



Questions & Answers about Drug Testing and Work

Q. Can a drug test be required when I apply for a job?

A. Yes, but your future employer must give you notice of this requirement in writing. If the test is positive, a second test must be performed to make sure first test was accurate. The results of the tests are confidential, but you are entitled to a copy of the results.

Q. Can my employer test me for drugs anytime he or she wants?

A. After you are hired, your employer cannot ask you to take a drug test unless he has a reasonable belief that you are under the influence of drugs or alcohol which affects your ability to do your job.

However, if you have a job where safety is very important, you **can** be tested at **any time**. Examples of this type of job include bus driver, forklift operator, cable TV installer, and licensed practical nurse.

If you volunteer to take part in an employee assistance program or to follow up a positive test, you can be tested.

Even if your employer can test you at any time, you still have legal rights. Keep reading.

Note: The test cannot be used to discriminate against someone because of race, color, age, sex, religion, disability, sexual orientation, or national origin. *For example*, it would be illegal to test *only* women or *only* African Americans.

Q. Can my employer watch me give the drug test sample/specimen?

A. No. Under Connecticut law, an employer **cannot** directly watch you give a specimen. You **can** refuse to give a specimen until the employer leaves the room. An employer *is* allowed to be in the restroom if you are in a private stall.

Q. What happens if the test is positive?

A. If the *first* test is positive, a *second* test must be performed. A positive drug test result cannot be used as the **ONLY** reason you are fired, transferred or not promoted *unless* the result was confirmed with the second test. Test results are confidential, but you are entitled to a copy of the results.

*Be careful...*if you are fired because of a positive drug test and you are otherwise eligible for state welfare assistance (TFA), you might lose those benefits (or even *future* benefits). **AND**, if you are fired, you might not be able to get Unemployment Compensation benefits. Call Statewide Legal Services for help.

Q. How can the positive result of a drug test affect my right to work?

A. You may lose your state license to do your job (such as school bus driver or nurse aide) if your drug tests are positive. You must act quickly if you want to challenge the drug testing procedures so that you can keep your license.



Questions? Call Statewide Legal Services for free information and advice. 1-800-453-3320.