



# Quarterly

Your Keys to *Compliance*



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## Dealing with Drug Abuse in the Workplace

Today in the United States, 73 percent of drug users are employed, costing American businesses billions of dollars annually in lost productivity and health care costs. Due to higher employment rates and rising substance abuse, the chances that your organization employs one of these 8.1 million workers is greater today than it has been in the past several years. Studies reveal that employees who abuse drugs have a tremendously harmful effect on the workplace. They are more likely to have extended absences from work, show up late, be involved in workplace accidents, and file Workers' Compensation claims.

More and more employers have established substance abuse programs to respond to the problems created by drugs and alcohol in the workplace. These programs save organizations money, and in some cases, they save careers, families and lives. In an effort to raise awareness about the impact of substance abuse in the workplace, the U.S. Department of Labor (DOL) implemented "Working Partners for an Alcohol- and Drug-Free Workplace". This educational program helps employers develop and maintain an alcohol- and drug-free workplace.

As part of the Federal government's effort to address the issue of substance abuse in the workplace, the Drug-Free Workplace Act of 1988 was enacted

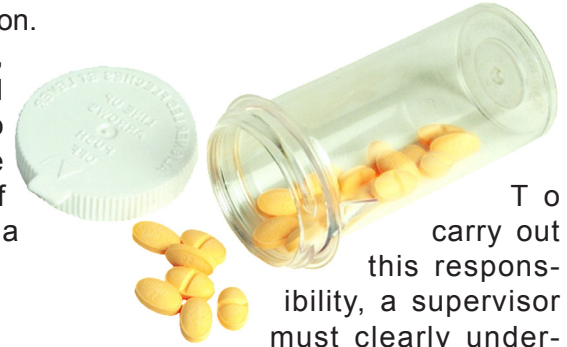
as part of the omnibus drug legislation. This Act, in effect since March 18, 1989 requires contractors and grantees of Federal agencies to agree to provide drug-free workplaces as a precondition of receiving a contract or grant from a Federal agency.

### Symptoms and Intervention Techniques

If substance abuse is contributing to an employee's poor performance, ignoring or avoiding the issue will not help the situation. An employee's use of alcohol or drugs may be the root of the performance problem; however, substance abuse on the part of someone close to the employee also could be the source. Regardless, abuse of alcohol or other drugs inevitably leads to costly and potentially dangerous consequences in the workplace unless action is taken to confront the issue.

It is important to note that diagnosis of an alcohol or other drug problem is **not** the job of a supervisor. However, remaining alert to changes in employee performance and working to improve

employee productivity is a core component of every supervisor's job. Because substance abuse seriously affects an employee's ability to fulfill his/her responsibilities, supervisors play a key role in keeping a workplace alcohol and drug free.



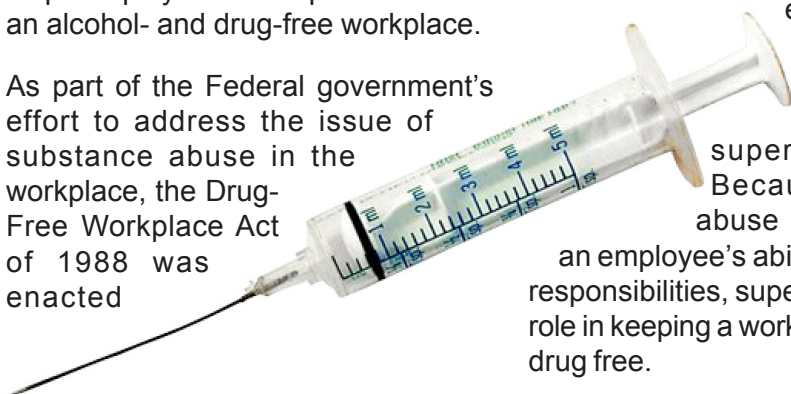
To carry out this responsibility, a supervisor must clearly understand a company's drug-free workplace policy and have the ability to identify performance problems that may be the result of alcohol and drug abuse. Furthermore, a supervisor should be capable of making appropriate referrals to employees in need of assistance for alcohol- or drug-related problems.

### Symptoms

The following performance and behavior problems are common to many employed individuals who abuse alcohol and/or other drugs. It is important to note that if an employee displays these symptoms, it **does not** necessarily mean he or she has a substance abuse problem.

### Performance

- inconsistent work quality
- poor concentration
- lowered productivity
- increased absenteeism
- unexplained disappearances from the jobsite
- carelessness, mistakes
- errors in judgment





*Drug Abuse Continued...*

- needless risk taking
- disregard for safety
- extended lunch periods and early departures

**Behavior**

- frequent financial problems
- avoidance of friends and colleagues
- blaming others for own problems and shortcomings
- complaints about problems at home

**Intervention**

When an employee's performance deteriorates for whatever reason, his/her supervisor has an obligation to intervene. The supervisor does not need to be an expert on alcohol and drug abuse to do so because the intervention should be focused on the employee's performance problem.

The following principles of intervention may be followed by supervisors who need to confront a staff member about a performance problem that may be related to substance abuse.

*For more information on these or other Compliance Issues, contact your Morton Insurance Compliance Check Specialist at 720-488-4915.*

**Maintain control**

- Stick to the facts as they affect work performance.
- Do not rely on memory; have all supporting documents and records available.
- Do not discuss alcohol or drug use.

**Be clear and firm**

- Explain company policy concerning performance.
- Explain company drug-free workplace policy.
- Explain consequences if performance expectations are not met.

**Be supportive, but avoid emotional involvement**

- Offer help in resolving performance problems.
- Identify resources for help in addressing personal problems.

**USERRA Rules Set to Change**

On December 10, 2004, President Bush signed into law the Veterans' Benefits Improvement Act. The Act amends portions of Title 38 of the United States code including portions of the Uniform Services Employment and Reemployment Rights Act (USERRA).

As of March 10, 2005, employers will be required to provide employees with notice of their rights under USERRA. Compliance with this requirement may be met through a general posting at the workplace. Sample language should be issued by the Department of Labor prior to the March 10 deadline.

Additionally, the new law increases from 18 months to 24 months the maximum period of employer-sponsored health coverage that an employee covered by USERRA may elect to continue. The extension applies to individuals electing coverage after December 10, 2004.