



## **New BWC Drug Free Safety Program**

The Ohio Bureau of Workers' Compensation (BWC) Board of Directors voted on March 26, 2010 to establish the new Drug-Free Safety Program (DFSP), which will be available to employers on July 1, 2010. Employers can receive a discount on their workers' compensation premium in exchange for meeting the program requirements. This brand new program replaces the Drug-Free Workplace Program that has been available to employers since 1997. The new DFSP will be available to more employers and there will be no limit to the number of years an employer can participate. Participation in the old program will in no way prohibit participation in the new program.

There will be two participation levels to the new DFSP. "Basic" level participants will receive a 4% discount. "Advanced" level participants will receive a 7% discount. Under the old program, employers enrolled in a group rating program were prohibited from receiving a discount. Through the new DFSP, group rating participants can now receive a 3% discount but must participate at the "Advanced" level. There will also be a non-discount option for employers to implement comparable programs when required for state of Ohio public improvement projects. Interested employers can begin applying on April 2, 2010. Applications can be obtained from the BWC website or by calling CareWorks Consultants. The enrollment deadline for a July 1, 2010 start in the program is June 30, 2010. The next enrollment deadline will be October 29, 2010 for a January 1, 2011 start. Public employer taxing districts also have until October 29, 2010 to enroll for a January 1, 2011 start. Self-insured employers are not eligible. Employers participating in the following BWC programs are not eligible for DFSP discounts: 100% EM Cap, \$15,000 Medical Only, Group-Retrospective Rating, Individual (Paid-Loss) Retrospective Rating, Large Deductible and One Claim Program.

At the "Basic" level, employers will be required to develop a written drug free policy, conduct annual employee education and provide annual supervisor skill building training. It is anticipated that the annual employee education requirement will be one hour for all participants, and the supervisor skill building training will be two hours for supervisors with a one hour refresher in subsequent years. Drug and alcohol testing requirements for "Basic" participants will include pre-employment/new hire, post accident, reasonable suspicion and return to duty. "Basic" participants will be able to terminate employees that test positive but must provide employees with a list containing names and addresses of qualified substance abuse assessment resources.

Regarding the safety elements of the new DFSP, "Basic" participants will be required to complete an online safety assessment through BWC's website. Supervisors will be required to complete a one time accident-analysis training that will also be available through BWC's website. Lastly, companies will be required to report accidents in a timely manner through BWC's online accident-analysis tool.

"Advanced" level participants must meet all the "Basic" requirements plus conduct random testing at 15% of the workforce per year and must offer a second chance to employees who test positive or voluntarily seek assistance. A relationship must be pre-established with a substance assessment provider, and the employer must pay for the assessment. The safety requirements at the "Advanced" level further require that a safety action plan be developed to address the results of the online safety assessment.

BWC has initially indicated that a Drug-Free Grant Program will be available but has not yet released details.

For more information, call CareWorks Consultants at 1-800-837-3200.