

DRUGFREE

Advisor

July 2010

WHAT YOU NEED TO KNOW ABOUT... DRUG-FREE WORKPLACE SOLUTIONS

Coming this August, Drug Free Pennsylvania will launch a newly enhanced version of our drug-free workplace program.

The Drugs Don't Work Here program will now be called *Drug-Free Workplace Solutions*. You will receive the same membership benefits as before, plus even more tools to keep your employees and workplace safe from the harmful effects of alcohol or drug abuse.

The services offered under our new program are either new or enhanced, so please take a few minutes to read through the benefits of Drug Free Workplace Solutions.

Policy Development – We provide you with a customized drug and alcohol policy written in accordance with Pennsylvania law, and offer further support through dedicated, on-call advisory assistance. As a current member of the program, your drug and alcohol policy may be updated or you may change the parameters of your discipline and testing occurrences.

Program Promotion – As you know, members of the program receive complimentary payroll stuffers, static window clings and posters. All of these materials are available at your request and

will be available via our new website. You will receive a free promotional package, including both print materials and online tools that you can use to communicate your vision for a drug-free workplace, and remind employees of their role.

Drug Testing – A federally certified drug-testing program, backed by the support of a licensed physician Medical Review Officer, is available at highly competitive rates, and with drug testing labs located throughout the U.S.

Online Learning – Using state-of-the-art technology, we offer the following trainings for your company:

1. **Employee Training** – This session gives your employees a clear explanation on the importance of a drug-free workplace, how the different types of legal and illegal drugs affect the body, and describes the community resources available in your area.
2. **Supervisor Training** – Educate your managers about reasonable suspicion, the signs and symptoms of substance abuse, employee confrontation techniques, documentation protocol and role playing scenarios.
3. **Reasonable Suspicion Training** – This managerial session takes our Su-

ervisor training one step further by offering a closer look at reasonable suspicion. Your managers and supervisors will review the signs of reasonable suspicion and become more comfortable with “making the call” by discussing several types of workplace scenarios.

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WHAT YOU NEED TO KNOW ABOUT... DRUG-FREE WORKPLACE SOLUTIONS (CON'T)

All of the trainings are available onsite at your office with one of our presenters, or as online learning modules, presented in short, video-based segments, mean that you can instantly train employees across multiple shifts, locations and departments. You choose the method of training that is convenient for you.

Employee Assistance Program (EAP)

– Our *new* EAP service is comprehensive, and customized to fit your workplace needs. The EAP service offers instant assistance to licensed behavioral health specialists to your employees 24 hours a day, 7 days a week. Competitive prices and an online option make this service affordable to complete your drug free workplace program.

Look for an email soon regarding your new login information and the new website address.

WELCOME NEW DFWS MEMBERS!

BeamOne
San Diego, CA

Gringeri Family Medicine, P.C.
Newtown, PA

Shop N Save
Mt. Pleasant, PA

Sperry Farms, Inc.
Atlantic, PA

U.S. Axle, Inc.
Pottstown, PA

Vortex Recycling
New Castle, PA

Many Docs Don't Report on Addicted Colleagues

Your doctor could be drunk, addicted to drugs or outright incompetent, but other physicians may not blow the whistle.

A new survey finds that many American physicians fail to report troubled colleagues to authorities, believing that someone else will take care of it, that nothing will happen if they act or that they could be targeted for retribution.

A surprising 17 percent of the doctors surveyed had direct, personal knowledge of an impaired or incompetent physician in their workplaces, said the study's lead author, Catherine DesRoches of Harvard Medical School.

One-third of those doctors had not reported the matter to authorities such as hospital officials or state medical boards. The findings, appearing in the *Journal of the American Medical Association*, are based on a 2009 survey of 1,891 practicing U.S. doctors.

Reporting a problem doctor can trigger important changes. Twenty-one years ago, a colleague smelled alcohol on a young physician's breath and anonymously reported him to the head of the residency program. A now-sober Dr. A. Clark Gaither is grateful.

"I wish I knew who reported me," Gaither said. "I'd like to give them a big ol' hug and thank them for saving my life."

Programs exist for retraining doctors with weak skills and getting addicted ones into treatment. But the survey results suggest doctors are not confident in the system, DesRoches said.

The American Medical Association and other professional groups say doctors have an ethical obligation to make such reports. And many states require doctors to tell authorities about colleagues who endanger patients because of alcohol-

ism, drug abuse or mental illness.

Most states have programs that not only get doctors into treatment but also advise their colleagues how to intervene. Most will keep reports anonymous. Some use the threat of medical board sanction to persuade doctors to go to rehab.

For Gaither, the first confrontation with concerned colleagues was in medical school. He reassured his fellow students he was fine. Even the second confrontation, from the program head who had heard the report of Gaither's alcohol-scented breath, did not take. Gaither signed a contract promising to stay sober, go to Alcoholics Anonymous meetings and submit to testing.

"I went home and drank that night," he said. "I was thinking with an addicted brain, and I was an alcoholic."

Finally, a third confrontation and the temporary loss of his training license forced Gaither into what he calls "a state of surrender." With help from the North Carolina Physicians Health Program, he got into a residential rehab program. His last drink was Jan. 21, 1990.

Gaither, now 55, finished his residency and became a family doctor. He practices in Goldsboro, N.C., where he started a free mobile clinic for the uninsured.

In 2002, the North Carolina Academy of Family Physicians named him Physician of the Year. He thanked AA and all the colleagues who confronted him and supported him in his acceptance speech.

He now urges others to report what they know. "It is our duty," he said.

Source: The Associated Press, July 13, 2010

Importance of Supervisor & Employee Training

SUPERVISOR TRAINING

It can be scary to think about addressing alcohol and drug use among the people you work with. An employee who uses or abuses alcohol or drugs on the job may at some point be an employee whose performance goes downhill. Supervisors have a variety of responsibilities within a drug-free workplace program. Supervisors should:

- Know the organization's program and policy, including the rationale for the program and specific details about drug testing procedures, if applicable, as well as other components.
- Be able to explain the program to employees.
- Know where to refer employees for help and information.
- Understand and accept the importance of supervision as a tool for implementing the policy - recognizing that the supervisor is the best judge of employee performance.

Supervisors are not expected to provide substance abuse counseling. If a supervisor suspects an alcohol or drug-related problem, particularly as evidenced

by poor job performance or conduct, the employee should be referred for professional evaluation and assistance.

EMPLOYEE TRAINING

Educating your employees about alcohol and other drug abuse is important because:

- It gives the program a high priority and says that everyone in the organization needs to be involved.
- It fosters a spirit of cooperation - "We're all in this together."
- It helps dispel myths about alcohol and drug abuse and acknowledges the impact of substance abuse on friends, family, and coworkers.
- It encourages employees to buy into the program and reinforces the importance of addressing alcohol and other drug abuse in the workplace.
- Providing your employees with some basic information about alcohol and other drug abuse also reinforces your policy and communicates that you care about their welfare.

Source: The CompDrug Corporation, www.compdrug.org

Importance & Benefits Of An EAP

Employee Assistance Programs (EAPs) are an effective way to deal with alcohol and drug problems in the workplace. EAPs are multifaceted programs designed to assist employees with personal problems that affect their job performance. EAPs address a wide range of employee problems: drug and alcohol abuse, stress, marital difficulties, financial and legal trouble. Most EAPs offer a range of services: employee education, individual/organizational assessment, counseling, and referrals to treatment.

Benefits of EAPs:

1. They take the pressure off supervisors, who feel responsible when employees' personal problems affect job performance.
2. They offer an alternative to firing, thereby saving the costs of recruiting, rehiring, and retraining.
3. They offer access to treatment for employees with problems that affect their job performance.
4. They have been linked to decreases in accidents, Workers' Compensation claims, absenteeism, health benefit utilization, and turnover rates.

Importance of Drug Testing

Drug testing is one way to protect your workplace from the negative effects of alcohol and drug abuse. A drug testing program can deter people from coming to work unfit for duty and discourage alcohol and other drug abusers from joining your organization.

When considering a drug testing program, the first question to ask is, "Am I required to drug test some or all of my employees?" If not, then ask, "Are there other reasons I should consider drug testing?" Below are some of the most frequent reasons employers give for having a drug testing program:

- To comply with Federal regulations, e.g., the Department of Transportation, Department of Defense, Nuclear Regulatory Commission, and Department of Energy.
- To comply with customer, contract or insurance carrier requirements.
- To minimize the chance of hiring employees who may be users.
- To reinforce the company position on "no drug use."
- To identify current users and refer them for assistance.
- To establish grounds for discipline or firing.
- To improve safety.
- To convince "casual users" that the cost of using is too high.
- To reduce the costs of alcohol and other drug abuse in the workplace.
- To give recovering users another reason to stay sober (relapse prevention).

Source: The CompDrug Corporation, www.compdrug.org

Americans With Disabilities Act

Under the Americans with Disabilities Act, an individual is “disabled” if he/she has a physical or mental impairment that substantially limits one or more major life activities **or** there is a record of such an impairment **or** the individual is regarded as having such an impairment.

The ADA prohibits discrimination against qualified individuals with a disability. “Qualified” individuals are those individuals who are capable of performing the essential functions of their jobs with or without a reasonable accommodation. Section 503 of the Rehabilitation Act of 1973 prohibits discrimination against qualified individuals with disabilities by contractors and subcontractors of the Federal government.

The ADA and the Rehab Act affect do not, however, protect the current use of illegal drugs or the current misuse of legal drugs, such as over-the-counter or prescription medication. Said differently, individuals currently using illegal drugs or misusing legal drugs are not necessarily considered “disabled.”

“Current” means that the use “occurred recently enough to justify the employer’s reasonable belief that involvement with drugs is an ongoing problem.” Employers may, therefore, have in place policies which prohibit the current use of drugs and alcohol in the workplace, and employers may identify circumstances under which their employees will be tested for the presence of drugs and alcohol in their systems.

Employers also need to understand, however, that individuals who are addicted to drugs, have a history of addiction, or who are regarded as being addicted may be “disabled” under the meaning of the ADA. An alcoholic may be a person with a disability, and he or she is protected by the ADA if he/she is capable of performing the essential functions of the job with or without a

reasonable accommodation. Employers may, however, discipline, discharge or otherwise deny employment to an alcoholic whose use of alcohol adversely affects job performance or conduct.

Employers also may prohibit the use of alcohol in the workplace and can prohibit employees from being under the influence of alcohol while at work. Similarly, employers may prohibit the use of illegal drugs and the misuse of legal drugs in the workplace.

It is important, therefore, for employers to review situations that involve drug use and misuse on an individual, case-by-case basis to determine the implications of the situation and to exercise caution when dealing with issues of disciplinary action, leaves of absence for rehabilitation, and all other decisions that affect terms and conditions of employment. And, as with all other employment decisions, uniformity in the application of workplace policies is important to prevent claims of disparate treatment.

Issues of disparate treatment tend to arise when we examine how employers respond to positive drug test results. Employers should have in place a plan to respond. For example, employers may provide employees with an opportunity to enter a rehabilitation program and return to work only upon certification that they have completed the program. Upon their return to work, employees are subject to a “return-to-work agreement,” in which employees agree to random drug testing for a period of time, and any violations of company policies will result in immediate termination during that probationary period. Employers who are subject to the Drug Free Workplace Act should note their obligations under federal law as well.

In next month’s issue, we will address recent developments under the ADA,

particularly in light of the amendments to the ADA and how employees who have positive drug test results and how employers respond to those test results may alter the nature of “regarded as disabled” claims under the ADA.

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DRUG FREE PA NEWS

ONLINE AUCTION FUNDRAISER

Drug Free Pennsylvania’s 5th Annual OnLine Auction, “**Bidding For A Drug-Free Pennsylvania**” will take place September 6-12, 2010. This year’s auction features many exciting items from businesses throughout Pennsylvania to bid on and buy, including:

- Foursome with the Hershey Golf Collection for use at Hershey Links
- *Ghosthunters* Tickets
- Philadelphia & Pittsburgh Orchestra Tickets
- Crowne Plaza, Center City Philadelphia, Overnight Stay for 2, including breakfast
- Pittsburgh Steelers Team Stamped & Autographed Football
- Brunch for 2 in the Circular Dining Room at The Hotel Hershey
- Ski & Snowboarding Packages
- Annville Inn Bed & Breakfast Package
- Lunch at Waterworks Restaurant
- Hollywood Casino Gift Basket
- **And Much More!**

For more information or to donate an item, please contact DFPA at 717.232.0300 or 800.533.3394.

Clean 'em out. Drop 'em off!

Medication Clean-up Campaign Event
Saturday, August 7th, 10am to 2pm

Bring your unused prescription medications to the location below:



**Lower Paxton
Township
Municipal Center**
425 Prince Street
Harrisburg, PA 17109

For more information:

www.myfamilywellness.org

www.drugfreepa.org/medicationcleanup

DRUGFREE
PENNSYLVANIA



Pennsylvania
MEDICAL SOCIETY

SUPPORTING ORGANIZATIONS



NOTE! We will not accept thermometers, needles and syringes or medical waste such as dressings. This is for households only. We will not accept medications from health facilities or physicians' offices. Please place all medications in a plain paper bag and be vigilant when bringing them into the collection sites.