



CLIENT ALERT DEPARTMENT OF LABOR DELAYS THE IMPLEMENTATION OF ITS RULE ON DRUG TESTING FOR WORKPLACE INJURIES

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On July 13, 2016, the Department of Labor announced that it will delay implementation of its new rule that addresses mandatory post-accident drug screens. The implementation of the rule has been pushed from August 10, 2016 to November 1, 2016.

This delay follows a lawsuit that was filed on July 8, 2016 in Federal Court of the Northern District of Texas that seeks to invalidate the new rules anti-retaliation requirements, especially their effect on post-accident drug screens. Readers may recall the Bell Nunnally E-Alert we sent last week discussing the new rules' impact on post-accident drug screening and accident reporting, mainly that drug screens cannot be performed on a mandatory basis, but rather must be performed on a case-by-case basis where the mechanisms of the accident suggests the employee was impaired. Further, the Rule questions the propriety of an immediate reporting requirement.

OSHA announced that beginning with citations issued after August 10, 2016 the penalties and violations of OSHA standards and other general duty cause violations are going up 78%. The top penalty for serious and other serious violations has been increased from \$7,000 to \$12,471. The maximum penalty for willful violations or repeated violations will increase from \$70,000 to \$124,709, while the minimum penalty for willful violations will increase from \$5,000 to \$8,908.

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