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Is Your Practice Vulnerable to Employee Drug Abuse? *What You Need to Know About Drug Screening in the Workplace: Rationale and Guidelines (225)*

Article provided by *The Hartford*.

Drug abuse cuts across all ethnic groups, trades, professions, salary ranges, and educational backgrounds in every part of our country. Use of illegal drugs is one of the largest social problems in the United States today, and it has entered the workplace in alarming proportions. Substance abuse problems have become a major concern of American businesses, affecting all levels of employment.

The consequences of substance abuse are enormous for every type of business, including veterinary practices: lowered productivity; escalating healthcare and benefits costs; increased tardiness; absenteeism and employee turnover; a higher incidence of work-related injuries; and petty theft. Substance abuse also produces various negative physical and mental effects, including poor memory, lethargy, reduced coordination, slow reaction time, inability to concentrate, and delay in making decisions.

How Extensive is the Workplace Drug Problem?

The National Institute on Drug Abuse (NIDA) estimates that one in six working Americans has a drug problem, at a cost to American business of \$60 billion a year. According to the U.S. Chamber of Commerce, 42% of persons entering the full-time work force for the first time have used drugs illegally within the past year.

The average drug user is:

- 5 times more likely to file a workers' compensation claim
- 2.5 times more likely to use 8 or more days of sick leave per year
- 3.6 times more likely to be involved in accidents
- absent about 40% more
- fired about 40% more often than non-users
- one-third less productive
- likely to incur 300 percent higher medical costs

The dangerous drugs that cause problems for businesses are divided into the following broad categories: alcohol, marijuana, stimulants, depressants, narcotics, hallucinogens, and inhalants. Drug-testing data from various laboratories have indicated that the overall number of positive results found in pre-employment testing is approximately 12% (primarily marijuana), whereas limited random testing data suggest that "positives" from currently employed workers is about 2% (also marijuana). While marijuana may not affect reaction time, it can reduce attentiveness for up to four hours after usage (24 hours for complex tasks).



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How Can a Drug-Testing Program Help?

An employer not only has the right but an obligation to maintain a safe and healthy working environment. Most legal authorities agree that an employer is obliged to ensure an employee's fitness for duty. From a legal perspective, a drug-testing program can be used to protect employee health and safety, but only if it does so without violating employees' individual rights.

At the very least, your practice should have a simple policy addressing the possession, use, and sale of drugs and alcohol on company property. This can be expanded to include a total, comprehensive drug-testing program. All drug-testing programs should contain certain essential components. This includes developing a written policy that clearly states the practice's position on why the use of illegal drugs and/or the abuse of legal drugs are unacceptable, why testing is necessary, and how the program will be managed.

When Should a Drug-Testing Program Be Implemented?

Due to strong public sentiment and employees' legal rights concerning invasion of privacy, any practice anticipating instituting a drug-testing policy or program should obtain legal counsel in the initial stages.

In light of the potential for employee lawsuits, some labor attorneys advise that companies initiate drug-testing procedures only when they have a compelling reason to do so, e.g., when there is known or suspected drug abuse in the workplace. NIDA recommends three tiers of drug testing:

1. an incident related policy, where employees are tested after an accident or other incident
2. scheduled testing of high risk or safety-sensitive occupations
3. random, unannounced sampling for screening within hazardous occupations.

Understand Relevant State Laws

In addition to the Federal regulations that provide guidelines for those employers conducting elective drug testing, many state laws need to be considered. Various states have anti-drug-testing laws, neutral drug-testing laws, pro-drug-testing laws, or no relevant drug-testing statutes or case law.

Deciding Whether To Test

When deciding whether to test, consider several basic questions so that you don't simply and arbitrarily adopt someone else's program (which may be fine for the application for which it was intended, but not quite right for the case at hand).

Employee Morale



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The collection of urine samples is often a humiliating and demeaning experience. Drug testing may be perceived as an act of distrust on the part of the employer, which can diminish an employee's loyalty and dedication to the employer.

Employee's Job Responsibilities: Safety and Public Image

The degree of safety risk posed by drug use on the job is clearly an important variable. The higher the risk to the public, other workers and to the employee, the more sustainable a drug-testing program will be.

Extent of Workplace Drugs

The presence of a rampant, documented drug problem at a workplace will justify more aggressive and comprehensive action than an ungrounded fear for the future or a reactive "everybody is doing it" response. However, even without the presence of an existing problem, you should be proactive against drug use and give concern to worker safety and the need to keep the workplace from falling prey to a drug problem.

State or Local Legislation

Due to the continuously changing legislative climate, every business considering implementation of a drug-testing program should obtain current legal advice.

Cost

The initiation and maintenance of a useful drug-screening program that is fully defensible is not without significant costs. The implementation and maintenance of a flawed program can lead to increased employee challenges of the employer's termination decisions.

Fourteen Drug-Testing Guidelines And Considerations

The overall goals of employee drug testing include improvements in workplace safety, productivity, and product integrity so that you'll have an improved fiscal bottom line. Some considerations to explore include:

1. Review State Laws as well as Federal Statutes
2. Demonstrate Need
3. Develop a Policy
4. Communicate the Policy
5. Identify Safety Sensitive Positions
6. Establish Procedures for Suspected Drug Use
7. Be Prepared for Legal Challenges
8. Develop Rules for Off-the-Job Conduct



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9. Determine a Testing Procedure (pre-employment, probable cause, or random testing)
10. Train Supervisors
11. Notify Employees
12. Keep Results Confidential
13. Determine the Role of Employee Assistance Programs (EAPs)
14. Apply the Rules Consistently

Prescription Drugs And Alcohol

If the underlying purpose of drug testing is safety, don't limit drug testing to illicit drugs. In terms of the number of people who abuse alcohol and prescription drugs and the fatalities, injuries, and property damage caused by their effects in the workplace, legal substances pose a much greater threat than illegal drugs. A 1985 study of work-related fatalities in the Houston area showed that of 173 drug tests performed on 196 autopsies, 23 workers had a detectable blood alcohol content (BAC), 11 had traces of prescription drugs with the potential to cause injury, and only one worker tested positive for an illegal drug (marijuana). According to another estimate, more than 90 percent of drug and alcohol abusers are actively employed, and a significant number of employees use drugs on the job.

Alcohol Abuse

The cost to society of alcohol abuse is estimated at \$30-40 billion annually; as many as 9 million people are classified as chronic abusers. The effects of alcohol are well known; alcohol is a central nervous system depressant and anesthetic. Alcohol loosens inhibitions, impairs judgment, causes personality changes, impairs memory, and causes loss of coordination.

Prescription and Over-the-Counter Drugs

Improperly used prescription and over-the-counter drugs can also present a problem in the workplace. Policies for these substances should be incorporated into a comprehensive drug-testing program. Prescription drugs may be harmful to the user, other employees, and the public, if they are abused. Prescription drugs can present legal problems for employers if drug-testing programs do not take into account the fact that employees may be using them, properly or improperly.

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