

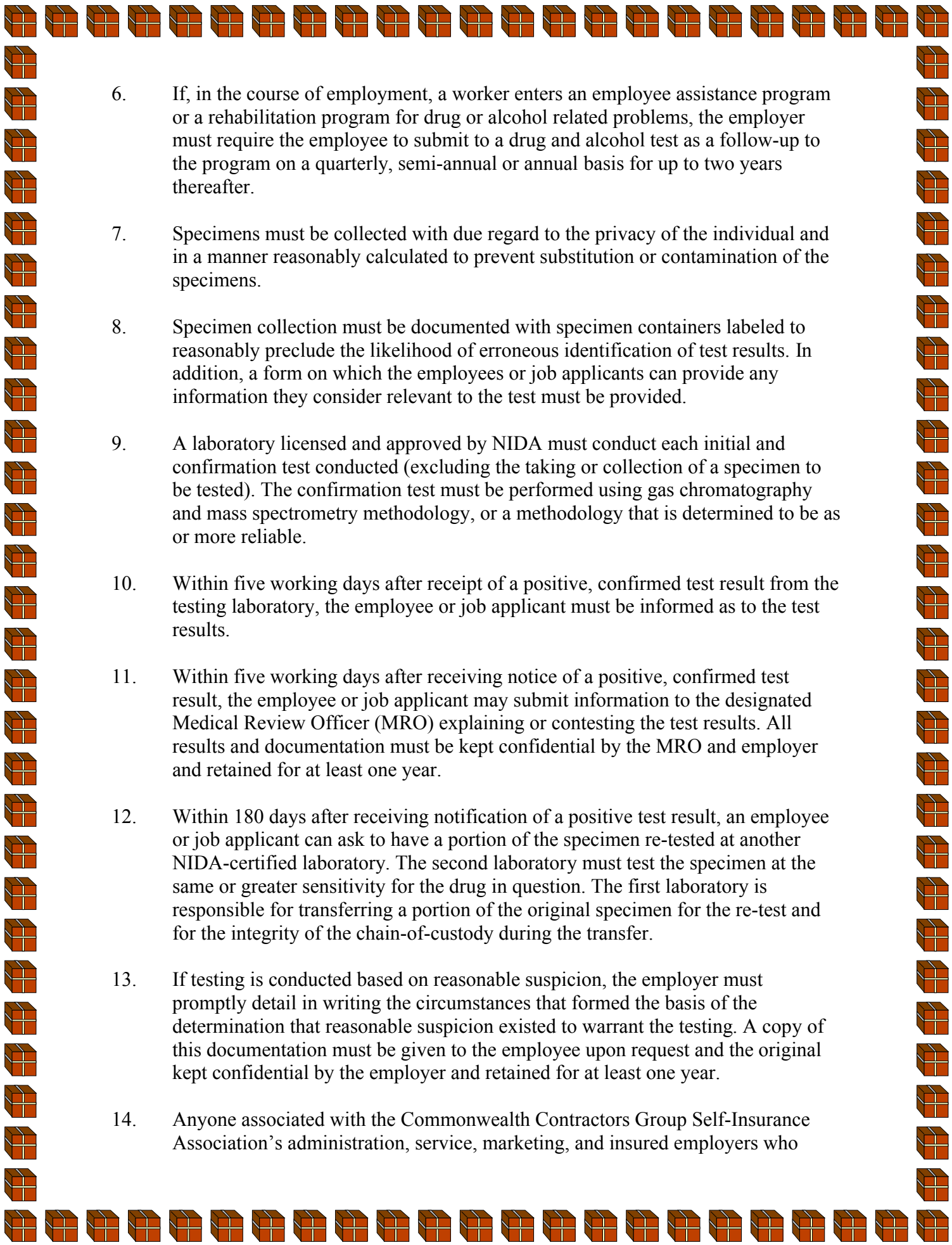
THE COMMONWEALTH CONTRACTORS GROUP

SELF-INSURANCE ASSOCIATION

SUBSTANCE ABUSE TESTING GUIDELINES

The following guidelines are in accordance with those submitted to the Bureau of Insurance in our application for approval of the Drug and Alcohol-Free Workplace Credit Program and should be reviewed by an Attorney familiar with Substance Abuse Testing Programs.

1. All employees must be given a written policy statement notifying them of the program, including the consequences of testing positive for controlled substances. Advance notice must be given to current employees prior to initiating drug and alcohol testing to explain the effects of substance abuse, available employee assistance programs and the company policy.
2. An employer must require job applicants to submit to a drug and alcohol test and may use a refusal to submit to a drug and alcohol test or a positive confirmed drug or alcohol test as a basis for refusing to hire the job applicant. A notice should be posted or provided to each job applicant that a negative test is required for employment. A “job applicant” is defined as a person who has applied for a position with an employer and has been offered employment conditioned upon successfully passing a drug and alcohol test.
3. An employer must require an employee to submit to a drug and alcohol test based on a reasonable suspicion that the employee is under the influence of alcohol or drugs.
4. An employer must make a good faith effort to have an employee submit to a drug and alcohol test within 32 hours of all on-the-job accidents, which require outside medical attention.
5. An employer must require all employees to partake in random urinalysis drug testing. A minimum of 25% of the total number of employees, legally allowed by the state, will be tested each year. An appropriate random selection process shall select a proportional number of employees for testing each month. (for new plans, employer must require full testing of all current employees)

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6. If, in the course of employment, a worker enters an employee assistance program or a rehabilitation program for drug or alcohol related problems, the employer must require the employee to submit to a drug and alcohol test as a follow-up to the program on a quarterly, semi-annual or annual basis for up to two years thereafter.
 7. Specimens must be collected with due regard to the privacy of the individual and in a manner reasonably calculated to prevent substitution or contamination of the specimens.
 8. Specimen collection must be documented with specimen containers labeled to reasonably preclude the likelihood of erroneous identification of test results. In addition, a form on which the employees or job applicants can provide any information they consider relevant to the test must be provided.
 9. A laboratory licensed and approved by NIDA must conduct each initial and confirmation test conducted (excluding the taking or collection of a specimen to be tested). The confirmation test must be performed using gas chromatography and mass spectrometry methodology, or a methodology that is determined to be as or more reliable.
 10. Within five working days after receipt of a positive, confirmed test result from the testing laboratory, the employee or job applicant must be informed as to the test results.
 11. Within five working days after receiving notice of a positive, confirmed test result, the employee or job applicant may submit information to the designated Medical Review Officer (MRO) explaining or contesting the test results. All results and documentation must be kept confidential by the MRO and employer and retained for at least one year.
 12. Within 180 days after receiving notification of a positive test result, an employee or job applicant can ask to have a portion of the specimen re-tested at another NIDA-certified laboratory. The second laboratory must test the specimen at the same or greater sensitivity for the drug in question. The first laboratory is responsible for transferring a portion of the original specimen for the re-test and for the integrity of the chain-of-custody during the transfer.
 13. If testing is conducted based on reasonable suspicion, the employer must promptly detail in writing the circumstances that formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation must be given to the employee upon request and the original kept confidential by the employer and retained for at least one year.
 14. Anyone associated with the Commonwealth Contractors Group Self-Insurance Association's administration, service, marketing, and insured employers who

receive or have access to information concerning drug-test results must keep all information confidential.

Although the drug and alcohol-free workplace program does not obligate the employer to provide an employee assistance program to workers with substance-abuse problems, an employer may not discriminate against employees who voluntarily enter such a program.

Employers shall receive the 5 percent credit, upon submission and approval of a substance abuse testing program including annual recertification. The employer who has certified to the Commonwealth Contractors Group Self-Insurance Association that it is providing a drug and alcohol-free workplace in accordance with the rules listed above and that of the state and is later determined, through physical verification or other evidence, to not be in compliance with the rules shall have its credit revoked retroactive to the date the credit was received. The employer will be subject to billing for additional premium and cancellation provisions under the policy.

Attachments: Substance Abuse Testing Program Checklist-used to verify compliance.