

# COMMONWEALTH CONTRACTORS GROUP SELF-INSURANCE ASSOCIATION

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## DRUG-FREE WORKPLACE CREDIT PROGRAM

### How It Works:

The Commonwealth Contractors Group Self-Insurance Association rewards members who create a drug and alcohol-free workplace for its employees with a **5% credit** on their workers' compensation premium. To receive and maintain the credit, you must:

1. Have a written drug-free workplace policy that complies with the Credit Requirements listed on the following pages, and must be reviewed and approved by Landin, Inc.
2. Provide a copy of the policy to all employees, and retain on file signed acknowledgement and consent forms from each.
3. Perform the following types of testing:
  - a. Pre-employment
  - b. Post-accident when applicable
  - c. Random (minimum of 25% of all employees annually)
  - d. Reasonable suspicion
  - e. Follow-up if employee(s) participated in rehabilitation program
4. Use a SAMHSA certified testing laboratory.
5. Determine disciplinary actions for positive tests, or refusal to test.

### To Apply for the Credit:

1. Member or its agent must provide Landin, Inc. with a copy of its Drug-Free Workplace Policy for review and approval (including annual re-certification). Email to: [uwadmin@landininc.com](mailto:uwadmin@landininc.com).
2. Landin, Inc. will review the policy and notify the member or agent if the policy has been approved. If it has not been approved, notification will include necessary revisions to bring it into compliance.

The Commonwealth Contractors Group Self-Insurance Association endorses the firm **Trident National Corporation** to perform drug screening and assist members in setting up a drug-free workplace program that meets the Group's requirements. However, this does not prohibit members from utilizing other firms. The contact person at Trident is Robyn Cagle at 1.800.849.2264.

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**For additional information, please contact your agent or Landin, Inc. at 804.359.9600.**



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**Drug-Free Workplace Credit Requirements**

The following guidelines are in accordance with those approved by the Bureau of Insurance in our application of the Drug -Free Workplace Credit Program. These guidelines do not constitute a drug-free workplace policy and should not be used as such. Rather, employers should draft such a policy with these guidelines in mind and should have the policy reviewed by an attorney familiar with Drug-Free Workplace Testing Programs. Employers that are subject to federal regulations, including those of the Department of Transportation, and employers that have contracts with state or federal agencies should ensure that their drug-testing policies comply with the regulations applicable to them.

1. All employees must be given a written policy statement notifying them of the details of the program, and each employee and job applicant must sign an Acknowledgement and Consent form, to be kept on file by the employer, stating they understand and agree with the provisions of the policy.
2. The policy must, at a minimum, set forth the company testing policy, a description of behaviors that are prohibited, the effects of substance abuse, the types of testing that will be required and available employee assistance programs. Compliance with the policy must be a term and condition of continued employment and violation by any employee, including testing positive or refusing to submit to a test, should result in disciplinary action, up to and including immediate discharge, as determined by the employer.
3. An employer must require job applicants to submit to a pre-employment drug test. A job applicant is defined as a person who has applied for a position and has been offered employment contingent on a negative test result. The policy should confirm that refusal to submit to a test, or a positive confirmed test will be used as a basis for refusing to hire the job applicant. Notice should be posted or provided to each job applicant that a negative test is required for employment.

4. An employer must require an employee to submit to a drug and/or alcohol test based on a reasonable suspicion that the employee is under the influence. Supervisors who will make this determination should receive appropriate training on recognizing the effects of drug and alcohol use. If testing is conducted based on reasonable suspicion, the employer should detail in writing the circumstances that formed the basis of the determination that reasonable suspicion existed to warrant the testing.
5. In certain circumstances, an employer must have employee(s) submit to a drug and/or alcohol test as soon as practicable after on-the-job incidents, but preferably not more than 8 hours after the incident. Post-accident testing must be limited to situations in which employee drug/alcohol use is likely to have contributed to the incident and in which the test can accurately identify impairment caused by drug/alcohol use.
6. An employer must require all employees to submit to random drug testing. A minimum of 25% of the total number of employees will be tested each year.
7. If, in the course of employment, an employee enters an employee assistance or a rehabilitation program for drug and/or alcohol related problems, the employer must require the employee to submit to drug and/or alcohol tests as a follow-up to the program on a periodic basis, as determined by the employer.
8. A laboratory licensed and approved by SAMHSA must conduct each initial and confirmation test.
9. Employers who receive or have access to information concerning drug and/or alcohol test results must keep all information confidential.
10. Although the Drug-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.
11. Employers shall receive the 5 percent credit upon submission and approval of a Drug-Free Workplace policy including annual recertification. The employer who has certified to the Commonwealth Contractors Group Self-Insurance Association that it is providing a drug-free workplace in accordance with the applicable rules and regulations and is later determined, through physical verification or other evidence, to not be in compliance 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.