

Contact information regarding these laws:

The Legislative Reference Center

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1. Unemployment Compensation

VIRGINIA Unemployment Compensation State law provides that an individual shall not qualify for benefits during any week that he or she, in connection with an offer of suitable work, tests positive for a nonprescribed controlled substance if the test is required as a condition of employment and is performed in accordance with scientifically recognized standards by a laboratory accredited by the United States Department of Health and Human Services, or the College of American Pathology, or the American Association for Clinical Chemistry, or the equivalent. Code of Virginia §60.2-618 (3)(d)(1999). An employee is disqualified from eligibility for benefits if he or she is discharged for a confirmed positive drug test for a nonprescribed controlled substance. The test must be performed at the direction of his or her employer in conjunction with the employer's administration and enforcement of a known workplace drug policy and at a laboratory accredited by the United States Department of Health and Human Services, or the College of American Pathology, or the American Association for Clinical Chemistry, or the equivalent. Code of Virginia §60.2-618 (2)(b)(1999).

2. Workers' Compensation

VIRGINIA Workers' Compensation denies benefits to an employee whose injury is caused by intoxication or use of nonprescribed controlled substances. Code of Virginia §65.2-306 (A)(3)(6)(2002). A positive drug test from an HHS certified laboratory or a positive alcohol test above .08 bac creates a rebuttable presumption the employee was intoxicated or using drugs at the time of injury. Code of Virginia §65.2-306 (B)(2002).

3. Virginia Workers' Compensation Premium Reduction Program

VIRGINIA Workers' Compensation Premium Reduction Program provides a 5 percent premium discount for employers who institute and maintain a drug free workplace program that meets the criteria established by the insurer. Code of Virginia §65.2-813.2 (2001).

Contact Information:

The Commonwealth of Virginia
State Corporation Commission
Bureau of Insurance
P.O. Box 1157
Richmond, VA 23218
Ph: (804) 371-9185 or (877) 310-6560
E-Mail: bureauofinsurance@scc.state.va.us
Website:

<http://www.state.va.us/scc/division/boi/webpages/inspagedocs/drugfreeworkplace.pdf>

To apply for this discount, contact the insurance carrier directly. A listing of insurance companies licensed in the Commonwealth of Virginia is available online at <http://www.state.va.us/scc/division/boi/webpages/boiinsurancecotypescoregulates.htm>.

4. Drug-Free Workplace Requirements

VIRGINIA Drug-free Workplace Act requires all public bodies to include in every contract over \$10,000 the following provisions: 1) the contractor must provide a drug-free workplace for the contractor's employees; 2) s/he must post a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the consequences for policy violations; 3) s/he must state in all solicitations or advertisements for employees that the contractor maintains a drug-free workplace, and 4) s/he must include the drug-free workplace clauses from this Act in every subcontract or purchase order over \$10,000 so that the provisions are binding on the subcontractor or vendor. Code of Virginia §2.2-4312 (2001).

5. Medical Examination Costs

Virginia law states that it is unlawful for any employer to require any employee or applicant for employment to pay the cost of a medical examination or the cost of furnishing any medical records required by the employer as a condition of employment. Code of Virginia §40.1-28 (1982).