



# The Lynx Link

Summer 2006

Vol. 5, No. 2

**Employer Lynx, Inc.**

**Private Investigation  
Pre-Employment Screening**

**K.J. Smith  
Director of Operations/P.I.**

**Nevada Private  
Investigator License #793**



## IN THIS ISSUE

Upgrading the Web	1
Alcohol and Drug Testing	1 & 2
Ask Lori	2
New Products	3
Time Worked Records Rule	3 & 4

**Background checking is  
our only business.**

## Upgrading the Web

We are in the process of upgrading our website. When completed, we hope it will be more user-friendly for all of our members.

We are adding an area to post information that we feel you can use, new state and federal laws, etc. We will be combining the forms in one area so you may download any of those you need. It will include the FCRA adverse forms and the summary of rights, and we will add to this area as needed. This project should be completed by mid-July 2006.

## Alcohol & Drug Testing

*By Debbi Coleman*

The cost of drug abuse in the workplace is staggering. An employee using illegal drugs costs an employer an average of \$7,000 to \$10,000 annually. Some of these costs are due to absenteeism, tardiness, increased accidents, workers' compensation claims and lack of productivity. This is one reason workman's comp and private insurance companies, federal agencies and the community as a whole strongly suggest drug-free policies for every employer.

A drug-free workplace program can include pre-employment drug testing, random testing, post-accident testing, and reasonable suspicion drug testing. Employers are usually rewarded for beginning and maintaining such programs with significantly reduced insurance premiums.

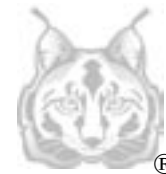
Recently, federal agencies such as the Occupational Safety and Health Administration and the Mine Safety and Health Administration have spoken in support of drug-free workplace programs as one solution for preventing significant, but avoidable, safety

hazards.

Companies today have many choices for pre-employment screenings of applicants. One of the most widely used is a drug screen, though there are many different screening methods available. Each employer can decide individually which method will be the best suited to the specific needs of his or her company.

Two of the most commonly used drug-testing methods are hair and urine testing. Certain safety-sensitive occupations fall under federal guidelines requiring additional procedures during testing. Currently, the federal government does not allow hair testing for Department of Transportation (DOT) employees (as defined in 49 CFR part 40). The federal guidelines are set for a split urine specimen. Any employee subject to DOT testing must also be subjected to periodic random testing. These collections must be sent to a laboratory with the proper accreditation. The lab used should report DOT

*Testing continued on page 2*



## Testing *continued from page 1*

statistics biannually as mandated by the Department of Health and Human Services and the Substance Abuse and Mental Health Services Administration. A third option for testing is a saliva drug screen. These tests can give you instant results but have been found to be less accurate detecting marijuana (THC). **In the State of Nevada, all pre-employment drug screenings must be sent to an independent lab for analysis including any test that may give you an instant result.**

Hair testing affords the longest window (approximately three months) for detection of drug usage. Detection in urine is typically 72 hours; however, individual scans process drugs differently depending on body type and metabolic rate. A substance such as marijuana can take up to five weeks before a urine screen will come back negative.



### Employer Lynx, Inc.

Background checking  
is our only business.

Employer Lynx News is published quarterly, spring, summer, winter and fall. Questions for the staff are invited.

K.J. Smith, Director of Operations/Pl.  
Lori Wildman, Operations Supervisor  
Lisa Bard, Office Assistant  
Brenda Clayton, Office Assistant  
Carolyn Dana, Office Assistant  
Doug Moser, Account Executive  
Address: 501 East Caroline Street  
Carson City, NV 89701  
Phone: 775-883-3733  
Fax: 775-883-8755  
Toll Free: 800-909-5969  
www.employerlynx.com

Design & editing by Joan Morrow

The Nevada Revised Statutes (NRS 284.407) provide for the testing of employees and applicants for use of drugs and/or alcohol. Anyone wishing to implement a drug-free policy should review these statutes or speak with a collection site to obtain up-to-date information about collection procedures.

Depending on the lab and collection site you choose to work with, you may also have a variety of reporting methods and turn-around times. You should select a collection facility that only works with properly certified and accredited laboratories. Collection sites can vary anywhere between 24 hours to 1 to 2 weeks turn-around time.

Different laboratories offer a variety of reporting methods. Your results may be faxed directly to your secure line, emailed or web reported. All of these options should be offered and discussed with you by the collection site you choose. Some important considerations when choosing a site should be the cost of the test, the turn-around time, the waiting period for employees at the testing facility and most importantly, customer service. All of these services can vary greatly among collection sites.

As a result of public outcry over adulterants available in attempts to thwart legitimate drug tests, Kentucky's Rep. Ed Whitfield and New York's Rep. Eliot Engle are applauded by the Drug & Alcohol Testing Industry Association (DATIA) for "The National Drug Testing Integrity Act," legislation introduced recently that will ban products meant to defraud drug tests. DATIA has long supported a federal solution to ending the manufacture, sale, distribution and marketing of the products specifically meant to thwart a legal and legitimate drug test and fully support the efforts of Representatives Whitfield and Engel.

In large industries and small businesses alike, employers are finding pre-employment drug screening as one effective tool that can be extremely beneficial. Drug screening will give employers knowledge about a potential problem employee before time and money are lost on training. Random periodic screening can help to enforce employer/employee rights and maintain a safer, drug-free work environment for everyone.

*Debbi Coleman is Operation Manager of Alcohol & Drug Testing Associates, Inc. Contact her at 775-826-1904 or adta-nv@sbcglobal.net.*

## Ask Lori...

Are you keeping your record(s) secure and confidential? Are you in compliance with the FCRA procedures? You must notify Employer Lynx when a contact person with a user name and password for your company no longer needs access to the records. This is usually when someone leaves your company or moves to another position and no longer should have access to the records. The information on reports is highly confidential. Do not share passwords. We must receive written notice to add or delete a person on your company records. This can be done by fax with your company name (letterhead/logo) and the authorized person's name requesting the change. Our fax is 775-883-8755.



## Employer Lynx Rolling Out New Products

Employer Lynx has a number of additional products that have or will be introduced soon. This is in response to prospective and current client comments, suggestions and business specific requirements.

The **Volunteer Screening Program** is scheduled for a mid-July 2006 rollout and will specifically address the many requests and inquiries from volunteer and non-profit organizations. This program is especially useful for those organizations that work with children, senior citizens, physically or mentally challenged persons and other vulnerable populations such as summer recreation facilities, mentoring and school, church, youth sports and hospital volunteers. Volunteers may be subject to background checks per local, state or federal regulations. It is important that you are aware of any requirements that may apply to your specific organization or entity.

This special screening provides a compiled, comprehensive report that includes, in addition to criminal data, previous addresses, Social Security verification, maiden and/or married names associated with the SSN, and whether the volunteer's SSN is currently being used by other individuals. Data is compiled from multiple criminal record sources in all 50 states and the District of Columbia,\* including criminal courts, state criminal record repositories, probation, prison parole and release files, sex offender registries and other government agencies, as well as additional proprietary history.

The Volunteer Screening Program may be supplemented with additional background investigation options from

the Employer Lynx menu of services as the volunteer responsibilities and requirements dictate. Examples include Nevada DMV records as well as previous expired or surrendered driver's records from other states as permitted by the previous state of residence (state and DMV license number required) if operation of a motor vehicle is required to perform responsibilities. An individual credit check can be a consideration if the individual will have access to or will be in the presence of valuables, money, sensitive information or other personal material. These credit checks do not count against or affect an individual's credit score.

You can further enhance your volunteer due diligence efforts with finger printing through a local law enforcement office. This process checks the State and NCIC repositories for possible criminal records and status. This criminal database is available only to law enforcement agencies.

All volunteer screenings require a signed Employer Lynx release form. \* **Important notes** – *Although this is a comprehensive multiple database search, it must be understood that any possible criminal "hits" must be verified prior to release of information which may incur further cost in order to determine the accuracy of the information. In this case the requesting organization or entity will be notified prior to proceeding with a more in-depth investigation.*

*Contrary to popular belief not all local, county, regional, state and federal agencies currently report to a single database or provide information to various repository sources or do so in a timely manner; thus, a more focused state/county search may be required.*

If you have questions or need more information, contact Doug Moser at Employer Lynx, 775-883-3733.

### **Please Note:**

#### ***All Employers MUST Maintain Time Worked Records for ALL Employees***

The Labor Commissioner's Office of the State of Nevada has stated that they will begin enforcing the following Nevada statute:

**NRS 608.115** requires that ALL employers maintain time worked records for ALL employees, regardless of whether they are exempt or non-exempt. Most employers do not maintain such records, e.g. time sheets, for exempt employees, as it is not required under federal law. However, this Nevada statute does not recognize that and requires the above records be kept for each and every employee. Although this law has been in effect since 1975, it has rarely, if ever, been enforced until now. Some employers have already been warned by the Labor Commissioner's Office to begin keeping these records. Failure to do so may result in fines of up to \$5,000 per offense.

*Time Worked Records continued on page 4*

# Final Thoughts

---

## Time Worked Records *continued from page 3*

### **NRS 608.115 – Records of wages.**

1. Every employer shall establish and maintain records of wages for the benefit of his employees, showing for each pay period the following information for each employee:
    - (a) Gross wage or salary other than compensation in the form of:
      - (1) Services; or
      - (2) Food, housing or clothing.
    - (b) Deductions.
    - (c) Net cash wage or salary.
    - (d) Total hours employed in the pay period by noting the number of hours per day.
    - (e) Date of payment.
  2. The information required by this section must be furnished to each employee within 10 days after he/she submits a request.
  3. Records of wages must be maintained for a 2-year period following the entry of information in the record.  
(Added to NRS by 1975, 508; A 1979, 1488; 1983, 250; 1985, 579)
- 

Employer Lynx, Inc.  
501 East Caroline Street  
Carson City, NV 89701  
775-883-3733  
www.employerlynx.com

