



CourtHouse Concepts™

The Essential Guide To Workplace Drug Testing

A CourtHouse Concepts ebook



Table of Contents

Chapter 1...Why Drug Test?

Chapter 2...When To Drug Test

Chapter 3...Choosing The Right Solution

Chapter 4...What Types Of Drugs To Test

Chapter 5...DOT Compliant Testing

Chapter 6...Elements of a Workplace Drug Testing Policy

About Us

Why Drug Test?

Substance abuse – which includes drugs and alcohol – takes a heavy toll on businesses, costing billions of dollars in lost productivity and increased healthcare spending each year.

Some fast facts:

- More than 75% of substance abusers are employed.
- In 2007, 8.4% of those employed full-time were current illicit drug users, and 8.8% reported heavy alcohol use.
- Substance abusers change jobs as frequently as 3 times a year.
- Substance abusers are at least 33% less productive.
- Substance abusers are 2.5 times more likely to be absent 8+ days a year.
- Drug abusers cost twice as much in medical and workers' comp claims as drug-free workers.

Drug testing programs aim to filter out drug users and deter drug use in the workplace. Since companies first began drug testing their employees in the 1980s, drug use among workers subject to testing has steadily declined.

Employers are aware of the negative impacts of workplace substance abuse including higher absenteeism, increased risk of injury and lower productivity and performance.

Studies by Substance Abuse and Mental Health Services Administration (SAMHSA) suggest that substance abuse – which includes drugs and alcohol – costs the U.S. an estimated \$276 billion a year, with much of the cost resulting from lost work productivity and increased healthcare spending.

Compared to the risks that hiring a drug user can introduce to your workplace, the financial cost of a drug test is rather minimal.

The cost of a drug test is determined by specimen type, volume, any included collection services and Medical Review Officer (MRO) services.

Because every business and workforce is unique, each employer should carefully determine the drug testing program elements that are most practical and beneficial for their workplace.

Drug Testing Objectives

The overall goal is to establish a safe and more productive drug free work environment. As such, identifying your organization's drug testing objectives is critical to sustaining your program's effectiveness and is also important in helping to establish the benchmarks to measure success.

There are many benefits that employers receive from drug testing programs including:

- Improve employee productivity
- Reduce on-the-job accidents and workplace
crime, including theft and violence
- Reduce employee turnover
- Decrease absenteeism
- Lower workers' compensation insurance
and healthcare costs, including premiums
- Comply with state or federal regulations

When To Drug Test

Understanding when to test is directly linked to which drug testing solution your organization should select. Among the following reasons for drug testing, the most common are pre-employment and random.

Pre-employment testing helps employers to proactively protect themselves from the negative impacts of hiring drug users. Pre-employment testing is usually performed after a conditional offer of employment has been made – a negative drug test result is required before an applicant starts working.

Random testing, or “spot testing,” is a strong deterrent to drug users because it is conducted on an unannounced basis. Using a random selection process (e.g., computer-generated), an employer selects one or more individuals from all the employees included in the employer’s workplace drug testing program. By using a random selection process, employers ensure that there is no bias and that all employees have an equal chance of being selected, even those who have been drug tested recently.

Periodic testing is scheduled and is typically performed on current employees at consistent time periods throughout the year. Many companies choose to perform annual periodic testing – especially if employees are required to undergo an annual physical.

Post-accident testing, sometimes referred to as “post-incident” testing, is performed after an employee has been involved in a workplace accident. Testing is used to determine whether drugs were a factor in the incident. Employers who implement post- accident drug testing must establish objective criteria for how and when testing will occur. Some examples of criteria include fatalities, injuries that required medical assistance, police citations or damage to a vehicle or property above a specified monetary amount.

Return-to-duty testing is for employees who have previously tested positive for illicit substances or violated a company's drug and alcohol policy. For both the general U.S. workforce and the federally mandated, safety sensitive workforce, return-to-duty drug testing is a single test that is performed at a scheduled time, typically following the completion of a drug abatement program.

Follow-up testing is for employees who have previously tested positive for illicit substances or violated a company's drug and alcohol policy. Follow-up testing is usually performed in conjunction with return-to-duty drug testing. Follow-up testing is performed after an initial return-to-duty test, and is only completed if the employee tests negative for drugs on the return-to-duty test and returns to their position.

Reasonable suspicion testing, also known as for cause drug testing, is performed when supervisors have evidence or reasonable cause to suspect an employee of drug use. Evidence is based upon direct observation, either by a supervisor or another employee. Specific reasons for reasonable suspicion testing include physical evidence of illicit substances, patterns of erratic or abnormal behavior, disorientation or confusion and an inability to complete routine tasks.

Since this type of drug testing is discretionary, it requires careful, comprehensive supervisor training to ensure consistent application of the program across the workforce.

Choosing A Solution

Drug testing can detect recent use as well as a pattern of repetitive use. Your organization can determine how far back or how recently – hours, days or even months – you want to test a job candidate or employee for drug use.

Employee duties can also help to determine the drug testing specimen type that you want to consider. For example, an employee working in a “safety-sensitive” role may require a different drug testing protocol than an employee working in a more general setting.

The versatility of drug testing programs allows employers to design a solution that fits the organization and its specific needs. Employers have the flexibility to customize a comprehensive platform that is most appropriate for their business, industry and workforce type.

The 4 Most common specimen types:

- **Urine testing.** This is the most common testing method with its proven methodology. It detects recent or new drug use, typically in the previous one to three days, is suitable for all testing reasons and detects the broadest variety of illicit and prescribed (i.e., prescription drugs, for which their use or misuse could impact workplace safety). It is currently the only drug testing specimen type approved for federally-regulated drug testing.
- **Oral fluid testing.** This is the next most common screening method used by employers and detects recent drug use in the previous 24-48 hours (24-36 hours for THC) and is suitable for a broad range of testing reasons. Unlike urine testing, oral fluid testing is primarily used to detect illicit drugs. Because collections are observed, oral fluid testing is considered a tamper-resistant drug test collection method as it's very difficult for a donor to adulterate their specimen.

- **Hair testing** provides a much longer “detection window,” giving a more complete drug-use history that would show a pattern of repetitive use as far back as up to 90 days. Like oral fluid testing, hair testing offers the benefit of an observed collection process and is not easily adulterated or substituted. It is not recommended for reasonable suspicion or post-accident testing when you want to detect drug use as closely as possible to the time of a workplace incident.
- **Instant urine testing.** This method offers on-site drug test collections using a variety of products that provides employers rapid, reliable results when time is the most important criteria. A presumptively-positive drug test result rendered by an instant device requires confirmatory testing by a laboratory.

If you would like help sorting through these options, CourtHouse Concepts can assist you in determining the proper solution for your needs.

What Type of Drugs to Test

Drug Testing Panels

If you are new to drug testing, you might be wondering which drugs the tests include. There are a number of illicit drugs you can include in a drug testing program.

Selecting what drugs to monitor in your workplace drug testing program should take into consideration regional patterns of drug use, job type & employee demographics.

Drug testing is typically administered by a “panel”, which is a bundling of common drugs of abuse. For example, urine testing is typically five, seven, nine or ten panel, depending on the provider. Saliva and hair testing are usually five or six panels depending on the provider.

A panel therefore, refers to the drugs or analytes being tested for and can include (but is not limited to) the following:

- Amphetamines and Methamphetamines
- Cocaine Metabolites
- Marijuana Metabolites
- Opiates
- Phencyclidine (Angel dust)
- Barbiturates
- Benzodiazepines (Valium/Xanax)
- Methadone
- Propoxyphene

Most drug screening providers offer both laboratory and on-site testing, which can be used in different situations.

Many employers use laboratory-based testing for pre-employment (new hires) and post-hire situations, such as reasonable suspicion, post-accident, and random selection. Some employers also opt for onsite testing, which could include use of a self-administered instant testing device or having a qualified collector come to the employer's premises to collect specimens for testing.

Interpreting The Results

Terminology can also trip up employers who are new to drug screening.

Typically, a “positive” result means that illicit drugs were found in the specimen, and a “negative” result means that no substance included in the employer's testing panel was found.

A “negative” result can also be reported when legal use of a detected substance has been determined.

However, there are also instances when a “positive” result can be reported without the individual having taken any drugs. For example, if an individual consumed poppy seeds, their drug test may be positive for opiates.

As a best practice, “non-negative” laboratory results should be reviewed by a Medical Review Officer (MRO) to identify potential false positives, legal use of substances, and if there may have been an attempt to cheat a drug test.

DOT Compliant Testing

Compliance for drug and alcohol testing are regulations established by the U.S. Department of Transportation (DOT) to prohibit the abuse of alcohol and drugs by **employees of companies in the transportation industries.**

Established as measures of public safety, employers are required to recognize the use of drugs or alcohol and take immediate action if the employee violates the drug and alcohol safety regulations.

If you are a DOT regulated company, you are required to have a DOT compliant drug and alcohol program in place.

Please keep in mind, not all drug screening providers are qualified to administer DOT compliant testing, so it is important to choose a specialist in this area.

Elements of a Workplace Drug Testing Policy

Employers must address substance abuse in an effort to keep their workplaces healthy, safe and drug-free. A comprehensive, clearly-written drug and alcohol testing program can be effective at deterring workforce drug use.

The policy should be current and comply with all relevant federal and state laws, considering all parameters and procedures. Emphasize your company's commitment to a drug-free work environment for all your employees using direct, to the point language.

If your policy is clear and strong, it effectively defines the consequences if its parameters are violated.

Drug testing program administration

Communicate about your substance abuse policy on an ongoing basis. Employee education and awareness programs can help encourage cooperation from your workforce. Informative communication also helps employees understand their rights and responsibilities, the consequences for violating the policy and the available resources such as an employee assistance program (EAP) if assistance is needed.

Supervisor training

Supervisors and leaders should be aware of the warning signs of drug abuse and their roles in maintaining a drug-free workplace. Management should know how to objectively recognize, document and report a potential substance abuse problem in accordance to the company's policy.

In addition, they should know how to refer an employee to get assistance or treatment and what to do when that employee returns to work after getting

help. Lastly, the drug and alcohol substance abuse policy should be applied universally to all employees across the company's workforce to eliminate the notion of inequitable or unfair practices.

State laws

All 50 states allow for drug testing of job applicants and employees. Yet, a handful of states have unique requirements and limitations about what is legal for workplace drug testing.

For example, Hawaii, Vermont and Puerto Rico (U.S. territory) prohibit the use of oral fluid drug testing. Compliance with state laws can help your company reduce its exposure to legal liability.

In some states, companies can qualify for a discount on workers' compensation insurance premiums, which can help to subsidize the cost of drug testing.

Therefore, having thorough knowledge of all applicable state laws and working with a licensed attorney is imperative when building and administering your drug testing program.

Using Medical Review Officer Services

A Medical Review Officer (MRO) is a licensed physician responsible for receiving laboratory results generated by a drug testing program and evaluating possible medical explanations for certain drug test results.

An MRO independently and confidentially reviews the drug testing process and provides clarification when a drug test result is returned as positive, adulterated, substituted or invalid. This is an important component of the drug testing process to help ensure compliance and accuracy.

MRO review is required for all federally-regulated drug testing as well as by some states under specified circumstances.

If your company's goal is to create a workplace where productivity is not hampered by the potential pitfalls and distractions of accidents, absenteeism and low performance due to employee drug use, then a comprehensive drug and alcohol testing program is an excellent option.

With the right plan in place, your company can accurately and reliably screen job applicants and employees and maintain a drug-free workplace with the processes, certifications/accreditations, range of services and experience backed by an industry specialist, CourtHouse Concepts.



Courthouse Concepts™

About Us

Founded in 1999, Courthouse Concepts can offer employers the tools to make better hiring decisions, lower turnover and reduce the legal risks to your business.

By partnering with us, CHC will determine if your job applicant has honestly represented themselves by performing:

- Criminal Background Check (County, State & Federal)
- ID Verify and Social Security Trace
- Drug Screening (DOT & Non-DOT)
- Driving History/MVR Reports
- Credit Reports
- Employment/Education Verification

We will also help you make a great first impression. With our **Applicant Management Center**, you can track candidates through the hiring process from initial invitation through the completed background check.

We streamline your process so that everything goes smoothly and you can focus on more important tasks. There are no contracts, set up fees or monthly minimums.

You can reach us at:

www.courthouseconcepts.com

877-750-3660

