

# Drug-Free Workplace Resource Guide



Using Drugs At Work Will Shatter Your Life

Provided by

Division of Workers' Compensation

Workplace & Medical Services,

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### 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.

We wish to acknowledge the DSHS Substance Abuse Services, Workers Assistance Program (WAP)(Alliance Work Partners), Texans War on Drugs, the Office of the Attorney General, and the many other organizations who contributed to the development of this document.

Outreach and Education offers on-site training in various safety and health programs. Requests for these services can be made by contacting:

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Outreach and Education, MS 24
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www.tdi.state.tx.us e-mail Resource.Center@tdi.state.tx.us

### 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.

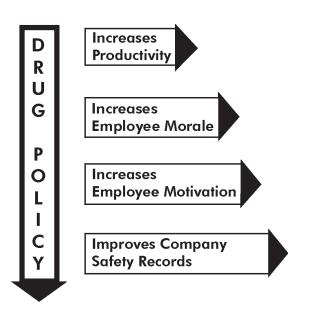
### **Potential Benefits**

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: (insert graphic)

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



### **Decreases Costs**

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

### **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 tests 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 retesting 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 within 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, the company should verify that the laboratory is a US 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 of a company's testing. This 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 partnership 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:

Гуре	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,	Injected, inhaled,
	tar-like substance	smoked
Barbiturates	Capsules: red, yellow, and blue or red and blue	Taken orally
Mescaline/Peyote	Hard brown	
discs chewed, or smoked	Discs -	
•	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 productivity work/ 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 work-place 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 shall 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 problemassessment 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 management.

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 service only 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, the following steps should be taken:

- 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, dynamics, and culture. While it is useful to compare notes with other companies, each organization has some special characteristic 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 work force, 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 operation.

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 as a result 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 (See TWCC requirements on the inside cover)	<ul> <li>discussion groups on drug abuse/company policy</li> </ul>
Comparison of accident rates with similar companies	<ul> <li>videotapes/pamphlets on drugs in the work- place</li> </ul>
Drug-related accidents	<ul> <li>brown bag lunch discussions</li> </ul>
Measurable changes in productivity	• communication of available health benefits
Increase in absenteeism	for drug/alcohol treatment
Higher medical/hospitalization benefits paid	• Explain effects of substance abuse on the
Similar companies instituting policies/testing programs/screening job applicants	employee, their families, and the community
Statistics from local substance abuse agencies or health and police departments	<ul> <li>Explain effects on company's products and services</li> </ul>
Information from trade and industry associations, or local treatment centers	Employee Assistance  Research what employee education and training services an EAP provider will offer
Regional or national studies with data specific to your industry	Identify treatment resources which have been evaluated as capable of handling substance
Definition of terms to be used in the policy, e.g.,	abuse rehabilitation
company premises, drug, intoxication	Provide employee orientation to EAP benefits
Samples of employee acknowledgment forms	Provide EAP counseling and support following
Policy Statement Consequences of use, sale or possession of	rehabilitation
illegal drugs or alcohol in the workplace	Assemble resource file on providers of assistance, monitor, and update list
Company's position on job performance as it relates to drug usage	Provide problem assessments
Position on substance abuse testing	Provide for a voluntary self-referral program for treatment
Consequences of positive testing	Provide confidential counseling
Available treatment and rehabilitative services	Provide referral to counseling and/or treatment
Support of top management for the policy/	Provide crisis intervention
program	Establish a hot-line
Involvement of all elements of the workforce	Provide family support services
Consultation with union representatives	Conduct follow-up during and after treatment
Monitoring and evaluating systems built into	Conduct evaluation of job performance pre- and
plan	post-program contact
Legal counsel involvement	Review insurance coverage for outpatient and
Policy Distribution  Make every employee aware of the policy/	inpatient treatment
program	Add to insurance coverage if necessary
Make the policy available to each employee	Explain who pays for evaluation
Ensure employees understand reasons for a testing policy (e.g., safety, product quality,	Explain whether employees will be given time off with pay
increased production), if testing is instituted	Explain whether employees will be protected against discipline or termination if they
Extend the policy to include contractors and their employees	volunteer for treatment
Employee Education	Institute mechanism to review employee complaints
Conduct education/outreach of employees/ families via:	Establish an EAP staffed with or guided by

trained professionals	Explain to applicants that hiring depends on test		
Supervisory Training	results		
Management, supervisors and union members may attend training on: Drug abuse education	Decide policy if applicant tests positive: bar employment; reconsideration of application after a specific period; or reconsideration for only certain positions		
<ul><li>Signs and symptoms of addiction and abuse (physiological and psychological)</li><li>Company policy on drug use</li></ul>	Decide policy if an applicant who tested positive is eventually hired: e.g.,require periodic, random testing; inform supervisor; or set job restrictions		
<ul><li>Employee assistance resources</li><li>How to observe and document poor performance</li></ul>	Determine the kind of test that will be administered		
How to deal with employees suspected of drug use	Determine substances that will be tested for  Determine the type of drug test		
<ul><li>How to confront a drug-impaired employee</li><li>How and when to take disciplinary action</li></ul>	Review options offered by the various laboratories and testing consultants		
How to make EAP or rehabilitation referrals	Determine cutoff levels		
<b>Drug Detection Options</b> If adopting a testing policy, consider whether to test:	Determine whether a confirmation test will be conducted by the laboratory		
All employees, without prejudice, including	Determine the type of laboratory to use		
executives and hourly workers	Determine criteria for choosing a laboratory		
Applicants or pre-employment	If facilities are scattered across the state, decide		
Employees based on reasonable suspicion, post- accident, during and after counseling and/or rehabilitation	whether different laboratories will be used or whether all samples will be sent to one site		
Selected groups of employees	<b>Testing Security:</b> Decide what type of laboratory security system,		
Part of routine annual physical	or chain of custody, is necessary		
Randomly or unannounced	Determine need to document specimen		
Only for cause	accountability, particularly if chance outcome will be challenged		
Frequency of testing also needs to be determined.  If only testing selected employees:	Decide precautions and assurance that a sample has not been adulterated by the provider		
Provide criteria for selecting those employees  If testing employees in sensitive positions, define	Determine type of specimen seal to prevent tampering		
sensitive	Receive assurance that a specimen will not be tampered with in transit		
If only testing for cause: Provide criteria	Determine handling procedure for a specimen		
Identify who will make judgements, supervisor or physician	before and after testing  Determine how results are reported: hard copy		
Determine whether testing will be mandatory	or phone call; understandable terms; quantitative		
Determine whether an employee who refuses testing will be disciplined, suspended or terminated	values for positive reports  Determine if positive samples are frozen following test and, if so, for how long		
Pre-employment testing: Define when new hires will be tested	Seek copy of laboratory ratings if the laboratory participates in proficiency testing programs sponsored by outside agencies		
Explain whether pre-employment physical will be required and if substance abuse test may be given	Determine whether laboratory personnel are certified technicians		
51,671	Determine who will read and interpret test results		

 Determine how confidentiality will be insured	positive: discipline; termination; reassignments	
 Determine who will inform the applicant/		rehabilitation
employee and how		Determine whether and under what
 Determine who will be informed and what is expected from them: company physician;		circumstances terminated employees will be eligible for rehire
individual's physician; human resources professionals; law enforcement officials		Determine policy for employees who test positive from use of drugs at home but show no
 Determine what will be done with the test results		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

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- 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

DSHS Substance Abuse Services 909 W. 45th St. Austin, Texas 78751 Phone: 512-206-5000

Toll Free: 866-378-8440 www.dshs.state.tx.us/sa/

Workers Assistance Program(WAP) Alliance Work Partners 2525 Wallingwood, Bldg. 5 Austin, Texas 787461-800-343-3822 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 (1-888-4AL-ANON or 1-888-425-2666). www.al-anon.org

ALCOHOLICS ANONYMOUS (A.A. World Services) provides information and support to recovering alcoholics through local chapters in communities nationwide (1-212-870-3400). www.alcoholics-anonymous.org

THE AMERICAN COUNCIL ON ALCOHOLISM HELPLINE provides referrals to alcohol treatment programs nationwide and provides written materials (1-800-527-5344). www.aca-usa.org

COCAINE ANONYMOUS provides information and support to individuals suffering from cocaine addiction (1-800-347-8998). www.ca.org

NATIONAL CLEARINGHOUSE FOR ALCOHOL AND DRUG INFORMATION provides information and referrals (1-800-729-6686). www.health.org

INSTITUTE FOR A DRUG-FREE WORKPLACE provides information to employers and employees on drug-abuse prevention programs (1-202-842-7400). www.drugfreeworkplace.org