



DRUG TESTING 101

Presented by Drug Free Workplaces, Inc.

IS DRUG TESTING LEGAL?

- ◆ The Employer's Right
 - ◆ The Employer's Duty
-
- Put the rules in writing
 - Test all applicants, not some
 - Have a good reason to test
 - Collect samples carefully
 - Analyze samples with precision
 - Administer discipline fairly
 - Maintain Confidentiality



TYPES OF TESTING

- ◆ Pre-employment
- ◆ Random
- ◆ Post-Accident
- ◆ Reasonable Cause
- ◆ Return to Duty
- ◆ Follow-Up





2007 FAA RANDOM RATE

- ◆ DRUG TESTING RATE 25%
- ◆ ALCOHOL TESTING RATE 10%





TESTING SITUATIONS

- ◆ When evaluating a job applicant or probationary employee
- ◆ When evaluating an employee for transfer or promotion
- ◆ When behavior or conduct suggest abuse
- ◆ When investigating an accident or near miss
- ◆ When an employee is in or has been released from treatment

REASONABLE CAUSE

- ◆ Is impairment present?
- ◆ Are the facts reliable?
- ◆ Is the impairment present now?
- ◆ DOT Supervisor Rule



IS A TEST JUSTIFIED?

- ◆ Are there objective facts pointing to abuse?
- ◆ Another supervisor- Same Conclusion
- ◆ Less responsible not to require





LABORATORY

Only laboratories certified by **SAMHSA** may perform initial and confirmation tests.





COLLECTIONS

All samples must be collected by a certified collector who may be any of the following :

- ◆ A physician, physician's assistant, registered professional nurse, licensed practical nurse, nurse practitioner, or certified paramedic present at the scene of an accident

OR

- ◆ A qualified person at an approved collection site.

CONFIRMATION TEST

- ◆ All positive initial drug tests must be confirmed by GC/MS.
- ◆ Initial alcohol concentration of more than 0.02 and less than 0.04 may not return to safety-sensitive work within 8 hours unless the employer BAC retest shows an alcohol concentration of less than 0.02.





MEDICAL REVIEW OFFICERS (MRO)

A licensed physician (medical doctor or doctor of osteopath) responsible for receiving laboratory results generated by an employer's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history, and other relevant biomedical information.

OPPORTUNITY TO TEST AT ANOTHER LAB

An employee must be given the opportunity to have the split specimen tested at another laboratory.



CONFIDENTIALITY

All information received by the employer as a result of its testing program is considered confidential.





RECORD RETENTION

- ◆ MIS Report- 5 Years
- ◆ Alcohol results of 0.02 or greater- 5 Years
- ◆ Verified positive drug results-5 Years
- ◆ Documentation of refusals to take alcohol or drug tests, including substitution or adulterated results- 5 Years
- ◆ SAP Reports- 5 Years
- ◆ Follow- up Tests & Schedules- 5 Years
- ◆ Information from previous employers under §40.25 concerning drug and alcohol results.- 3 Years
- ◆ Records of negative and cancelled drug and alcohol tests.



BACKGROUND CHECK

- ◆ As an employer, you must, after obtaining an employee's written consent, request the information going back 2 years about the employee's:
 - 1) Alcohol tests with a result of 0.04 or higher alcohol concentration;
 - 2) Verified positive drug tests;
 - 3) Refusals to be tested (including verified adulterated or substituted drug test results);
 - 4) Other violations of DOT agency drug and alcohol testing regulations; and
 - 5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests).



POLICY & WORK RULES

- ◆ General Procedures
- ◆ Initial Test
- ◆ Confirmation Test
- ◆ Pre-employment Drug Screening
- ◆ Active Employee Drug Testing
- ◆ Testing
- ◆ Random Drug Testing

DRUGS THAT MAY BE TESTED

- ◆ Alcohol
- ◆ Amphetamines
- ◆ Marijuana
- ◆ Cocaine
- ◆ Phencyclidine
- ◆ Opiates





QUESTIONS

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