MODULE 4: FOUR KEY DECISIONS ABOUT TESTING
#1: WHEN TO TEST

While not the sole focus of your program, testing plays an important role in objectively determining if an employee is "under the influence". It provides a reliable, scientific measure against a clearly defined standard in your policy. Testing not only detects drug if there is a drug in the employee's systems, but can also deter it and help employees in denial access needed help. Overall, testing supports a drug-free workplace, protecting employees and the public from harm.

There are lots of circumstances – referred to as "applications" – in which you can test a prospective or current employee. But because it's important to give fair notice about when it could happen, you need to carefully consider what applications are right for your business operations and culture, then articulate that in your policy.

For prospective or newly-hired employees, there are two common applications of testing from which to choose, both of which test for drugs only.

- **Pre-employment** -- after the employee has been given a conditional offer (results are received before beginning work duties)
- **New-Hire --** during a pre-determined, new-hire period (unannounced), typically no longer than 90 days

With current employees, there are applications that are re-active (i.e., that stay in your pocket until you need them), pro-active, and those utilized when offering a second chance to employees who have violated company policy:

Reactive

- **Post-Accident** -- against an objective definition of what constitutes an "accident"
- **Reasonable Suspicion** -- sparked by a trained supervisor's observations of documentable, objective signs associated with substance use
- **Contractor Required** -- per a negotiated agreement with a contractor, manager or owner of a job
- **Return from Lay-Off or Leave of Absence** -- upon returning from a lay-off or leave of absence of a pre-determined period of time

Pro-Active

- **Random --** administered to employees who are objectively selected, preferably by a computer program operated by an objective third-party, such as the employer's drug testing vendor

Second Chance (following a program violation)

- **Return-to-duty** -- after the employee has been cleared by a professional chemical dependency counselor to come back to work
- **Follow-up** -- administered during at least the first year after the employee was assessed and in some cases treated for a substance use disorder

Important Considerations

- Carefully consider legal implications and ensure compliance with all applicable laws and regulations.
- Communicate your testing policy clearly to all employees.
- Ensure testing is conducted fairly and consistently.
- Be sure all testing decisions comply with the requirements of any state incentive program(s) you wish to take advantage of (e.g., workers' compensation premium credits).

Together Arkansas is a collaboration between the Arkansas State Chamber of Commerce/AIA, Arkansas Blue Cross and Blue Shield, and Arkansas Opioid Recovery Partnership. Written and produced by Working Partners®, with thanks to the Ohio Chamber of Commerce and Anthem Blue Cross/Blue Shield.

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

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