

RECOVERY BUSINESS ASSOCIATION

A GUIDE FOR EXECUTIVES, MANAGERS AND HUMAN
RESOURCE STAFF ON HOW TO ADDRESS SUBSTANCE USE
PREVENTION, TREATMENT & RECOVERY IN THE WORKPLACE



Peter Brunzelle,
RBA Executive Director

RecoveryBusinessAssociation.org
info@recoverybusinessassociation.org

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INTRODUCTION



Managing Employees Amidst the Addiction Epidemic

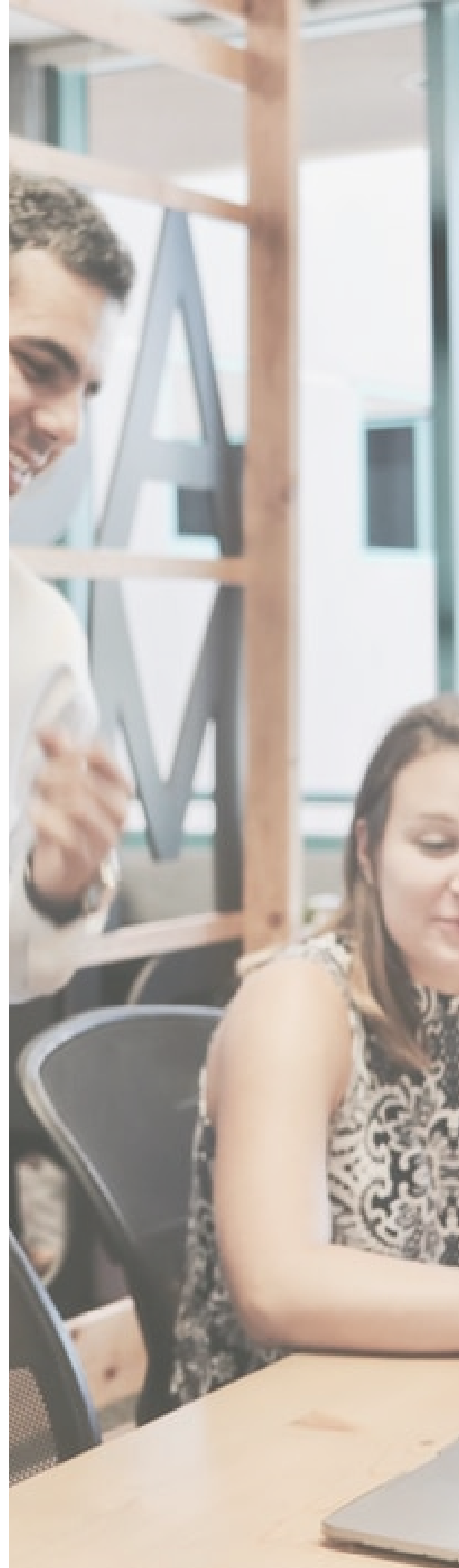
Due to the addiction epidemic, businesses and professionals all over the world are facing challenges of employee substance use and misuse and the impact on retention of quality staff. The ability to support employees through substance misuse prevention and intervention while providing non-judgmental and confidential access to treatment and recovery support services is critical to retaining a quality workforce. Consistent, focused, attentive and caring supervision is key in preventing substance misuse and implementing effective intervention strategies and successful employee re-entry into the workforce.

This toolkit aims to provide meaningful and practical guidelines in an effort to support executives, managers, supervisors and human resource staff facing workforce issues associated with substance use, misuse and recovery among employees.

Substance Misuse Doesn't Discriminate

This toolkit lays out various prevention, intervention and reintegration strategies that can be used in all types of workforce environments. It is written as though the employee intervening is an executive, supervisor or human resource staff person. However, since substance misuse can and does occur at all levels of the organization, interventions must be provided at all levels as well. It should be noted that quality intervention is never a one-person job. When substance misuse occurs in the workforce, it is vitally important that agency executives, decision-makers, risk managers, human resources staff and legal counsel provide consultation, supervision and guidance according to their roles, responsibilities and expertise.

The resources, tools and other information presented in this toolkit are summarized from the *Partners for Recovery Supporting Our Greatest Resource: Addressing Substance Use, Misuse and Relapse in the Addiction Treatment Workforce* toolkit, which was prepared under the auspices of the U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Substance Abuse Treatment (CSAT), and the Partners for Recovery (PFR) initiative within CSAT. The toolkit was initially designed to be as universally applicable as possible, but while every attempt was made to ensure legal requirements are met, they should not be substituted for independent legal counsel. Additional local, State and Federal laws may apply.



COMMITTING TO EMPLOYEE WELLNESS

Establishing a workforce culture that supports employee wellness and retention begins at the top level of an organization with the leadership and board of directors, particularly in a workplace with a unique vulnerability to substance use and misuse.

Organizational policies and actions should express that the agency takes employee substance use and misuse very seriously, but operates on the belief that recovery is possible and it should be available not only to clients, but to staff as well.

Establishing an Environment of Wellness

There are many policies and employee benefits that can help employers provide preventive services and intervene with employees who experience substance misuse problems. An effective recovery responsive policy relies on other workforce policies to create a seamless and effective response.

It is helpful for employers to envision a set of related benefits. Whenever possible, benefits should be developed as a package that helps meet agency goals, including supporting employee wellness.

Financial challenges put constant pressure on agencies to limit their attempts to provide a robust set of benefits. In a challenging fiscal environment, viewing benefits as an interconnected set of tools for promoting wellness can lead to creative solutions. For example, strengthening EAP services or disability benefits may help fill gaps where a health insurance package falls short, as well as providing evidence-based peer support services, such as Recovery Employment Coaches.

Other options could include salary replacement to help employees pay for treatment that insurance doesn't cover or negotiating with an EAP and recovery employment coach agency to provide several sessions of services rather than just an assessment.

By providing a variety of wellness services for employees who are experiencing substance misuse, companies show that they not only care for their employees overall health and well-being, but they will ultimately improve their bottom line by decreasing absenteeism and tardiness, reducing employee turn-over and related healthcare costs, increasing morale and productivity, and alleviating stress in the workplace, which leads to empowered managers and co-workers.



Show employees you care about their overall health and well-being and, in turn, increase morale and productivity.



Recovery Employment Coaches can reduce absenteeism, tardiness, employee turn-over and related healthcare costs.



Showing support for substance misuse helps alleviate workplace stress and frustrated managers and co-workers.



Establishing an environment of wellness has proven to significantly enhance a company's bottom line.

CORPORATE COMMITMENT SAMPLE POLICY

DISCLAIMER: This policy should not substitute for independent legal review of local, State and Federal laws applicable to your agency. Consult an attorney prior to the implementation of any new organizational policy. This sample policy was provided by the Substance Abuse and Mental Health Services Administration.

Sample Corporate Commitment Policy

Company XYZ is an addictions treatment agency. Our corporate mission is to help our clients suffering from addictive disease learn to manage their disease and maintain recovery. Our primary responsibility is to that mission. At all times, our paramount concern is the safety and well-being of the clients who have entrusted us to help guide them in their recovery process.

From time to time, our employees also may face problems related to substance use and misuse. As outlined in our Drug Testing, Professional Conduct and, when applicable, Drug-Free Workplace policies, employees may not work at Company XYZ while they are misusing substances. Impaired employees put themselves, our clients, other employees, and the reputation and mission of our organization at risk.

Our fundamental belief in the power of recovery and individual behavior change dictates that we establish workplace policies and practices that help prevent substance misuse among our employees; intervene appropriately when misuse occurs; and, when possible and appropriate, help staff members who have experienced misuse problems successfully return to work.

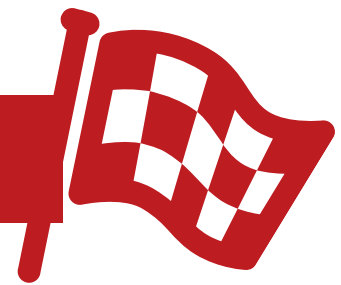
We encourage employees who experience substance misuse problems to seek appropriate help quickly. To assist them, we have instituted workplace policies and practices that align our corporate values with our clinical mission. They include:

- Health insurance that covers substance abuse and mental health services
- A strong EAP where employees can receive confidential services
- Disability insurance that provides some salary replacement for those who go to treatment
- Sick time policies that allow for time off to receive necessary services
- Leave policies that allow eligible employees to take time off from work to pursue treatment or other recovery support services
- Return-to-work policies to help employees return to their jobs when they are ready and that outline the conditions under which employees can return to work
- A list of peer assistance programs in our area

We strongly encourage employees who are experiencing substance misuse problems to talk to their supervisor, manager or human resources director. In cases where there is misuse but no serious misconduct or other performance problems that rise to the level of termination, it may be possible to arrange for a leave of absence and a tailored return-to-work plan appropriate for the circumstances.



IDENTIFYING RED FLAGS



Red Flags That Staff May Be Misusing Substances

One of the key skills that can be used to transform substance misuse among staff is knowing how to observe behaviors that may indicate use. This section provides examples of workplace behaviors that may suggest use by an employee and offers ways to appropriately respond. In some cases, these behaviors, or a combination of them, may serve as probable cause for drug testing. The information below is provided by the Substance Abuse Mental Health and Services Administration (SAMHSA):

- **Unexplained Absenteeism:** Employees experiencing relapse or misuse problems will likely experience increased unplanned absences. Unplanned time off usually presents itself as sick time. The employee might call in sick more frequently or show a pattern of calling in sick to extend planned time off such as holidays or weekends. Other patterns of unexplained absenteeism that may indicate a problem include being absent the day after payday or coming in on payday for a check and then leaving. **SAMSHA Suggested Response:** Create a sick time policy that incorporates components that allow for key staff to be able to recognize warning signs of possible substance use and provide a proactive response. Examples: a policy that states once a specified number of absences in a fixed time is exhausted then a doctor's note is mandatory; a policy that allows employees to use of sick time to attend treatment and to modify or reduce work schedules while employees are seeking treatment; a policy that allows employees to use of sick time to attend EAP or Peer Support sessions, etc.
- **Misuse of Work Hours:** Employees experiencing substance use problems often have difficulties meeting scheduled responsibilities. These difficulties may manifest as tardiness, long lunches, and frequent breaks or unaccounted for time. **SAMHSA Suggested Response:** Supervisors should look for these behaviors and intervene quickly. When patterns of behavior emerge, the supervisor should point out to the employee that he or she has observed the employee's problem. The supervisor should point out that these behaviors decrease the employee's effectiveness and are not acceptable. Employees should be monitored and reminded about the supportive services available to them. The supervisor can state that sometimes issues in one's personal life can lead to absenteeism, tardiness and a general lack of accountability.
- **Productivity and Effectiveness:** Substance use often results in a marked change in employee productivity. It is important to note that an unexpected increase in activity, such as reporting increased service hours, may be as indicative of a problem as a decrease in productivity. Substance misuse is likely to interfere with effectiveness in the work setting. Supervisors should know that changes in productivity and effectiveness can signal substance misuse and should be aware of marked positive and negative changes in both areas. **SAMHSA Suggested Response:** Productivity and effectiveness are generally not covered by specific policies; therefore, management and clinical supervision are key to recognizing problems in these areas.
- **Quality Assurance:** Quality assurance encompasses a wide range of activities, including actual service delivery, record keeping, and relationships with peers and others. Problems with service quality may manifest as client complaints, errors in record keeping or missing records, complaints from co-workers, and general behavior in the workplace. **SAMHSA Suggested Response:** Supervision is important, including announced and unannounced employee observation in the service delivery setting and regular file reviews. A quality assurance policy that incorporates these considerations is included as part of the toolkit.

MANAGING SUPERVISORY BOUNDARIES

Ethical Considerations

Companies must learn to balance the realities of the issues staff face with corporate risk-management responsibilities. Ethically, business organizations cannot create policies that allow or encourage managers to become therapists or counselors for their staff. Ethical boundaries must be clearly delineated and maintained between supervisors and managers and their employees. At the same time, staff members struggling with substance misuse must be restricted from providing services temporarily. There may be circumstances in which an employee is removed from face-to-face interaction with clients and in which termination is the most appropriate course of action.

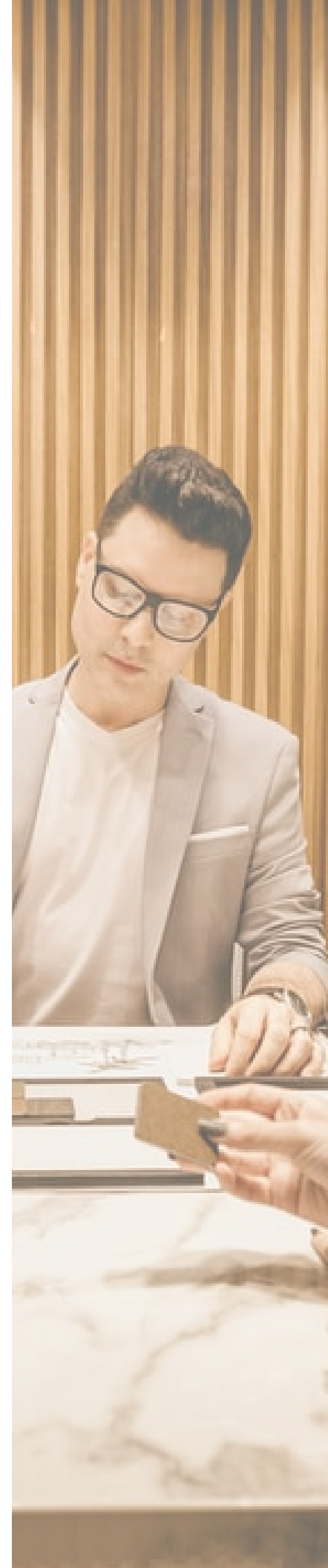
Good policies and practices concerning these issues can teach managers how to appropriately identify potential staff problems early on and can give them the resources they need to effectively deal with problems before they threaten an employee's job or the quality of client service.

Resisting the temptation to diagnose and provide counseling can be a difficult challenge for managers, supervisors and HR staff who face potential misuse among employees. Finding the proper balance of clinical knowledge and managerial strategy is critical to responding in a way that best serves the employee and limits liability for the employer.

General Tips for Supervisory Conversations with Employees Suspected of Substance Misuse Problems

Problems with job behavior, workplace performance and ability to fulfill responsibilities can tip off a supervisor to the possibility that substance misuse is an issue for an employee. When broaching the subject with the employee, the supervisor should keep the following in mind:

- Focus on the work.
- Focus on what can be seen/observed (performance and behavior).
- Describe the behavior – what the employee did or said.
- Do not diagnose the employee.
- Do not be the employee's counselor or therapist.
- Do not make assumptions about why the behavior is occurring.
- Refer the employee to help if he or she might need it.
- Focus on topics that are legitimately part of the supervisory dialogue and do not discuss ones that are not.
- Remember that the supervisor's job is to improve performance.



Developing a Recovery Responsive Code of Conduct

A Code of Professional Conduct presents the underlying principles of organizational operations and expectations for employee behavior. A clearly written and enforced Code of Professional Conduct can be an effective tool for the prevention of substance misuse. It defines a set of behaviors that are unacceptable and subject to disciplinary action. To take things further, companies can add in a Retention-Oriented policy to their existing Code of Conduct to add to or enhance their existing policies.

Codes of Professional Conduct are often grounded in several key principles. Violation of any of these principles may prompt disciplinary action and/or intervention.

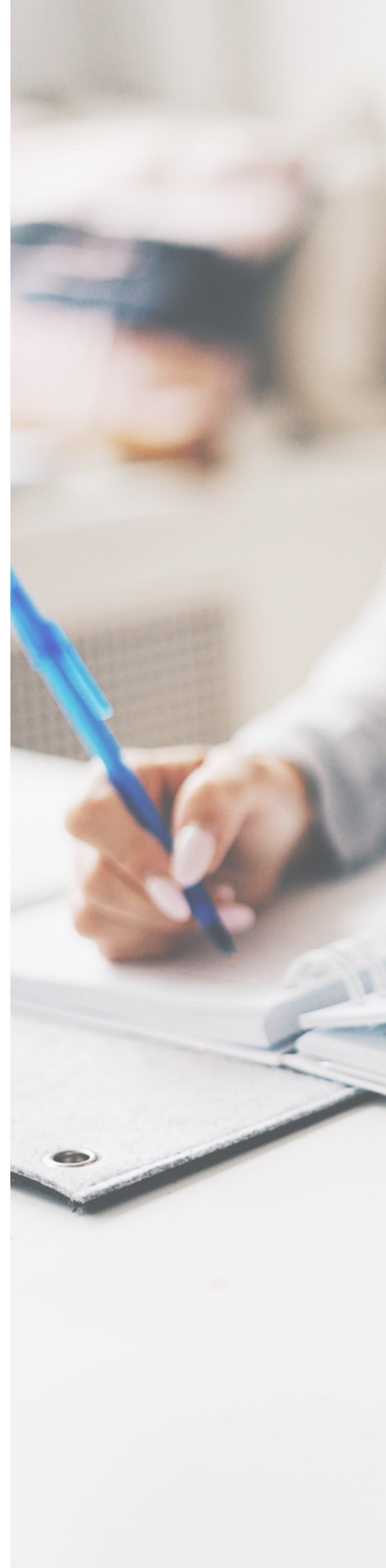
The underlying principles include:

- Non-discrimination
- Client welfare and Employee Welfare
- Client and professional relationships
- Compliance with rules and laws
- Preventing harm
- Duty of care
- Substance misuse Retention strategies
- Employee wellness Recovery Responsive strategies to support employees overall health and well-being

Policy in Practice

A Code of Professional Conduct clearly prohibits any behavior that compromises an employee's ability to accomplish his or her job responsibilities or the reputation of the agency. This prohibition necessarily includes substance misuse. Many of the behaviors prohibited by the code could be warning signs of substance misuse. Some of these behaviors are discussed in more detail in "Red Flags That Staff May Be Misusing Substances." Because the Code of Professional Conduct covers a range of behaviors, it should prompt a range of managerial responses, including increased monitoring, drug testing, an EAP referral or Recovery Employment Coach support, and disciplinary action up to and including termination.

A Code of Professional Conduct need not be limited to on-the-job behavior. It also allows the agency to be concerned with off-duty behavior when the behavior jeopardizes the agency's mission or reputation and employee performance. Off-duty inappropriate behavior, including substance misuse and related behavior that occurs during off-duty hours (as it often does), may open the door for intervention.



CODE OF CONDUCT SAMPLE POLICY

DISCLAIMER: This policy should not substitute for independent legal review of local, State and Federal laws applicable to your agency. Consult an attorney prior to the implementation of any new organizational policy. This sample policy was provided by the Substance Abuse and Mental Health Services Administration.

SAMPLE POLICY:

Principle 1: Non-Discrimination

- I must not discriminate against clients or professionals based on religion, race, age, sex, disability, national ancestry, sexual orientation or economic condition.

Principle 2: Legal and Moral Standards

- I must protect the welfare and dignity of the client and respect the laws of the communities where they work. Violations of legal standards may damage both my reputation and the agency's.
- I will not physically, verbally, emotionally or sexually abuse clients.
- I will not abuse alcohol or other legal drugs.
- I will not possess or use any illegal drugs.
- I must honestly represent my qualifications, educational background and professional credentials.
- I will not aid or abet a person to misrepresent his/her professional qualifications.

Principle 3: Competence

- I will provide professional services only within the boundaries of my competence based on education, training and experience.
- I will pursue professional development by taking advantage of continuing education and other opportunities for professional development to maintain a high level of competence.

Principle 4: Client Relationships

- I will not enter into professional helping relationships with members of client families and client friends, with people closely connected to clients or members of their families, or with others whose welfare might be jeopardized by such a dual role.
- I will not engage in romantic or sexual relationships with current clients, former clients, or clients' families or close associates. I will not engage in romantic or sexual relationships with clients for at least one year following termination of treatment.
- I will refrain from socializing with clients and clients' family members or close associates.
- I will not use derogatory language to or about clients. I will use respectful language in all communications to and about clients.



CODE OF CONDUCT SAMPLE POLICY (CONTINUED)

Principle 5: Confidentiality

- I will comply with all Federal, State and local laws, rules and regulations pertaining to client confidentiality.
- I will guard professional confidences and reveal them only in compliance with the law or when there is clear and imminent danger to an individual or society, and then only to appropriate professionals and responsible authorities. Confidential information can be revealed when doing so is in the best interest of a client or the welfare of others, or when obligations to society or legal requirements demand revelation.
- I will discuss information revealed in a clinical or professional setting only in appropriate settings and only for professional purposes clearly concerned with a case
- I understand that information and materials used in teaching and training must not identify clients.

Principle 6: Professional Relationships

- I will not knowingly withhold information from colleagues and other professionals if the information has been properly released and will enhance client care.
- When working in a treatment team, I will not abdicate my responsibility to protect and promote the welfare and best interests of the client.
- I will not exploit clients in disputes with other colleagues or engage clients in any inappropriate discussions of conflicts between them and their colleagues. These colleagues include those in my own agency and staff from allied agencies.

Principle 7: Conflicts of Interest

- I will be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and judgment.
- I will refrain from entering into any formal or informal activity or agreement that presents a conflict of interest or is inconsistent with the conscientious performance of duties.
- I will refrain from allowing personal interest to impair my objectivity in the performance of duty.

Principle 8: Remuneration

- I will not charge private fees to clients.
- I must not use relationships with clients for personal or professional gain or the profit of any agency or commercial enterprise. I must not engage in any economic relationship with any client.
- I will not give or receive any kind of fee, commission, rebate or any other form of compensation for the referral of clients.

Principle 9: Ethical Violations

- In circumstances where I am aware of ethical violations or potential ethical violations, it is my obligation to attempt to rectify the situation. In instances in which an intervention fails,
- I will report the failure to my supervisor or other management staff.
- Management will investigate incidents and circumstances in which the Code of Professional Conduct may have been violated. Based on investigation findings, disciplinary action up to and including termination may be taken.



Preventing Employee Relapse & Substance Misuse in the Workplace

Adopting a Preventative Mindset

When training staff and in day-to-day managerial settings, it is important to adopt a preventive mindset that acknowledges that substance misuse are ever present concerns and that the organization actively supports employee wellness.

Below are some concepts that, when infused into supervisory settings, can promote recovery support as an organizational value:

- Prevention discussions are for every employee, not just those in recovery.
- The organization has a corporate commitment to wellness that is reflected in a resolution by its executives and/or board of directors.
- Prevention messages can be given by many different people, including first-line supervisors, upper management and EAP and Recovery Employment Coach providers.
- Company work is difficult and stressful. Working with any client population can result in vulnerability among staff members.
- There are free and confidential recovery support resources in the community available to all staff members and their families.
- Employees should think about their own support systems: Who can they call on if problems occurred in their life? Who can they rely on for support?
- Ethics and codes of professional and personal conduct prohibit any substance use that impairs an employee's ability to do his or her job or that negatively affects the reputation or mission of the agency.
- The organization encourages employees to take responsibility and self-disclose substance use problems early before performance and behavior issues occur.
- Options such as medical leave may be applied in situations of misuse or relapse. In some circumstances, Federal rules, such as the Family Medical Leave Act, ensure job security.
- The organization's first and foremost responsibility is to its clients. Action should be taken to address substance misuse before any behavior rises to the level of misconduct that may jeopardize client health or safety.
- The organization believes at its core that people can change behavior and recover.
- Think in terms of a desire to retain quality workers by supporting their recovery process and helping them to return to balance.



Intervening Legally & Corporately Responsively

Once an employee has shown symptoms of relapse or misuse, supervisors and managers should intervene appropriately with workplace policies and tools designed to support the intervention.

Policies should clearly state that the agency will endeavor to provide reasonable support to staff members who experience substance misuse problems and who self-report such issues, as long as the impairment has not led to serious issues of misconduct.

Developing a Formal Intervention Policy

A formal policy that encourages employees to self-report relapse or misuse issues to their supervisor is fundamental to the ability to intervene quickly and effectively. Employees are more likely to self-report problems if they feel they will be supported and if they feel that not reporting and continuing to use might lead to more serious consequences.

Examples of supportive intervention policies include:

- Policies that allow employees to take a leave of absence during which they seek treatment or other appropriate services;
- Job security policies that allow a job to be held for a period of time for employees who go to treatment;
- Health insurance policies that include good substance use benefits;
- Disability insurance (or other benefits) that allows some salary replacement while an employee is out on approved leave; and
- A strong and visible EAP and access to Recovery Employment Coaches, also known as Peer Recovery Coaches.

Re-Entry and Reintegration

Where appropriate, intervention strategies should be designed with a return to full job responsibilities as the ultimate goal. The tools, policies and resources in this toolkit are separate from general intervention strategies, although in most cases, they will be applied simultaneously.

In many ways, a return-to-work plan resembles a recovery plan, with defined activities, standards, goals, guidelines, benchmarks, rewards and sanctions to manage the process.



Allow employees to take a leave of absence to seek treatment



Offer job security policies so employees can seek support and return to work when ready



Provide health insurance policies that include substance use benefits



Offer benefits that allow some salary replacement while an employee is on leave



Provide access to a strong EAP and/or Recovery Employment Coaching services to ensure recovery.

IMPLEMENTING DRUG TESTING



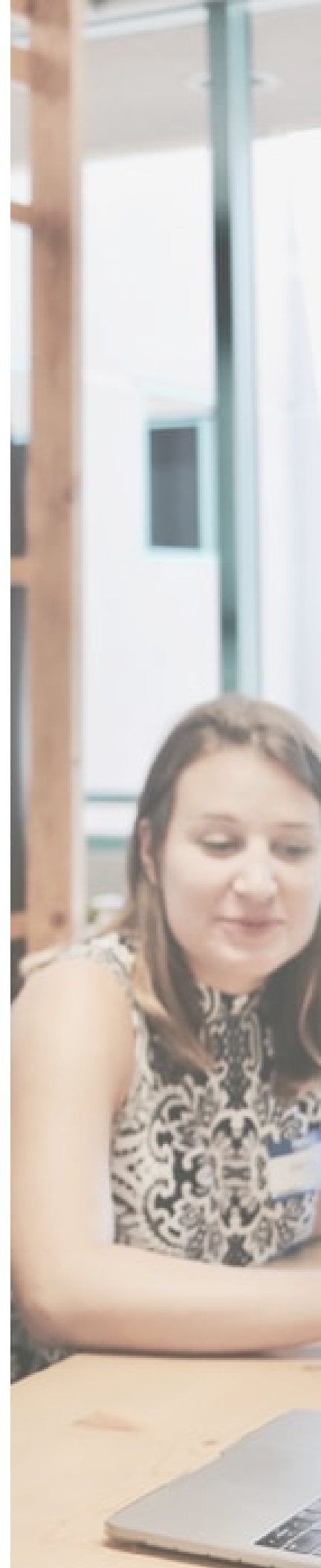
When used as part of a clearly defined process, drug testing can serve a preventive role by putting employees on notice that they can and will be tested in certain situations. That knowledge alone may discourage use. The following policy component can be used by organizations to reveal warning signs of possible substance use and trigger a proactive response:

- Pre-employment testing after a conditional offer of employment
Intervention Include details to define how drug testing may be used as an intervention tool in your Drug Testing Policy.
- Reasonable-cause testing at the discretion of the supervisor. Define these processes in your Recovery Responsive Policies and Procedures to allow the organization to continue to monitor the employee's situation while supporting treatment.
- Incorporate drug testing as part of any return-to-work plan or contract Policy in Practice Pre-employment Testing.

The Americans with Disabilities Act (ADA) bans discrimination based on recovery status, but does not protect employees or candidates for employment who are currently using illegal drugs. Many employers assume that ADA regulations preclude them from requiring a pre-employment drug test. In fact, the ADA prohibits pre-offer medical tests; however, the law makes a distinction between testing for illegal drugs, which is not considered a medical test, and testing for alcohol which is considered a medical test. To comply with the ADA, tests for alcohol should be administered only after a conditional offer of employment has been made and accepted. In practice, it may be easier to administer preemployment drug or alcohol tests after an offer has been made or accepted.

More things to consider when implementing drug testing:

- **Reasonable Cause Testing:** Agencies can have a policy that allows for testing for reasonable cause. Under such a policy, if a manager believes there is reasonable cause to suspect drug use, he or she can require a drug test. The policy may also allow for termination upon refusal to provide a specimen for testing.
- **Testing Positive:** If an employee tests positive, he or she should be offered leave. Upon returning to work, the employee should be required to pass a drug test and to sign a return-to-work contract that requires random testing for a specified period of time (up to one year is recommended). A positive drug test while on such a contract would be grounds for termination, but employers can offer supportive services to promote a culture of recovery and work to retain their workers, too.
- **Random Drug Testing:** Some employers choose to or are required to implement a random drug-testing policy. These policies are expensive and require the advice of legal counsel. Random drug testing policies can cast a "wide net," so an organization should give careful consideration to implementing such a policy. For example, the agency should have a plan for what to do when an employee tests positive but has no work-related performance or behavior issues.



DRUG TESTING SAMPLE POLICY

DISCLAIMER: This policy should not substitute for independent legal review of local, State and Federal laws applicable to your agency. Consult an attorney prior to the implementation of any new organizational policy. This sample policy was provided by the Substance Abuse and Mental Health Services Administration.

[AGENCY'S] drug testing program has been established to:

- Create and maintain a safe, healthy and efficient work environment for employees and clients
- Maintain agency credibility and the trust of constituents
- Help employees suffering from chemical dependency to successfully deal with the problem before it injures them, their careers, their dependents or the agency.

The program applies to all prospective employees and current employees.

Pre-Employment Testing Procedures

[NOTE: This section should be edited to reflect the testing methodology your agency uses, including any testing conducted for prescription medication in addition to illicit substances.] All applicants for employment will be required to sign a consent form agreeing to provide a urine specimen that will be tested for the presence of illegal drugs, and to submit to a Breathalyzer test for the presence of alcohol.

Any applicant to whom an offer of employment is extended and accepted will be required to produce a urine sample to be tested for the presence of controlled substances and may be subjected to a Breathalyzer test. Pre-employment screening is required for all positions except for temporary staff obtained through an outside service. Part-time employees and temporary employees on the agency payroll must be tested. Applicants are required to provide a specimen to the hiring authority within two days of the request.

All pre-employment drug testing will be conducted by [ENTITY CONDUCTING THE TESTING] and will be protected by the standard chain of custody procedures. Screening results will be available within 48 hours of receipt of the test.

Employment may not commence unless and until negative results have been obtained.

Actions

Any applicant who refuses to sign the consent or to submit to a drug screening or

Breathalyzer test

will be denied further consideration for employment on the basis of the refusal.

Positive pre-employment tests will automatically be submitted for confirmation retest. Receipt of confirmation results may take up to 10 days, even for false positives. Employment may not commence unless and until negative test results have been obtained.

Any applicant who tests positive and confirms positive for illicit or illegal drug use (except as supported by active prescription) or tests positive for the presence of alcohol will be denied further consideration for employment and will not be reconsidered for employment for a period of one year following the positive test. Confirmation results will be the deciding factor, despite an applicant's claims to the contrary.



DRUG TESTING SAMPLE POLICY (CONTINUED)

Sample Drug Testing Policy Continued

Employee Testing Procedures

The need to test an employee will be based on reasonable suspicion resulting from but not limited to:

- Observable behaviors, such as the display of physical symptoms or manifestations of being under the influence of an illicit drug, prescription medications or alcohol
- Abnormal conduct or erratic behavior while at work, absenteeism, tardiness or deterioration in work performance
- Report of drug or alcohol use provided by reliable and credible sources
- Requests for urine or Breathalyzer testing based on reasonable suspicion must be documented by the manager and authorized by the manager's supervisor, the human resources director or an executive staff member.

Actions

All positive test results will be automatically submitted for confirmation testing. If a test result is positive, the employee may be mandated to the EAP for an evaluation. It will be at the manager's discretion whether or not subsequent positive tests result in EAP referrals or disciplinary actions. Employees who test positive during their orientation period or while on probation are subject to immediate discharge.

Employees who test positive will be required to sign a contract agreeing to abstinence and to submit to random testing twice per month for a two-month period and monthly thereafter for up to 60 months.

Employment may be terminated for:

- Continued or resumed use as verified through testing
- Refusal or failure to attend the EAP evaluation
- Refusal to submit to testing as required above
- Refusal to sign the abstinence contract

Employee Protection

Specimen collection and testing under this policy will be performed in accordance with the following procedures:

- Dissemination of testing and results information will be limited to the employee, his or her superiors and the human resources department.
- Collection of specimens will be performed under reasonable and sanitary conditions.
- Individual dignity will be preserved to the extent practicable.
- Specimens will be collected in a manner reasonably calculated to prevent substitution of specimens and interference with collection or testing.
- The employee will have the opportunity to provide any information he or she considers relevant, including identification of current or recently used prescription or non-prescription drugs or other relevant medical information, within three working days of notification of a confirmed positive result.

Testing for drugs or alcohol will comport to scientifically accepted analytical methods and procedures. Every urine specimen that produces a positive confirmed result will be preserved for a period of 30 days from the time the results are delivered. During this period, the employee who provided the specimen will be permitted to have a portion of the specimen retested, at his or her expense, at a licensed laboratory chosen by the employee.

*[AGENCY] has invested in an Employee Assistance Program (EAP) as part of our commitment to help employees in a professional and confidential manner. While employees are always encouraged to use the EAP, doing so does not mitigate the application of disciplinary measures under any circumstances. They are parallel courses of action.

Engaging and Retaining Employees Struggling with Substance Misuse

A return-to-work plan provides an outline of conditions under which an employee may be allowed to return to work following a leave related to substance misuse. Issues surrounding return to work after use or misuse can present an agency with significant challenges. A sound, clear return-to-work strategy is critical to reintegrating employees into their full responsibilities of their job.

A return-to-work plan includes:

- A certification of fitness for duty indicating that the employee is able to return to work;
- A return-to-duty contract that the employee signs and follows; and
- Supervisory guidelines for monitoring the employee when he or she returns to work.

Key Legal Issues

Three important Federal laws to consider related to employees who return to work after a leave of absence during which they sought substance use treatment are:

1. The Americans with Disabilities Act (ADA) of 1990;
2. The Americans with Disabilities Amendments Act of 2008 (effective January 2009); and
3. The Family and Medical Leave Act (FMLA).

Employees who seek treatment for addiction are protected against workplace discrimination under the American with Disabilities Act. Employees who return to work after having such an episode must be treated similarly to employees who return to work after taking medical leave for any other physical or mental health condition. ADA protection does not apply to employees who are currently misusing drugs.

Employees who take a medical leave under FMLA are granted job security under the Act. FMLA stipulates that if the employee is medically able to return to work within 12 weeks and does so, he or she must be restored to his or her former position or an equal position. As defined under the law, “equal position” means similar title, pay, status, responsibilities, conditions, qualifications, authority and no significant increase in commuting time or distance.

It is not uncommon for an employee to experience job performance problems, such as absenteeism, erratic behavior, and decreased performance or productivity, before he or she goes on leave for substance misuse. Medical leave may occur during the intervention process. When the employee returns to work, disciplinary action and performance plans should pick up where they left off. In other words, taking a leave does not negate prior behavior nor does it clean the slate of disciplinary actions or performance plans enacted prior to the leave.



Using Client Feedback as a Management Tool

Client feedback is a way to ensure the quality of service delivery for clients. Client feedback can also help identify staff behaviors that may indicate the presence of substance use or misuse or other stressors. While the general purpose of client feedback is to assess performance of direct service staff, other staff with whom the client interacts also may be included.

Clients may be the first to realize that staff members are struggling with personal issues. It is not uncommon for employees to have as much, if not more, contact with clients as they have with fellow professionals during the work day. It is a good practice to have a formal process in place by which clients can provide feedback regarding their interaction with staff. This process should be separate from a formal client rights and responsibilities process, which clearly states the steps that clients should go through if they have complaints.

Client outreach involves regularly contacting clients, either by phone or in person, to give them an opportunity to comment generally about their experience with the agency. This process should involve a standard set of open ended questions about the client's interactions with staff. If client outreach is used, it must be done in a standardized way across the agency. Clients should be contacted on a random basis to avoid particular employees from being singled out.

Sample Tool: Customer/Client Outreach Questionnaire

Hi, my name is _____. I'm a (supervisor at/I work in the quality assurance department at) _____ agency.

From time to time, we contact our customers to find out more about their experiences at our agency.

Would you be willing to talk to me for a few minutes about your experience with us?

How is the staff treating you?

Is the person who answers our phone polite when you call?

Does our staff return your phone calls and/or emails?

Do our staff members treat you the way you want to be treated? If not, can you tell me more about that?

Would you recommend that a family or friend seek services from our agency?

I'd like to give you my number. If you ever want to talk to me, please give me a call.

FINDING SOLUTIONS THROUGH RBA

Our Vision & Mission

The mission and vision of Recovery Business Association is to promote economic growth, education, support services and recruitment/retention opportunities for businesses, corporations and professionals across the nation. We offer an annual membership and dues are based on your number of full-time equivalent employees.

Our services can also be provided on a stand-alone basis and are always customized to fit the unique needs of your organization and diverse employees.

RBA'S ANNUAL MEMBERSHIP INCLUDES:

WELCOME PACKET

Includes organizational screening and assessment, RBA Toolkit for executives, managers, HR Staff and supervisors, use of the RBA name and logo and more.

HEIGHTENED NATIONAL AUDIENCE/PROFILE

Prominent partner listing on RBA's website.

MONTHLY RBA MEMBER VIRTUAL MEETINGS

- Third Thursday of each month at 3:00 pm EST
- Connect & discuss pressing issues with RBA members
- Related updates provided monthly
- Special topics presented by RBA staff, members and leading professionals

MEMBERS-ONLY RBA E-NEWSLETTER

E-newsletter with new member updates, resources, trainings, and special offers

PRIVATE RBA MEMBER FACEBOOK GROUP

RBA Members-only private Facebook support group for executives, human resource staff and supervisors

RECOVERY RESPONSIVE WORKPLACE DATA PLATFORM – COMING IN 2021!

Includes access to powerful tools to track and report on recovery outcomes so you can tell the recovery responsive success of your workplace through data

RBA ANNUAL MEMBERSHIP DUES:

- 1-24 FTE Employees: \$500
- 25-50 FTE Employees: \$750
- 51-100 FTE Employees: \$1,200
- More than 100 FTE Employees: \$1,500
- 501(c)3 Nonprofit Organization's price is based on the organization's annual budget

RBA PREMIER MEMBERSHIP OPPORTUNITIES:

We also offer three premier membership levels. These levels receive additional benefits, including: priority listing in our business directory, logo placement on our site, Annual Human Resource review and revisions, complimentary exhibition booth at the annual REA Summit, sponsorship of events, special programs, and more. Premier Membership opportunities range from \$2,500 per year to \$10,000 per year.

All membership levels and suggested pricing are donations and tax deductible.

