

**Ohio Bureau of
Workers' Compensation
Drug-Free EZ Program**

Procedural Guide



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Guide to a drug-free workplace

In July 1997, the Ohio Bureau of Workers' Compensation (BWC) introduced the Drug-Free Workplace Program (DFWP), an incentive program designed to help employers establish a safer and more cost-effective workplace. In July 2002, BWC unveiled the Drug-Free EZ Program (DF-EZ) designed specifically for employers with 25 or fewer employees. These small employers are even more at risk than their larger counterparts. Larger employers often have programs for substance testing, and workers with substance problems tend to look for workplaces without such testing. In most cases, this means working for a small employer. If you want to join hundreds of other Ohio employers who are reducing the chance of an accident caused by a substance user, then

just say yes to DF-EZ.

Drug-Free EZ is a voluntary program that encourages small employers to detect and deter substance use/misuse, and to take appropriate, corrective action in the interest of workplace safety and productivity. As an incentive, participating employers can receive technical support and may be eligible for a 10-percent to 20-percent discount on their workers' compensation premiums for up to five years.

Employers participating in other BWC alternative rating or discount programs may or may not qualify for this discount. Employers participating in both group rating and DF-EZ may implement DF-EZ and receive the associated premium discounts in addition to the group discount. However, the combined discount may not exceed the maximum discount allowed under the group rating plan. Pages 12 and 13 contain additional eligibility information. Employers who do not qualify for the DF-EZ discount will still reap the benefits of establishing a substance-free environment for their employees. These employers also may use the technical assistance and support provided by BWC and the Ohio Department of Alcohol and Drug Addiction Services (ODADAS).

How to use this guide

This guide will explain the benefits of establishing a drug-free workplace and give you the information you need to address substance use at your company.

Read on to learn about:

- The problem of substance use/misuse in the workplace;
- DF-EZ components and requirements;
- Whether your organization is eligible for the discount;
- How to apply for participation and renewal.

It makes sense to participate

Substance use is often the silent and unseen cause of work-related accidents. Unfortunately, employers and their employees may not be aware of this invisible danger until it's too late.

As defined in DF-EZ, substance use and misuse involves the use of alcohol and other drugs, including prescription, over-the-counter and illegal drugs in the workplace, in violation of the employer's written drug-free policy. Statistics from national studies point out how costly substance use is within the workplace, and Ohio is no different. Estimates of the cost of substance use to employers vary, ranging from \$7,000 to \$25,000 annually per substance user.

Overall, employers who implement DF-EZ will provide greater protection for all employees, increase productivity, decrease accidents and the severity of accidents, reduce workers' compensation costs and use of medical benefits by substance users, and protect the employer's bottom line. The greatest value of this program is in its long-range benefits, rather than the discount. Implementing DF-EZ is truly a good business decision for small employers.

The problem

47 percent of serious workplace accidents and 40 percent of fatal workplace accidents have drug and/or alcohol involvement (*Occupational Medicine*).

38 percent to 50 percent of all workers' compensation claims are related to alcohol or drug abuse in the workplace (*National Council on Compensation Insurance*).

More than 90 percent of alcohol users and 74 percent of drug abusers are employed (*National Institute on Drug Abuse, Department of Health & Human Services*).

An average of 15 percent to 17 percent of employees in every U.S. company are substance abusers (*Bureau of Labor Statistics*).

40 percent of the time a substance user causes an accident, a coworker is injured (*Occupational Medicine*).

And beyond these costs, the courts and the public are holding American employers responsible for the behavior of their substance-using employees. Not only does alcohol and other drug use affect the profitability of companies, it also impacts the health, safety and productivity of workers. The human and financial losses borne by our country's business community impact every one of us.

Consider these statistics

Productivity: Substance users are 33 percent to 50 percent less productive.

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

Accidents: Users are three to four times more likely to have an accident on the job, and five times more likely to file a workers' compensation claim.

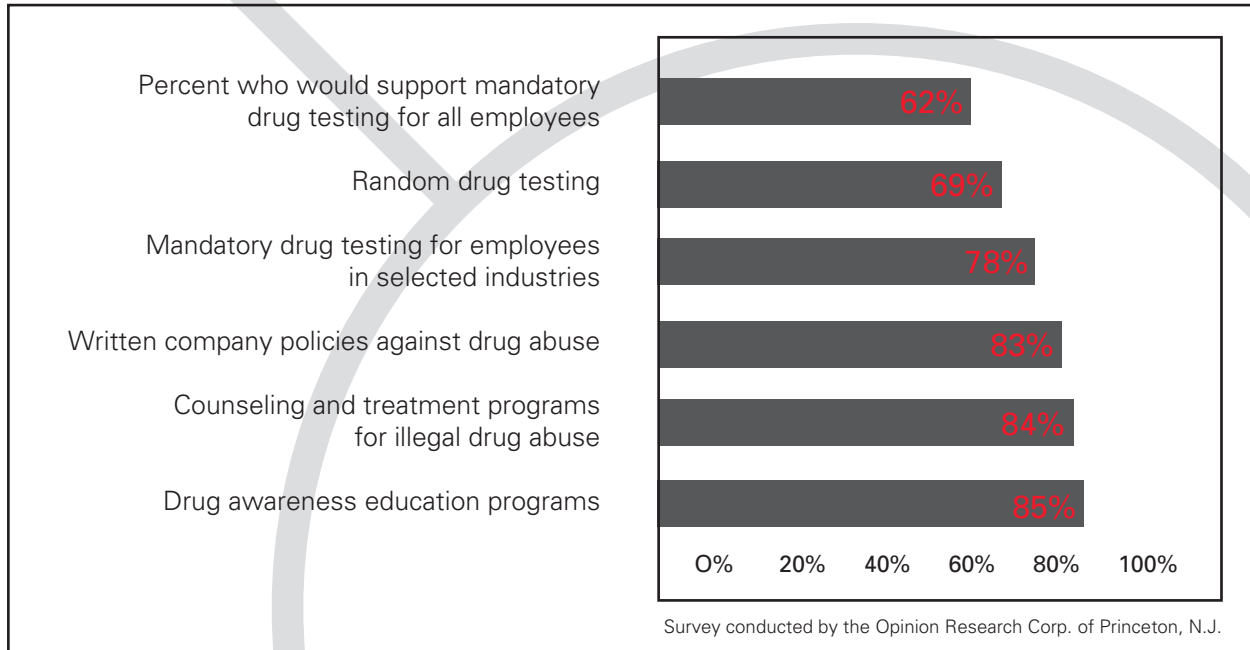
Medical claims: Substance users file 300 percent to 400 percent more costly medical claims.

Employee theft: An estimated 50 percent to 80 percent of all pilferage, theft and loss is due to substance-using employees.

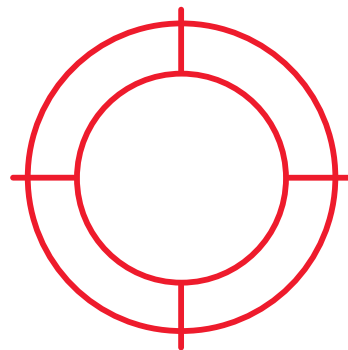


Drug-free policies workers would support

Employees also recognize the problem and would support corrective action by the employer.



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



The solution

BWC's DF-EZ offers employers the flexibility of three levels, each with its own set of program requirements. The higher the level of program, the greater the percentage of premium discount an employer may be eligible to receive.

In addition, employers who implement level 2 or level 3 also will incorporate three select steps of BWC's 10-Step Business Plan, found on page 17, into their organizations' overall approach to workplace safety.

Only those employers who meet the minimum requirements of a level will receive the discount attached to that level; however, employers are free to exceed the minimum program requirements at any level.

BWC's Drug-Free EZ will help you:

Improve safety and health;
Protect employees' rights;
Buffer your company from liability;
Reduce workers' compensation claims;
Save money.

The following five basic components are required at each level:

- A written substance policy;
- Employee education;
- Supervisor training;
- Drug and alcohol testing;
- Employee assistance.



Program requirements

Written policy

Every DF-EZ program starts with the development of a written substance policy to set the tone of the program, outline the responsibilities of the employer and employee, and fully explain the program. Employers are encouraged to involve employee input to develop the program, and are free to use the sample written policy provided by BWC as a model. Employers are advised to have legal counsel, knowledgeable in employment law and drug-free case law, review their written policy.

It is important for an employer to ensure that business operations are reflected in the written policy, which should be a full and fair disclosure to employees of the rules.

To receive a discount, an employer's written policy should clearly explain how the DF-EZ program works and be consistent with the requirements for the program level being implemented. The written policy should be based on the concern for employee safety and health, productivity, accident prevention and loss control.

Every written policy should:

- Spell out all rules of the program level being implemented;
- Identify a program administrator whom employees can turn to with questions;
- Be shared with all staff before the program begins as part of employee education;
- Clearly state that the program applies to all employees, including management;
- Show how the program works in concert with collective-bargaining agreements, if applicable, to promote a safer workplace;
- State that managers/supervisors will be trained to handle testing responsibilities before testing begins;
- Address the use/misuse of alcohol, prescription medications, over-the-counter medications and illegal drugs;
- Identify which drug and alcohol tests will be used, explain cut-off levels and cover how testing procedures will be applied;
- Include a commitment to assistance for employees who come forward with problems;
- Describe how employees can seek assistance;
- Identify prohibited conduct and consequences for violating the policy, including an employee's refusal to submit to a substance test and/or any attempt to manipulate the drug/alcohol testing process;
- Address confidentiality of program records to ensure privacy rights of employees.

Employee education

All participating employers must plan to educate their employees by providing information about DF-EZ, and how it will operate, as well as to present educational awareness on substance issues.

To receive a discount for any DF-EZ level, an employer must meet the following employee-education requirements:

- Provide at least one hour of education for all employees each program year, discuss the written substance policy prior to starting the program;
- Ensure every employee has received the written policy, has had an opportunity to read it and has had his or her questions answered;
- Provide education, at least about the written policy, to new employees within the first six weeks of employment;
- In subsequent years, provide an hour of refresher education to all employees;
- Stress management's commitment to the program;
- Include information on the disease model for alcohol and other drugs, signs and symptoms of substance use/misuse, and effects of commonly used drugs that affect the workplace;
- Provide information about community resources where employees can go for help for themselves or family members.

This education must be presented by a qualified educator, or a person supervised by a qualified educator holding one of the following credentials:

- Substance Abuse Professional (SAP);
- Certified Employee Assistance Professional (CEAP);
- Certified Chemical Dependency Counselor (CCDCIII);
- Ohio Certified Prevention Specialist (OCPS 1 or 2);
- Other comparable credentials;
- Experience in providing substance education.

Employers can conduct employee education after attending an appropriate training for trainers class. This allows employers to conduct employee educational awareness under the supervision of a qualified person.

Supervisor training

All participating employers also must develop a supervisor training component to train supervisors about their DF-EZ responsibilities.

To receive a discount, employers must meet the following supervisor-training requirements:

- Provide at least two initial hours of informational and skill-building sessions for all supervisors. This is in addition to the hour of employee education that supervisors must attend;
- In subsequent program years, supervisors who received the initial training must attend a one-hour refresher course in addition to the one-hour employee education refresher;
- New supervisors should receive at least an hour of training within six weeks of becoming a supervisor. They should not be involved in testing responsibilities until trained.

This training should cover supervisors' responsibilities including:

- How to recognize a possible alcohol/drug problem;
- How to document behaviors that demonstrate an alcohol/drug problem;
- How to confront an employee's substance problem privately and professionally;
- How to initiate reasonable suspicion testing;
- How to make appropriate referrals for assessment or assistance;
- How to follow up with employees who are returning to duty with a negative test after an earlier positive test;
- How to operate consistently with collective-bargaining agreements, if applicable.

Supervisor training must be presented by a qualified trainer, or a person supervised by a qualified trainer. This may include an individual with experience in conducting this type of training and/or someone holding one of the following substance credentials:

- SAP;
- CEAP;
- CCDCIII;
- OCPS;
- Other comparable credential; or
- Experience in providing substance training.

Drug and alcohol testing

The heart of every drug-free program is drug and alcohol testing. Employers are responsible for developing drug and alcohol testing aimed at deterring, detecting and taking corrective action related to substance use/misuse that affect workplace safety. The employer's policy should clearly spell out how testing works, including cut-off levels and employee protections built into testing. Discuss and negotiate costs associated with all aspects of the testing process with local collection sites. These sites will send packaged specimens to any of a list of laboratories certified by the U.S. Department of Health and Human Services (DHHS).

Testing should be thoughtfully planned and clearly covered in an employer's written policy, including how testing will be conducted. The written policy also should cover how an employer deals with a refusal to test and/or manipulation of the testing process.

What substances are tested?

Testing must be for alcohol and a minimum of five specified drugs: amphetamines, cocaine, marijuana, opiates and PCP (angel dust), same drugs covered under federal testing mandates. Testing for other drugs is up to the employer's discretion. Tests must be done using split specimen, wherein a portion of the initial urine specimen is retained for a possible retest.

Testing for alcohol is done with a preliminary breath or saliva test followed by an evidential breath test (EBT) to confirm the original results.



Testing requirements

The chart to the right spells out DF-EZ requirements for each category of testing. Testing for drugs is by urinalysis, using specified collection procedures. A preliminary test that yields a positive result is followed by a confirmatory test.

DF-EZ uses the systems presence testing method. This system uses a predetermined cut-off level to determine whether a test is considered positive and a violation of an employer's written policy. Systems presence testing does not look for trace amounts. Instead, it looks for the presence of specified substances at levels high enough to have a likely effect on workplace safety and productivity.

To conduct substance testing, employers must have employees sign a consent-to-test form. Employers typically require this as a condition of employment. This form allows the appropriate testing to occur. Consequences for refusing the test are built into the written policy.

Cut-off levels allow employers to determine positive test results and violations of their written policy. This helps employers avoid focusing on impairment, under the influence or intoxication. Cut-off levels allow an employer to invoke the consequences specified in their policy.

DF-EZ uses cut-off levels for the five tested drugs that have been established by DHHS for federal testing. These levels are based on scientific research and have been successfully defended in court for more than a decade. Cut-off levels for other drugs should follow guidelines recommended by the DHHS-certified laboratory an employer uses. These certified labs will defend their test results in court if challenges occur, and they help buffer employer liability.

A medical review officer (MRO) will review the entire testing process before a test is declared positive. MROs operate using guidelines that are provided in a written manual by federal testing authorities.

For all DF-EZ program levels, the employer is expected to pay the costs of testing. These costs should be offset by the benefits for participating in the program and the money saved as part of creating a safer workplace. If an employee requests a retest, the employer may choose to have the employee pay for the cost on the split portion of the original specimen. If the test result does not come back positive, the employer covers the cost of the test. If the employer decides to retain an employee after a positive test, the employer may decide who pays for the cost of the return-to-duty test (after assessment and/or treatment) and follow-up tests, the number of which are determined in consultation with a clinician.

Program requirements

Level 1 program requirements

Employers who implement a level 1 program must include the following types of testing, described more fully in the chart to the right: 100 percent pre-employment and/or new-hire testing; reasonable suspicion/cause testing; post-accident testing; and follow-up to assessment and/or treatment testing.

Level 2 program requirements

In addition to the drug and alcohol testing requirements for level 1, the employer also must include random drug testing of 10 percent of its average total work force. For public employers, random drug testing applies only to safety-sensitive positions or functions, as defined by the employer.

Level 3 program requirements

In addition to the drug and alcohol testing requirements for level 1, the employer also must include random drug testing of 25 percent of its average total work force. Again, for public employers, random drug testing applies only to safety-sensitive positions or functions.

Testing chart

| Test type required | Explanation |
|--|---|
| <p>All new employees are subject to pre-employment testing (prior to hire), or the employer may use new-hire testing within the first 90 days of employment, or a combination of the two types of testing.</p> <p>Pre-employment (drug test only) or new hire (drug test only)</p> | <p>Pre-employment or new hire. Pre-employment testing is required within a time frame defined by the employer (so many hours after a conditional offer of employment and before the employee begins any work activity with the employer).</p> <p>New-hire testing may be done in addition to, in lieu of, or in combination with pre-employment testing as an unannounced test that occurs at any time during an employee's designated probation period — not to exceed 90 days.</p> |
| <p>Reasonable suspicion (may be a drug test, alcohol test or both) Reasonable suspicion testing will be based on documentation of behavior by a trained observing supervisor.</p> | <p>Required when there is evidence that an employee may be using drugs or alcohol in violation of the company's DF-EZ policy. Draw evidence from specific, objective facts and reasonable inferences in light of experience and training. Such facts and inferences may be based on, but are not limited to, any of the following:</p> <ul style="list-style-type: none"> • Observable behavior, such as direct observation of drug or alcohol use, possession or distribution, or the physical symptoms of being under the influence of drugs or alcohol, such as, but not limited to, slurred speech, dilated pupils, odor of alcohol or marijuana, dynamic mood swings, etc.; • A pattern of abnormal conduct, erratic behavior or deteriorating work performance (e.g., frequent absenteeism, excessive tardiness, recurrent accidents), which appears to be related to substance use or misuse, and does not appear to be attributable to other factors; • The identification of an employee as the focus of a criminal investigation into unauthorized drug possession, use or trafficking; • A report of alcohol or other drug use provided by a reliable and credible source; • Repeated or flagrant violations of the company's safety or work rules that pose a substantial risk of physical injury or property damage and that appear to be related to substance use or misuse that may violate the employer's DF-EZ policy, and do not appear attributable to other factors. |
| <p>Post-accident (may be a drug, alcohol test or both) All employees who may have caused or contributed to an on-the-job accident, as defined in this rule, will submit to a drug or alcohol test. This test should be administered as soon as possible after necessary medical attention is received, or within eight hours for alcohol and within 32 hours for other drugs.</p> | <p>Required immediately following an on-the-job accident, as defined by Rule 4123-17-58.1.</p> <p>Accident means an unplanned, unexpected or unintended event that occurs on the employer's property, during the conduct of the employer's business, or during working hours, or that involves employer-supplied motor vehicles or motor vehicles used in conducting the employer's business, or within the scope of employment, and results in any of the following:</p> <ul style="list-style-type: none"> • A fatality of anyone involved in the accident; • Bodily injury requiring off-site medical attention; • Vehicular damage in apparent excess of a dollar amount stipulated in the employer's DF-EZ policy; • Non-vehicular damage in apparent excess of a dollar amount stipulated in the employer's DF-EZ policy. <p>As used in this rule, accident does not have the same meaning as provided in Division (C) of section 4123.01 of the Ohio Revised Code, and the definition of this rule is not intended to modify the definition of a compensable injury under the workers' compensation law. Also, this definition of accident does not match the definition used by the Federal Department of Transportation.</p> |
| <p>Random (drug test only)</p> <p>Level 2 requires 10 percent of total work force.</p> <p>Level 3 requires 25 percent of total work force.</p> <p>Only safety-sensitive positions to be tested for participating public employers.</p> | <p>An unannounced test that occurs at a predetermined frequency among randomly selected employees. There must be equal probability of selection each time testing occurs.</p> <p>Random testing is based on an objective and non-discretionary computer program operated and maintained by an outside contractor.</p> |
| <p>Follow-up to assessment and/or treatment, including return-to-duty test (drug and/or alcohol test: negotiated with input by the clinician) No minimum or maximum number of tests after the return-to-duty test comes back negative if the employer allows the employee to keep his or her job.</p> | <p>Follow-up to assessment and/or treatment. Unannounced testing for employees who have been referred for assessment and/or treatment for substance use or misuse.</p> <p>Occurs after assessment, during treatment and/or for a period of time following treatment.</p> <p>The first follow-up test will serve as a return-to-duty test, and occur before the employee resumes work activities and following a leave associated with a policy violation.</p> |



Employee assistance



Termination of employment for a first positive test is the employer's choice, but BWC encourages consideration of factors, such as length of service and quality of performance as the employer makes this decision.

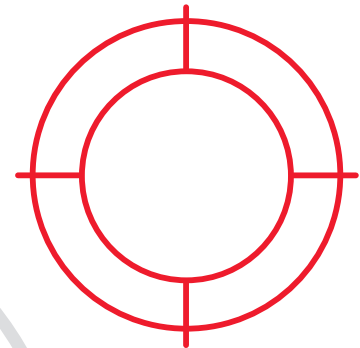
Levels 1, 2 and 3

The employee assistance requirement for DF-EZ is the same for all three program levels: to provide a list of local community resources to give to employees who come forward voluntarily, are referred by management or test positive. Employers are, however, encouraged to offer the highest level of assistance resources possible and, if at all possible, to retain an employee and give the person a second chance after a positive test result.

Employee assistance is a cornerstone of any DF-EZ program. BWC's DF-EZ encourages employers to offer the greatest level of assistance possible to help employees with substance problems.

The employer's written DF-EZ policy should clearly express management's commitment to helping employees who come forward with a substance problem. The employer is expected to provide information on where employees can go for an assessment of their problem and/or treatment. BWC staff will provide the employer with a list of local resources that can provide help to employees and their families. The employer is expected to inform employees about the availability of these local community assistance resources.

Employers are not required to provide and/or pay for assessment or treatment for employees with a substance problem. However, they should have an employee assistance plan in terms of what they will do if an employee comes forward voluntarily to reveal a substance problem. The employer should support the employee getting a professional assessment of his or her alcohol/drug problem and should share the list of local resources.



Additional level requirements

Level 2 program specific requirements

For an employer to receive a discount for level 2, the employer must meet all level 1 requirements. The employer also must develop a written policy that explains all components of level 2.

Employers implementing level 2 also must implement three steps of BWC's 10-Step Business Plan, see page 17: Steps 1, 2 and 8.

In addition to meeting the basic level 2 requirements — written policy, employee education, supervisor training, drug and alcohol testing, and employee assistance — employers who want to participate at level 2 should apply for level 2 and meet one of the following requirements:

- Have had a level 1 program in place for at least one year (BWC's program or a comparable program);
- Have had an existing safety program for two years, such as BWC's 10-Step Business Plan;
- Be participating in a BWC-approved consortium;
- Demonstrate proficiency/readiness to implement level 2 through documented experience from an approved drug-free workplace training/development program;
- Demonstrate proficiency/readiness to implement level 2 through some other documented experience.

Level 3 program specific requirements

For an employer to receive a discount for level 3, the employer must meet the requirements of levels 1 and 2, and apply to implement level 3. The employer also must have conducted a BWC drug-free program (DFWP and/or DF-EZ) for two years, and have met the renewal requirements.

In addition, employers in level 3 are required to implement the same three steps of BWC's 10-Step Business Plan that are required for level 2.

These requirements are in addition to those listed under written policy, employee education, supervisor training, drug and alcohol testing, and employee assistance.



Eligibility and discounts



BWC is responsible for evaluating each application to determine the employer's eligibility to receive a discount under DF-EZ, the employer's eligibility for a specific program level, and the applicable discount percentage.

Who is eligible for a discount?

Not all employers will be eligible for a discount under DF-EZ. However, all employers will benefit from creating a drug-free environment for their employees. BWC and the ODADAS will provide a list of vendors interested in offering technical assistance and support for participating employers — even those who are not eligible for the discount.

The following criteria are used to determine eligibility:

- The employer must be a state-fund employer. Self-insuring employers and state agencies are not eligible for the discount;
- The employer must be in either an active, reinstated or debtor-in-possession status;
- The employer must be current on premium payments as of March 31 for the application year that begins July 1, or must be current as of Sept. 30 for the application year that begins Jan. 1. Current is defined as not more than 45 days past due on any and all undisputed premiums, assessments, penalties or monies otherwise due to any fund administered by BWC;
- The employer may not have cumulative lapses in workers' compensation coverage in excess of 59 days within the 18 months preceding the application or renewal deadline;

- The employer must continue to meet all eligibility requirements during the initial year of participation in the program, when applying for renewal and during each subsequent year of participation;
- If an employer drops out of the program without receiving a discount or repays any discount received, the employer may be considered for a discount after reapplying;
- The employer must not have completed its eligible four or five years of participation in any BWC drug-free program.

These are the initial requirements for program eligibility. An employer determined to be ineligible may re-apply in a subsequent program year, except for an employer who has completed all years of eligibility.

Once BWC has reviewed the application to determine whether the employer is eligible to receive a discount for participation in DF-EZ, the bureau will determine whether the employer is eligible for a specific level. This will determine the discount percentage for which the employer qualifies.

Participating in more than one alternative rating or discount program

The percent of discount for eligible employers may be based on an employer's participation in one or more alternative rating programs. If an employer participates in any other alternative rating program offered by BWC, and receives a discount, credit or benefit for participation in group rating, retrospective rating, or the Premium Discount Program Plus (PDP+), in the same policy year as DF-EZ, the employer may still participate in DF-EZ and may be entitled to receive a discount. However, the employer may receive only the maximum discount, credit or benefit for whichever program amount is greater for the given policy or program year, except if otherwise specified in the DF-EZ rule.

Discounts may be stacked for employers participating in group rating and DF-EZ. Employers participating in both programs may receive the associated premium discounts for DF-EZ in addition to the group discount. However, the combined discounts may not exceed the maximum discount allowed under the group-rating plan.

In addition, if a DF-EZ employer also participates in PDP+, the employer may receive a discount for both programs as follows: The stacking of discounts will apply so long as the employer satisfies the requirements of each of the programs. In applying the discounts for the two programs, the bureau will first apply the PDP+ discount then apply the DF-EZ discount.

Discounts

An employer that is approved for DF-EZ who does not have an existing substance-free workplace program comparable to level 1 at the time of application, or who has a program in place for less than one year, or who has an existing program in place for more than one year that is not comparable to BWC's level 1 program may receive a maximum of five years of discount.

An employer who has an existing substance-free workplace program at the time of application for at least one year, and that is determined to be comparable to BWC's level 1 program, may receive a maximum of four years of discount.

However, if an employer has had an existing program for four or more years that is determined to be comparable to BWC's level 1 program, the employer may receive a maximum of four years of discount and will be required to implement all 10 steps of BWC's 10-Step Business Plan. The DF-EZ discount will be applied twice annually for private employers and once annually for public employer taxing districts. The discount percentages available to eligible employers are displayed in the chart below.

| | |
|----------------|--|
| Level 1 | 10 percent A total of two years must be spent in either level 1 or level 2, or a combination of the two levels for an employer to be eligible for level 3. |
| Level 2 | 15 percent A total of two years must be spent in either level 1 or level 2, or a combination of the two levels for an employer to be eligible for level 3. |
| Level 3 | 20 percent For a maximum of three years. |

If an employer has had an existing substance-free workplace program in operation for at least one year, but less than four years before applying, and if this program is determined to be equivalent to the standards of BWC's level 1, the employer may qualify to begin DF-EZ at level 2 with a 15-percent discount. However, this employer must still have at least two years at level 1 or level 2 before being eligible for level 3.

Plus bonus

Employers participating in the program are eligible to obtain a DF-EZ plus benefit as follows:

- Additional credits are allowed for a 15-percent reduction of claims frequency and for a 15-percent reduction of claims severity;
- Claims frequency is the total number of reported claims (medical only and lost time) in a given policy year, multiplied by \$1 million dollars, then divided by the reported payroll for that same year;
- Claims severity is the total number of days away from work in a given policy year, multiplied by \$1 million dollars, then divided by the reported payroll for that same year.

Plus credits will be available as follows:

- A 10-percent bonus will be given for a 15-percent or greater claims severity reduction;
- A 5-percent bonus will be given for a 15-percent or greater claims frequency reduction;
- A 5-percent bonus will be given for meeting the 15-percent or greater reduction in claims severity and frequency reduction;
- A bonus check will be sent to an employer who meets any of these objectives. An employer whose anniversary date in the program is July 1 will receive a check by the end of October. An employer whose anniversary date in the program is Jan. 1 will receive a check by the end of April.



How to apply and program time frames

| Application, reporting and renewal periods | | |
|--|---|--|
| Paperwork | Deadlines for private employers Applications are accepted year round, but discounts are applied based on the actual program year in which a participating employer implements DF-EZ in accordance with program requirements. | Deadlines for public employer taxing districts Applications are accepted year round, but discounts are applied based on the actual program year in which a participating employer implements DF-EZ in accordance with program requirements. |
| Application | Two program periods for private employers Private employers may participate in the July 1 - June 30 program year or Jan. 1 - Dec. 31 program year. Applications for both program years are accepted year round but, to ensure the earliest discount eligibility, employers should try to apply before the start date of the program year which gives ample time to get the DF-EZ program in place within three months. Recommended application date is by June 30 for the program year beginning July 1 and by Dec. 31 for the program year beginning Jan. 1. | One program period for public employers Public employers may participate only in the Jan. 1 - Dec. 31 program year. Applications are accepted year round but, to ensure the earliest discount eligibility, public employers should apply before Jan. 1 or they may have to wait another year for the discounts to apply. Recommended deadline date is Dec. 31 for the program year which begins Jan. 1. This should give ample time to get DF-EZ in place within three months. |
| Reporting and renewal periods | Once a year March 31 for the program year that begins on July 1. Sept. 30 for the program year that begins on Jan. 1. | Once a year Sept. 30 for the program year that begins on Jan. 1. |

An employer's participation in DF-EZ and renewal of participation are on a program-year basis. Participation is voluntary.

The first step for the employer is completing the application on page 19 and submitting the form by the applicable deadline. BWC will review the application, whenever received, to determine whether the employer is eligible for a discount. An employer may appeal enrollment rejection and renewal rejection to BWC's adjudicating committee pursuant to Rule 4123-14-06 of the Ohio Administrative Code.

If interested in DF-EZ, please complete the application and have it signed by a management representative designated by your company. Employers who receive a discount, but fail to implement the program or meet program

requirements, must repay the discount. By signing the application (including completing the application online at ohiobwc.com with an electronic authorization in lieu of signature) the employer agrees to these terms.

Again, self-insuring employers and state agencies are eligible for technical assistance, but not a discount. Employers wishing to access technical assistance and support to implement DF-EZ, but not seeking to receive a discount, should not complete an application. These employers may contact BWC by calling **1-800-OHIOBWC**.

Reporting requirements

Progress report

The progress report is used to convey information about the employer's DF-EZ program, and to request renewal of the employer's current level of participation or to request consideration for another level. Progress reports are available in the sample forms section of the *Drug-Free EZ Technical Assistance Manual* or from your employer services specialist.

To be considered for renewal, the employer:

- Must have implemented all program components associated with the DF-EZ level for which a discount was obtained;
- Must have completed the progress report and submitted it to BWC by the deadline.

Each approved employer can access detailed information in the *Drug-Free EZ Technical Assistance Manual*, BWC's reference guide for implementing the program. While this *Drug-Free EZ Procedural Guide* provides the basics of the program, the technical assistance manual provides a fuller explanation of how to implement the program. An online version of the technical assistance manual is found on BWC's Web site, ohiobwc.com.

Components of BWC's 10-Step Business Plan



To be eligible for a discount in level 2 or 3, an employer must implement three steps of BWC's 10-Step Business Plan. The three required steps are 1, 2 and 8 (see below and to the right). In addition, any employer previously ineligible for a BWC drug-free program because it had a comparable program in place for four or more years is eligible for DF-EZ. However, the employer must meet program requirements and implement all 10 steps of the 10-Step Business Plan.

The 10 steps are:

- 1. Visible, active senior management leadership**
Senior management, including the top executive on site, must be the role models for how they want all other employees to act in creating a safe work environment.
- 2. Employee involvement and recognition**
Both management and employees will actively participate in the safety and health management process.
- 3. Medical treatment and return-to-work practices**
Employers will establish a post-injury or disability management policy and procedure to help injured or ill employees obtain quality medical care and return to work. Return to work should incorporate a transitional work program that uses real job duties to accommodate injured workers' medical restrictions for a specified time period to gradually return them to their original jobs.
- 4. Communications**
Include regular verbal and written communication on matters affecting employee safety and health.
- 5. Timely notification of claims**
Employers will report all cases involving seven days or more of lost time to BWC within 14 days of the date of injury, or one week of being notified of the incident by the ill or injured employee.
- 6. Safety and health process coordination and employer education**
The employer will designate an individual as the accident prevention coordinator and give him or her responsibility, and authority to facilitate the organization's safety and health systems, and processes.
- 7. A written orientation and employee training plan**
Each organization will identify and respond to the specific training needs of its employees, including supervisors, managers and team leaders. Employers will develop a written safety and health training program that documents specific training objectives and instruction procedures.
- 8. Written and communicated safe work practices**
Guidance for employees as written safe work practices is important for a clear understanding of job requirements and responsibilities. The company will identify, document and make available both general and job-specific, safe work practices. The employer will provide employees with a copy of the general safe work practices, and all employees will sign a statement to indicate they have read, understood and will follow the safe work practices.
- 9. Written safety and health statement**
The employer's top executive will sign a safety and health policy document. All new hires will receive this document. The employer will communicate the policy to all employees, then review with them on an annual basis.
- 10. Recordkeeping and data analysis**
Organizations will compile occupational accident- and illness-related data. From this information, the employer can identify unsafe behaviors and develop improvements to enhance the organization's safety systems and processes.



Thank you for your interest

While this guide should provide you with the information you need to apply for DF-EZ, additional information is available upon request. The rules also are available on BWC's Web site, ohiobwc.com. BWC will send, upon request, a list of professional organizations and individuals that can provide technical assistance after we receive your signed application.

For more information about DF-EZ, please call 1-800-OHIOBWC, or visit ohiobwc.com.

Application for Drug-Free Workplace Program or Drug-Free EZ

Note: Employers that have, on an average, 25 or fewer employees will participate in Drug-Free EZ.

I. Application date: / /

Check program period:

July 1 — June 30 Jan. 1 — Dec. 31

BWC must receive a completed application, signed by a designated employer representative of the employer, by June 30 for the program year beginning July 1, or by Dec. 31 for the program year beginning Jan. 1. Incomplete applications will be rejected.

II. Name of employer and doing business as: _____

Employer's street address: _____

Street

BWC policy number: _____

City

State

ZIP code

Federal tax ID number: _____

Employer's phone number: () _____

Employer's fax number: () _____

E-mail address: _____

Employer contact for Drug-Free program: _____

Employer contact's phone number: () _____

III. Indicate your organization's number of employees: _____
(include all permanent full-time, part-time and intermittent/seasonal)

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

If so, when did your program begin?

/ /

V. Is this application being submitted to bid or work on a state-administered construction contract?
 Yes No

VI. Check the Drug-Free program level for which you are requesting approval: Level 1 Level 2

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

Signature of designated

employer representative: _____ Date signed: _____

Printed name of designated employer representative: _____

Please detach this completed application and fax to: (614) 728-3205

Or mail to: Ohio Bureau of Workers' Compensation
Risk Special Programs, 22nd Floor
30 W. Spring St.
Columbus, OH 43215-2256

Apply online at:
ohiobwc.com