



Oregon Employer Drug-Free Initiative

Drug-Free Workplace BUSINESS TOOLKIT



*Employee safety and product quality are critical to our company.
We decided years ago to be as close to a drug-free workplace as possible.*

- Dan Thorndike, General Counsel, Medford Fabrication

QUICK FACTS

- 77% of illegal drug users and 80% of binge or heavy alcohol users are employed.
- 1 in 12 workers admits using drugs, with marijuana most commonly used.
- 1 in 5 workers has covered for a fellow employee's drinking.
- 40% of fatalities and 47% of injuries in the workplace are linked to substance abuse.
- Drug users consume almost twice the benefits as non-users and make twice as many workers' comp claims.
- Drug users have higher instances of theft, turnover, and workplace violence.
- Drug users are routinely less productive at work and their work performance suffers measurably.
- Employee alcohol and drug use is nearly twice as prevalent in smaller businesses.
- Oregon leads the nation in virtually every measure of substance abuse:
 - ✓ Marijuana use by adult Oregonians is 50% higher than nationally
 - ✓ Oregon is one of the top 7 marijuana-producing states
 - ✓ Oregon ranked 7th in the nation for meth abuse and 4th in prescription drug abuse in 2007
 - ✓ Alcohol use by Oregon 8th graders is 76% higher than the national rate
 - ✓ Oregon 8th & 11th graders are more likely to smoke marijuana than cigarettes.
- Substance abuse costs Oregon \$5.9 billion a year, equal to the cost of K-12 education.
- \$4 billion of that cost is in lost productivity, directly impacting business competitiveness.

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I. ESSENTIAL ELEMENTS OF A DRUG-FREE WORKPLACE PROGRAM

A comprehensive drug-free workplace program includes:

- A clear, written policy
- Employee education
- Supervisor training in policy implementation
- An Employee Assistance Program
- Drug testing.

The following chapters in the Business Toolkit will address each element to help you strike the right balance between:

- The rights of employees and employers
- The need to know and rights of privacy
- Detection and rehabilitation
- Respect for employees and the safety of all.

The Toolkit utilizes the US Dept. of Labor Drug-Free Workplace Advisor at www.dol.gov/elaws/asp/drugfree/drugs/screen2.asp. The Advisor is designed to help you examine the impact of drugs on your organization, determine whether any federal or state laws apply to your situation (such as the Drugfree Workplace Act of 1988 or the Dept. of Transportation industry-wide standards), and generate a draft policy statement.

The OEDI Partners (listed below) will provide policy writing workshops, supervisor trainings and employer forums on current drug-free workplace issues. Contact: Mimi Bushman, Portland Employer Drug-Free Initiative, mimibushman@comcast.net.

OEDI LOCAL BUSINESS PARTNERS

Albany Area Chamber of Commerce
Clatsop County Chambers of Commerce
Douglas County Employer Drug-Free Initiative
Gresham Area Chamber of Commerce
Klamath County Chamber of Commerce
Lake County Employer Drug-Free Initiative
McMinnville Area Chamber of Commerce
Medford-Jackson County Chamber of Commerce
Molalla Area Chamber of Commerce
Newport Area Chamber of Commerce
Portland Employer Drug-Free Initiative
Prineville-Crook County Chamber of Commerce
Salem-Keizer Chamber Drug Prevention Network
Union County Chamber of Commerce

A. WRITTEN POLICY

Begin by developing your policy. A written drug-free workplace policy is the cornerstone of your program.

Every organization's policy should be unique and tailored to meet its specific needs; however, all effective policies have a few aspects in common, including:

- **Why the policy is being implemented.** Rationale can be as simple as a company being committed to protecting the safety, health and well being of its employees and customers and recognizing that abuse of alcohol and other drugs compromises this dedication.
- **A clear description of prohibited behaviors.** At a minimum, the policy should include the following statement: "The use, possession, transfer or sale of illegal drugs by employees is prohibited."
- **An explanation of the consequences for violating the policy.** These may include discipline up to and including termination and/or referral for assistance. Consequences should be consistent with existing personnel policies and procedures and any applicable state laws.

To draft your policy, you may use the recommended language provided by Barran Liebman LLP Attorneys accessible at www.portlandhrma.org (click on Special Interest Groups, Portland Employer Drug-Free Initiative). It provides useful definitions and sample language, including how to address the use of prescription drugs and medical marijuana.

You may also visit the U.S. Dept. of Labor Program Builder at www.dol.gov/elaws/asp/drugfree/drugs/screen2.asp. You will be asked to choose program and policy options for your organization, such as who will be covered by your policy, when the policy will apply, etc. The program will generate a draft policy statement based on your choices.

We strongly recommend that you have your policy reviewed by a labor/employment attorney before distribution and implementation.

In a dangerous work environment with workers moving up to 60,000 pounds of steel, we found a correlation between substance abuse and high accident rates. Our accident rates have dropped dramatically with our drug-free workplace program. The whole idea is to keep employees safe.

- Steve Mickels, American Steel, Canby

B. SUPERVISOR TRAINING

After developing a drug-free workplace policy, an organization should train those individuals closest to its workforce – its supervisors. Training should ensure that supervisors understand:



- The company drug-free workplace policy
- Ways to recognize and deal with employee performance problems that may be related to alcohol and other drugs
- How to refer employees to available assistance.

In relation to the company drug-free workplace policy, supervisors' responsibilities should include monitoring employees' performance, staying alert to and documenting performance problems, and enforcing the policy. Supervisors should not, however, be expected to diagnose alcohol and drug-related problems or provide counseling to employees who may have them.

If supervisors are responsible for making referrals for drug testing based on reasonable suspicion, they also must be trained on how to make that determination. We recommend that your supervisors participate in OEDI supervisor trainings.

Most supervisors are genuinely concerned about the safety of their workers. Legally, both the company and the supervisor can be held liable for their employees' behavior. Supervisors who allow an employee to work are declaring, in effect, that he or she is able to perform safely. Yet too often, supervisors do nothing when evidence indicates they should.

– Jerry Gjesvold, Employer Services Manager, Serenity Lane

C. EMPLOYEE EDUCATION

Sharing all policies with employees is essential for success; therefore, employers should be certain that all employees are aware of the company policy and drug-free workplace program.

Effective employee education programs provide company-specific information, such as the details of the drug-free workplace policy, as well as generalized information about the nature of alcohol and drug addiction; its impact on work performance, health and personal life; and types of help available for individuals with related problems.

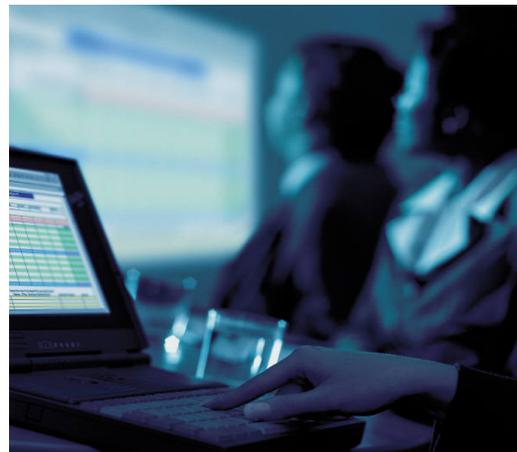
A Power Point presentation has been developed by U.S. Department of Labor Working Partners for an Alcohol and Drug-Free Workplace for employers to use to educate employees about their organization's drug-free workplace policy and the dangers of alcohol and drug abuse. Visit

www.dol.gov/asp/programs/drugs/workingpartners/materials/materials.asp

All employees should participate and the message should be delivered on an ongoing basis through a variety of means. Forums for employee education may include home mailings, workplace displays, brown-bag lunches, guest speakers, seminars and sessions at new employee orientation. Many Employee Assistance Programs offer employee education (see **D. Employee Assistance on page 5**).

Educational brochures, posters, and fact sheets are downloadable from

www.dol.gov/asp/programs/drugs/workingpartners/materials/materials.asp



Our company's goal is to establish and maintain a work environment that is completely free from the effects on team members of alcohol and drug use. We have had two years now without any accidents or reportable injuries (per OSHA reporting requirements). This has reduced our workers compensation cost and allowed us to advance our wellness program and care for team member health in other ways, such as building a fitness center.

- Christine Cline, SPHR, Human Resources Manager,
Molalla Communications Company

D. EMPLOYEE ASSISTANCE

Employee Assistance Programs (EAPs) are an effective vehicle for addressing poor workplace performance that may stem from an employee's personal problems, including the abuse of alcohol or other drugs.

EAPs are an excellent benefit to employees and their families and clearly demonstrate employers' respect for their staff. They also offer an alternative to dismissal and minimize an employer's legal vulnerability by demonstrating efforts to support employees.

In addition to counseling and referrals, many EAPs offer other related services, such as supervisor training and employee education. At a minimum, businesses should maintain a resource file from which employees can access information about community-based resources, treatment programs and help lines.

For information on choosing an EAP, see the U.S. Dept. of Labor Drug-Free Workplace website at www.dol.gov/elaws/asp/drugfree/drugs/assistance/screen90.asp



We are responsible for managing our clients' financial needs. We take this very seriously and have implemented applicant screening programs. These include reference and criminal background checks as well as mandatory pre-employment drug screens to deter users from applying. Substance abusers will navigate to companies without drug-free workplace programs.

- Jill Faughender, SPHR, Senior Vice President
& Human Resource Manager, West Coast Bank

E. DRUG TESTING

Some employers decide to drug test employees for a variety of reasons, such as deterring and detecting drug use, as well as providing concrete evidence for intervention, referral to treatment and/or disciplinary action.

Before deciding to conduct testing, employers should consider a few factors, including:

- **Who will be tested?** Options may include all staff, job applicants and/or employees in safety-sensitive positions.
- **When will tests be conducted?** Possibilities including pre-employment, upon reasonable suspicion or for-cause, post-accident, randomly, periodically and post-rehabilitation.
- **How will tests be conducted?** Different testing modes are available but legal advice should be sought on the constraints of Oregon law.

The current law in the private sector generally permits non-union companies to require applicants and/or employees to take drug tests. Employers can test for a variety of substances, although only a few have established testing protocols.

Employers are encouraged to attend OEDI policy writing workshops conducted by employment attorneys to ensure that their drug testing policies comply with Oregon law and can withstand legal challenges. In unionized workforces, the implementation of testing programs **must** be negotiated. OEDI workshops will cover testing methodology, modes of testing, drug testing procedures and use of a Medical Review Officer.



Brentwood's passion for a drug-free workplace runs deep. We are committed to providing a safe, efficient and productive work environment for our employees. Before drug and alcohol testing began in 2005, employee turnover was at an all time high. With testing, we have successfully reduced our turnover by 80%. We have a better work environment, fewer injuries and an overall decrease in attendance issues. We continue to test 100% of our employees each year and remain dedicated to the effort of eliminating drugs from the workplace and our community.

- Andrea Buchholz, HR Manager, Brentwood Corporation

II. ONLINE RESOURCES

- Drug-free Workplace Program Builder: www.dol.gov/elaws/asp/drugfree/drugs/screen2.asp
- Employee Associate Professionals Association: www.eapassn.org
- GetFit – Workplace Health & Safety: www.GetFit.SAMHSA.gov
- Liberty Northwest Alcohol & Drugfree Workplace premium credit: www.libertynorthwest.com/policy/state/or/index.asp
- National Clearinghouse for Alcohol & Drug Information: 1.800.729.6686 or www.health.org
- ONDCP Drug-Free Workplace: www.whitehousedrugpolicy.gov/prevent/workplace
- Oregon Employer Drug-Free Initiative: www.oregonemployerdrugfree.org
- SAMHSA Workplace Helpline: 1-800-WORKPLACE or www.workplace.samhsa.gov
- SAMHSA Model Programs: www.modelprograms.samhsa.gov
- SAMHSA-Certified Drug Testing Labs: www.dwp.samhsa.gov/drugtesting/Level_1_Pages/Certified%20Labs.aspx
- Working Partners, US Dept of Labor: www.dol.gov/dol/workingpartners.htm
- Portland Employer Drug-Free initiative, www.portlandhrma.org (click on Special Interest Groups).

OEDI will help businesses overcome such obstacles as lack of time, money, and expertise, and the fear of losing key employees.

- Don Skundrick, Knife River Corp. & OEDI Founding Chair

FOREST GROVE LUMBER SUCCESS STORY

Forest Grove Lumber Company enjoyed unprecedented growth and profitability in 2006. Five years prior however, drug use had left the company in turmoil. Company executives largely attribute their success today to a realization of the scope of their drug problem and the implementation of a drug policy that resulted. "We wouldn't be here now if we hadn't changed the culture of this company," says Gregg Adams, Controller.

The company drug and alcohol policy was put in place in spring 2000, despite fears that drug testing would eliminate a significant portion of the workforce. Policy implementation began in earnest in 2001, with testing expanded to include reasonable suspicion and random drug tests. Until several key employees failed the drug test, top management "had no concept" of the extent of drug use in its organization.

"It took six months to hire qualified personnel, but once they were on board, all of the problems went away," says Brett Hastings, General Manager. The employees terminated had been using company phones and vehicles for drug deals. "Thefts had included chainsaws, anvils, anything to sell," Hastings said. "Forklifts as well as timber products were damaged, oil wasn't checked, people ran into things, nothing worked smoothly." The company had fallen into its workers comp risk pool, nearly tripling the cost of its premiums, and one employee's name ran in the local newspaper as a confirmed drug dealer, one of Yamhill County's largest.

Forest Grove Lumber expanded from 85 to 140 employees in 2006. Located in McMinnville, the company began in 1991 as a lumber distribution center. With investments in high quality equipment and new patents, it now boasts full milling and grading capabilities. Major projects for high profile clients, such as Timberline Lodge (replicated in Wyoming) and the Disney Grand Hotel (in California), have established the company as a high niche organization serving customers across the US and Canada.

"We've seen significant reductions in costs of health insurance, workers comp, emergency room visits, and medical claims since the policy was implemented," says Adams. "Now we've changed the culture, become more of a family, can pay more and are attracting quality applicants."

Company executives believe other business owners must learn that the economic and emotional suffering brought by chemical dependency can be prevented by a strong drug policy. "If you don't have a sufficient deterrent, drug users will own your company," said Adams. "You will create profitability if you have a clean, intelligent workforce. If more employers enforce a good drug policy, it will change the community."



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