

Presentation Of Mistakes and Opportunities in Screening and Drug Testing

Mistakes and Opportunities in Screening and Drug Testing

Presented by:

James P. Randisi

www.randisiandassociates.com

info@randisiandassociates.com

Phone: 410.494.0232

Overview

- Build Awareness of Mistakes Other Organizations Have Made in the Screening and Drug Testing Process
- Enable Your Organization to Avoid the These Costly Mistakes
- Methods and Opportunities That Can Help the Process Be More Efficient and Effective

Agenda

- Screening Mistakes
- Drug Testing Mistakes
- Screening Opportunities
- Drug Testing Opportunities

Rules And Reasons

- Rules
 - No Such Thing as a Dumb Question
 - I Am Not a Lawyer and This Doesn't Constitute Legal Advice
- Reasons To Screen and Drug Test
 - Why
 - Who
 - <https://www.preemploymentscreen.com/checking-volunteers/>
 - Negligent Hiring Tort

Mistakes In Screening

- Not FCRA Compliant If Using Consumer Reporting Agency
 - Pepsi - Show Me FCRA Disclosure to the Applicant or Show Me the Money \$1.9 Million
 - <https://www.preemploymentscreen.com/show-me-the-fcra-disclosure-to-the-applicant-or-show-me-the-money/>
 - Frito-Lay - No FCRA Disclosure equals a \$2.4 Million Settlement
 - <https://www.preemploymentscreen.com/no-fcra-disclosure-equals-a-2-4-million-settlement/>
 - Walmart - Review Your FCRA Disclosure and Authorization Process
 - <https://www.preemploymentscreen.com/fcra-disclosure-authorization-process/>
 - Costco - \$2.5 million just because there was no stand-alone disclosure
 - <https://www.preemploymentscreen.com/2-5-million-just-because-there-was-no-stand-alone-disclosure/>

Mistakes In Screening

- Not FCRA Compliant (cont'd)
 - Disneyland forgot the pre-adverse action letter
 - <https://www.preemploymentscreen.com/dont-forget-the-pre-adverse-action-letter/>
 - Improper Disclosure for Obtaining Consumer Reports
 - <https://www.preemploymentscreen.com/disclosure-obtaining-consumer-reports/>
 - Not Having Legal Counsel review your Disclosure Forms
 - <https://www.preemploymentscreen.com/competent-legal-counsel-review-disclosureauthorization-forms/>
 - Using 28 Year Old Conviction of \$40 for Consuming Adult Beverages
 - <https://www.preemploymentscreen.com/another-non-compliant-company-pays-for-fcra-violations/>

Mistakes In Screening

- Assuming Fingerprint Records Are the Gold Standard
 - Fingerprints in the Screening Process
 - <https://www.preemploymentscreen.com/fingerprint-records-in-the-employment-screening-process/>
 - Fingerprint or name/address/date of birth criminal record search?
 - <https://www.preemploymentscreen.com/fingerprint-namesocial-security-number-criminal-record-search/>
 - Your employee's FBI fingerprint record comes back with a hit..... Now what do you do?
 - <https://www.preemploymentscreen.com/employees-fbi-fingerprint-record-comes-back-hit-now/>

Mistakes In Screening

- Assuming Information on the Internet is Accurate
 - <https://www.preemploymentscreen.com/information-internet-not-report/>
 - <https://www.policearrests.com/> (Not CRA - Can't use for screening – So Why Use It)
- Can't Use Criminal Convictions Older than 7 Years
 - <https://www.preemploymentscreen.com/criminal-convictions-older-7-years/>
- Not Complying with FCRA in a Timely Manner
 - <https://www.preemploymentscreen.com/faulty-background-checks-costly/>
- Not Following EEOC Guidelines
 - <https://www.preemploymentscreen.com/eec-complaint-result-not-following-guidelines/>

Mistakes In Drug Testing

- Assuming All Drug Tests are the Same
 - <https://www.preemploymentscreen.com/always-check-the-source/>
 - https://www.eeoc.gov/policy/docs/guidance-inquiries.html#N_32
- Not Knowing How to Deal with a Challenge to a Positive Drug Test
 - <https://www.preemploymentscreen.com/drug-test-comes-back-positive-now/>
- Overestimating How Long Illegal Drugs Stay in the System
 - <https://www.preemploymentscreen.com/long-illegal-drugs-stay-system/>
 - <https://blog.employersolutions.com/by-the-numbers-drug-detection-windows-by-specimen-type/>

Mistakes In Drug Testing

- Not Having An MRO & Not Listening to an MRO If You Have One
 - <https://www.preemploymentscreen.com/eoc-says-drug-tests-violated-ada/>
 - <https://www.preemploymentscreen.com/what-is-a-medical-review-officer/>
 - <https://www.preemploymentscreen.com/not-consulting-medical-review-officer-contributes-trouble-employer/> \$1.8 Million Mistake
 - <https://www.preemploymentscreen.com/two-good-reasons-to-have-a-medical-review-officer/>
- Assuming Marijuana Impairment Doesn't Exist?
 - <https://www.preemploymentscreen.com/marijuana-impairment/>

Mistakes In Drug Testing

- Using Drug Testing to Manage Poor Performance
 - <https://www.preemploymentscreen.com/dont-use-drug-tests-manage-anticipated-poor-performance/>

Screening Opportunities

- Are You Looking in All the Right Places?
 - <https://www.preemploymentscreen.com/looking-right-places-criminal-convictions-two-lessons-learned/>
- Statewide Criminal Conviction Search or County Criminal Conviction Search – Which is better?
 - <https://www.preemploymentscreen.com/statewide-criminal-conviction-search-county-criminal-conviction-search-better/>
- EEOC Requirements for Criminal Record Searches. Comply the harder way or the easier way
 - <https://www.preemploymentscreen.com/eoc-requirements-criminal-record-searches-comply-hard-way-easier-way/>

Screening Opportunities

- Continuous Screening Should be Integral part of company policy
 - <https://www.preemploymentscreen.com/continuous-screening-integral-part-company-policy/>
 - <https://www.shrm.org/ResourcesAndTools/hr-topics/talent-acquisition/Pages/Continuous-Screening-Posthire-Future.aspx>
- Why Call Prior Employers
 - <https://www.preemploymentscreen.com/call-prior-employers/>
 - <https://www.careerexcuse.com/about-us> <http://www.fakeresume.com/>
- A New Summary of Rights Form
 - <https://www.preemploymentscreen.com/a-new-summary-of-rights-form/>

Drug Testing Opportunities

- What Reduces Substance Abuse in Your Employee Population by almost 50%
 - <https://www.preemploymentscreen.com/reduces-substance-abuse-employee-population-almost-50/>
 - <https://blog.employersolutions.com/data-shows-escalating-drug-use-in-the-u-s-workforce/>
- Testing Employees for Drugs is Important
 - <https://www.preemploymentscreen.com/testing-employees-drugs-important/>
- The Right Thing to do is.....Random Drug Testing
 - <https://www.preemploymentscreen.com/the-right-thing-to-do-is/>

Drug Testing Opportunities

- An Analysis of 10 million Drug Tests Reveals Now is No Time to Stop Drug Testing
 - <https://www.preemploymentscreen.com/an-analysis-of-10-million-drug-tests-reveals/>
 - <http://www.questdiagnostics.com/home/physicians/health-trends/drug-testing>

Drug Testing Opportunities

- Important to Define Safety Sensitive Positions When Drug Testing
 - <https://www.preemploymentscreen.com/safety-sensitive-position-and-drug-testing/>
 - <https://www.ctdol.state.ct.us/wgwkstnd/highrisk.htm>
- How to Avoid Donors Using Fake Urine to Pass Drug Tests
 - <https://www.preemploymentscreen.com/donors-are-using-fake-what-to-pass-drug-tests/>
 - <https://abcnews4.com/news/business-news/fake-urine-doesnt-live-up-to-drug-test-cheating-hype>
 - <https://orc.orasure.com/assets/base/training/intercept/player.html>

Additional Resources

- Background Checks – What Employers Need to Know
 - https://www.eeoc.gov/eeoc/publications/background_checks_employers.cfm
 - <https://www.preemploymentscreen.com/session-with-laura-rubenstein/>
- Drug Testing
 - <https://www.preemploymentscreen.com/drug-testing-seminars/>

Thank You

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