****

**7515 Halcyon Summit Drive, Suite 200 ▪ P. O. Box 241306 ▪ Montgomery, AL 36124-1306**

**334-834-2056 or 1-800-745-3863 ▪ www.AHBfund.com**

# To: Alabama Home Builders Self Insurers Fund participants

A national survey revealed that almost 70% of the respondents who admitted to using illegal drugs were employed! As more employers screen job applicants for drug use, these workers are migrating to employers who do not screen. Studies have shown that workers who abuse drugs:

* are more likely to be absent from work;
* are more likely to cause accidents that injure themselves and co-workers;
* are more likely to file workers’ compensation claims;
* are less productive and make more mistakes;
* produce inferior workmanship;
* cause morale problems among co-workers.

Perhaps you feel what employees do away from work is not your concern. However, employees who abuse drugs or alcohol usually don’t leave their problems at home. When they show up for work under the influence, **they become** **your liability!**

The **Alabama Home Builders Self Insurers Fund** is providing this substance abuse prevention kit to facilitate your efforts to make your workplace safer for your employees. We recommend reading the print educational materials provided. These materials can also be useful in introducing your substance abuse prevention program to your employees. A good resource for information is the Substance Abuse and Mental Health Services Administrtion (samhsa.gov/workplace).

A sample company drug and alcohol prevention policy and essential employee acknowledgment forms are provided here. **Before your policy is implemented, it should be reviewed by an attorney experienced in labor and employment matters, particularly drug testing.**

The Alabama Workers’ Compensation Law provides employers some protection against claims for injuries caused by an employee’s drug impairment, confirmed by means of urine testing conducted pursuant to U. S. Department of Transportation standards. **CCM will pay for post-accident drug testing conducted in accordance with the guidelines provided**. For other types of drug testing ⎯ employment, for cause, random, etc. ⎯ check with your company’s medical care provider or look in your local phone directory under “drug testing” or “substance abuse”. **You are responsible for payment for any drug or alcohol testing not specifically related to an on-the-job injury.**

Call if you have questions or need assistance.





# DRUG AND ALCOHOL

**POLICY AND PROCEDURES GUIDELINES**

For information contact:

**Alabama Home Builders Self Insurers Fund**

**Loss Control Services**

**P. O. Box 241306**

**Montgomery, Alabama 36124-1306**

**1-800-745-3863**

revised 01/09/2020

**TABLE OF CONTENTS**

I. Introduction 4

II. The Cost of Drug Testing 5

III. Reasons for Adopting a Drug and Alcohol Policy 6

IV. Implementation Instructions 7

V. Sample Policy 12

VI. Exhibits:

A. Employee Policy Acknowledgement 16

B. Consent/Release 17

C. Notice to Employee of Workers’ Comp Provisions 18

Educational materials are available at ***www.ahbfund.com/safetyresources***

**I. INTRODUCTION**The following guidelines have been established in an effort to help educate the membership of the **Alabama Home Builders Self Insurers Fund** regarding post-injury drug and alcohol testing. The enclosed information should be used for reference purposes only. The drug and alcohol policy provided is strictly a sample policy and should not be implemented "as is" without customizing the policy to address the specific needs of your company. Special consideration may be necessary if your company or organization is affiliated with governmental regulatory agencies or other State or Federal governmental bodies. **All policies developed as a result of using the material provided should be reviewed by your attorney prior to implementation.**

Effective August 1, 1992, Alabama Code § 25-5-51 provides in part as follows:

If an employer is subject to this article, compensation, according to the scheduled hereinafter contained, shall be paid by the employer, or those conducting the business during bankruptcy or insolvency, in every class of personal injury or death of his or her employee caused by an accident arising out of and in the course of his or her employment, without regard to any question of negligence. Not withstanding the forgoing, no compensation shall be allowed for an injury or death caused by the willful misconduct of the employee, by the employee's intention to bring about the injury or death of himself or herself, or another, his or her willful failure or willful refusal to use safety appliances provided by the employer or by an accident due to the injured employee being intoxicated from the use of alcohol or being impaired by illegal drugs.

A positive drug test conducted and evaluated pursuant to standards adopted for drug testing by the U.S Department of Transportation in 49 C.F.R. part 40 shall be a conclusive assumption of impairment resulting from the use of illegal drugs. No compensation shall be allowed if the employee refuses to submit to or cooperate with a blood or urine test as set forth above after the accident, after being warned in writing by the employer, that such refusal would forfeit the employee's right to recover benefits under this chapter.

**What does this mean?** It means that an injured employee who is intoxicated from the use of alcohol or impaired by illegal drugs may be denied workers’ compensation benefits, if a causal relationship between the injury and the impairment and/or intoxication can be established. It also means workers’ compensation benefits can be denied if the injured employee refuses to submit to, or cooperate with a blood or urine test after the accident, after being warned in writing by the employer that such refusal would forfeit the employees right to recover benefits.

**In response to the change in the Alabama Workers’ Compensation Law, the Alabama Home Builders Self Insurers Fund (AHBSIF) is providing this manual to help educate members regarding post-accident drug testing and their workers’ compensation coverage.**

**II. THE COST OF DRUG TESTING**

The costs associated with the prescribed **post-accident** drug testing (specimen collection, laboratory analysis, and MRO services) will be paid as part of the workers’ compensation claims submitted to Construction Claims Management (CCM), the third-party administrator of claims services for the Alabama Home Builders Self Insurers Fund.

**Only prescribed post-accident drug or alcohol tests pertaining to worker's compensation claims will be paid by CCM**. Employers electing to include other types of drug testing (employment, random, probable cause, etc.) in their program are responsible for making arrangements for and for payment of charges for specimen collection, laboratory analysis, and MRO services. Such services are available from drug screening providers in your area. Check your local phone directory under “drug screening”, “drug testing” or “substance abuse”.

In order to disallow workers’ compensation benefits based on the positive results of a drug test, the drug test must be conducted and evaluated pursuant to standards used by the Department of Transportation in 49 CFR Part 40. In part, 49 CFR Part 40 mandates the use of a certified laboratory and a certified Medical Review Officer for specimen testing and analysis. Your medical provider should have a certified MRO on staff or access to one.

In order to disallow workers’ compensation benefits based on the positive results of a drug or alcohol test, it must be proven that the accident which caused the injury was caused by the employee's impairment by drugs or intoxication from alcohol. Therefore, Construction Claims Management reserves the right to pay or deny benefits based on the evidence surrounding each claim.

AHBSIF members who want to use post-accident drug and alcohol testing to help control the costs of workers’ compensation claims will be responsible for:

1. Development and implementation of a written drug and alcohol policy.

2. Insuring drug and alcohol testing procedures are conducted and/or evaluated pursuant to standards established by the U.S. Department of Transportation in 49 CFR Part 40.

3. Insuring that employees, including corporate officers, have been advised in writing of the provisions of the Alabama Workers’ Compensation Law regarding illegal drugs and alcohol.

4. Insuring that employees have been advised as to the extent, repercussions, and disciplinary actions of a company drug and alcohol policy.

**III. WHY A COMPANY POLICY FOR DRUGS**

**AND ALCOHOL IS NECESSARY**

Substance abuse is a very serious workplace problem. The National Institute on Drug Abuse (N.I.D.A.), reports that approximately **68% of all illegal drug users are employed!** The National Institute on Alcohol Abuse and Alcoholism reports that **one in every ten people in the U.S. has an alcohol problem!**

Employees don't check their substance abuse problems at the door when they enter the workplace. Workers who use alcohol and other drugs affect everyone. In fact, studies show that compared to alcohol-free and drug-free workers, substance abusers...

* are far less productive
* miss more workdays
* are more likely to injure themselves or someone else
* file more workers’ compensation claims.

It is even more difficult to put a price tag on the low morale and impaired judgment in decision making at work caused by substance abuse. Nor is it easy for an organization to figure the costs of theft, high turnover, recruitment, and training. The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to the company's public image can further cut company profits and competitiveness.

Nobody wants to believe that a friend, relative, or an employee has a substance abuse problem. Subtle changes in behavior may be written off or not recorded because no one knows how or wants to confront the problem. But when behaviors or attitudes that diminish work performance are ignored or excused, workers who are harmfully involved with alcohol or other drugs are allowed to continue to be a risk to themselves and their coworkers.

To dismiss all of this as the "cost of doing business" is to accept a problem that doesn't have to be accepted. Refusal to admit the possibility that alcohol or other drug use might exist at a worksite could also be a missed opportunity to help an employee. If there is a problem, ignoring it will not make it disappear. If left alone, drug and alcohol problems usually get worse.

– from the U.S. Department of Labor publication,

*WHAT WORKS: Workplaces Without Alcohol and Other Drugs*.

**IV. IMPLEMENTATION INSTRUCTIONS**

**1. CUSTOMIZE THE WRITTEN PROGRAM:**

A sample drug and alcohol policy has been provided. **The sample drug and alcohol policy must be customized to address your company's needs and management philosophy.** Remember, your policy must be applied fairly and consistently to all company personnel. Throughout the sample written policy, the bracketed items "{The Company}" should be replaced with the name of your company.

Example: {The Company} is firmly committed to the ...

ABC, Incorporated is firmly committed to the...

**2. MAKE POLICY DECISIONS TO ADDRESS VARIABLES:**

Top management should review the written program and be prepared to make policy decisions to address critical variables which have not been addressed as part of the sample program.

These variables include:

A. When will drug testing be administered?

B. How will policy violators be disciplined?

C. Will rehabilitation be provided?

D. How will search policies be carried out/enforced?

**A. When will drug testing be administered?**

The sample drug and alcohol policy provided as part of this packet contains provisions for drug testing for the following occasions:

* Employment
* Post-injury
* Probable cause
* Random basis
* Periodic medical exams.

Management should understand that the sample policy states "{The Company} reserves the right to test on the following occasions...". This means that the entire sample drug and alcohol policy can be made company policy, while at the same time only one type of drug testing is actually implemented. In other words, the policy does not say that the company will test on all occasions. Management should determine in advance on which occasions drug testing will be utilized.

**Note: Remember, only the prescribed drug tests associated with work-related injuries and provided through approved venders will be paid as part of the costs of the workers’ compensation claim.**

**Employment Drug Testing** [NOT PAID FOR BY CCM, INC.] is widely used as part of the new employee selection procedure and has helped numerous companies not only reduce the number of work related injuries, but also has helped reduce absenteeism, tardiness, turn-over, use of sick leave, use of insurance benefits, etc. by screening drug abusers from the workplace. Drug testing for the use of illegal drugs is not prohibited by the Americans with Disabilities Act. Also under the ADA, a drug test is not considered a medical examination. An applicant can be required to take a drug test as a conditional offer of employment. If a test result indicates illegal use of drugs, an employer may refuse to hire the applicant based on the test.

Note: A test to determine an applicants blood-alcohol level is considered to be a medical examination and cannot be administered prior to making an offer of employment.

**Post-injury Drug Testing** [PRESCRIBED DRUG TESTS PROVIDED THROUGH VENDORS APPROVED BY CCM, INC.] was addressed as part of the revised Alabama Workers’ Compensation Law which became effective August 1, 1992. Although the employer will bear the burden of proving that the drug or alcohol was the proximate cause of the injury, drug or alcohol test results may provide employers with a significant defense to liability. For this reason, management should seriously consider post-injury drug testing.

If post-injury drug testing is utilized, management should determine in advance what factor(s) will require a post-injury drug test — i.e.,

* After any injury reported.
* After any injury requiring more than basic First Aid.
* After any injury requiring hospitalization.

In an effort to address the frequency of workers’ compensation claims, many companies require post-injury drug testing for any injury requiring off-premises medical treatment. This has proven to be an effective and economical way to implement post-injury testing.

**Probable Cause Drug and Alcohol Testing** [NOT PAID FOR BY CCM, INC.] can be used to test those employees who demonstrate evidence of having drugs or alcohol in their system. Management should reserve the right to test under these conditions. Extreme care must be excercised in handling these situations. See *Training Your Supervisors* on the the website – **www.ahbfund.com**, select “Safety Resources”.

**Random Drug and Alcohol Testing** [NOT PAID FOR BY CCM, INC.] is one of the most effective and least costly deterrents to the use of drugs in the workplace. It's a highly visible way for management to demonstrate its commitment to enforcement of the company's drug and alcohol policy. Drug screening providers can assist you with administering a random selection process. Check your local phone directory for facilities that can assist with these services.

**Drug and Alcohol Testing as Part of Periodic Medical Examinations** [NOT PAID FOR BY CCM, INC.] must be done in accordance with company policy and the Americans with Disabilities Act guidelines. Remember that drug testing is not considered a medical examination and is exempt under the ADA guidelines; however, testing for alcohol is considered to be a medical exam and must be done in accordance with ADA guidelines.

**A. How will policy violators be disciplined?**

Top management must decide how policy violators will be disciplined. The discipline section of the sample drug and alcohol policy refers to disciplinary action up to and including termination. Management must decide in greater detail exactly what disciplinary action will be taken in the event of a positive drug test. Some companies terminate employees on the first offense. Other companies will give the employee a second chance if the employee seeks treatment and/or rehabilitation. Under these circumstances, the employee will be subject to regular drug testing for a specific period of time after returning to the job.

Note: The ADA, which became effective July, 1992 states that alcoholism is a protected disability. Due to this fact, it is recommended that your company attorney be consulted prior to terminating an employee with a positive alcohol test.

Additional disciplinary policies should be established regarding the violation of Section 1 Rules (A-H) of the sample drug and alcohol policy.

**B. Will rehabilitation be provided?**

[REHABILITATION IS NOT PROVIDED BY CCM, INC.]

Top management must decide if drug/alcohol rehabilitation will be provided for policy violators. Whether to offer full, partial, or no payment for initial treatment is a decision that depends on management's philosophy. The employer is not obligated to pay for treatment. Substance abuse treatment centers should be listed in the telephone directory.

Keep in mind that under the ADA, individuals that currently use drugs illegally are not protected under the Act as individuals with disabilities. This includes individuals who use prescription drugs illegally as well as those who use other illegal drugs.

However, persons who have completed rehabilitation and do not currently use drugs illegally, or are in the process of completing their rehabilitation program, may be protected by the ADA.

For this reason, employers should give a great deal of thought, and should seek legal advice, regarding whether or not to provide drug and/alcohol rehabilitation services.

**C. How will search policies be carried out/enforced?**

Section 4 of the sample drug and alcohol policy addresses searches. Under the policy, the employee is required to submit to searches of:

* His/her person
* His/her property (including offices, lockers, desks, cabinets, closets, and vehicles).

**Although the sample policy is very broad and specifically addresses the topic of searches, it is advisable to seek specific legal advice prior to searching an employee's person or personal vehicle.**

**3. LEGAL REVIEW:**

When a draft of the written drug and alcohol policy has been completed, it should be submitted for legal review by your company's attorney. Basic legal issues that should be addressed include, but are not limited to:

* Collective bargaining agreements/union contracts
* State laws
* Federal Regulations
* Federal Highway Administration Guidelines
* Americans with Disabilities Act

**4. DRUG-TESTING LABORATORIES AND COLLECTION SITES:**

Fees charged for collecting specimens vary from collector to collector. Arrangements should be made with the company's designated medical care provider for specimen collections in conjunction with treatment of work-related injuries. Charges for these post-injury collections should be submitted to Construction Claims Management with a copy of the First Report of Injury. For specimen collections for **other than post-injury** tests, arrangements can be made with your company’s medical care provder or a drug screening provider. [NOT PAID FOR BY CCM, INC.]

**5. SUPERVISOR TRAINING:**

Management must meet with supervisors to review and explain the company's drug and alcohol policy. Supervisor training should be provided to educate supervisors as to proper supervisory conduct and legal issues, as well as observation of employee conduct, behavior, and other indicators of possible drug and alcohol abuse. See ***Training Your Supervisors*** on this webpage.

**6. EMPLOYEE EDUCATION:**

Management must introduce the company drug and alcohol policy to all company personnel. Company policy and procedures should be thoroughly reviewed and explained. Signatures should be obtained from all employees using the appropriate documents provided (Exhibits A, B & C). These signed documents should be filed as part of the employee's personnel records.

**7. PROGRAM IMPLEMENTATION:**

Management should implement the company drug and alcohol program by notifying all company personnel in writing as to the formal implementation date. Although no mandatory guidelines have been established, management should consider giving the employees at least 30 days notice prior to the implementation of the company drug and alcohol policy. This will help to limit any negative tension associated with the implementation of the program.

1. **DRUG AND ALCOHOL POLICY SAMPLE**

**Use the following policy sample to draft your company policy. Remember, it should be customized to meet your company’s needs and management philosophy and reviewed by your attorney prior to implementing.**

1. Rules

2. Testing

3. Testing Procedure

4. Searches

5. Drug-Free Awareness

6. Discipline

7. Interpretations

(COMPANY NAME AND ADDRESS OR YOUR COMPANY LETTERHEAD)

**Using the curser, block and type over {The Company} with your company name.**

**{The Company}** is firmly committed to the health and safety of our employees. **{The Company}** considers the influence of drugs in the work place to be detrimental to our employees and to our continued growth and future success. Employees with drug and alcohol abuse problems make up only a small fraction of the work force, and **{the Company}** regrets any inconvenience that may be caused to other employees by the problems of a few.

To further these objectives, the Company announces the following policy:

**1. Rules**

A. The distribution, sale, purchase, use, possession of, or reporting to work under the influence of intoxicants, non-prescribed narcotics, hallucinogenic drugs, marijuana, or other non-prescribed controlled substances while on company property or during work hours is prohibited.

B. The distribution, sale, purchase, use, or possession of equipment, products and materials which are used, intended for use, or designed for use with non-prescribed controlled substances while on company property or during work hours is prohibited.

C. Reporting to or being at work with a measurable quantity of intoxicants, non-prescribed narcotics, hallucinogenic drugs, marijuana, or other non-prescribed controlled substances in blood or urine is prohibited.

D. Employees who use alcoholic beverages on the job, or report to or return to work under the influence of alcohol will be subject to immediate discharge.

E. Reporting to or being at work with a measurable quantity of prescribed or over-the-counter narcotics or drugs in the blood or urine, or use of prescribed or over-the-counter narcotics or drugs where, in the opinion of **{the Company}**, such use prevents the employee from performing the duties of his or her job or poses a risk to the safety of the employee, other persons or property is prohibited. Any employee taking a prescribed or over-the-counter narcotic or drug must advise his or her supervisor of its use. The employee may be allowed to remain on his or her job, or may be required to take a leave of absence or other appropriate action as determined by management.

F. Adherence to **{the Company's}** policy on drugs and alcohol is a condition of employment for all employees. All employees will be required to sign the form provided for the acknowledgement of and consent to this policy.

G. All employees must notify the company of any criminal drug statute conviction for a violation arising out of conduct in the workplace within five (5) days of such conviction.

H. Managers and supervisory employees are responsible for enforcing company policies. The possession, distribution, or use of illegal drugs or unauthorized controlled substances, whether on or off duty, impacts their ability to enforce these policies and may result in disciplinary action up to and including termination.

**2. Drug/Alcohol Testing**

Under the company Drug & Alcohol Testing Policy, an employee may be requested to undergo a urinalysis, blood test, or other diagnostic test. **{The Company}** reserves the right to test on the following occasions:

A. As a condition of the employment application process.

B. After the occurrence of any work-related injury while on company property or during work hours.

C. When there is reason to believe. in the opinion of the company, that an employee has reported to work, or is on company property with a measurable quantity of intoxicants, drugs, or narcotics in the blood or urine.

D. On a random basis for unannounced days.

E. As part of any periodic medical examination provided by or required by **{the Company}**.

**3. Testing Procedure**

All testing will be performed by a laboratory which has been certified by the National Institute on Drug Abuse as qualified to perform drug testing under Federal workplace testing programs. All positive test results will be subject to confirmation testing and verification by a certified Medical Review Officer.

**4. Searches**

When there is a reason to believe, in the opinion of **{the Company}**, that an employee is under the influence of intoxicants, drugs or narcotics, or is in possession of any intoxicants, drugs, narcotics or equipment, products or materials which are used, intended for use or designated for use with non-prescribed controlled substances, **{the Company}** may request that the employee submit to a search of his/her person and/or property (including offices, lockers, desks, cabinets, closets and vehicles brought onto Company premises) by company representatives.

**5. Drug-Free Awareness Education Program**

**{The Company}** will provide information to employees about the dangers of drug and alcohol abuse, the indicators of drug and alcohol abuse, the company's policy of maintaining a drug-free workplace, the availability of community drug counseling and rehabilitation resources, and the penalties that may be imposed for violation of the policy.

Supervisory personnel will receive training on the conduct, behavior, and other indicators of drug and alcohol abuse.

**6. Discipline**

An employee who refuses to submit immediately upon request to a search of his or her person or property, or to a blood test, urinalysis, "breathanalyzer" test or other diagnostic test, or who otherwise is in violation of this policy is subject to disciplinary action up to and including immediate termination. An employee who refuses to submit to or cooperate with a blood or urine test after an accident forfeits his or her right to recover Workers’ Compensation benefits under Alabama Code § 25-5-51 and is subject to disciplinary action up to and including termination.

**7. Interpretations**

The company property covered by this policy includes property of any nature owned, controlled or used by **{the Company},**  including parking lots, offices, desks, lockers, and vehicles.

Nothing in this policy alters the fact that employees are employed for an indefinite period and that either the employee or **{the Company}** may terminate such employment with or without cause at any time for any reason. Neither this policy nor any related policies, practices or guidelines are employment contracts or parts of any employment contract. Due to the nature of the company's operations and the possible need to accommodate individual situations, the provisions of this policy or of any related policies, practices or guidelines may not apply to every employee in every situation. **{The Company}** reserves the right to rescind, modify, or deviate from this or any other policy, practice or guideline as it considers necessary in its sole discretion, for either individual or company-wide situations, with or without notice.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­\_\_\_\_\_\_\_\_\_**

(signature & title of company owner/corporate officer)

### (YOUR COMPANY LETTERHEAD)

**DRUG AND ALCOHOL POLICY ACKNOWLEDGEMENT**

I, , have read and have been given a copy of **{the Company's}** policy on drugs and alcohol. I understand that as a condition of employment, I am subject to its provisions, and to changes that may be made in the policy from time to time. I further understand that **{the Company}** may conduct drug and alcohol tests and/or searches of the persons and belongings of its applicants and employees under the circumstances described in the policy. I hereby give my consent to **{the Company}** and the testing laboratory to release the test results to **{the Company}**, to any medical review officer designated by **{the Company}**, and to the TPA for the Alabama Home Builders Self Insurers Fund. I understand that if I refuse to submit to or cooperate with a blood or urine test after an accident, I forfeit any rights to recover Worker's Compensation benefits that I might have under Alabama Code § 25-5-51 or other applicable statute relating to worker’s compensation benefits. I also understand that if I refuse to submit to or cooperate with a blood or urine test after an accident, and/or are found to be in violation of the Company Drug & Alcohol Policy, I will be subject to disciplinary action up to and including termination.

DATE EMPLOYEE SIGNATURE

WITNESS

(YOUR COMPANY LETTERHEAD)**CONSENT TO ALCOHOL AND DRUG TESTINGAND RELEASE OF ALL CLAIMS**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, agree to undergo testing to determine if I have alcohol or drugs in my system. I understand that if I test positive for the presence of alcohol or drugs I will be subject to disqualification for hire, or to discipline up to and including immediate discharge if I am an employee.

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, understand that refusal to submit to or cooperate with a blood or urine test after an accident will forfeit my rights to recover benefits under the Alabama Worker's Compensation Act.

I agree to the laboratory, clinic, or physician releasing the test results to (YOUR COMPANY NAME) , its medical advisor, and its insurance carrier. I also consent to the release of test related information to the state unemployment compensation commission or any other governmental agency.

In consideration of my initial or continued employment, I release (YOUR COMPANY NAME), its employees and officers, from liability and damages which may arise from collection, testing, and analysis of any specimen, the test results or adverse employment action taken as a result of the testing or test results, except for any acts of negligence by those who collect, test or analyze specimens.

I understand that this consent and release does not alter my right, or that of (YOUR COMPANY NAME) to terminate my employment at any time for any reason with or without notice.

Employee

Date

(YOUR COMPANY LETTERHEAD OR COMPANY NAME)

**NOTICE TO ALL EMPLOYEES:**

**DRUG TESTING AND WORKERS’ COMPENSATION INSURANCE**

Under Alabama Law, workers who are injured at the workplace or in the course of employment may be tested for drugs and alcohol, and if impaired, may not be paid benefits under the Alabama Workers’ Compensation Law if the injury is a result of an accident caused by drug and/or alcohol impairment. Alabama Code § 25-5-51 provides in part as follows:

"A POSITIVE DRUG TEST CONDUCTED AND EVALUATED PURSUANT TO STANDARDS ADOPTED FOR DRUG TESTING BY THE U.S. DEPARTMENT OF TRANSPORTATION IN 49 C.F.R. PART 40 SHALL BE A CONCLUSIVE PRESUMPTION OF IMPAIRMENT RESULTING FROM THE USE OF ILLEGAL DRUGS. NO COMPENSATION SHALL BE ALLOWED IF THE EMPLOYEE REFUSES TO SUBMIT TO OR COOPERATE WITH A BLOOD OR URINE TEST AS SET FORTH ABOVE AFTER THE ACCIDENT AFTER BEING WARNED IN WRITING BY THE EMPLOYER THAT SUCH REFUSAL WOULD FORFEIT THE EMPLOYEE'S RIGHT TO RECOVER BENEFITS UNDER THIS CHAPTER."

**(YOUR COMPANY NAME) now warns you that refusal to take a urine or blood test for drugs after an accident will forfeit your rights to recover benefits under the Alabama Worker's Compensation Act.**

I have read (or have had read to me) and understand the foregoing statement.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date