



Drug and Alcohol Testing at Tribal Casinos

by Jim Wanser

Almost every business in the country has announced to the world that they are a “Drug Free Workplace.” How many of these companies are truly free of substances that could place the property in danger? Do they conduct effective pre-employment screening? Do they have a program for testing after the employee starts work? These are questions that must be answered if the casino is going to effectively defend itself against lawsuits, and its employees and guests against criminal acts.

Why do we drug test our employees? We know that drug and alcohol use can affect productivity and employee morale. It increases health care costs, especially short-term disability. When we state to the public that our casino is “drug free” it sounds very good, but without testing the statement is meaningless. The most common reasons for drug and alcohol testing are:

- Deter employees from abusing alcohol and drugs
- Prevent hiring individuals who use drugs
- Be able to identify early and refer employees who have drug and alcohol problems
- Provide a safe workplace for employees
- Protect our guests
- Comply with state and federal regulations
- Benefit from workers’ compensation premium discount programs

The first step in any drug/alcohol program is the commitment of management. If the program is going to be effective the management team must enforce the 100% substance free policy. If exceptions are made for individuals the program will ultimately fail. A testing program should optimally be designed and coordinated between human resources and security. By having both departments involved, the rights of both the employee and the casino are protected.

Some areas are required to have a testing program. If you have shuttle buses, carrying 16 or more persons, carrying people such as day trippers into the casino, your buses must have D.O.T. registrations, and inspections. The drivers must be entered into a D.O.T. certified testing program for drugs and alcohol. This testing will be done on a pre-employment and random basis. This can be accomplished by utilizing a third party vendor that will enter your employees into a large pool for the random selections. Fifty percent (50%) must be drug tested and ten percent (10%) alcohol tested each year. Your Transportation Supervisors must also be trained to recognize drug and alcohol abuse. The vendor can supply the appropriate training.

Drug testing should not be a one-time occurrence. There are several occasions when testing can and should be done. Pre-employment testing will eliminate users of illegal drugs before you spend money hiring and training them.

When supervisors observe signs and symptoms that lead them to believe that an employee is under the effect of an intoxicating substance a “reasonable suspicion” exists. Drug or alcohol testing can be done immediately to reduce the hazard of this person in the workplace. A negative result will allow the employee to return to work and a positive result can give grounds for a suspension pending review by management.

If an employee is involved in a workplace accident, testing should be done to determine whether drugs were involved. This can be done for both personal injury and property damage accidents. Testing should be done on any employee involved in an accident involving heavy equipment or a motor vehicle. This will not only protect the company, it will help shield the employee from later claims that he was impaired.

Testing can be required for employees requesting transfer or who are about to be promoted. Many times employees with a record of workers’ compensation claims or problems within a casino will try to transfer to another department or property to avoid working for supervisors familiar with their record. The drug test may catch that employee. The promotion test can weed out employees who have coasted under the radar, not had any accidents, and are being placed in a position of authority.

The test that causes the most controversy is the random test. To utilize this test you have to be able to guarantee that the choice will be random. Every name in the company should be entered into the pool by number and a random number generator used to determine the selections. Depending on the number of employees you may test one per week or fifty.

When designing a testing program several decisions must be made. Do you want your security department or human resources department to operate the program, or will it be contracted to a third party vendor? Keeping it in-house is less expensive, but it requires training to ensure the rights of both the employee and the company. A third party vendor costs more, but it eliminates many of the manpower issues, such as training and equipment. Sometimes using a third party vendor will bolster the belief that selections are truly random.

When designing a program you must decide what drugs will be an issue in your company. Drug tests are usually combined into “panels.” Common panels test for five, eight, or ten drugs at a time. In the following list, the first five drugs are the basic panel, the first eight in the second panel, and the complete list for the third panel.

- 1) Amphetamines (meth, speed, crank, ecstasy)
- 2) THC (cannabinoids, marijuana, hash)
- 3) Cocaine (coke, crack)
- 4) Opiates (heroin, opium, codeine, morphine)
- 5) Phencyclidine (PCP, angel dust)
- 6) Barbiturates (phenobarbital, butalbital, secobarbital, downers)
- 7) Benzodiazepines (tranquilizers like Valium, Librium, Xanax)
- 8) Methaqualone (Quaaludes)
- 9) Methadone (used to treat heroin addiction)
- 10) Propoxyphene (Darvon compounds)

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Other drugs may be tested for if the property has specific concerns.

There are three standard methods for collection and testing for drugs in the casino industry. Oral swabs are the least invasive and can be read instantly. Urine samples require privacy and same sex collectors. They can also be read instantly. Hair samples are quite invasive and must be sent to a lab for testing. While oral and urine tests give quick results, they are not 100% accurate. Any positive (non-negative) results from these instant tests must be confirmed by a certified lab. Remember, while lab testing is very accurate, it is only certified for the first five drugs. The oral swab will probably give the best results for current impairment or use of a drug. Urine and hair samples will not show current impairment, but will measure the residue of drug metabolites in the system. Hair samples can show residues up to ninety days after use.

A decision by a casino to set up and operate an efficient drug and alcohol testing program can be a major undertaking, though the time and expense of testing will pay off in the long run. The safety of your employees and guests come first. The publicity of an employee committing a criminal act or causing an injury while under the influence is something you never want to see. ♣



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