

# **Drug Abuse in the Workplace: A View from the Healthcare World.**

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**UnityPoint Health**

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# Discussion Overview

- Examples of how drug abuse can impact the work place.
- Ways to identify potential problems and best practices to prevent them.
- Applicable regulations and statutes.
- Best practices for work place policies, procedures and employment contracts.





# Identification of the Drug Problem

- Examples of workplace drug abuse
- Indicators of possible drug abuse
- Best practices to prevent drug abuse and diversion in the work place
  - Education and treatment resources (EAP)
  - Security
  - Documentation



# Regulations and Statutes

Illinois Drug Free Work Place Act

(30 ILCS 580/) Drug Free Workplace Act

Various Licensing Acts

- IL Dep't of Professional Regulation-

-Drug Enforcement Agency-



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# Policy and Procedures: Best Practices

- Include a general description of the purpose of the policy.

*Example:*

*To provide employees a process in dealing with individuals suspected of alcohol/drug use in compliance with the Drug Free Workplace Act and IDOT (Illinois Department of Transportation). Drug and alcohol testing:*

- 1) helps prevent the hiring of applicants who illegally use drugs or controlled substances without medically acceptable prescriptions;*
- 2) deters employees from abusing drugs or alcohol; and*
- 3) provides the opportunity for early identification and referral to treatment for employees with drug or alcohol problems*



# Policy and Procedures: Best Practices

- Include a statement outlining the scope of the policy and description as to whom the policy applies.
  - *Example: This Policy applies to all employees and applicants of (employer's name).*
- Include an outline of when the employer has the right to drug test an employee:
  - *Examples:*
  - *After candidates are extended a job offer*
  - *When substance use is reasonably suspected*
  - *After an accident*
  - *When the law requires the test*
  - *Use of Company Property*



# Policy and Procedures: Best Practices

- Consider using a standardized tool to evaluate potential substance use at the workplace.
  - Same tool should always be used by managers and HR to identify and document behaviors or physical traits exhibited by the employee.
  - Formally document any physical traits or behaviors that led to the reasonable suspicion that employee was using substance.



# Policy and Procedures: Best Practices

- Example behaviors or traits of potential substance use by an employee could include:
  - Smell of alcohol
  - Smell of marijuana
  - Slurred speech
  - Rambling or fast speech out of the ordinary
  - Extreme outburst without provocation
  - Staggered gate
  - Glassy eyes



# Policy and Procedures: Best Practices

- Employers should always follow the outlined procedures in the applicable policy when there is reasonable suspicion that an employee is using a substance.
- Potential actions could include:
  - Allowing the employee to remain at work
  - Sending the employee home on administrative leave



# Policy and Procedures: Best Practices

- The policy should identify events that will result in immediate termination.
- *Examples:*  
*Using, possessing, selling, manufacturing, dispensing, or distributing, illegal drugs or unlawfully using, possessing, selling, manufacturing, dispensing or distributing controlled substances including but not limited to amphetamines, cocaine, cocaine metabolites, barbiturates, marijuana, opiates, narcotics and phencyclidine during working hours or on premises is prohibited.*



# Policy and Procedures: Best Practices

- *Examples continued:*
- *Drinking, possessing, selling or distributing alcoholic beverages during working hours or on premises.*
- *Reporting to work or working with any detectable level of an illegal or controlled substance or alcohol. Extrapolation techniques shall be used as appropriate to determine alcohol levels throughout the course of the workday.*



# Policy and Procedures: Best Practices

- Consider including the following in your policy:
  - A summary of procedures for performing a drug test on an employee
  - Policies for employees who take prescribed medications that can impair their ability to do their job
  - Employee Consent and Release Form
  - Employee Acknowledgement of the Policy



# Contract Employees

- Employment Contract should include language allowing employer to take action in the event of substance use in the workplace.
  - *Example language:*  
*Employer has the right to terminate employment under this Agreement for cause if Employee misuses substances or performs services under this Agreement while impaired by any chemical substance.*



# Questions??

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