MODULE 1: BENEFITS AND COMPONENTS OF A BEST-PRACTICE DRUG-FREE WORKPLACE (DFWP) PROGRAM

There are deliberate and legally-sound steps employers can take to prevent and respond to employee misuse of prescription medications and other substances. It starts with a comprehensive, best-practice drug-free workplace (DFWP) policy and program – a strategy recognized by both the public sector, like the Departments of Labor and Transportation, and by private industry, including the American Management Association.

A best-practice program detects, prevents, and addresses substance misuse, in addition to supporting employees in recovery. Done appropriately, it benefits both employers and employees.

For employers, a best-practice DFWP program can help:

- reduce accidents, workers' compensation and healthcare costs;
- increase productivity and employee morale;
- protect public image and reduce liability;
- meet contractual or regulatory obligations; and
- afford direct financial incentives, like in Arkansas, where employers who establish a drug-free workplace program that meets certain requirements are eligible to receive credit on their workers' compensation premium credit.

And for employees, can:

- connect those experiencing problems with helping resources;
- protect all employees from drug-related accidents; and
- ensure fair distribution of work responsibilities.

The 5 components of a best-practice DFWP program are:

1. Written Policy and Procedures

Employers need legally-sound documents which outline the specifications of their drug-free workplace program, as well as the rights and responsibilities of both the employer and the employees. Written and communicated well, a DFWP policy and accompanying procedures can establish a drug-free culture and minimize time spent dealing with related issues.

The policy serves as an executive summary of the program and communicates expectations, requirements and available resources to your employees. Be able to verify that every employee receives it. They should be given the opportunity to ask questions and provided guidance about where to go for answers in future dealings with the program and these issues.

The accompanying written procedures will outline how the company will handle virtually any alcohol- and other drug-related issue, and provide support to supervisors and managers in addressing an issue that can be difficult. Supervisors and managers should be trained against the procedures and any related forms, and be held accountable to these procedures as they administer the program.

Employees should also be given access and the opportunity to review the written procedures.

These documents must comply with relevant legal authorities at the federal, state and local levels; give fair notice to employees about their rights, the rules of the program, consequences for violating the program and testing applications; and,

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of course, must be operational. Employers should also ensure their drug-free workplace program is aligned with other corporate and H.R. policies and practices.

By putting the policy and procedures in writing, the company is assuring the employees of the company's commitment to maintaining a fair and consistent program. Philosophically, the more specific your policy and procedures are, the more carefully they will be followed by employees and administered by management.

2. Employee Education

Regularly scheduled DFWP employee education affords employees the opportunity to learn the rules of the program and what happens if they violate a rule, when they'll be tested and their rights and responsibilities. Education sessions should also include safety and health information about alcohol and other drugs, and available resources for assistance if they or a family member needs help with an alcohol/drug issue. Quality employee education not only increases the likelihood of employees adhering to the DFWP program, but can also prevent alcohol and other drug related problems from happening at work and at home.

3. Supervisor Training

An investment in quality supervisor training is an investment in the successful implementation of a DFWP program. Supervisors are the eyes and ears of any company; and alcohol and other drug issues can be sensitive and litigious. Therefore, employers need to support their supervisors by training them how to recognize, document, and confront a possible problem; how to respond to a tip; how to refer employees to testing and help when needed; and how to support employees in lifelong recovery.

4. Drug and Alcohol Testing

When articulated in policy, testing is an effective way for an employer to objectively and scientifically determine if an employee is "under the influence" of a prohibited substance. It supports an employer's goal of operating as a drug-free workplace, while at the same time protecting employees and the public against the harmful use of substances. While it should not be the sole focus of a DFWP program, testing does play an important role in objectifying what can be a subjective and sometimes emotional issue.

Testing has become common business practice for most employers, but because of the sensitive nature of testing, it's important employers understand the risks associated with it. There are some serious legal issues for the company, which also have the potential to impact an employee's livelihood. Decisions about testing must take into consideration these legal implications, as well as the company's budget, logistics, preferences of the company's decision-making team, and of course any authorities or laws the workplace is subject to. Best-practice DFWP policies need to outline who will be tested and when, what drugs are tested for, and what testing methods will be used.

5. Employee Assistance Plan

Employers need to have a plan in place to assist employees engaged in the harmful use of alcohol or other drugs and to support those in recovery. This plan can take many forms:

- a simple list of government-subsidized resources and/or faith-based resources;
- utilization of employee health or union benefits;
- an established relationship with a preferred provider (e.g., a local private counselor or agency); or
- a formal contract with an employee assistance program (EAP).

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This assistance plan should be flexible enough to meet the needs of employees ready to seek assistance on their own, employees who voluntarily ask their company for help for themselves or a family member, and those mandated by their employer for an assessment following a policy violation (e.g., a positive test).

Together Arkansas, including the course and these resource materials, has been developed to raise awareness with businesses about how to respond to the risks associated with the misuse of opioids and other drugs. The content is meant for educational purposes only and not for the purpose of providing legal advice or replacing the work needed to develop a responsible drug-free workplace policy and program. As such, it should not be used as a substitute for consultation with a legal professional or other competent advisor. If you have questions about this course or the information presented here, please reach out Contact@TogetherArkansas.com.

To view the other modules in this course, visit www.TogetherArkansas.com.

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