#  **Pre-Employment Drug Screening**

Most companies conduct pre-employment drug screenings on their applicants.  This type of screening brings the least amount of discrimination risk claims to employers because it covers all potential applicants-there is no need for training on reasonable suspicion, no need to ensure compliance with OSHA regulations in a Post-Accident testing situation and no need to ensure the "randomness" of your random drug testing program. In NC there are specific requirements for employers in administering a drug testing program.

For pre-employment testing, an employer must ensure that they are being consistent in their testing. Do you test all new hires after the offer letter is extended? Do you test all new hires on first day of employment? How do you decide which applicants or new hires are being tested? Catapult advises that all candidates that have been selected as the final candidate for the position be considered for the drug testing before their first day of employment.   Upon requesting a drug test, employers must provide applicants with the Initial Notice regarding their Rights and Responsibilities under CSERA ([NC Controlled Substance Examination Review Act](https://www.labor.nc.gov/workplace-rights/drug-testing)).

Applicants can be tested on site or in an approved laboratory using a "quick test" which is a single-use device (typically a strip that can be dipped in urine to do a quick test for the detection of a panel of controlled or illegal substances) or via a full screen panel in an approved laboratory. Many employers prefer the "quick test" for applicants because it can be done in house and is a less expensive method, however in some instances, having a full panel done in a certified laboratory takes the compliance risk off of employers and places the burden on the testing facility. Be sure to review all of the appropriate CSERA testing requirements before implementing drug testing  in your company. Any testing that comes back with a positive result must be communicated to the applicant within 30 days and the applicant has the right to have their positive results verified in a certified lab using a more thorough testing method.   At this point a certified MRO (Medical Review Officer) should also review any positive results with the applicant to ensure the compliance of the testing results and interview the applicant regarding any pertinent medical history or biomedical information. Make sure your laboratory has a certified MRO available to help with these situations.

If an applicant refuses to submit to a drug test screening, you can remove them from employment consideration. If an applicant fails their drug test (and you have followed the proper procedure of informing them and allowing them the right to a retest) you can also remove them from employment consideration.

Please contact Catapult’s Advice Team should you have any questions regarding your drug testing policies.