



Connecticut **Business & Industry Association**

**Testimony Of
Kyra P. Nesteriak
Government Affairs Manager
Before The
Labor & Public Employees Committee
Legislative Office Building
Hartford, Connecticut
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Good afternoon, my name is Kyra Nesteriak and I am government affairs manager for the Connecticut Business and Industry Association (CBIA). CBIA represents approximately 10,000 companies across the state of Connecticut, ranging from large corporations to small businesses with one or two employees. The vast majority of our members have fewer than 50 employees.

CBIA **supports the intent** of SB 589, **An Act Concerning Drug Testing in the Workplace**, however we would like to see the measure broadened to allow voluntary random drug testing for all employees.

Currently, random drug testing is prohibited in Connecticut, except for employees working in positions that are designated high-risk or safety-sensitive by the Commissioner of the Department of Labor. If an employer has positions that are not on that list, the employer may request to the Commissioner of the Department of Labor designation of a position of high-risk or safety-sensitive.

In terms of the designation of what's high-risk or safety-sensitive, there's more or less a three-prong test. This is found in Section 31-51x-1. CBIA has a problem with section (e)(3) of this section. For an occupation to be considered high risk or safety sensitive, it must, according to this third prong, be an occupation which "is separate from the ability to discern impaired or enhance performance by direct supervision and is not reasonably subject to other valid and available means of observation and evaluation which would preclude the necessity of random urinalysis".

It's this third factor of the definition that raises the most concerns in the business community. It is the primary conduct or the incident that is what is trying to be avoided. If somebody is impaired and they have already hurt their co-worker or if they have caused damage to the facility, it is too late. An employer wants to be able to get the employee off of the floor or the line before the accident occurs.

An early heightened level of concern with regard to high-risk and safety-sensitive occupations is justified by the seriousness of the injury or the loss that could occur. And by the realization that a single brief episode of impaired performance could trigger an

immediate tragic incident without ever presenting an opportunity for management to intervene.

Medical researchers have supported the opinion that although most observable signs of drug use may be evident for only brief periods of time, impairment is present for extended periods of time. This is why we believe it to be inappropriate and dangerous to consider the quality or quantity of supervisory observation as a factor in determining whether an occupation is high-risk or safety-sensitive.

Random drug testing is considered in those extreme situations where other forms of intervention would be too late if one were forced to wait for signs of visible impairment. Management's prime responsibility is to prevent the individual(s) from ever being on the job in a high-risk or safety-sensitive position when impaired.

CBIA sees this measure as helpful because drug use affects all sectors of society and really needs to be dealt with on a broad front, however, we urge you to make modifications to this measure to allow for random drug testing for all employees.

Thank you for the opportunity to comment today.