

BEST PRACTICES FOR WORKPLACE DRUG & ALCOHOL PROGRAMS

Presented by: Laura R. Porter, RN
Manager
Firelands Corporate Health Center

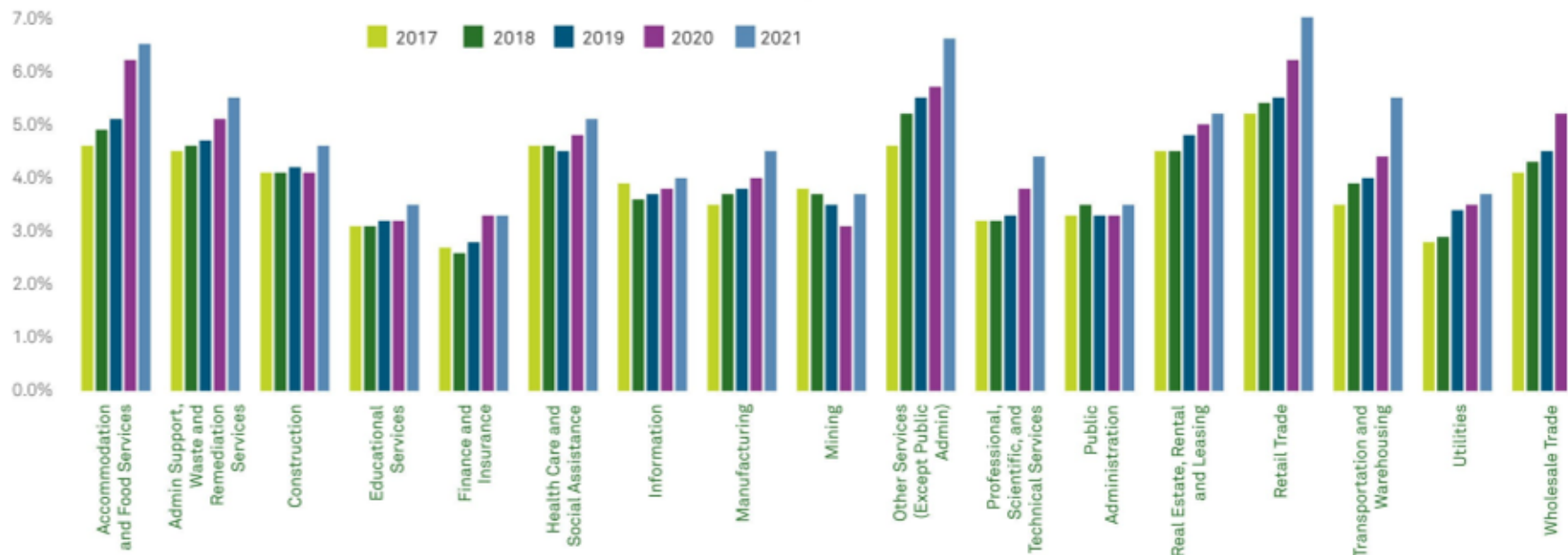
OBJECTIVES

- Understand impact of addiction
- Identify impairment & signs of abuse
- Discuss Ohio Issue 2 and drug testing
- Outline supervisor role in reasonable suspicion
- Identify best practices for policy writing



2022 Quest Diagnostics Drug Testing Index™ General U.S. workforce drug positivity rates by industry sector

Workforce positivity increased significantly in multiple industries



16
Industries

Saw overall positivity rates based on urine drug tests in the general U.S. workforce by industry increase from 2017-2021 (all except mining).



Construction

12.2% Increase overall positivity rate in the construction industry in 2021 (4.1% in 2020 versus 4.4% in 2021) after holding steady between 2017 and 2020.

0.20% Highest positivity rate in the construction industry for methamphetamine in 2021.

16% Decrease in construction industry positivity for methamphetamine over five years (0.24% in 2017 versus 0.20% in 2021).



Marijuana

17 out of 17 Industries saw increases in marijuana positivity from 2020-2021.

15 of the 17 Industries with increases in marijuana were double-digit increases.

7.5% positivity rate in Accommodations and Food Services for marijuana in 2021.

6 of 17

Industries have seen the positivity for marijuana double or more than double across the last five years:

- Transportation and Warehousing
- Finance and Insurance
- Utilities
- Accommodations and Food Services
- Retail Trade
- Professional, Scientific & Technical Services

Percent increases have been rounded to the nearest tenth. Classifications are based on the North American Industry Classification System (NAICS). Seventeen of the 20 industry sectors were included in the Industry Insights; three classifications were excluded from the analysis due to insufficient testing volume.

Ohio AG: Drug task forces seized \$64 million worth of illegal drugs in 2023

2023 Ohio drug seizure totals

Seizures from 2023 include:

- 272 pounds of fentanyl
- 349 pounds of meth
- 1,801 pounds of marijuana
- 520 pounds of cocaine
- 40 pounds of psilocybin mushrooms
- 68,112 prescription pills

The task force also recovered 2.45 pounds of heroin, 3.3 pounds of crack cocaine, 664 pounds of khat (a plant chewed for its stimulant properties), 2.5 pounds of MDMA and 2.2 pounds of xylazine (a nonopioid sedative also called “tranq”).

IMPACT OF ADDICTION AND ABUSE

- Poor decision making, risk taking
- Loss of efficiency
- Lower morale of co-workers
- Higher turnover/increased training
- Increased likelihood of having trouble with co-workers/ supervisors or tasks
- Preoccupation with obtaining and using substances while at work, interfering with attention and concentration
- Theft
- Illegal activities at work including selling illicit drugs to other employees
- Disciplinary procedures

AND THE SURVEY SAYS...

- Approximately 70% of all adults with an alcohol or illicit drug use disorder are employed (<https://www.cdc.gov/niosh/topics/opioids/wsrp/default.html>)
- 25% of men and 20% of women admit to using drugs or alcohol at work (<https://drugabuse.com/addiction/substance-abuse-workplace/>)
- 62% said that they knew someone who used drugs or alcohol at work (<https://drugabuse.com/addiction/substance-abuse-workplace/>)



DRUG USE, ABUSE, AND ADDICTION

Drug Use: Chemical substance use

Drug Abuse: Habitual taking of addictive or illegal drugs

Drug Addiction: Compulsive and difficult to stop, even in the presence of negative consequences



DRUG ADDICTION

- Complex disease, making quitting difficult
- Reward circuit of the brain (dopamine) is stimulated. Tells the brain “This is something important!”
- Drugs hijack this system, causing unusually large amounts of dopamine to flood the system (up to 10 times as much!).
- Sometimes, this lasts for a long time compared to what happens when a natural reward stimulates dopamine.
- Such a powerful reward strongly motivates people to take drugs again and again.

IDENTIFYING IMPAIRMENT



It's not your responsibility to identify WHAT substance is used.

It **IS** your responsibility to identify that something is wrong.

SIGNS OF ABUSE

- Changes in appetite or sleeping pattern
- Sudden weight loss or weight gain
- Change in relationships, friends, hobbies
- Missing money, valuables, or prescriptions
- Periods of unusual hyperactivity or agitation
- Lack of motivation; inability to focus
- Acting isolated, silent/withdrawn, engaging in secretive or suspicious behavior
- Mood swings

If you get that gut feeling
that something isn't right
about a person or situation,
trust it

COMMON EMOJI CODES

FAKE PRESCRIPTION DRUGS

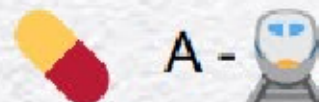
PERCOCET & OXYCODONE



XANAX



ADDERALL



DEALER SIGNALS

DEALER ADVERTISING



HIGH POTENCY



UNIVERSAL FOR DRUGS



LARGE BATCH



MISCELLANEOUS DRUG PARAPHERNALIA





Krystal Lai

May 23, 2023 · 2 min

FUTURE OF WORK

Remote work has fueled drug and alcohol consumption during working hours

Does your pre-COVID morning routine look different to now?

Remote Work Comes With Daytime Drug and Drinking Habits

Cocaine, benzodiazepines and other drugs are no longer after-hours activities.



Photographer: komta/iStockphoto

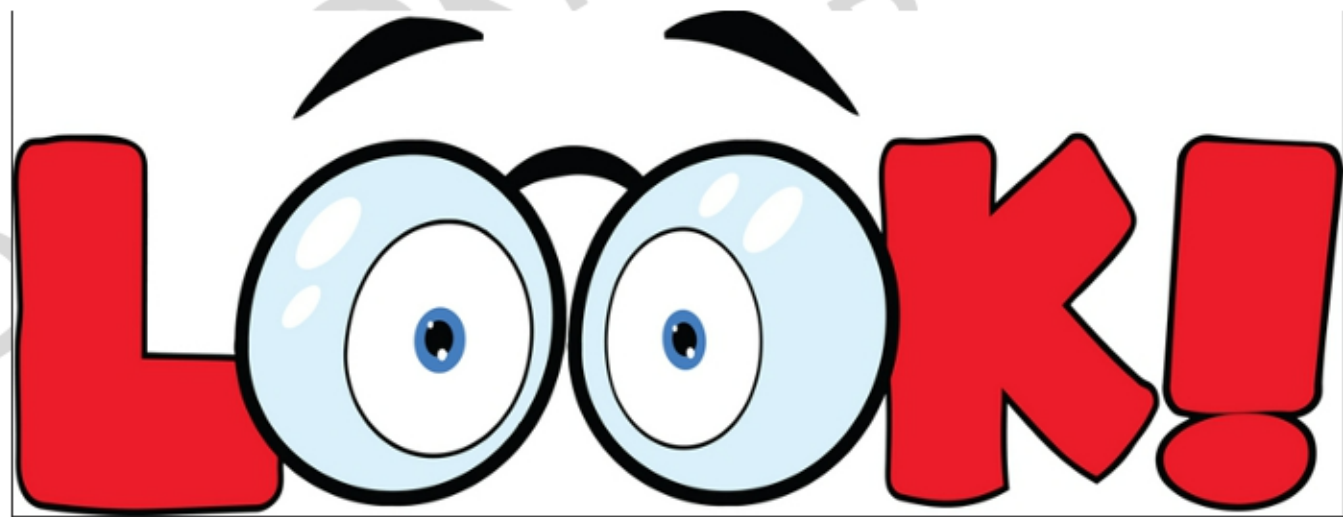
By Arianne Cohen

May 13, 2023 at 9:05 AM EDT

- Number of working-age Americans with substance use disorders rose by 23% since pre-pandemic
- Caused a 9% to 26% drop in labor force participation
- About 20% of U.S. workers admitted to using recreational drugs while working remotely and also to being under the influence during virtual meetings

SIGNS OF IMPAIRMENT

- Alcohol
- Cocaine
- Amphetamine
 - Methamphetamine
- Opiates
 - Heroin
 - Fentanyl
- Marijuana



ALCOHOL

Alcohol is the single most used and abused drug in America making it the number one threat to workplace safety. (OHSONLINE.com)

Alcohol is very widely available, socially acceptable, and relatively cheap.

Driven by enhancement motives: socialization, relaxation, coping mechanism (https://www.apa.org/monitor/2023/06/tackling-risky-alcohol-use)

Discussion Topic

What is your company policy for alcohol?

What happens if an employee is positive on the job?

There are
more than **380**
deaths each day

in the US due
to excessive
alcohol use.

[cdc.gov/alcohol](https://www.cdc.gov/alcohol)



(https://www.cdc.gov/alcohol/features/excessive-alcohol-deaths.html)

ALCOHOL

One drink = 0.015

- 12 oz. beer = 5 oz. wine = 1 shot liquor
- Takes one hour to excrete

Ohio legal limit is 0.08%, DOT 0.04%

- In December 2022, 2 Ohio school bus drivers had random BAC of 0.07% and 0.135%/0.138% after driving their morning routes

Did You Know: The Lines on a Solo Cup are Measurement Marks



SIGNS & SYMPTOMS OF ALCOHOL USE

Slurred speech

Bloodshot, watery eyes

Poor balance

Odor on breath

Involuntary, sudden eye movements



SIGNS & SYMPTOMS OF COCAINE USE

Increased blood pressure and heart rate

Dilated pupils

Insomnia

Loss of appetite

Sudden cardiac arrest

Convulsions

Stroke

Death

Chronic snorting: Erosion of upper nasal cavity



SIGNS & SYMPTOMS OF AMPHETAMINE USE

Increased blood pressure and heart rate

Insomnia

Loss of appetite

Physical exhaustion

Chronic use: violent and erratic behavior

Overdose effects:

- Agitation
- Increased body temperature
- Hallucinations
- Convulsions
- Possible death



SIGNS & SYMPTOMS OF METHAMPHETAMINE USE

Increased wakefulness, increased physical activity, decreased appetite, rapid breathing and heart rate, irregular heartbeat, increased blood pressure, and hyperthermia

Extreme anorexia, memory loss, and severe dental problems

Chronic abuse:

- Psychosis resembling schizophrenia
- Paranoia
- Picking at skin
- Preoccupation with one's own thoughts
- Auditory and visual hallucinations

Meth Mouth



Early stages, including dry mouth and swollen gums



Teeth become flat from repeated grinding and clenching



Advanced tooth decay from meth abuse

SIGNS & SYMPTOMS OF OPIATE USE

- Drowsiness, Sedation
- Respiratory depression
- Constricted pupils
- Nausea, Vomiting
- Warm flushing of the skin
- Dry mouth
- Relaxation, Heavy extremities
- Opioid Poisoning Triad: Coma, Pinpoint pupils, Respiratory depression



OPIATES — HEROIN



Highly addictive and rapidly acting

Injected, smoked, or sniffed/snorted

Typically cut with other drugs or substances (Fentanyl, sugar, etc.)

Initial “rush” of euphoria followed by a twilight state of sleep and wakefulness

Tolerance develops with regular use, which can lead to physical dependence and addiction to the drug

OPIATES — FENTANYL



Approved by FDA as analgesic and anesthetic

Licit forms: Tablets, sprays, patches, injectables, oral lozenges

Illicit forms: powder, fake tablets

It is 100 times more powerful than morphine, and a small amount, as little as two milligrams or 10 grains of table salt, is considered lethal

Rainbow fentanyl often marketed to attract younger users

Unable to see, smell, or taste fentanyl

Fentanyl test strips have 98% detection accuracy and are free through ODH

A LETHAL DOSE OF FENTANYL



In 2021, DEA seized enough Fentanyl to provide a lethal dose to every American.

XYLAZINE

Powerful sedative, analgesic, and muscle relaxant only approved by FDA for veterinary use

Taken orally, intravenously, intranasally or intramuscularly

- Injection – can lead to severe wounds and necrosis

Effects set in within minutes and can last eight hours or longer depending on dosage and route taken

Not an opioid but still administer Narcan if questioning overdose

“Tranq” or “Tranq dope”



MARIJUANA

- Marijuana will not show positive from secondhand smoke
- Remains in body for weeks to months
- After ingesting edibles, patients experience the maximal high 1-3 hours later (within minutes when smoked). It is not regulated by the FDA.

DOT and the Ohio BWC do not accept a positive due to a medical card for marijuana



OHIO ISSUE 2

21 and older can have 2.5 oz cannabis flower, 15 gm extract

No authorized sellers (late summer-fall 2024?)

Cannot order through mail

Cannot transport across state lines (ie: Michigan)

Cannot smoke in public indoor places

Employers can test for it



OHIO LEGALIZATION



House Bill 523 protects employers:

- Employers are not required to permit or accommodate an employee's use, possession, or distribution of marijuana
- Bill does not authorize an employee to sue his or her employer for an adverse employment action related to medical marijuana
- Employers still able to maintain a drug free workplace
- Employer maintains the right to defend worker's comp claim where use of medical marijuana contributes to the injury

(Weisburg... Walter/Haverfield LLP, Cleveland)

CONSIDERATIONS

Americans with Disabilities Act

- Marijuana is illegal federally and not protected under ADA. Employers are not required to accommodate its use.

BWC maintains stance of Schedule 1 drug

- Grants coverage of alternatives treatments like acupuncture and massage
- Marijuana is sold retail – not dispensed by a pharmacist

OSHA

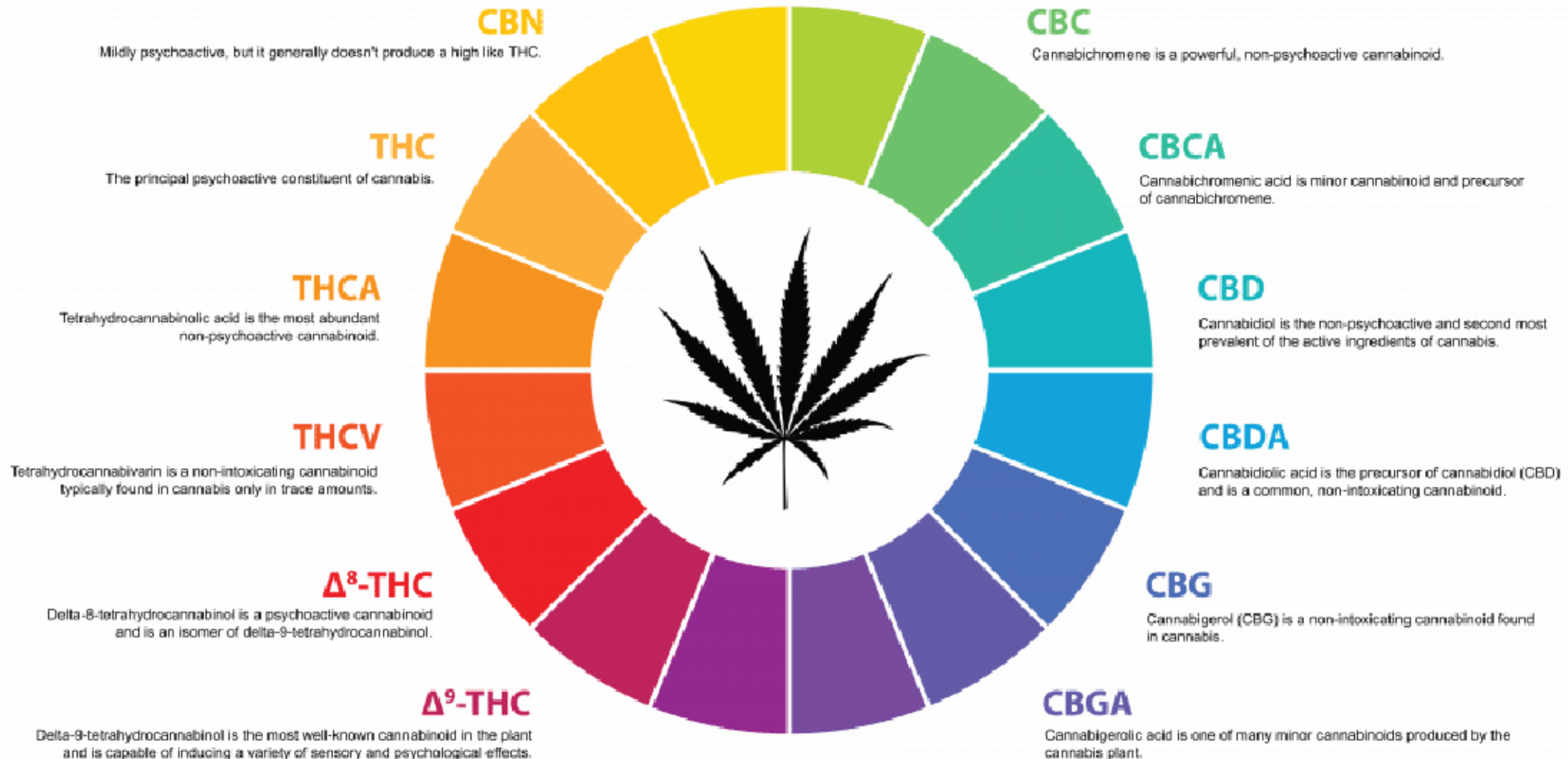
- Supports drug testing measures, cautions to not threaten with testing. Provide definable criteria.

General Consensus to maintain testing

- Staff are performing duties where impairment can seriously cause harm to themselves or others.
- Risk mitigation: performance issues, quality of employees, and deterrence

Cannabis Cannibanooids

The cannabis plant produces between 80 and 100 cannabinoids and about 300 non-cannabinoid chemicals.



THC BREATHALYZER

Hound Labs (California)

Available: Collect & Send, In development: On-Demand

Cannabix Technologies (Canada)

ElectraTest (Phoenix) – in development

ElectraTest plans to market its Breathalyzer to medical marijuana users first. Then eventually offer the device to law enforcement. (<https://azcapitoltimes.com/news/2023/05/03/phoenix-company-creating-marijuana-breathalyzer/>)



THC BREATHALYZER: WHAT'S TAKING SO LONG?

- The chemistry of alcohol and cannabis is different. Unlike ethanol, which is exhaled in copious amounts in a gaseous vapor, the main psychoactive ingredient in cannabis (tetrahydrocannabinol or THC) is carried in aerosol particles, tiny molecules surrounded by fluid from the deep lungs.
- Research has shown that individuals exhale 1 million times more ethanol with a single breath than cannabis users exhale of THC in 12 breaths.
- With THC, it's like looking for a needle in a haystack.

REASONABLE SUSPICION

- Required when there is evidence that an employee is under the influence of drugs / alcohol while at work, drawn from specific, objective facts in light of experience and training
- Testing will be based on observation and documentation
- Employees should be escorted to and from testing facility



Discussion Topic

What is your company policy regarding reasonable suspicion?

How do you make a referral for testing?

Do you transport and leave the employee at the facility?

Offer cab voucher or arrange transportation home?

Paid time off while waiting for results?

STIGMA

- Supervisor responsibility to foster an environment that encourages asking for help
- Negative attitudes about people with addiction directly affects their ability to find help and recover
- Treating those with a substance use disorder with compassion

Ways to reduce stigma in the community...



Use person-first language such as “person with SUD” instead of “addict” or other derogatory terminology



Correct others who have misconceptions about SUD



Share success stories and positive depictions of individuals with SUD

STIGMA

Instead of...	Use...	Because...
Junkie, Addict, User	Person with a substance use disorder	First-person language shows that SUD is an illness Shows the person HAS a problem, not IS the problem
Alcoholic, Drunk	Person who misuses alcohol/engages in unhealthy/hazardous alcohol use	Terms avoid elicit negative associations, punitive attitudes, and individual blame
Former/Reformed addict	Person in recovery/Person who previously used drugs	

STIGMA

Instead of...	Use...	Because...
Habit	Substance Use Disorder/Drug Addiction	"Habit" implies that a person is <i>choosing</i> to use substances and makes the illness seem less serious than it is
Abuse	Use (Illicit drugs) Misuse (Prescription medications used other than prescribed)	"Abuse" is often associated with negative judgements and punishments
Clean	Being in remission or recovery Not drinking or taking drugs	Use of medical terminology (the same way you would for other illnesses) can help reduce stigma.

SUPERVISOR ROLES

- Support the policy by applying rules consistently
- Understand liability issues; document observed behavior clearly
- Know the consequences of employees violating your program
- Recognize when to get another trained supervisor involved
- Realize they must deal with performance issues regardless of substance use

REMEMBER TO...

- Ask a second supervisor to observe, concur with your findings/suspicions
- Interview the employee in private
- Keep the employee under observation at all times
- Objectively advise the employee of the observed signs and symptoms and the need to test
- Have the employee safely transported (if needed) to collection area
- Treat the employee with respect at all times



DO NOT...

- Excuse the employee from testing
- Accept the employee's excuse for any reason
- Delay medical treatment (but make efforts to have testing done as soon as treated)
- Accuse the employee of drug or alcohol use
- Re-assign the worker or cover up for the employee
- Ignore a sign or symptom





SAMHSA
Substance Abuse and Mental Health
Services Administration

FEDERAL DRUG-FREE WORKPLACE PROGRAM TRAINING FOR SUPERVISORS

Disciplinary Actions

- Reprimand in writing
- Place on enforced (mandatory) leave status
- Suspend employee (14 days or less, or 15 days or more) until successful completion of a drug treatment program or other rehabilitative agency-specified action
- Remove from service
- Reduce pay or grade

Non-Disciplinary Actions

- Refer to Employee Assistance Program (EAP)
- Move from TDP to a non-sensitive position
- Reassign permanently

Not Supervisory Actions

- Diagnose drug or personal problems
- Have all the answers
- Provide counseling or therapy

Supervisors **may take disciplinary actions** based on:

- Direct observation of the employee using illegal drugs or misusing prescription drugs
- Evidence obtained from an arrest or criminal conviction for a drug-related offense
- Refusing a drug test, or failing to complete the drug test
- Testing positive for drug use (i.e., a verified positive test result)
- Refusal to cooperate
- Adulteration or tampering with drug testing specimen
- Refusal to obtain counseling or failure to successfully complete the EAP

POLICY WRITING: THE BASICS

- Goals
- Provide Definitions, Expectations, and Prohibitions
- Dissemination Strategies
- Benefits and Assurances
- Consequences and Appeals



ASSESS YOUR NEEDS

- Is yours a large organization employing individuals in safety- and security-sensitive industries?
- Does your organization conduct federally funded projects?
- Is your organization in the transportation sector, with mandated drug-testing requirements under regulations from the Department of Transportation?
- Does your organization have a high prevalence of substance use problems?
- Does your organization employ a population of workers for whom prevention education is critical?

STATEMENT OF COMMITMENT

- Show your commitment to providing a safe workplace for your employees.
- The policy should reflect clearly that alcohol and other drugs in an employee's system while on the job negatively affects the productivity, safety and stability of the workplace, and that you will not tolerate this behavior.

The Company will not tolerate the use of drugs or alcohol which could imperil the health and well-being of its employees, its business, its reputation, or others. We are committed to maintaining a safe and healthy workplace, free from the influence of drugs and alcohol.

STATEMENT OF POLICY

State clearly your company's attitudes toward alcohol and other drug use. The policy will state the organization's zero tolerance toward:

Employees working while having alcohol or other drugs in their systems at a level that compromises safety and affects productivity;

On-the-job possession or use by employees;

Selling of illegal substances (trafficking).

The purpose of this policy is (a) to meet the requirements of applicable laws and regulations to ensure that the workplace is free of illegal drugs; and (b) to establish restrictions on the workplace-related use of legal substances, such as alcohol, cigarettes, legalized marijuana, and prescription drugs.

MAKING IT BROADER...

The purpose of this policy is:

- (a) to meet the requirements of applicable laws and regulations to ensure that the workplace is free of illegal drugs;
- (b) to establish restrictions on the workplace-related use of legal substances, such as alcohol, cigarettes, legalized marijuana, and prescription drugs;
- (c) to address fitness-for-duty behaviors (such as repeatedly calling in sick or being absent directly before and after holidays and weekends, repeatedly damaging inventory or failing to meet reasonable production schedules, and being involved in frequent accidents that can be related to the use of drugs and other substances);
- (d) to explain the steps that will be taken to protect employees, identify problems, and provide assistance.

GOALS

- What are the drug-free workplace laws and regulations (federal, state, or local) with which your organization must comply, if applicable?
- What other goals does your organization expect to achieve?
 - For example, does your organization hope to reduce or eliminate drug-related workplace accidents, illnesses, and absenteeism?
- Does your organization want to address the issue of preventing and treating workplace drug use and misuse in the context of accomplishing a broader goal?
 - These broader goals may include promoting employee health and safety.

DEFINITIONS

Specifically define any terms that may be ambiguous or stated in technical terms not previously defined in the policy.

Make a special effort to define words or phrases that might have a significant impact on policy interpretation.

- How does your organization define substance use?
- What behaviors are expected?
- Exactly what substances/behaviors are prohibited?
- Who is covered by the policy, and when does it apply?

SO MANY DEFINITIONS....

- Where does the policy apply?
- Who is responsible for carrying out and enforcing the policy?
- Will the policy include any form of testing for alcohol, prescription drugs, or other drugs?
- Are any employees covered by the terms of a collective bargaining agreement, and, if so, how do the terms affect the way the policy will be implemented and enforced for those employees?

POLICY VIOLATION

State clearly the consequences of violating the above policies by listing the types and sequence of disciplinary action you will take (up to and including termination).

- Termination on first offense?
- Offer last chance agreement?
- Mandatory time off?
- Required to see SAP?



EMPLOYEE AWARENESS

Your policy should state how you will arrange to share alcohol and other drug educational information with employees. The types of information presented should include:

- The dangers of alcohol and other drug use in relationship to the workplace;
- Your policy and consequences for violating it;
- Availability of employee assistance at or above what is required for your program level.

POLICY IMPLEMENTATION

Your policy should clearly state:

- How the policy and related operational procedures will be communicated to employees;
- Who will be responsible for implementing the policy and procedures;
- Each employee's responsibilities under the policy and procedures.
- How employees can obtain assistance and access employee assistance



TYPES OF TESTING

Types of testing

- Pre-employment/new hire
- Reasonable suspicion (provide examples)
- Post accident
- Return to duty
- Follow up
- Random



CONDUCTING TESTING

Procedures for initial and follow-up testing after receiving positive results;

Consequences of positive test results;

Confidentiality of test results.

State what will happen if an employee refuses testing, adulterates, attempts to adulterate, substitutes or dilutes a specimen.



PROVISIONS FOR ASSISTANCE

State the benefits provided by the company when an employee seeks and obtains assistance services. These include provisions for:

- Time off work for an assessment for employees allowed to retain their jobs based on meeting specified criteria related to cooperating with the assessment professional and signing a second-chance agreement;
- Time for inpatient and/or outpatient treatment;
- Follow-up support after completing treatment;
- Support in case of a relapse.

STATEMENT OF CONFIDENTIALITY/PRIVACY

- Make it clear to employees that all aspects of any employee assistance or testing procedures are private.
- Let employees know their records are confidential, and you will share them only with individuals with a right to know.
- You should state who will have access to such information.

PARTICIPATION AGREEMENT

Provide an opportunity for the employee to certify that he or she:

- Has a written copy of the policy;
- Understands all policy implications;
- Agrees to abide by the policy's conditions;
- Will not use alcohol or illegal drugs in the workplace or come to work with alcohol or illegal drugs in his or her system.



BONUS MATERIAL

What happens if you receive dilute negative result?

What happens if a device or bottle is found?

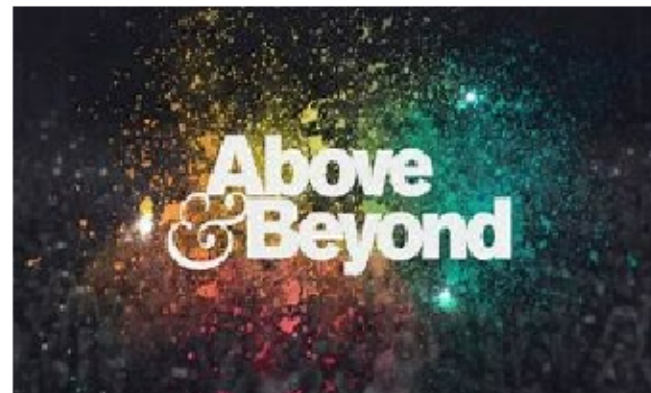
What is your policy on pre-employment testing?

How do you transport employees to & from testing facility?

Do you/will you allow oral fluid or hair testing as a substitute?

- In what instance?

Who do you refer to for SAP?



ADDITIONAL RESOURCES

Ohio CareLine

- 1-800-720-9616
 - *The Ohio CareLine is a free, 24/7 behavioral health call service. It is staffed by behavioral health professionals who can offer confidential support in times of personal or family crisis.*

SAMHSA (Substance Abuse & Mental Health Services Administration)

- National Helpline 1-800-662-HELP(4357)
 - *Confidential, free, 24-hour-a-day, 365-day-a-year, information service, in English and Spanish, for individuals and family members facing mental and/or substance use disorders. This service provides referrals to local treatment facilities, support groups, and community-based organizations.*

HELPFUL LINKS

<https://www.samhsa.gov/workplace/employer-resources/develop-policy#benefits>

<https://adata.org/factsheet/ada-addiction-recovery-and-employment>

https://store.samhsa.gov/sites/default/files/SAMHSA_Digital_Download/pep21-pl-guide-6.pdf

<https://info.bwc.ohio.gov/for-employers/workers-compensation-coverage/rates-and-bonuses/drug-free-safety-program>