CREATING A RECOVERY-SUPPORTIVE WORK ENVIRONMENT

Whether and how the employer is obligated to accommodate an employee with Substance Use Disorder (SUD) depends upon what the law requires, the employee's specific job responsibilities and the treatment and recovery plan prescribed for the employee. Be sure to seek legal counsel to address *all* issues of accommodation, especially as they relate to your policy and practices related to handling medical conditions.

Requirements and Obligations

- Research authorities governing professional licenses or credentials for rules and codes of ethics around SUD
- Department of Transportation (DOT) regulations
- Incentives or legal protections
- Americans with Disabilities Act (ADA)
- State disability protections

Consult legal counsel to address all accommodation issues, especially as they relate to your policy and practices related to handling medical conditions.

Accommodations

Not everyone with this medical condition will require employment accommodations but be mindful that the employee's drug use likely interfered with normal brain activity. This means they may have needs that require adjustments as the brain is returning to normal functioning.

Initial Phases of Recovery – The employee may have

- difficulty concentrating
- decreased stamina
- stress intolerance
- difficulty paying attention or shifting from one task to another

Examples of some possible work accommodations:

- adjusted work schedule to attend meetings/appointments
- increased or specialized supervision
- adjusted work duties or location

The employee may also need to take medication while in recovery, so it's crucial to have a Medical Review officer (MRO) involved in the drug testing process to verify that the use of treatment-related drugs is legal and appropriate. And if treatment needs to occur during work hours, the employee will need approved time off, which might be accommodated via sick time, paid time off (PTO), leave without pay or short-term disability.

Ongoing Recovery **-** There are many other things an employer can do on an ongoing basis to create a recovery supportive workplace, most of which are applicable to supporting the health and productivity of *all* employees.

- Keep lines of communication open, encouraging employees to report job concerns and suggestions.
- Hold employees accountable to maintain high work standards – according to their job description and other stated expectations.
- Administer follow-up testing for the person in recovery and random testing for others.
- Provide strong leadership and direct supervision from a supervisor who understands SUD.

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- Encourage work-life balance including offering wellness programs and incentives, insisting employees use vacation and leave work on time.

Employees in recovery might also benefit from having the support of a trained peer in recovery (i.e., a peer recovery coach) who can provide a variety of services, including job encouragement, education, help with housing and transportation, and overall empathy and concern. These coaches are often trained and dispatched by a community-based mental health facility, Employee Assistance Program (EAP) or medical facility.

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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