

[COMPANY NAME]

Drug Testing Policy (Sample)

Employees Subject to Testing

Under [Company Name]’s drug and alcohol testing policy, current and prospective employees who work or would work in high risk or safety sensitive positions will be asked to submit to drug and alcohol testing. No prospective employee will be asked to submit to testing unless an offer of employment has been made. An offer of [Company Name] however, is conditioned on the prospective employee testing negative for drugs and alcohol.

Safeguards

[Company Name]’s policy is intended to comply with all state laws governing drug and alcohol testing and is designed to safeguard employee privacy rights to the fullest extent of the law.

Selection

Not all [Company Name] employees will be asked to submit to drug and alcohol testing. Only those employees who [list criteria such as job titles or duties that will require drug testing] are subject to drug and alcohol testing.

Tested Substances

[Company Name]’s drug and alcohol testing program is limited to testing for [list what you’ll test for, e.g., blood alcohol, specific drugs and drug types]. Any other substances that may be tested using the same method used to test for controlled substances will not be tested and, if found, will not be reported.

Written Notice

Before being asked to submit to a drug and/or alcohol test, the employee will receive written notice of the request or requirements.

Licensed Laboratories

Any drug and/or alcohol testing required or requested by [Company Name] will be conducted by a laboratory licensed by the state. The employee may obtain the name and location of the laboratory that will analyze the employee’s test sample by calling [name of collection lab] [number of hours] hours before the employee is scheduled to be tested.

Notice of Results

If the employee is asked to submit to a drug or alcohol test, [Company Name] will notify the employee of the results within [specify time limit, e.g., “24 hours” or “one week”] after it receives them from the laboratory. To preserve the confidentiality [Company Name] strives to maintain, the employee will be notified by [method of notification] whether the test was negative or confirmed positive and, if confirmed positive, what the next step is

Positive Test Results

If the employee receives notice that the employee's test results were confirmed positive, the employee will be given the opportunity to explain the positive result following the employee's receipt of the test result. In addition, the employee may have the same sample retested at a laboratory of the employee's choice.

Adverse Employment Action

If there is reason to suspect that the employee is working while under the influence of an illegal drug or alcohol, the employee will be suspended [with or without] pay until the results of a drug and alcohol test are made available to [Company Name] by the testing laboratory. Where drug or alcohol testing is part of a routine physical or random screening, there will be no adverse employment action taken until the test results are in.

Confidentiality

[Company Name] will make every effort to keep the results of drug and alcohol tests confidential. Only persons with a need to know the results will have access to them. The employee will be asked for the employee's consent before test results are released to anyone else. Be advised, however, that test results may be used in arbitration, administrative hearings and court cases arising as a result of the employee's drug testing. Also, results will be sent to federal agencies as required by federal law. If the employee is to be referred to a treatment facility for evaluation, the employee's test results will also be made available to the employee's counselor. The results of drug testing in the workplace will not be used against the employee in any criminal prosecution.

Costs

[Company Name] will pay the cost of any drug and alcohol testing that it requires or requests employees submit to, including retesting of confirmed positive results. Any additional tests that the employee requests will be paid for by the employee

Drug and Alcohol Use at Work Prohibited

[Company Name] will not tolerate any use of non-prescribed drugs or alcohol during work hours. If the employee comes to work under the influence of drugs or alcohol or use drugs or alcohol during work time, the employee will be [describe consequences; e.g., "sent home without pay", "disciplined", "terminated"].

Posting

Besides being outlined here, [Company Name]'s drug policy is posted in [name location of posting] where the employee may review it.