

## What Do You Do?

You've found the perfect person to fill a key position. Yipee! No more sifting through resumes. No more juggling your schedule to squeeze in one more interview between client calls and production deadlines. The only thing left to do is the background check before you extend the offer.

No problem. A quick peek in the WBO Directory will tell you who does that for a living. You make the call. Seal the deal, and *viola!* You have all the information you need in 24 hours. In the meantime, you go ahead and get started on the offer letter so you'll be able to shoot it right out as soon as you get the results from the background check.

Tomorrow comes, and your heart stops. Your perfect person has a five-year-old conviction for misdemeanor drug possession. Why didn't she disclose that information during the interview? Forcing yourself to read through the rest of the report, you find glowing reports from previous employers. Dean's List notations from the college. You make up your mind that you still want this person, but you want to protect yourself, too.

What do you do? Easy! You'll just make the offer contingent upon successful completion of a drug test and make your candidate aware that she could be subjected to random drug testing. Right?

Wrong. What is your company's written policy on drug testing? Did you cover your company's stand on drug and alcohol use during the interview? Even if you have stated in your employee handbook that your company complies with the Drug Free Workplace Act, you still have to set down specifics as to how you comply. Then you have to follow them.

The Act sets down choices, and it is up to the employer to write up a plan. Do you test only when there is a suspected problem, or do you do an initial screen with everyone and then randomly test throughout the year? Whatever you do, it must be written, communicated, consistent and fair, as well as based on need or precedent.

The immediate problem with this specific situation is that the conviction was a misdemeanor rather than a

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felony. It is also old. You also have an overwhelming amount of glowing references, which could easily outweigh the drug charge in a hiring decision. On top of that, you have no reason to believe that the person is an active drug user – she could have been carrying a marijuana cigarette for a friend when stopped for a minor traffic infraction for all you know.

The best course of action to take is to make the candidate aware of what you found on her background check. Give her an opportunity to explain herself, but remember to be open-minded. Everyone has done something stupid in their past they'd prefer to forget. Thankfully, her mistake was not a felony, and she wasn't required to disclose the conviction. (Check your application. It should only ask to disclose felony convictions).

Next, reiterate your company's policy on alcohol and drug use. Provide a copy of the policy and have her read it, sign that she'd read it, understands it, has had an opportunity to discuss it with you and has received a copy of the signed policy. Then file it in her personnel file. Allow her an opportunity to disclose what she will about the incident, and then let her know how excited you are to offer her the position.

In doing this, you start your relationship with all the cards out on both sides of the table. You each know where you stand. And if your perfect person winds up going astray on your time, you will have a clear case for a clean termination that will not come back to haunt you.

For information on how to make your company a Drug Free Workplace, I encourage you to go to contact one of the many WBO human resource consultants or visit the official site for the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention at <http://www.health.org/govpubs/workit/safety.htm>.

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