When can employers conduct drug tests?

Substance abuse in the workplace

$400B OVERALL ANNUAL COSTS
From U.S. substance abuse

99% OF EMPLOYED ADULTS REPORT
Having a substance abuse disorder

DEFINING AND QUANTIFYING "ILLEGAL DRUG USE" WILL CONTINUE TO BE COMPLICATED BY THE EVOLVING STATE OF MARIJUANA LEGALIZATION.

Potential impacts on workers’ compensation claim costs

Well-written drug policies can help protect employers

Collaboration is key. Drug testing policies and any future amendments should be developed collaboratively with human resources and legal counsel familiar with local laws.

DEFINE THE PURPOSE OF THE POLICY

ZERO TOLERANCE FOR ILLEGAL DRUGS
Among the most common approaches to encouraging safety and most protective.

POTENTIAL INCLUSIONS IN THE POLICY

Types of testing: pre-employment, during employment and post-accident.

Prohibited substances and methods of testing (e.g., DNA, blood, saliva or urine).

Consequences and availability of assistance for a positive test.

TIP: EMPLOYERS THAT MANDATE DRUG TESTING SHOULD REQUIRE A SIGNED ACKNOWLEDGEMENT FROM EMPLOYEES UPON HIRE.

Post-incident drug testing

Did you know? Mandatory post-incident drug testing can be considered a determent to reporting.

DO consider testing when there is a reasonable suspicion that the employee is under the influence and/or it is a contributing factor to the accident.

DON’T mandate testing for all injuries. Instead, prohibitions should state that the company may test for drugs if there is an accident.

However, qualified legal counsel can help you determine if drug testing may be permitted because…

Thorough documentation can be critical

Consider this: In the event of an employee injury and reasonable suspicion, have two trained managers document their observations.

OBSERVATIONS TO DOCUMENT

APPEARANCE
• Red, glassy or watery eyes
• Flushed or pale complexion
• Tired or highly energized
• Unruly, messy or dirty

MOTIONS
• Unable to walk or stand
• Stumbling, staggering or unsteady
• Diminished coordination

SPEECH
• Slurred and/or incoherent
• Emotional and/or profane outbursts

DOORS
• Alcohol
• Marijuana
• Chemical