



GUIDE TO RANDOM

# DRUG TESTING



If you've seen the news lately, you know why it's more important than ever for businesses to implement thorough, professional, random drug testing programs. An epidemic of opioid addiction has swept the nation, putting employers at risk of huge lawsuits and costly worker's comp claims if and when accidents happen on the job. Just one such lawsuit is more than capable of putting a company out of business! Quality random drug testing is the best defense against legal liability associated with drug abuse in the workplace. It's also employers' best hope of helping employees struggle with drugs to face and conquer their demons.

That doesn't mean instituting your own random drug testing program is a good idea, however. Not too long ago, Southern Pacific was forced to pay a former employee nearly half a million dollars after they fired her for refusing to participate in a random drug test. The jury found that the company did not follow the law as they should have. That was one employee—imagine what more than one could cost your business!

An effective random drug and alcohol testing program run by experienced professionals can help maintain compliance with applicable regulations and mitigate liability and safety risks. Compared to pre-employment drug testing, random drug testing can be more effective at detecting and deterring drug use because employees have no advance notice and do not know when the drug testing will occur. Random drug and alcohol testing programs are a critical part of a drug-free workplace policy because they can help to ensure that workers continue to uphold the drug-free standards of the work environment throughout their employment.

Whether your organization maintains a drug-free workplace policy or is required to conduct random drug and alcohol testing by a regulatory agency such as the FAA or Department of Transportation (DOT), it is important to administer the random drug and alcohol testing process properly. A random drug and alcohol testing policy is ineffective if it does not meet best practices and achieve compliance with regulatory standards. That's where KRESS comes in. Our team of experts always handles random drug testing in a proper, fully compliant fashion so that you'll never have to worry about it.

What follows are nine recommended best practices that employers should consider when implementing a random program. If you have a question or aren't sure your random drug testing program meets your needs, don't hesitate.

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# 1

## **ENSURE THE DRUG TESTING PROTOCOL ESTABLISHED FOR YOUR BUSINESS MEETS THE MINIMUM REQUIREMENTS.**

Proper set-up begins at the very beginning. How many employees are in your pool? What percentage are you aiming to test? How often do you want to test? Do you want alternates pulled? You will be asked a lot of questions when you set up a random program, but these details are crucial because they are analyzed against any compliance standards and then used to set up the protocols that maintain the integrity of random program. When in doubt, please consult with an attorney versed in your state's drug testing laws, as well as federal regulations.

# 2

## **PRACTICE TRUE RANDOM SELECTION.**

To conduct a truly random test, employers must use a statistically valid random generator. This will ensure that every employee subject to drug or alcohol screening has the same probability of being selected for each individual round of screening.

Even if someone has been selected for the previous two rounds of drug testing, that person should still enter round three of selection with the same probability of being chosen as every other employee.

# 3

## **KNOW WHAT SCIENTIFIC METHOD IS USED IN THE RANDOM DRAWS.**

Simple random sampling is the starting point for our random sampling process. This sampling technique ensures that everyone within a pool has an equal chance of being selected. If necessary, we also employ an alternative, stratified random sampling, in which simple random sampling is applied within separate pools, or strata. These strata can be determined by whether the employee has or has not already been tested. Stratified random sampling reduces the chance that an employee would be missed or tested twice in a year.

# 4

## **DOCUMENT THE RANDOM DRAWS.**

It is vital to document the entire random drug and alcohol testing notification and screening process. Maintaining documentation will better protect your organization in the event of an audit or litigation brought by workers.

If an employee is selected several times for random testing, that individual may question the randomness of the program and pursue legal action. Having a record of how employees are selected for testing and documenting each step of the notification and screening process will help testify to the statistical validity and fairness of the random testing program. KRESS offers Real-Time Compliance Reports (selected vs. tested ratio), Random Pool Maintenance (access for clients to maintain their pool), Auto Compensate (ensures quota goals/requirements are met), MIS Reporting Functions (MIS-an annual statistical report the DOT requires), Detailed Audit Logs (who did what and when).



# 5

## **LIMIT TIME BETWEEN NOTIFICATION AND TESTING.**

Once KRESS provides the names generated by the random process, you can take all the time you need before handing those employees the notification for testing. But once the notification for testing is passed to the employee, it is crucial to limit the amount of time between when a worker is notified and when that person is tested. If a drug and alcohol screening program runs on a predictable schedule, or a worker is given advanced notice, then it opens up the possibility for workers to take measures to evade detection.

It is recommended that the only amount of time permitted to lapse between notification and testing is the amount of time it takes for the worker to get from the business to the testing clinic. If a worker fails to complete testing within the appropriate window, then it should be considered a refusal to test.

# 6

## **KNOW YOUR CLINIC'S HOURS AND POLICIES.**

Employers and managers who are responsible for drug and alcohol testing notifications should know the testing clinic's hours and policies. For example, if your testing clinic closes at 5 p.m., it would be ineffective to send an employee over for testing at fifteen minutes before 5 p.m. If you are sending someone to perform a Breathalyzer test, be sure that collection facility actually has a Breathalyzer.

Being unfamiliar with the testing clinic's hours, policies and equipment may jeopardize the testing results if there is a time constraint and an employee has a shy bladder or if more than one sample is necessary.

# 7

## **FOLLOW ALL STATE AND FEDERAL REGULATIONS.**

Whether your organization is required to conduct random drug and alcohol testing or chooses to do so, it is vital to follow state and federal requirements. At the state level, there are varying laws about what kind of drug testing is permissible. In order to remain compliant with federal random drug and alcohol testing regulations and avoid costly fines, an organization must be sure it is meeting the specific standards of the regulating authority, such as the FAA or DOT.

# 8

## **CUSTOMIZE YOUR TESTING PROTOCOL TO FIT YOUR INDUSTRY.**

Many organizations will find they have unique testing needs. To get the best results from a random drug and alcohol screening policy, tailor your program to meet those needs.

For example, a health care organization might not have a need to enroll all of its workers in a random drug and alcohol testing program. However, the health care organization may want to enroll safety-sensitive employees and employees with access to particular medications in a random drug and alcohol testing program.







# 9

## **KEEP IT CONFIDENTIAL.**

Employees should be notified as discreetly as possible and according to your company policy. Only a select number of people should have access to the selection list to enforce confidentiality and maintain the element of surprise. Employers should follow best practices and procedures to ensure that the employee has no chance of receiving an advanced notice of selection. KRESS offers customizable access to your account, enabling specific privileges to certain users. For example, one user might have access to only order drug tests, while others can view test results if negative, and still others can have access to everything, including positive results.



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