



# POLICY DEVELOPMENT: WHY AND HOW

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## POLICY PROGRAM DEVELOPMENT

We believe that the process of developing a program should be carefully considered process, and one which is based upon the individual needs of your company and characteristics of your workforce. Developing your program is a process that can involve several components, at many levels of your organization, and with the integration of various members of authority within your company. WIN will not only assist you in determining your unique needs, but we are prepared to facilitate the process by which you decide to address those needs. Our experience enables us to assist you with the following areas:

### EDUCATION AND INFORMATION

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It is critical that you think ahead, define clear goals for the program, and weigh all available options for your company before initiating a new program. WIN can assist you in learning about legal statutes, current issues in workplace testing, and the management of your program before you begin. We can assist you in implementing specific tenants of your program based upon what has proven effective in other situations, and for other employers of similar size or industry.

### INVOLVE EMPLOYEES

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We will assist you in developing ways of working with your most valuable resource: your employees. They can help get the message out, clarify goals, and make sure the program fits into the daily reality of your workplace. Showing employees that you value their input vests them in the program and helps to make it work. Most estimates indicate that at least 8 out of 10 of your employees are probably not abusing alcohol or other drugs – as they are already part of the solution, they are invaluable to the planning of your program.

### EMPHASIZING FAIRNESS

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Without question, drug-free workplace programs are serious business. Violating a drug-free workplace policy could mean that someone will lose a job or not be offered one. Protect your organization with procedural rules that are clear, fair, and consistently applied. With these steps in place, employees are more likely to support the program and trust that the employer will carry it out fairly.

## INVOLVE UNION REPRESENTATION

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Where drug testing is a mandatory subject of collective bargaining, the rules for involvement of employee representatives are clear. Even when drug testing is not subject to collective bargaining, or when it is mandated by law, discussing the drug-free workplace policy with union representatives can be very useful. They may have model programs or other ideas to offer, and they can be very helpful in communicating program purpose, procedures, and policies to the employees they represent.

## PROTECT CONFIDENTIALITY

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Employees will support and have faith in your drug-free workplace program when their confidentiality is protected. To ensure employee support of the program and avoid legal problems, make confidentiality a priority and spell out the penalties for anyone who violates it.

## ENSURE EFFECTIVE PROGRAM MANAGEMENT

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As a WIN client, we can offer positive assurance that your program is the most capable hands, with a staff that is willing to assist you at every phase of implementation and management. We not only specialize in developing and implementing your program, but continue to ensure that samples are correctly collected; the chain of custody is flawless; the tests are conducted by properly trained and supervised laboratory technicians using equipment that is appropriately maintained; laboratory performance and accuracy is independently reviewed; and results are communicated through a medical review officer (MRO) trained to render judgments. The experience, credentials, and resources made available by your third party administrator are the lynchpin for the success and compliance of your program.

## EXPERT LEGAL REVIEW

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Whether you write the first draft of your policy yourself or tailor an existing policy to your needs, having your program, policy, and procedures reviewed by an attorney experienced in labor and employment matters is extremely important. Our attorney, Tommy Eden, can advise you on any relevant State laws governing drug-free workplace programs or employer testing, and on how the Americans with Disabilities Act (ADA) may affect your program implementation. As a WIN client, you will also be certain that you are alerted to any changes in laws and regulations over time. Mr. Eden is one of the most nationally known and respected labor relation attorney's capable of helping you with all issues pertaining to drug and alcohol testing in the workplace.

## ENSURE GOOD COMMUNICATION AND ONGOING REVIEW

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WIN can assist you in explaining your drug-free workplace program by using a variety of communication strategies. The message should be clear from the start, and continue seamlessly throughout your program. WIN provides you with effective ways to communicate your program through the use of written materials, charts, meetings, question-and-answer sessions, and even the availability of a suggestion box. Employers who are successful at this know it is important to repeat the message periodically, watch how the program works on a day-to-day basis, invite feedback, and revise the program as needed to meet the specific needs of the workplace. WIN provides our clients the unmistakable assurance that their program is being managed in a fair, objective, and experienced manner that is legally defensible – and we want to help you to reinforce these beliefs at every opportunity.

## ENSURE THAT YOU STAY CURRENT

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Drug-free workplace programs are being studied and improved all the time. WIN can ensure that you keep current by making available our extensive lists of resources, experience, and expertise to be placed at your disposal. WIN maintains an active membership in the most renowned and influential agencies pertaining to drug and alcohol testing in the workplace, such as:

- The Drug and Alcohol Testing Industry Association (DATIA)
- The Substance Abuse Program Administrators Association (SAPAA)
- American Association of Medical Review Officers (AAMRO)

## WRITTEN POLICY DEVELOPMENT

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As with any personnel policy and practice, it is essential that the Drug-Free Workplace program be constructed with the foundation of a written policy. A written policy:

- May be required by the Drug-Free Workplace Act or by an insurance carrier
- Makes legal review possible
- Serves as the basis for collective bargaining over incumbent employee drug testing where this is applicable
- Provides a record of the employers intent and effort and a reference if the policy or its implementation is challenged
- May protect the employer from certain kinds of claims by employees\*

*\*Adapted from Making Your Workplace Drug-Free: A Kit for Employers, Center for Substance Abuse Prevention*

Most importantly, a written policy is essential for communicating the intent and the rules to everyone: applicants, employees, supervisors, and managers.

The policy needs to be tailored to the needs and resources of the Workplace and, while no two policies look exactly alike, sound ones have several elements in common:

- Ideas of the corporate or organizational interest in the wellbeing of employees and concern for employees and family members whose substance abuse adversely affects job performance are expressed
- Recognition that alcohol and other drug problems are serious and complex, but treatable is offered and sources of assistance are identified
- Unacceptability of alcohol or other drug use on the job or that affects work performance is clearly stated
- Infractions of the policy are clearly defined and consequences are described
- Policies about alcohol at corporate or organizational events are outlined
- Training for supervisors and employee representatives and education and outreach to employees are stipulated
- Employee responsibility to seek and receive treatment and to comply with treatment and aftercare plans is described
- Assurance that voluntary participation in an employee assistance program, if one is available, is confidential is provided
- Notice that participation in an employee assistance program will not protect employees from disciplinary action for continued unacceptable job performance or rule violations is provided
- Circumstances, scientific and technical procedures, and appeal provisions for drug testing, if used, are stipulated as are the consequences of a positive test result\*\*

*\*\*Adapted from What Works: Workplaces without Drugs and Alcohol, Department of Labor*

WIN has the experience and expertise necessary to make your program a successful one. Allow us to utilize our resources to help you develop a policy and procedures that reflect your unique goals and that will be effective in your specific workplace environment.