Can an employer require an employee to submit to drug/alcohol testing? In addition to drug/alcohol testing required by state or federal law, an employer may require a specific employee to submit to drug/alcohol testing designed to identify the presence in the body of controlled substances referenced under chapter 69.50 RCW, other than drugs prescribed by a physician, if:

1. The employer has a policy that:
   a. Complies with legal requirements;
   b. Establishes procedures under which the test may be conducted;
   c. Provides for the confidential treatment of drug and/or alcohol test results as required by law or in an action or proceeding challenging any disciplinary action arising from the circumstances which led to the test; and

2. One of the following conditions apply:
   a. The employee is subject to testing because:
      i. The employer has specific, objective grounds to believe the employee's work performance is impaired due to the presence of such substances in the body; or
      ii. While on duty the employee is involved in an accident or incident as described by the employer's policy;
   b. The employer determines that employees in positions with any of the following responsibilities are subject to testing:
      i. Providing security on state property or ensuring public safety;
      ii. Administering or dispensing medication; or
      iii. Utilizing a firearm as called for in performance of job duties.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-12-096, § 357-37-200, filed 5/27/05, effective 7/1/05.]