MODULE 4: FOUR KEY DECISIONS ABOUT TESTING
#3: HOW TO TEST

There are many ways to test for the presence of alcohol and/or other drugs in an employee's system -- urine, breath, blood, oral fluid, hair – each utilizing different testing science and protocols. Some tests enable the employer to collect and get a preliminary result on-site (i.e., "quick," "instant" or "rapid" tests), and others require the employee go off-site for specimen collection.

The criteria for determining HOW you'll test is similar to that used in answering the WHEN and WHAT questions:

- requirements of any governing authorities,
- logistics like time, budget and convenience, and
- personal preferences of your decision-making team.

Department of Transportation (DOT) laws that govern the testing of truck drivers, airline pilots, members of the coast guard, etc., require strict safeguards and protections to ensure the testing methodology produces results that are accurate and defensible. These standards also work to protect the rights of the employee -- including their legitimate use of prescription medications.

It's prudent, then, for employers -- even those not regulated by DOT -- to accept these same standards because they provide maximum reliability and defensibility which is imperative. These characteristics are especially critical at times when the employer needs to take adverse employment action against an employee based upon a positive test.

Best-practice ***drug testing*** includes

- controlled collection – utilizing collector training and strict chain of custody procedures to secure the integrity of the specimen;
- utilization of a federally-approved laboratory
- adulteration testing -- to identify foreign substances added to the specimen for the purposes of "beating" a test;
- utilizing a highly-sensitive mass spectrometry identification process to confirm a positive result;
- use of a Medical Review Officer (an MRO) to protect the employee's legitimate use of prescription meds; and
- clear procedures for an employee who wants to contest a positive test result.

Best-practice ***alcohol*** testing includes

- a breath or saliva test for preliminary screening, and
- utilization of a federally-approved Evidential Breath Testing (or EBT) device for confirmation of a positive result.

Utilizing these practices accepted by a federal authority like DOT lends confidence to the employer -- in the event they're asked to defend a result, and to the employee -- who has rights around their legitimate use of a prescription medications.

Together Arkansas, including the course and these resource materials, has been developed to raise awareness with businesses about how to respond to the risks associated with the misuse of opioids and other drugs. The content is meant for educational purposes only and not for the purpose of providing legal advice or replacing the work needed to develop a responsible drug-free workplace policy and program. As such, it should not be used as a substitute for consultation with a legal professional or other competent advisor. If you have questions about this course or the information presented here, please reach out Contact@TogetherArkansas.com.

To view the other modules in this course, visit www.TogetherArkansas.com.

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