

Drug Testing Policy Checklist

Testing Types

- Post-offer Pre-employment
- Reasonable Suspicion / For-cause
- Random
- Post-accident
- Return-to-work
- Periodic

Drug Detection and Methods

- 5-Panel (Amphetamines, THC, Cocaine, Opiates, Phencyclidine)
- 8-Panel (5-panel + Barbiturates, Benzodiazepines, Methaqualone)
- 10-panel (8-panel + Methadone, Propoxyphene)
- Additional substances (Hallucinogens, Inhalants, Anabolic Steroids)
- Urine, Hair Follicle, Blood, Oral?
- Rapid/Instant result?

Prohibited Conduct Considerations


- Do unique positions have specific requirements? (safety-sensitive, sensitive, licensed, certified)
- 2nd chance or immediate termination?
- Self-referral with return to work? (include where and how employees seek help)
 - May need to align with ADA and FMLA
- To whom does it apply? (applicants, employees, interns, temps, consultants, specific positions, etc)
- What substances are prohibited? (illegal drugs, misuse of drugs, specific drugs)
- What behaviors are prohibited? (using, manufacturing, concealing, selling, transporting, distributing, dispensing, possessing, impairment, jeopardizing safety)
- When is it prohibited? (during work hours, while conducting company business, pre-duty use, within a certain time after an accident)
- Where is it prohibited? (company property, company vehicles, customer/client property)
- Will job offers be rescinded?
- Is there an appeal process?

Authority, Notification and Communication

- Who is designated to make decisions, receive test results and ensure compliance?
- Will any of the processes or components be outsourced?
- Who will select, manage and audit vendors? (labs, collection facilities, MRO, SAP)
- Who will create and provide training and education to employers, leaders, staff?
 - Drug use awareness in the workplace
 - Recognizing substance abuse at work
 - Policy review and responsibilities
- Who will maintain records and data?
- Is a notice period required before implementing?
- Applicants/employees get policy before testing
- Included as part of contingent job offers, after offer has been accepted by candidate
- Provided policy and reviewed during new employee orientation and onboarding
- Provided policy to temp employees, contractors or other “non-employees” prior to assignment

Best Practice Recommendations

- Know which laws apply to your facility and workforce (multi-state?, DFWA? DOT?)
- Review other applicable requirements such as ADA, EEOC and FMLA requirements
- Consider separate policies for each employee population (DOT, Non-DOT, States)
- Talk to your MRO to understand how they will handle positive marijuana test results
- Do have a standard process to observe/document appearance/behavior for impairment
- Do inform employees about their rights under the law and what prohibitions still apply
- Train supervisors on what to do/say in cases of reasonable suspicion
- Partner with a trained subject matter expert for any questions, don't guess
- Consider disciplinary immunity if self-identification for substance abuse
- Provide employee assistance program
- Conduct self-audits to ensure compliance

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