



Kevin Brady, Chairman
Committee on Ways and Means
US House of Representatives
Washington DC 20515

January 31, 2017

Dear Chairman Brady - -

I am writing you on the topic of drug screening and testing of Unemployment Insurance claimants in my capacity as the Executive Director of the Secretaries' Innovation Group, after consultation with Texas Workforce Commission Executive Director Larry Temple and workforce secretary members of SIG on a recent national conference call. As you know, the Secretaries' Innovation Group is a network of state workforce and human service secretaries from states with Republican governors making up about half of the country. We meet to exchange state program innovations and opportunities and to press for national policies favoring work, healthy families, federalism and limited government.

By way of background, in 2012, the bipartisan Middle Class Tax Relief and Job Creation Act made a number of reforms to the UI program, including overturning a 1960s-era DOL ban on the screening or testing of UI applicants for illegal drugs. The 2012 provision allowed (but did not require) states to test UI applicants who either (1) lost their job due to drug use, or (2) were seeking a new job that generally required new employees to pass a drug test. However, in implementing this law through regulation, DOL issued an overly prescriptive final regulation making it almost impossible for most states to implement the provision.

Our SIG state secretaries who run UI, WIOA and welfare to work programs routinely meet with employers to seek their input as to what characteristics they require to meet their business needs. By far the most common stated requirements are requests for individuals who are reliable and can pass a drug test. Therefore it is highly important that states to have the ability and authority to operate drug screening and testing. It is also important they have the option to condition UI benefits on cooperation in such tests and to mandate treatment, if and when necessary, on a case by case basis. States do not have the ability to operate this way under the current restrictive regulation promulgated by the Department of Labor.

During the national conference call with SIG workforce secretaries to discuss drug screening and testing which took place on January 24th and included TX, AL, AR, ID, KS, ME, MD, MS, NE,

NM, NH, NV, ND, OH, OK, UT, WI, WY, none of the secretary participants endorsed the DOL rule in question as written.

We hope the Congress will take up this issue and permit states who wish to do so the ability to implement screening and testing of UI claimants with the flexibility intended by Congress.

Yours truly,

A handwritten signature in blue ink that reads "J Turner". The signature is written in a cursive, flowing style.

Jason Turner
Executive Director, Secretaries' Innovation Group
Milwaukee Wisconsin