

VIRGINIA DRUG-FREE WORKPLACE PREMIUM CREDIT PROGRAM Workers' Compensation and Employers Liability

American Builders Insurance Company
National Builders Insurance Company

Rating Procedure:

1. The premium for a risk will be reduced by 5% for an employer who has established a drug-free workplace in accordance with rules outlined in the Requirements section of this Program.
2. The premium credit will be applied to a risk in a multiplicative manner after the application of the experience modification and before premium discounts and the expense constant. The 5% credit will be applied to the policy minimum premium.
3. The drug-free workplace premium credits must be reported under the classification code 9846 on unit statistical reports submitted to the National Council on Compensation Insurance (NCCI).
4. The premium credit will be applied on a continuous basis with annual filing of the Drug-free Workplace Premium Credit Program Application.
5. The insured's policy is subject to additional premium, for reimbursement of premium credit, and cancellation provisions of the policy if it is determined that the insured misrepresented its compliance with the drug-free workplace rules as described in the Requirements section.

Requirements:

American Builders Insurance Company and National Builders Insurance Company define a drug-free workplace as follows:

1. All employees must be given a written policy statement notifying them of the details of the program including the consequence of testing positive for controlled substances. The Federal (DHH/SAMHSA) Five-Panel Controlled Substance Test is the minimum used for drug testing in a drug-free workplace. Other panels can be designed to include alcohol and additional controlled substance groups. Advance notice must be given to current employees prior to initiating drug testing to explain the effects of drugs, available employee assistance programs and the company policy.
2. An employer must require job applicants to submit to a drug test and may use a refusal to submit to a drug test or a positive confirmed drug test as a basis for refusing to hire the job applicant. A notice should be posted or provided to each job applicant that a negative drug test is required for employment. A "job applicant" is defined as a person who has applied for a position with an employer and has been offered employment conditioned upon successfully passing a drug test.
3. An employer must require an employee to submit to a drug test based on a reasonable suspicion that the employee is under the influence of alcohol or drugs. The employer must promptly detail in writing the circumstances that formed the basis of the determination that the reasonable suspicion existed to warrant the testing. A copy of this documentation must be given to the employee upon request and the original kept confidential by the employer.
4. An employer must make a good faith effort to have an employee submit to a drug test within 32 hours of all on-the-job accidents which require outside medical attention other than first-aid, where legally allowed.
5. If, in the course of employment, a worker enters an employee assistance program or a rehabilitation program for drug or alcohol-related problems, the employer must require the employee to submit to a drug test as a follow-up to the program on a quarterly, semi-annual or annual basis for up to two years thereafter.
6. Specimens must be collected with due regard to the privacy of the individual and in a manner reasonably calculated to prevent substitution or contamination of the specimens. The collection site should adhere to safeguards defined by the Department of Health and Human Services.
7. Each confirmation test conducted (excluding the taking or collection of a specimen to be tested) must be conducted by a laboratory licensed and approved by the Substance Abuse and Mental Health Administration (SAMHSA)
8. Within five working days after receiving notice of a positive, confirmed test result, the employee or job applicant may submit information to the designated Medical Review Officer (MRO) explaining or contesting the test results. All results and documentation must be kept confidential by the MRO and employer and retained for at least one year.

NOTICE TO EMPLOYER: If you have a Drug-Free Workplace Program established and maintained and you would like to apply for the 5% premium credit that is available, please complete this form and forward it to your insurer. In order to re-qualify for this credit, it will be necessary for you to complete and forward this form to your insurer on an annual basis at the time of renewal

APPLICATION FOR VIRGINIA DRUG-FREE WORKPLACE PREMIUM CREDIT PROGRAM

Name of Employer: _____

Date Program Implemented: _____

Testing:

Procedures for drug testing have been established and/or drug testing has been conducted in the following areas:

- | | |
|---|---|
| <input type="checkbox"/> Job applicant | <input type="checkbox"/> Routine fitness for duty |
| <input type="checkbox"/> Reasonable suspicion | <input type="checkbox"/> Follow-up testing to Employee Assistance Program |
| <input type="checkbox"/> Post-Accident | |

Notice of Employer's Drug Testing Policy:

- | | |
|---|---|
| <input type="checkbox"/> Copy to all employees prior to testing | <input type="checkbox"/> General notice given 60 days prior to testing |
| <input type="checkbox"/> Posted on employers premises | <input type="checkbox"/> Copies available in personnel office or other suitable locations |

Education:

- | |
|--|
| <input type="checkbox"/> Employee Assistance Program |
| <input type="checkbox"/> Education |

Name of Medical Review Officer: _____

A. Name of United States Department of Health and Human Services Certified Laboratory:

B. Phone No.: _____

C. Address: _____

Your certification is subject to physical verification by the insurer. Your policy is subject to additional premium for reimbursement of premium credit, and cancellation provisions of the policy if it is determined that you misrepresented your compliance.

_____ Employer Name	_____ Date	_____ Officer/Owner Signature *
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* An officer or owner must sign the application