

# Application for Drug-Free Workplace Program or Drug-Free EZ

Note: Employers that have, on an average, 25 or fewer employees will participate in Drug-Free EZ.

I. Application date:   /   /

Check program period:  July 1 — June 30  Jan. 1 — Dec. 31

BWC will not accept applications for a Drug-Free Workplace (DFWP) or Drug-Free EZ (DF-EZ) program for a bid or work on a state-administered construction contract until Dec. 31 for the program year beginning in 2011. Employers submitting applications for a bid or work on a state-administered construction contract should submit applications by Dec. 31 for the program year beginning in 2010.

II. Name of employer and doing business as: \_\_\_\_\_

Employer's street address: \_\_\_\_\_

BWC policy number: \_\_\_\_\_

Federal tax ID number: \_\_\_\_\_

Employer's phone number: (  ) \_\_\_\_\_

Employer's fax number: (  ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

Employer contact for Drug-Free program: \_\_\_\_\_

Employer contact's phone number: (  ) \_\_\_\_\_

III. Indicate your organization's number of employees: \_\_\_\_\_  
(include all permanent full-time, part-time and intermittent/seasonal)

IV. Do you have an existing substance-free workplace program that has been in place for one or more years?  Yes  No

If so, when did your program begin?   /   /

V. Is this application being submitted to bid or work on a state-administered construction contract?  Yes  No

VI. Check the Drug-Free program level for which you are requesting approval:  Level 1  Level 2

I hereby certify that my organization is applying to implement a Drug-Free Workplace (DFWP) or Drug-Free EZ (DF-EZ) pursuant to Rule 4123-17-58 or 4123-17-58.1 of the Ohio Administrative Code and is willing to meet, at minimum, the requirements associated with the level of program applied for. When failing to fully implement the DFWP or DF-EZ or meet the specified requirements, I agree to repay to the Ohio Bureau of Workers' Compensation any DFWP or DF-EZ discount received. Also, I certify this information is accurate and, if not, may be considered a fraudulent representation which may lead to legal action under the applicable fraud statutes.

Signature of designated employer representative: \_\_\_\_\_ Date signed: \_\_\_\_\_

Printed name of designated employer representative: \_\_\_\_\_

Please detach this completed application and fax to: (614) 728-3205

Or mail to: Ohio Bureau of Workers' Compensation  
Risk Special Programs, 22nd Floor  
30 W. Spring St.  
Columbus, OH 43215-2256

Apply online at:  
**ohiobwc.com**



# Ohio Bureau of Workers' Compensation

Governor, Ted Strickland  
Acting Administrator/CEO, Tina Kielmeier

Focus on  
Ohio Employers

log on

? help

print

search

glossary

contact

e-acc

- Accident/Injury Info »
- Claim Info »
- Claim Payment »
- Claim Reference Info »
- Coverage look-up
- Employer Services »
- Quick Pay
- Safety Services »
- Self-Insured »
- Forms
- Section Map

Live support available  
Monday through Friday  
7:30 a.m. - 5:30 p.m.  
[Click here to get help!](#)

## Application for Drug-Free Workplace Program and Drug-Free EZ (U-140)

### Introduction

The Drug-Free Workplace Program (DFWP) is a BWC rate program which offers a premium discount to eligible employers for implementing a program addressing workplace use and misuse of alcohol and other drugs, including prescription, over-the-counter, and illegal drug abuse.

BWC understands that small businesses typically have fewer resources available to implement our DFWP. That's why BWC has developed Drug-Free EZ (DF-EZ). BWC defines a small business as a company with average of 25 or fewer full-time employees.

### Additional information

- [DFWP info](#)
- [Step-by-step instructions to complete the U-140](#)
- [Drug-Free Workplace Program Technical Assistance Manual](#)
- [DF-EZ program info](#)
- [Drug-Free EZ Technical Assistance Manual](#)
- [DFWP Provider Directory](#)

### Required information

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Name of Employer</li> <li>• Doing Business As (DBA) Name</li> <li>• Address</li> <li>• Telephone Number</li> <li>• Federal Tax ID Number</li> <li>• Employer Contact Person</li> <li>• Employer Contact Telephone Number</li> <li>• Total Average Work force (Number of employees considered full-time equivalents)</li> </ul> | <ul style="list-style-type: none"> <li>• Existing Substance-Free Program (one or more years)</li> <li>• Beginning Date for Existing Substance-Free Program</li> <li>• Program Period Dates</li> <li>• DFWP or DF-EZ Level Requested</li> <li>• Name of Designated Employer Representative if submitted online</li> </ul> |
|---|--|

### Complete the forms

The free [Adobe Reader](#) software is required to display and print the application.

Do you have all the required information at hand? If so, you are ready to begin completing the form. When completing the online form, please use the **previous** and **next** buttons located at the bottom of the page to navigate through the form.

[Begin online form now.](#)

Are you missing some of the required information? If so, you may return here at a later time when you have the information you need, and complete this online form. Or, you may print a blank copy of the form to complete by hand and either mail or fax it to BWC.

[Print a blank form.](#)





# Ohio Bureau of Workers' Compensation

Governor, Ted Strickland  
Acting Administrator/CEO, Tina Kielmeier

Focus on  
Ohio Employers

log on

? help print search glossary contact s-acc

- Accident/Injury Info »
- Claim Info »
- Claim Payment »
- Claim Reference Info »
- Coverage look-up
- Employer Services »
- Quick Pay
- Safety Services »
- Self-Insured »
- Forms
- Section Map

Live support available  
Monday through Friday  
7:30 a.m. - 5:30 p.m.  
**Click here to get help!**

## Drug-Free Workplace Program (DFWP) information

The rebuttable presumption law changes the way workers' compensation claims are determined when the employee tests positive for alcohol or any of nine specified controlled substances (drugs). For more information click on the link below.

[Rebuttable presumption details](#)

BWC's DFWP program is an incentive program designed to help employers establish a safer and more cost-effective workplace. You can join hundreds of other Ohio employers by choosing to keep your employees safe and reduce the chance of an accident caused by substance use. The voluntary DFWP program encourages employers to detect and deter substance use and misuse, and take appropriate corrective action.

**Note:** While participation in DFWP for most employers is voluntary, construction contractors and subcontractors are required to have a drug-free workplace program (a BWC program or comparable program) to bid on or perform a state-administered construction contract/project.

BWC understands that small businesses typically have fewer resources available to implement a drug-free workplace program. That's why BWC created Drug-Free EZ (DF-EZ). Small businesses can participate in the program that has the same basic elements and integrity as the DFWP but with streamlined requirements and less paperwork.

[Click here for more information on DF-EZ.](#)

### The problem?

The courts and the public are holding American employers responsible for the behavior of their substance-using employees. Not only do alcohol and other drug use affect profitability of companies, they also affect the health and safety and productivity of workers.

Consider these statistics:

- Productivity — Substance users are 33 percent to 50 percent less productive;
- Absenteeism — Users are absent an average of three weeks or more per year and are tardy three times more often than non-users;
- Accidents — Users are three to four times more likely to have an accident on the job and five times more likely to file a workers' compensation claim;
- Medical claims — Substance users file 300 percent to 400 percent more costly medical claims;
- Employee theft — An estimated 50 percent to 80 percent of all pilferage, theft and loss is due to substance-using employees.

### Why participate?

Substance use is often the silent and unseen cause of work-related accidents. Unfortunately, employers and their employees don't realize it until it's too late.

Statistics from national studies show how costly substance use is within the workplace, and Ohio is no different. Estimates of the cost of substance use to employers vary, ranging from \$7,000 to \$25,000 annually per substance user.

The greatest value of this program is in its long-range benefits, rather than the discount itself. Implementing

### **Who's eligible to participate in the DFWP program?**

- Only state-fund employers may receive a discount. That includes private employers and public employment districts with the exception of state agencies.
- Employers must be in good standing with BWC in terms of policy coverage status, payment of premium and other monies due BWC and have limited lapses in coverage.
- Employers must have an active, reinstated or debtor-in-possession coverage status at the time they approved to participate in the DFWP and throughout continued participation.
- Employers must be current on premium payments as of March 31 for the application year that begins Jan. 1, or must be current as of Sept. 30 for the application year that begins Jan. 1. BWC defines current not more than 45 days past due on any and all undisputed premiums, assessments, penalties or monies otherwise due to any fund administered by BWC, including amounts due for retrospective rating at the time of application deadline.
- Employers may not have cumulative lapses in workers' compensation coverage in excess of 59 days within the last 18 months preceding application for the DFWP program.
- Employers may not have administered an existing substance-free workplace program, comparable to BWC's DFWP Level 1, for four or more years.
- Employers must not have previously completed their eligible four or five years of participation in the DFWP program.

Self-insuring employers and state agencies are not eligible for the discounts, but may receive technical assistance from BWC to establish a substance-free work environment.

These are the initial requirements for program eligibility. Employers determined to be ineligible may reapply subsequent program year, except for those determined to be ineligible based upon having an existing substance-free program for four or more years comparable to BWC's DFWP Level 1.

### **What are the key components of the DFWP program?**

The DFWP program is designed to help employers deter, detect and take corrective action related to substance use that affects workplace safety. Participants must develop a substance policy that describes their drug-free program. The policy should describe annual employee education and supervisor training, drug and alcohol testing, and employee assistance, which – along with the written policy – comprise the key components of an effective drug-free workplace program.

For more details, order the [Drug-Free Workplace Program Procedural Guide](#) online, or call 1-800-OHIOBWC and listen to the options.

### **Promotion of consortia**

We encourage you to use the services of one-stop shop consortia to make it easier for you to meet our program requirements and to realize cost savings associated with economies of scale. We promote the development of these consortia by private-sector agencies, and you can get a list of consortia considered BWC-approved from your BWC employer services specialist.

### **What type of legal review do I need for my program and written substance policy?**

We strongly urge employers to have the company's program reviewed by competent legal counsel familiar with employment law and drug-free case law. Counsel should ensure adherence to applicable state laws, review policy for protection of employer interests and employees' rights and ensure adherence to any collective bargaining agreements that are in place. We expressly disclaim any information provided by BWC staff or BWC documents constitutes legal advice.

### **How can I protect my employees' confidentiality rights?**

Our drug-free workplace programs have built-in protections that ensure the privacy of all employees. We advise employers to send faxes that share individual testing information and employee assistance to a secure fax machine. We require all program documents concerning an individual's testing and treatment results be kept separate from the general personnel file and secured. Other examples are found in BWC's DFWP Technical Assistance Manual.

It is important for employers to note the new Health Insurance Portability and Accountability Act (HIPAA) applies to have limited but important implications for participating drug-free employers. BWC program requirements already strongly stress confidentiality of personal information and a signed consent-to-testing form for each employee as a term and condition of employment. Employers should follow the guidance provided by their legal counsel in terms of updating their consent-to-testing forms and any release of information forms to ensure adherence to HIPAA privacy requirements.

### **What discounts are available to employers for participating in the DFWP?**

Employers participating in both DFWP and Premium Discount Program + will receive a discount for both programs based on their eligibility. In addition, employers can stack their DFWP discount on top of the bene

**Level 1 - 10-percent discount**

Level 1 requires development of a written policy and certain types of testing: pre-employment and/or new hire reasonable suspicion; post-accident; and follow-up. In addition, employers must do annual employee education and supervisor training and develop a list of local community resources that employees with problems can turn to for assistance.

**Level 2 - 15-percent discount**

Level 2 requires the same drug and alcohol testing requirements as Level 1 along with random drug testing on 15 percent of the average annual total work force. For public employers, random testing applies only to safety-sensitive positions or functions, as defined by the employer. Level 2 employers must offer annual employee education and supervisor training and must expand available employee assistance. In addition, they must implement five steps of BWC's 10-Step Business Plan, a highly coordinated safety program.

**Level 3 - 20-percent discount**

Level 3 requires 25-percent random drug testing, employee education, supervisor training and expanded employee assistance. Employers must also implement all 10 steps of the 10-Step Business Plan.

**Who benefits?**

Employers who implement the DFWP program provide greater protection for all employees. Consider these benefits:

- Increase in productivity;
- Decrease in accidents;
- Decrease in severity of accidents;
- Reduce use of workers' compensation medical benefits by substance users;
- Decrease in theft;
- Protect the bottom line.

**DFWP Provider Directory**

BWC has partnered with The Ohio Department of Alcohol and Drug Addiction Services (ODADAS) to offer Ohio employers a listing of companies and individuals qualified to supply services related to a drug-free workplace. Employers may access the DFWP Provider Directory to obtain contact information for providers by service type, such as employee education and supervisor training. Employers also can search by county served or statewide service availability.

**Related links**

[Application for Drug-Free Workplace Program and Drug-Free EZ \(U-140\)](#)

[Step-by-step instructions to complete the U-140](#)

[Drug-Free Workplace Program Procedural Guide](#)

[Drug-Free Workplace Program Technical Assistance Manual](#)

[Drug-Free Workplace Self-Implementation Workbook](#)

[Personalized Policy Scenarios](#)

[SafetyGRANT\\$ information for DFWP and DF-EZ participants](#)

