

# Q&A

## Recruiting & Hiring



Courtesy of Meridian Benefits Consulting

Q

**Are we allowed to require a drug test before making an employment offer?**

A

Drug and alcohol testing for candidates and employees is regulated at the federal level by the Drug-free Workplace Act (DFWA), the Americans with Disabilities Act (ADA), the Fair Credit Reporting Act (FRCA) and U.S. Department of Transportation regulations. Many states also regulate workplace drug screening policies. Pre-employment testing must be conducted consistently to either all candidates or just to all candidates in safety-sensitive positions. Tests should be conducted after a contingent offer of employment has been extended.

Be sure to check specific state laws for any restrictions on drug testing. Also, in unionized workplaces, drug testing rules for union applicants may have to be negotiated.