness, Absenteeism, Theft, Increase Health Care Costs, Lower Productivity, Higher risk of accidents, Property damage, Greater Workers' Compensation and Liability premiums

## Benefits of a DFWP Program

- Improved safety
- Improved health
- Increased productivity
- Higher morale
- Increased security
- Increased well-being
- Customer satisfaction
- Customer retention
- Positive public image

**Safety:** Employees in drug-free environments have greater confidence that their workplaces are safe... Think about the construction contractor whose personal safety depends on his fellow workers being alert and focused at all times.

**Health:** Employees in drug-free environments take comfort in knowing that their workplace is healthy....Consider the restaurant server who knows his own health won't be compromised because he has to work a double shift to cover for a colleague who regularly calls in sick due to a hangover.

**Productivity:** Employees in drug-free environments are reassured that their workplaces are productive.... Think about the high-tech worker who knows he won't miss an important deadline because he's covering for a colleague whose output lags due to drug use.

**Morale:** Employees in drug-free workplace are pleased to be part of a team that gets the job done and enjoy the benefits of higher morale....Picture the nurse who arrives for work each day with the knowledge that the level of patient care won't suffer due to a co-worker's use of alcohol or other drugs.

**Security:** Employees in drug-free workplaces appreciate that their employer's policies make them more secure....Consider the electronics store sales associate who doesn't have to worry that the cash register she shares will be short at the end of the day because a co-worker steals to support a drug habit.

**Well-Being:** Employees in drug-free workplaces feel an enhanced sense of well-being... Think about the accountant who worked hard to achieve recovery and finds that his supportive work environment plays an important role in his continued sobriety and success.

**Customer Satisfaction/Retention & Positive Public Image:** Customers receiving products timely and error free will remain loyal, happy customers.

## Essentials of a Written Policy

- **Clearly state why the policy or drug-free workplace program is being implemented**
- **Clearly state that the program applies to all employees**
- **Clearly state description of behaviors that are prohibited**

A written policy should clearly state why the policy or drug-free workplace program is being implemented, namely management's concerns for employee safety and health, productivity, accident prevention and loss control, and a commitment to rehabilitation.

Clearly state that the program applies to all employees, including all levels of management.

A clear description of behaviors that are prohibited. A minimum, this should include a statement that the "use, possession, transfer or sale of illegal drugs or controlled substances by employees is prohibited."

- **A thorough explanation of the consequences for violating the policy**
- **A discussion of confidentiality of the program records to ensure the privacy rights of employees**
- **Identify and explain the role and responsibilities of a DFWP program administrator**

**Consequences:** Some employers terminate all employees violating the policy. Others offer their employees a “Last-Chance” agreement. The employee agrees to complete the assessment process and any recommended treatment. Once this is completed, the employee may return to work. However, if a second positive test occurs, the employee is terminated.

- **State which substances are prohibited**
- **State what constitutes a positive test**
- **State what testing procedures will be followed**
- **State occasions on which testing will occur**

Company needs to state what substances they are looking for (cocaine, cannabinoids, etc.)

Company needs to specify what qualifies as a positive test (cut-off levels)

Company needs to indicate what type of testing will be conducted (hair, urinalysis, blood, etc.)

Company needs to state that post-accident, reasonable suspicion, pre-employment, random and follow-up to testing are occasions on which testing may be required.

- **State the consequences of refusing to be tested or attempting to adulterate or substitute a specimen.**
- **Reference the help available to employees with substance abuse problems.**
- **State that supervisors will be trained prior to the implementation of any testing**
- **Communicate the DFWP program and policy to all employees prior to implementation**

Company needs to address the issue of adulteration and substitution in the policy.

Substitution: Urine from someone or something else or some other fluid is being provided.

Adulteration: Something is added to a person's urine to interfere with the test.

**Employee assistance will be addressed later in this presentation.**

## Written Policy Needs

- Union/employee input
- Legal review

Whether a union operation or not, including employees in development of program is encouraged.

Nation Labor Relations Board has determined that an employer must bargain in good faith with the union prior to implementing a DFWP policy.

It is recommended that your DFWP policy be a separate agreement with the union rather than a part of the general contract. You do not want your DFWP policy subjected to bargaining every time the contract expires.

Ohio Labor-Management Cooperation Program will help employers implement programs that prevent workplace injuries. The OLMCP can help employers and unions work together to overcome barriers to implementing a DFWP program. An employer may contact BWC to be connected with the OLMCP in their area.

**Legal Review:** Before implementing your policy, it is recommended to have it reviewed by legal counsel to ensure it is compliant with all federal and state laws and is not in conflict with other work rules or collective bargaining agreements.

# **Supervisor Training**

**Supervisor training is an integral part of every DFWP program. At a minimum, supervisor training should include a review of:**

- **The company's DFWP policy**
- **The supervisor's specific responsibilities**
- **Skills necessary to identify and document performance & behavior problems that may be related to alcohol and other drugs.**
- **Referring employees for testing and to available assistance.**

Supervisors should receive professional training from qualified, credentialed instructors. Training will help supervisors recognize patterns of behavior that may indicate drug/alcohol related problems. Upon recognizing these patterns of behavior, supervisors can make referrals to appropriate professional assistance.

# **Employee Education**

**Effective employee education programs provide:**

- **Company specific information such as details of the DFWP policy**
- **The nature of alcohol and drug abuse**
- **Its impact on work performance, health, personal and family life**
- **What types of help are available**

A drug and alcohol education program is a systematic approach to providing employees with information they need to fully understand, cooperate with and benefit from the company's DFWP program. The education should explain each person's role and responsibilities, and can create a deterrent to using drugs/alcohol.

## **Occasions for Testing**

- Pre-employment / New Hire
- Reasonable suspicion verified by trained supervisor
- Post-accident with accident including fatality, off-site medical attention required, property and/or vehicular damage beyond a specified amount.
- Random
- Follow-up to assessment or treatment

Recommended occasions for testing. Each employer must specify in their policy when testing will occur, what type of testing will be conducted (i.e. hair, blood, urine, saliva) and the method of testing (over-the-counter vs. certified laboratory test). Consequences of a positive test should also be explained in the written policy.

# Employee Assistance

Considered a cornerstone of any DFWP Program

- What assistance do you offer?
  - **None**
  - **Refer for assessment and/or treatment**
  - **Provide health benefits coverage including chemical dependency treatment**

**Employee assistance is offered to a person who test positive or voluntarily comes forward admitting to having a problem.**

**Assistance offered:**

**None:** Employer terminates when a person tests positive or when a person admits to a problem.

**Refer for Assessment/Treatment:** Employer may still terminate for a positive test, however they provide employee with list of resources available to assist employee with problem. Employer may offer “last-chance” agreement, offering the employee an opportunity to complete assessment process and recommended treatment, and hold job for employee until they are ready to return to duty.

**Provide Health Benefits:** Employer may provide/make available medical benefits that include chemical dependency treatment.

**Complete Employee Assistance Program:** Employer may offer employees and their families access to a complete EAP.

Research indicates that for every dollar that an employer spends in employee assistance services, range of return on investment is \$4.00 to \$16.95.

# Student Handouts

## Enhancing Safety through a Drug-Free Workplace

Substance use is a national problem that's also a workplace issue.

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- Legal review

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