

SUBSTANCE ABUSE POLICIES

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DO MANDATORY FEDERAL LAWS APPLY TO YOUR COMPANY?

- Drug-Free Workplace Act regulations
 - Federal government contractors (contracts over \$100,000)
 - Federal grant recipients
- Department of Defense regulations
 - DoD contractors' employees with access to classified information or whose work might affect national security, health or safety
- Department of Transportation (DOT) regulations for safety-sensitive transportation employers and employees in industries regulated by the following agencies:
 - Federal Motor Carrier Safety Administration (FCSMA)
 - Federal Aviation Administration (FAA)
 - Federal Railroad Administration (FRA)
 - Federal Transit Administration (FTA)
 - Pipeline and Hazardous Materials Safety Administration (PHMSA)
 - United States Coast Guard (USCG)



ARE YOU COVERED



To determine whether you or your employees are covered by DOT drug and alcohol testing, use the DOT decision tree: <https://www.transportation.gov/odapc/am-i-covered>

IF YOU CHOOSE TO IMPLEMENT VOLUNTARY PROGRAMS UNDER STATE LAW:



- Know your testing options
- Know the State of Hawaii requirements:
 - State-licensed lab
 - Detailed regulatory scheme
 - Advance written statement provided to individual to be tested
 - Confidentiality provisions
 - Sanctions for non-compliance



WHAT ELEMENTS ARE NECESSARY IN YOUR POLICY?



- Policy statement
 - Testing procedures (if applicable)
 - Who will be tested
 - Circumstances of testing
 - Chain of custody, etc.
 - Discipline procedures for refusal to test
 - Discipline procedures for positive tests
 - Remove employee who tests positive
 - Termination or lesser sanction
 - Employee assistance
 - Education and training components
 - Searches
 - Confidentiality and security
 - Consent and release forms
 - Confidential handling of records
- And be aware of:
- Special issues for unionized employees