

# PERSONNEL NOTEBOOK

For Your Most Important Resource — The Human Resource

*Prepared By:*

**Human Resource Associates**

*Human Resource Management Consultants*

## DEALING WITH DRUGS AT WORK A Supervisor's Guide

For many years, our HR Hotline has received hundreds of calls from employers every month. There has never been a month that we have not received calls regarding drug or substance abuse. More than a legal problem, substance abuse is a personal and national problem, and its greatest impact can be on the employer who hires the substance abuser.

A few facts:

- It is estimated that 73 percent of all substance abusers are employed. They have to be in order to afford the drugs or alcohol.
- About 10 percent of all employees have a drug problem. And that's only counting those who have developed a problem.
- More than six million workers are active alcoholics.
- Substance abuse costs employers an estimated \$50 billion a year.
- Forty percent of all industrial deaths are linked to drug abuse.
- Forty-seven percent of all industrial accidents are attributed to drug abuse.
- There are no clear statistics on thefts and other crimes related to drugs, but the estimates are high.

- Alcohol and drug abusers are far less productive and use three times as many sick days.
- Some industries report that substance abusers average 40 days of sick leave annually compared to non-abusers who average about five days.
- Substance abusers are more than three times as likely to have an accident on the job and are five times more likely to file workers' compensation claims.

So, in general, we know that substance abusers have low productivity, poor coordination, low motivation, and poor judgment.

There are many laws governing the use, abuse, and response to substance abuse at every level of society, from grade schools to the federal government. If your company does work with the federal government, it is required to comply with the Drug Free Workplace Act (DFWA). The DFWA requires companies to:

- Distribute to all employees a written policy explaining the rules on substance abuse. This policy must state that employees may not use, distribute, sell, or make drugs at work.

- Provide a drug awareness program warning employees about the dangers of drug use at work.
- Require employees with prior drug convictions to report this to the company within five days. The company then has 10 days to report this to the government.
- Take appropriate action, within 30 days, ranging from discipline up to termination of employment.
- Refer the employee to a government approved rehabilitation program. The employee must abide by and complete the program or risk losing his job.

Failure to comply with each step can result in the company being prohibited from bidding for future federal contracts. If you do work for or are under the requirements of the federal Department of Transportation, you are also required to regularly conduct substance abuse testing.

Whether or not you do government work, you should know that the Occupational Safety & Health Administration (OSHA) considers drug abuse on the job a violation of the clause stating that the workplace must be “free from recognized hazards that are causing or are likely to cause death or serious physical harm.”

#### **Basic Concerns for Supervisors**

- How do you know if someone is using or is under the influence of drugs or alcohol at work?
- Once you know, when and how do you address it?
- Which cases do you discipline, which do you terminate, and for which do you provide assistance?

#### **Detecting Alcohol and Drug Abuse**

**Confidentiality.** If you suspect or identify abuse, discuss it only with those who have

a need to know. This includes the employee, his or her supervisor, your manager, the HR department, and any health care providers involved. This is not a matter for gossip from the supervisor. There are laws about discussing an employee’s health issues and moral concerns about destroying the employee’s reputation. Furthermore, substance abuse in some stages is considered a disability under the Americans with Disabilities Act (ADA). Maintaining confidentiality also makes it more likely that the employee will seek help and, if possible, be able to return to work.

**Documentation.** Job performance and behavior are /major indicators of substance abuse. If you have records indicating the employee’s performance, attendance, number of sick days, etc, you should be able to notice any serious changes. Document performance and behavior, and changes will become more apparent.

**Detection for Alcohol Abuse.** Indications of alcohol abuse include noticing that the employee is incoherent, unsteady of gait, or has an odor of alcohol. Even the heavy use of breath sweeteners can be an indication of alcohol abuse. The employee also may become more reclusive or secretive.

The inability to sleep is a common factor in alcoholics, so you may see that an employee is always tired. Noticeable weight loss also often results as abusers begin to prefer alcohol over food. A change in facial appearances, such as skin becoming slack and unhealthy looking, can occur. Some employees with alcohol problems may request immediate vacation. Substance abusers often become less sharp and unable to grasp the

meaning or facts that are clear to everyone else.

Alcoholics tend to have low tolerance levels and are frequently oversensitive and easily angered by what they perceive to be slights or put-downs. They don't take disappointments or annoyances lightly, and they may be impulsive and insist on doing things right away. They tend to create tension and morale problems among other employees. They brood about things and blurt them out angrily weeks or even months later.

In the later stages of the disease, alcoholics isolate themselves; they drink alone and often hide alcohol on the job site in ingenious places. They become defiant and often exhibit mood swings. When confronted, they will usually deny having a problem and often they don't think they do. Once they recognize the problem, they may attempt to rationalize it or transfer blame to others.

**Detection for Drug Abuse.** Like alcohol abuse, drug abuse may be found in all types of people in any organization and at all levels. Some of the signs of detection are the same as for alcoholics. Drug abusers seek escape from pressures and stress, and they turn to drugs to smooth out the ups and downs in their lives. The abuse may not be limited to illegal drugs. It may include legal prescription drugs as well.

Safety is a major problem with drug abusers. They have reduced awareness, less physical coordination, slowed reflexes and mental responses, as well as altered time and space perceptions, and they sometimes don't know where they are or what day it is. They are sometimes

drowsy and confused, over confident, and can be reckless.

As with alcohol abuse, the key indicator in drug abuse is change in job performance and behavior. The quality, productivity, and timeliness of the alcohol abuser's work declines for no apparent reason. They often have excessive tardiness and absenteeism, especially on Mondays, use a lot of sick days, and sometimes ask to take sudden vacation time. You will likely notice changes in the employee's appearance. He or she may begin to lose weight, look unhealthy, and pay less attention to clothing and personal hygiene.

Just like the alcohol abuser, the drug abuser's demeanor fluctuates widely, ranging from frenetic activity and nonstop conversation to silence and even drowsiness. They display mood swings, being cooperative one minute and confrontational or even angry the next. They may seem to be mentally slowing down over time as their mental processes deteriorate. You may notice indecision, poor reasoning, or a rash of foolish errors. At times they may be disoriented. Secrecy is a habit of drug abusers and since most of the drugs are illegal, the drug abuser may seem even more secretive than the alcoholic.

In either of these situations, coworkers may come to you with concerns or evidence of someone's use. But this is not common as employees and even family members feel it to be a betrayal of confidence or friendship. However, when another person brings the problem to you, liability issues arise. Once you have been made aware of someone's alcohol or drug usage, you cannot continue with business as usual. You do not want to be the person

who could/should have prevented a tragedy.

**Taking Action.** For most of us, this is the tough part. You do not want to confront an employee with an accusation. And, unless there is a crisis and you have very substantial evidence, it is best to approach this as a performance or behavior problem.

- Explain your concerns in terms of performance, behavior, and safety.
- Describe specific incidents that cause you to be concerned.
- Give the employee an opportunity to respond. And keep an open eye to the possibility that the problem may be something other than substance abuse.
- Ask the employee what is the cause for the changes you have seen. Does he have personal problems? Does she have a medical, drug, or alcohol problem that could be causing this? Inform the employee that if he has a drug or alcohol problem, you can assist him with getting counseling and possible rehab services.
- If the employee denies having an alcohol or drug problem, then inform her that the matter will be handled as a performance/behavior problem. Then handle it as you would any other performance problem.

Under the ADA, if an employee admits alcohol or drug abuse to you, you are mandated to treat the issue as an impairment for which you must provide some reasonable accommodation. In such cases, this means a chance at counseling and/or rehab. If the employee rejects your offer, you are no longer obligated to offer ADA accommodation and may proceed with the appropriate steps in your performance policies.

**Handling a Crisis.** When you are facing a crisis situation wherein an employee is obviously under the influence and you must respond:

- Call in your manager or another supervisor to observe and evaluate the employee's condition.
- If you both agree there is a problem, quietly remove the employee from the work area. Take him to a location where you can talk privately.
- If the employee's condition is serious, request he consent to be taken to a designated medical facility to be assessed for a fitness-to-work evaluation.
- Do not send the employee home alone. Drive him home or call a cab or a relative to transport him.
- Inform the employee that you will contact him later about returning to work and about any disciplinary steps or other actions to be taken.
- Document the incident carefully as quickly as things are under control. Prepare a detailed report of all the action, observations, witnesses, statements, and other related facts. Copies of this report should immediately be taken to your supervisor and the HR department.
- Follow your written policy.

Substance abuse can destroy careers, ruin a company, cause major damages and lawsuits, and result in death. As a supervisor, you are the key component to preventing this from happening on your watch.

*Bill Cook*  
*Human Resource Associates*  
*E-mail: [hrahtl@consulthra.com](mailto:hrahtl@consulthra.com)*