Drug-Free Workplace: Resource Guide

Summary

This resource guide was designed to assist all employers in the development and administration of substance abuse policies. No substance abuse program or policy is perfect. New issues will arise that will require employers to amend their policies to ensure applicability to employee needs. Employers should constantly review their programs to ensure that they remain fair and reasonable as well as current.

A Drug-Free Workplace

Impact on your Bottom Line

Substance abuse is a serious problem within the workplace. Abuse in the social arena does not stop at the employer's door step. Workers who abuse drugs and alcohol bring their problem into the workplace and affect other workers. Studies indicate substance abusers:

- Are less productive
- Miss more workdays
- Are more likely to injure themselves or other workers
- File more workers' compensation claims

Substance abuse is a workplace problem because it affects employee health and safety, productivity, and health care costs. The workplace has a tremendous potential to educate employees and to assist substance abusers in seeking help. Regardless of the size of a business, a consistently administered substance abuse policy can prove very beneficial.

It is impossible to conclusively calculate how much is being lost by a company because of undetected or untreated substance abuse. The measurable costs include absenteeism, overtime pay, tardiness, sick leave, and insurance claims, just to name a few. Hidden costs are much harder to quantify. These are the costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to the company's public image.

Substance abuse problems are often difficult to detect. Subtle changes in behavior may be overlooked or not recorded. Denial of drug dependence is also a major problem. A business can be devastated by behaviors which affect the workplace and endanger the workers.

To dismiss these issues as the cost of doing business is to accept an unacceptable situation. To ignore these issues is to create a situation where the problem of substance abuse worsens.
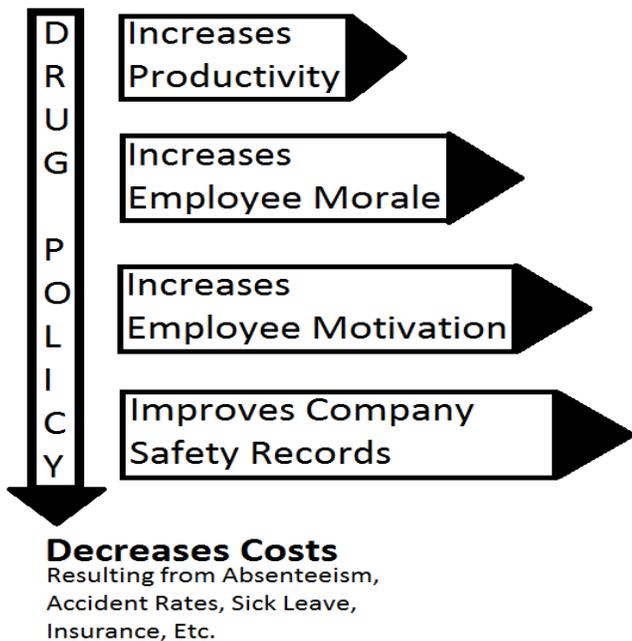
Not everyone fits the stereotypical alcoholic or drug abuser image which can delay the identification of a substance abuse problem. Since many substance abusers are not always obvious, employers may wish to re-examine the assumption that no substance abuse problem exists in their workplace.

Potential Benefits

A Drug-Free Workplace Policy can save the employer money and provide a safer work environment for employees.

Substance abuse (illegal drugs, alcohol, inhalants, and depending on the circumstances, prescription drugs) poses a problem in the workplace for employers and employees alike by decreasing productivity, and increasing accidents, absenteeism, product defects, medical and insurance costs, and employee theft.

It is difficult to put a price tag on the low morale and impaired decision-making capacity caused by substance abuse. Nor is it easy for an organization to calculate the costs of pilfering, high turnover, recruitment, and retraining which can result. No one knows how much is being lost to undetected or untreated substance abuse. Implementing a drug & alcohol policy can potentially create the following benefits:

DRUG POLICY

- Increases Productivity
- Increases Employee Morale
- Increases Employee Motivation
- Improves Company Safety Records

Decreases Costs
Resulting from Absenteeism, Accident Rates, Sick Leave, Insurance, Etc.

An employer without a drug policy becomes the drug addict's employer of choice.

Drug Testing

To Test or Not to Test?

A study by the American Management Association found that employers who consider, then reject, testing are most often concerned with invasion of privacy, questionable accuracy of testing, and negative impact on employee morale.

On the other hand, some companies use drug testing to send a strong message to applicants, employees, and supervisors alike that drug use in the workplace will not be tolerated. Such companies believe that the work atmosphere created by this message may actually deter potential drug users and encourage non-drug using employees to remain drug-free.

Any drug testing policy or program should:

- Be formulated in accordance with written corporate policy to satisfy workplace needs;
- Verify a positive drug screen by using a different chemical process;
- Assure a chain-of-custody and proper documentation for test samples;
- Employ systematic, reliable, and confidential methods;
- Use certified laboratories; and
- Be implemented in conjunction with an Employee Assistance Program.

It's Your Choice

Pre-employment. Test all full-time and part-time applicants who are considered for a position. Applicants who test positive will not be considered suitable for employment.

Post-accident

Employees are tested if they:

- Are involved in on-the-job accidents;
- Engage in unsafe behavior or activities on the job;
- Pose a danger to themselves or others; or
- Pose a danger to the overall operation of the company.

Appropriate disciplinary action is taken when test results are positive.

Reasonable Cause

Employees are tested on the basis of:

- Direct observation of drug use or the physical symptoms of being under the influence of a drug or alcohol;
- Abnormal conduct or erratic behavior while at work; or
- Absenteeism, tardiness, or deterioration in work performance which is continuous and repeated over time.

Rehabilitation/Re-Entry

Periodic testing of employees who have acknowledged substance abuse problems and have participated in or completed substance abuse treatment or rehabilitation programs may be mandated.

Random

Random substance abuse testing is most likely to identify any abusers in the workplace. Selection must include everyone in the company. Everyone should have an equal chance of being selected so there is no chance for subjectivity, favoritism, or manipulation of the process. This option should be implemented with great caution and not without legal counsel.

Periodic

Announced testing is typically implemented during the annual physical which includes a drug test as one of the many medical tests or procedures.

Several issues must be given serious consideration before a testing policy is adopted. A company may choose to have an outside laboratory perform all of the company's drug testing or to perform testing on-site.

When considering an outside laboratory for testing, it is best to verify that the laboratory is a U.S. Department of Health and Human Services National Laboratory certified program.

If on-site testing is chosen, it is necessary to have a qualified staff person available to operate the equipment. Also, the testing area must be secured from unauthorized entry and must have a refrigerator and adequate air conditioning.

Positive test results obtained in on-site testing should be confirmed by an outside laboratory using an alternative method of testing.

Prior to testing, it is important for the employer to receive written consent to test and to release the test results only to appropriate personnel.

An outside laboratory can perform all testing which may minimize the possibility of sample mishandling.

Are You Dealing with Addiction?

Raising Your Awareness

The following elements are essential in creating an effective, drug-free workplace:

- Management support, leadership, and commitment;
- A clearly written substance abuse policy;
- A good working relationship with union members, employees, and management; and
- Knowledgeable supervisors who are trained to implement the substance abuse policy.

Supervisors have a responsibility to initiate corrective action when job performance and productivity begins to decline.

Supervisors do not need to be experts in drug identification. They do need to recognize and document continued and repeated changes in normal job performance and/or erratic behavior. A supervisor's responsibility does not extend to diagnosing and resolving personal problems.

Effective supervisors need to be able to recognize different types of drugs and their use. The following list identifies the more commonly used drugs:

Type	Looks Like	Use
Marijuana	Dried parsley mixed with stems	Eaten or smoked
Hashish	Brown or black cakes or balls	Eaten or smoked
Hydrocarbons	Propellant for aerosol cans	Vapors inhaled
Cocaine	White crystalline powder	Inhaled or injected
Crack	Light brown or beige pellets, crystalline rocks	Smoked
Amphetamines	Capsules, pills, tablets	Taken orally, injected, inhaled
Methamphetamine	White powder, pills	Taken orally, injected
Heroin	Powder, white to dark brown, tar-like substance	Injected, inhaled, smoked
Barbiturates	Capsules: red, yellow, and blue or red and blue	Taken orally
Mescaline/Peyote	Hard brown discs	Chewed or smoked
	Tablets, capsules	Taken orally
Alcohol	Liquid of varying color	Taken orally

Supervisors should also be able to recognize the physical signs of substance abuse listed below. It should be noted that diabetes, high blood pressure, thyroid disease, psychiatric disorders, emotional problems, and certain heart conditions may share the same physical characteristics of substance abuse.

These signs and conditions are only indicators of possible problems which may be appropriately addressed by the employee assistance program.

Physical Signs / Conditions

- Weariness, exhaustion
- Untidiness
- Slurred speech
- Suspiciousness
- Unsteady walk
- Emotional unsteadiness
- Unusual effort to cover arms
- Depression/anxiety
- Irritability
- Blank stare

Absenteeism

- Frequent unreported
- Leaves work area more than necessary
- Unusually high incidence of colds, headaches, etc.
- Consistently unplanned Monday/Friday absences
- Frequent use of unscheduled vacation time
- Repeated two to four day absences

Accidents

- Takes needless risks
- Higher than average accident rate (on and off the job)
- Disregards safe practices

Work Patterns

- Inconsistent work quality
- Difficulty in recalling instructions
- Fluctuating periods of activity/work
- Uses more time to complete productive work and misses deadlines
- Poor judgement/more mistakes than normal
- Increased difficulty in handling complex situations

Relationship to Others

- Overreacts to real or imagined criticism
- Borrows money
- Avoidance and withdrawal from peers
- Domestic complaints

- Complaints from co-workers
- Persistent job transfer requests

Detailed, objective documentation by the supervisor is crucial in the administration of a drug-free workplace policy. Documentation of job performance provides a basis for support in intervention and disciplinary procedures.

Objectivity is essential; hearsay and impressions are not appropriate. If possible, professional assistance should be sought for confirmation of suspected substance abuse, rather than relying solely upon the supervisor's observations.

In doubtful situations, legal assistance prior to intervention should be requested. A clear and concise substance abuse policy can assist in handling these sensitive issues. All information regarding a suspected substance abuser must be kept confidential.

Where to Go for Help

Employee Assistance Programs (EAP) are designed to identify and resolve productivity problems including but not limited to: health, marital, family, financial, alcohol, drug, legal, emotional, stress, or other personal problems.

- The specific core activities of EAPs generally include the following:
- Expert consultation and appropriate training to help employees identify and resolve job-performance issues related to the concerns listed above;
- Confidential, appropriate, and timely problem-assessment services;
- Referrals for appropriate diagnosis, treatment, and assistance;
- Establishing linkages between workplace and community resources that provide such services; and
- Follow-up services for employees who use the services.

An EAP Affirms Three Important Ideas:

- Employees are valuable members of the team.
- It is usually more cost-effective to offer assistance to employees experiencing personal problems than to discipline or fire them.
- Recovering employees become more productive and effective.

There are over 10,000 EAPs in operation across the country. Participation in an EAP can help save money by lowering absenteeism, reducing accidents and workers' compensation claims, and decreasing the use of medical and insurance benefits. Additionally, a well-run EAP improves employee morale, increases productivity, and enhances the general well-being of employees. For these reasons, all types and sizes of employers have instituted EAPs.

Employers generally find that for every dollar invested in an EAP, they save anywhere from $5 to $16. The national average annual cost for an EAP ranges from $12 to $20 per employee.

Unions in many industries and trades have adopted EAPs out of concern for the health and well-being of members and their families. Assistance programs are a good investment for both workers and families.

EAPs may be sponsored and run by the company, the union, other employee organizations, or cooperatively. Large companies, unions, and employee organizations may find it cost effective to establish and staff an EAP internally. For smaller organizations or those with multiple worksites, EAP services may better be provided on a contract basis from external EAP providers.

Some EAP providers are national or regional in scope. Other providers only service local areas. There is no lock-step process or ironclad formula for determining the most appropriate package of EAP services for any given organization. Before committing the organization to any type of EAP, take the following steps:

- Gather as much information on EAPs in general and specific EAP providers as possible. A consumer who is well-informed about a product or service is more likely to make the right choice.
- Contact national or local professional associations of EAP practitioners for information and referrals.
- Coordinate with your company's insurance provider.
- Contact other local companies, business or trade associations, unions or labor councils about EAPs. They may be able to provide good information and references.
- Announce the company's intention to explore establishing an EAP. Invite comments, questions, and discussion from the entire workforce.

Each organization has its own unique characteristics, dynamic, and culture. While it is useful to compare notes with other companies, each organization has some special characteristics to accommodate (high turnover, assorted shifts, predominantly one gender or ethnic make-up of the workforce, merger and acquisition issues, or considerable decentralization).

No matter what the special requirement of the workforce, an EAP can be designed to fit those needs. Ultimately, the success of the EAP will depend on the quality of its staff and the commitment of those responsible for its organization.

In summary, EAPs are extremely beneficial. There are start-up costs, but in the long run EAPs are cost effective and help the company, the individual employee, family members, and society.

Creating Your Company's Drug Policy

Points to Remember

Do:

- Implement a relevant substance abuse policy.
- Ensure open communication between employees and employer by encouraging policy input from all levels.
- Offer a responsive employee assistance program.
- Involve both employees and management in commitment to the policy.
- Provide each employee with a copy of the drug policy statement.
- Keep drug test results confidential.
- Seek legal assistance when developing the drug policy.
- If testing, perform a second drug test if the first test reads positive.
- Include rehabilitation in the drug policy.
- Provide a drug awareness program.
- Maintain a good working relationship with local law enforcement officials and seek their expertise and advice.
- Implement a drug testing program when appropriate.
- Enforce company policy consistently.

Don't:

- Act without the full support of top management and labor.
- Use uncertified labs if drug testing is part of your policy.
- Allow obviously impaired employees to operate delicate or dangerous machinery or drive home.
- Delay confrontation and referral.
- Cover up the problem.

- Try to obtain a confession.
- Address drug abuse without a parallel program for alcohol abuse.

We're All in This Together

To ensure that your drug and alcohol policy is efficient and effective, participation and support will be needed from each element of the organization.

The company must recognize the problem and research solutions available and then define, in clear and concise language, what behavior is acceptable and what is unacceptable in the workplace.

Legal consultation should be employed to ensure the policy is in accordance with the law and company rules.

Unions can assist members to become drug free by making provisions for union activities that reinforce safe, healthful work behaviors and attitudes.

Employees can form peer groups to inform other workers about drug use prevention and detection, and support those who are becoming drug free.

Human resources, safety, security, insurance, and other departments should participate in the development of a comprehensive company policy, provide referral information, and arrange for informational/educational programs.

Your Policy – Check it Out!

Texas law does not require or mandate testing or specific consequences because of a violation of a published drug policy.

Those options are open to the decisions of employers and need to be reviewed by their legal counsel prior to implementation.

Checklist for an Effective Substance Abuse Policy

This checklist is designed as a yardstick for evaluating your company's drug policy. It is in no way intended to be all encompassing, but rather an aid in formulating your policy.

Once your policy has been written, be sure to consult with your legal counsel to ensure compliance with appropriate legal statutes and to reduce the possibility of arbitration or litigation. The following topics are suggested for your consideration:

◊   Program Research

___ Why policy/program needs to be implemented

___ Federal/statutory requirements

___   Comparison of accident rates with similar companies

___ Drug-related accidents

___ Measurable changes in productivity

___ Increase in absenteeism

___ Higher medical/hospitalization benefits paid

___   Similar companies instituting policies/testing programs/screening job applicants

___   Statistics from local substance abuse agencies or health and police departments

___   Information from trade and industry associations, or local treatment centers

___   Regional or national studies with data specific to your industry

___   Definition of terms to be used in the policy, e.g., company premises, drug, intoxication

___ Samples of employee acknowledgment forms

◊   Policy Statement

___   Consequences of use, sale or possession of illegal drugs or alcohol in the workplace

___   Company's position on job performance as it relates to drug usage

___ Position on substance abuse testing

___ Consequences of positive testing

___ Available treatment and rehabilitative services

___   Support of top management for the policy/ program

___ Involvement of all elements of the workforce

___ Consultation with union representatives

___ Monitoring and evaluating systems built into plan

___ Legal counsel involvement

◊   Policy Distribution

___   Make every employee aware of the policy/ program

___ Make the policy available to each employee

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6

___ Ensure employees understand reasons for a testing policy (e.g., safety, product quality, increased production), if testing is instituted

___ Extend the policy to include contractors and their employees

◊   Employee Education

___ Conduct education/outreach of employees/ families via:

• discussion groups on drug abuse/company policy

• videotapes/pamphlets on drugs in the work- place

• brown bag lunch discussions

• communication of available health benefits for drug/alcohol treatment

• Explain effects of substance abuse on the employee, their families, and the community

• Explain effects on company's products and services

◊   Employee Assistance

___ Research what employee education and training services an EAP provider will offer

___ Identify treatment resources which have been evaluated as capable of handling substance abuse rehabilitation

___ Provide employee orientation to EAP benefits

___ Provide EAP counseling and support following rehabilitation

___ Assemble resource file on providers of assistance, monitor, and update list

___ Provide problem assessments

___ Provide for a voluntary self-referral program for treatment

___ Provide confidential counseling

___ Provide referral to counseling and/or treatment

___ Provide crisis intervention

___ Establish a hot-line

___ Provide family support services

___ Conduct follow-up during and after treatment

___ Conduct evaluation of job performance pre- and post-program contact

___ Review insurance coverage for outpatient and inpatient treatment

___ Add to insurance coverage if necessary

___ Explain who pays for evaluation

___ Explain whether employees will be given time off with pay

___ Explain whether employees will be protected against discipline or termination if they volunteer for treatment

___ Institute mechanism to review employee complaints

___ Establish an EAP staffed with or guided by trained professionals

◊   Supervisory Training

Management, supervisors and union members may attend training on:

___ Drug abuse education

___ Signs and symptoms of addiction and abuse (physiological and psychological)

___ Company policy on drug use Employee assistance resources

___ How to observe and document poor performance

___ How to deal with employees suspected of drug use

___ How to confront a drug-impaired employee How and when to take disciplinary action

___ How to make EAP or rehabilitation referrals

◊   Drug Detection Options

If adopting a testing policy, consider whether to test:

___ All employees, without prejudice, including executives and hourly workers

___ Applicants or pre-employment

___ Employees based on reasonable suspicion, post-accident, during and after counseling and/or rehabilitation

___ Selected groups of employees Part of routine annual physical

___ Randomly or unannounced Only for cause

___ Frequency of testing also needs to be determined.

◊ **If Only Testing Selected Employees:**

___ Provide criteria for selecting those employees

___ If testing employees in sensitive positions, define sensitive

◊ **If Only Testing for Cause:**

___ Provide criteria

___ Identify who will make judgements, supervisor or physician

___ Determine whether testing will be mandatory

___ Determine whether an employee who refuses testing will be disciplined, suspended or terminated

◊ **Pre-employment Testing**

___ Define when new hires will be tested

___ Explain whether pre-employment physical will be required and if substance abuse test may be given

___ Explain when applicants are told that hiring is subject to test results

___ Decide policy if applicant tests positive: bar employment; reconsideration of application after a specific period; or reconsideration for only certain positions

___ Decide policy if an applicant who tested positive is eventually hired: e.g., require periodic, random testing; inform supervisor; or set job restrictions

___ Determine the kind of test that will be administered

___ Determine substances that will be tested for

___ Determine the type of drug test

___ Review options offered by the various laboratories and testing consultants

___ Determine cutoff levels

___ Determine whether a confirmation test will be conducted by the laboratory

___ Determine the type of laboratory to use Determine criteria for choosing a laboratory

___ If facilities are scattered across the state, decide whether different laboratories will be used or whether all samples will be sent to one site

◊ **Testing Security**

___ Decide what type of laboratory security system, or chain of custody, is necessary

___ Determine need to document specimen accountability, particularly if chance outcome will be challenged

___ Decide precautions and assurance that a sample has not been adulterated by the provider

___ Determine type of specimen seal to prevent tampering

___ Receive assurance that a specimen will not be tampered with in transit

___ Determine handling procedure for a specimen before and after testing

___ Determine how results are reported: hard copy or phone call; understandable terms; quantitative values for positive reports

___ Determine if positive samples are frozen following test and, if so, for how long

___ Seek copy of laboratory ratings if the laboratory participates in proficiency testing programs sponsored by outside agencies

___ Determine whether laboratory personnel are certified technicians

___ Determine who will read and interpret test results

___ Determine how confidentiality will be insured

___ Determine who will inform the applicant/employee and how

___ Determine who will be informed and what is expected from them: company physician; individual's physician; human resources professionals; law enforcement officials

___ Determine what will be done with the test results

___ Determine policy for current employees who test positive: discipline; termination; reassignments; rehabilitation

___ Determine whether and under what circumstances terminated employees will be eligible for rehire

___ Determine policy for employees who test positive from use of drugs at home but show no sign of impairment on the job

Suggested Outlines

Drug Policy *Without* Testing Procedures

- I. Purpose of Policy
- II. Policy Procedures
- III. Definition of Terms Used In Policy
- IV. General Policy Provisions
- V. Descriptions of Actions Taken to Prevent Drug Use
- VI. Description of Supervisor and Employee Training
- VII. Description of Employee Assistance Programs Available
- VIII. How Company Will Coordinate with Law Enforcement Agencies
- IX. Reservation of Employer/Employee Rights
- X. Reference Other Laws and Regulations
- XI. Employee Acknowledgment Form

Drug Policy with *Optional* Testing Procedures

- I. Purpose of Policy
- II. Policy Procedures
- III. Definition of Terms Used in Policy
- IV. General Policy Provisions
- V. Description of Actions Taken to Prevent Drug Use
- VI. Guidelines for Search Procedures
- VII. Description of Actions Taken to Address Work-Related Accidents
- VIII. Description of Supervisor and Employee Training
- IX. Employee Assistance Programs
- X. How Company Will Coordinate with Law Enforcement Agencies
- XI. Reservation of Employer/Employee Rights
- XII. Reference Other Laws and Regulations
- XIII. Employee Acknowledgment Form

Drug Policy with *Required* Testing Procedures

- I. Purpose of Policy
- II. Policy Procedures
- III. Definition of Terms Used in Policy
- IV. General Policy Provisions
- V. Description of Actions Taken to Prevent Drug Use
- VI. Guidelines for Search Procedures
- VII. Description of Actions Taken to Address Work-Related Accidents
- VIII. Guidelines for Applicant Testing
- IX. Guidelines for Employee Testing
- X. Consequences of Policy Violation
- XI. Description of Supervisor and Employee Training
- XII. Provisions for Employee Assistance Programs
- XIII. How Company Will Coordinate with Law Enforcement Agencies
- XIV. Reservation of Employer/Employee Rights
- XV. Reference Other Laws and Regulations
- XVI. Employee Acknowledgment Form

Appendix

Resources

Texas Commission on Alcohol and Drug Abuse (TCADA)

9001 N. IH-35, Ste. 105

Austin, Texas 78708

(800) 832-9623

www.tcada.state.tx.us

Workers Assistance Program

Texas Drug-Free Workplace Initiative

2525 Wallingwood, Bldg. 5

Austin, Texas 78746

(800) 343-3 822

www.wapeap.com/wap/index.html

The Council on Alcohol and Drugs Houston

303 Jackson Hill

Houston, Texas 77007

(713) 942-4100

www.council-houston.org

National Hotlines and Helplines

AL-ANON provides information on alcoholism and alcohol abuse and refers callers to local AL-ANON support groups established to help friends and families of alcoholics.

(888) 4AL-ANON or (888) 425-2666

www.al-anon.org

ALCOHOLICS ANONYMOUS (A.A. World Services) provides information and support to recovering alcoholics through local chapters in communities nationwide.

(212) 870-3400

www.alcoholics-anonymous.org

THE AMERICAN COUNCIL ON ALCOHOLISM HELPLINE provides referrals to alcohol treatment programs nationwide and provides written materials.

(800) 527-5344

www.aca-usa.org

COCAINE ANONYMOUS provides information and support to individuals suffering from cocaine addiction.

(800) 347-8998

www.ca.org

NATIONAL CLEARINGHOUSE FOR ALCOHOL AND DRUG INFORMATION provides information and referrals.

(800) 729-6686

www.health.org

INSTITUTE FOR A DRUG-FREE WORKPLACE provides information to employers and employees on drug-abuse prevention programs.

(202) 842-7400

www.drugfreeworkplace.org

For more information on safety topics see the Service Lloyds website. In the Employers section, we have additional resources including:

- Substance Abuse Policy – Sample Safety Program
- Accident Investigation
- Safety Supervisor Training – Toolbox Talk

Remember to practice Safety; don't learn it by accident.

For additional assistance, please contact
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P.O. Box 26850, Austin, Texas 78755
(512) 212-7064
www.servicelloyds.com