

# Legal Briefs – Substance Abuse Participant Desk Reference

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Legal Briefs  
Employment Law Training Series

Substance Abuse: The Manager's Role in Creating and Maintaining a Drug-Free Workplace  
Participant Desk Reference

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## TABLE OF CONTENTS

INTRODUCTION .....	1
PRE-ASSESSMENT .....	2
KEY CONCEPTS & DEFINITIONS .....	3
THE THREE ACTIONS .....	7
FAQ'S ABOUT SUBSTANCE ABUSE IN THE WORKPLACE ...	8
FOR FURTHER INFORMATION .....	16
POST-ASSESSMENT .....	18
CERTIFICATION OF TRAINING .....	20

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## INTRODUCTION

This program is designed to help you gain a clearer understanding of a manager's responsibility regarding enforcing and maintaining a drug-free workplace.

*Substance Abuse: The Manager's Role in Creating and Maintaining a Drug-Free Workplace* provides answers to several of the most common questions managers struggle with concerning, enforcing, and maintaining a drug-free workplace.

- Do you need to be absolutely sure a person is using drugs or alcohol before you confront them about their behavior?
- When addressing performance issues with someone you suspect is using drugs or alcohol on the job, do you communicate these suspicions directly to the individual?
- If you confront the employee and they start crying or get angry, what do you do?
- As a manager, is it my job to diagnose and counsel an employee with a suspected substance abuse problem?
- Can we just spring a drug test on an employee we suspect has a substance abuse problem?

In addition, the program provides you with three specific actions you can take to help ensure you keep yourself and your organization in compliance with the law.

The program is designed to cut through the legal jargon to provide clear and concise information in terms that everyone can understand.

## PRE-ASSESSMENT

### Instructions:

Please answer the following questions.

1. If you are not 100% sure that an employee is abusing drugs or alcohol, you should not approach them.  
True or False
2. If you are at a party sponsored by the organization and you think an employee has had too much to drink, you should have them leave the party immediately.  
True or False
3. As a manager, you have a responsibility to understand and communicate your organization's policies on substance use or abuse in the workplace.  
True or False
4. Attendance or tardiness issues, increased accidents, lower productivity, and increased interpersonal problems are all potential signs of drug or alcohol related problems.  
True or False
5. One of the most important jobs a manager has when dealing with substance abuse in the workplace is to accurately diagnose the employee's problem and communicate that problem to the employee directly.  
True or False
6. If you feel someone is abusing alcohol, then you need to remember that they are covered under the Americans with Disabilities Act and there is nothing you can do to remove them from their job duties.  
True or False
7. If you suspect an employee of substance abuse then you have just cause for asking them to take a drug test.  
True or False
8. Legally, a drug and alcohol test cannot be sprung on employees without fair notice and an explanation of what the consequences may be for failing the test.  
True or False
9. When you are documenting a suspected substance abuse problem, make sure you limit documentation to the facts and the impact the behavior has on the workplace.  
True or False
10. After you have met with an employee regarding a substance abuse issue, it is important to communicate the problem to other managers or employees that interact with this person so that you can help support and better manage the employee's workplace behavior.  
True or False

## KEY CONCEPTS & DEFINITIONS

### Detection

As a manager, it's your responsibility to pay attention to what's going on in your work area. You need to ask yourself questions like:

- Is an employee regularly absent or coming in late?
- Have you noticed an increase in accidents or a lack of concentration?
- Is productivity lower than usual?
- Have you noticed more problems or disagreements with this employee?

All of these things can be signs of drug or alcohol related problems—but be aware they could also be something else. On the other hand, there will be times when you'll know for sure that someone working with you is under the influence of drugs or alcohol. For the good of that person and the rest of the workforce, you need to remove them from the work area—immediately.

When you suspect a person has consumed drugs or alcohol, do not allow them to drive under any circumstance. Call them a cab, drive them yourself, or with the permission of the employee, call a family member or friend to take them home.

When you think about it, the cost or inconvenience of sending someone home is a small trade-off to keep that person from causing others harm and opening your organization up to a lawsuit.

If you do make the decision to send the person home, use the time to gather your thoughts, review your policy and speak with an HR or EAP professional if necessary to determine your next step in the process.

### Intervention

As with any disciplinary or corrective measure, managers need to be sure to stick to the facts. Don't try to diagnose—don't moralize. In fact, don't focus on drugs or alcohol at all. Only discuss performance and conduct. If it's a work-related problem, it needs to be documented and addressed. So, the first step is, whenever you observe performance behaviors—write it down.

Keep documentation to the facts and the impact of the behavior. Note time and number of late arrivals, but don't try to assign a reason—such as the employee looked “high”.

The next step is to meet with the employee. Prep for the meeting and know

what you're going to say. Discuss the performance or conduct problem only – don't speculate on the reasons for it. Keep the meeting private and confidential.

Documentation of behavior or conduct issues will help you make your point. And that documentation will be necessary if you're eventually in the position of having to discipline or fire this person.

Don't ignore these issues with employees who are friends or who have seniority—treat all employees the same. Preferential treatment could leave you open to a discrimination lawsuit—and that “friend” may injure someone while under the influence. If that happens during work time, a discrimination lawsuit would be just the tip of the iceberg.

### **Staying Focused on the Issue**

Talking to someone about drug and alcohol use can raise some strong emotions. One of the most difficult things you may have to do is to keep a meeting like this moving forward and not get sidetracked or swayed by emotional responses.

Keep the tone formal. Your approach should be professional and focused on work performance. If you let your delivery get too casual, you may not get your message across.

State specific goals for the employee to meet. Outline performance and conduct expectations and let the employee know that there are consequences for failing to meet those expectations.

Don't let emotion of the situation make you feel like you should back down from your performance expectations. You're not there for excuses; you're there to change behavior. And, be careful not to be drawn into an argument.

If things get too heated, end the meeting and reschedule for a later time to allow the employee to cool down. The clearer you can be about the particular behavior or actions that you've observed, without getting sidetracked by emotional issues, the more effective your discussion will be.

### **Alcoholism and the ADA**

Some managers think that if they suspect someone of an alcohol problem that they have to ignore it because of the ADA. This is not true. You don't have to accommodate or tolerate unprofessional behavior of any kind from any employee. Period. The fact that a person may be protected under the ADA only means that you have to provide an equal opportunity to do the job. It doesn't



excuse the employee from the same standards or professional behavior established for the workforce as a whole. In the workplace, consumption of alcohol and drugs that affect the user's judgment or work performance, should not be tolerated.

### **Appropriate Action**

If you have talked with a person about their performance issues, and you do suspect drug or alcohol abuse, the next step would be to make sure the person is aware of any assistance available. For example, you may refer them to your EAP or peer support program. Also be sure they understand that these services are completely confidential. If your organization doesn't have in-house programs, talk to your HR professional about recommendations for community programs or hotlines. Also, consult your organization's health insurance plan – it may designate specific agencies or programs for assistance.

Of course, the choice of whether or not to seek assistance is completely up to the employee. Remember, as a manager, you are not in the position to diagnose or provide counseling or treatment for substance abuse. Your responsibility is to make sure employees meet the performance standards and follow organizational guidelines. If you suspect drugs or alcohol are causing the performance problems, the person should be referred to a qualified professional. Period.

After providing sources for assistance, you need to schedule a follow-up meeting. You may also ask the employee to provide you proof of fitness of duty. The follow-up allows you to make sure the goals are being met and the performance is improving.

The employee also needs to be aware of the consequences of not changing their behavior—up to and including termination, if that's what your organization's policy states. Confronting a problem that may be due to substance abuse is much like confronting any other performance issue. Be direct, clear, factual, and hold the person accountable for their actions. Doing these things will help the employee understand the issues and help you stay out of court.

### **Substance Abuse Testing**

Drug testing can be valuable, and sometimes legally required for hiring, monitoring, and investigation. It serves to protect your employees, vendors, customers—yet, it can also be one of the most controversial issues facing companies today. For example, a faulty or mishandled test program could result in legal action if someone feels discriminated against or defamed by a false positive. If your organization does have a drug-testing program, it's important

that you know the details of its use and the disciplinary procedures that may come into play.

Legally, a drug and alcohol testing program cannot be sprung on employees without fair notice and an explanation of what the consequences may be for failing the test. As a manager, make sure your employees and potential employees are aware of all testing policies and procedures. Also, make sure your organization is using a quality, reputable lab for the testing. The organization should thoroughly check the labs to ensure validity and reliability of the testing process.

Communication and prior notice about the testing program requirements must be a priority. Otherwise, you could find yourself facing a lawsuit. Know your role in the program. That's the only way you can assure your actions in regard to it are lawful and fair.

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## THE THREE ACTIONS

The three actions you can take as you deal with issues of substance use or abuse in the workplace:

1. Know your organization's policies and procedures from first detection and drug testing through referrals to support programs. Be aware of resources available to assist you in handling substance abuse situations and understand your role in helping the employee. Support and enforce the policy consistently and don't show favoritism.
2. Communicate these policies clearly with your employees so that they understand what is required of them. This communication can help you and your organization reduce costly lawsuits.
3. Know what's going on in your area. Take note of day-to-day employee behavior so you'll be the first to know if something is out of the norm.

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## FAQ'S ABOUT SUBSTANCE ABUSE IN THE WORKPLACE

**Q. What is a “Drug-Free Workplace?”**

- A. *It is an employment setting where all employees adhere to a program of policies and activities designed to provide a safe workplace; discourage alcohol and drug abuse; and encourage treatment, recovery, and the return to work of those employees with such abuse problems.*

**Q. How long have “Drug-Free Workplaces” existed?**

- A. *Efforts to address employee performance problems, including those related to alcohol and, later, to drugs have been ongoing for several decades. In one early and very ambitious effort of the Ford Motor Company, a 1914 profit sharing plan was supplemented by Sociological Department visits to workers' homes to evaluate their lives. Workers who failed to conform to the Ford idea of virtue, i.e., sobriety, fidelity, thrift, etc., had their profit sharing suspended. If workers did not redeem themselves in six months, they lost their jobs as well as their share of the profits. Despite the understandable resentment caused by such investigations of private and family life, Ford and hundreds of other employers had comprehended an important relationship between the worker and the worker's life, i.e., that family quarrels and alcohol problems had an immediate negative effect on work output.*

*Twenty-five years later, in the pre-war and wartime shipyards of California, Washington, and Oregon, high turnover, accidents, and absenteeism were epidemic in nature. At the Kaiser Yards, these problems were attributed to the generally poor health status of workers recruited from small communities throughout the country, where inadequate nutrition and medical attention were common. The solution was the creation of an in-house health care delivery system financed by payroll deductions. The Kaiser Plan, which exists today as one of the country's largest independent health maintenance organizations, comprehended another important relationship: that existing between worker health and productivity.*

*These early programs were followed by routine provisions within companies' policies and collective bargaining agreements, often acknowledged and supported by unions, that prohibited “drinking on the job.” As employers began to understand that healthy, happy, and sober employees turn out the best products, these early efforts evolved into what are known today as employee assistance programs (EAPs) which, in addition to alcohol and drug abuse, address a variety of other employee*

*problems that can affect performance on the job. Today, the concept of a “Drug-Free Workplace” has become the norm with large and medium size employers. Efforts are continually made by Federal, State, and civic and community organizations to bring the Drug-Free Workplace experience to a greater percentage of smaller employers.*

**Q. What are the characteristics of an effective, comprehensive Drug-Free Workplace Program?**

- A. *The characteristics of an effective, comprehensive Drug-Free Workplace Program are:*
- *Active, visible leadership and support of the program by the employer; clear, written Drug-Free Workplace policies and procedures that are applied uniformly*
  - *Employee and union involvement in program development*
  - *Management, supervisors, unions’ representatives and employees who are knowledgeable about their roles, rights, and responsibilities under the Drug-Free Workplace policy*
  - *Access to treatment and follow-up for employees who are having abuse problems*
  - *Methods of identifying alcohol and drug abusers, including drug testing, for the purpose of providing the opportunity for treatment, recovery and the return to work*

**Q. What are the components of a comprehensive Drug-Free Workplace Program?**

- A. *The “Drug-Free Workplace” is a more recent term and concept introduced by the Federal government’s policy for its employees in 1986 and promulgated in the private sector by the President’s Drug Advisory Council. A comprehensive approach to having a Drug-Free Workplace would include:*
- *A written policy*
  - *Access to assistance*
  - *Employee education*
  - *Supervisor training*
  - *Drug testing*

*Supported by public opinion, legislation and regulation of safety-sensitive industries in the late 1980s and early 1990s, the Drug-Free Workplace concept was adopted and promoted by national, state and local organizations of employers and business executives. Some unions adopted it as well and undertook all hiring and drug testing of their members and provided “Drug-Free Worker” identification. Written policies assure that all employees have the same understanding of their rights and*

*responsibilities under the program, and that employers administer the program uniformly among all employees.*

**Q. Why should an employer establish a comprehensive Drug-Free Workplace Program?**

- A. *Current research indicates that nearly 75% percent of illegal drug users are employed in full and part-time jobs. Consequently, when the effects of alcohol abuse are added, the result is a large impaired portion of the national workforce. For the typical employer, that means unhealthy employees, unsafe working conditions, loss of productivity, smaller profits, more accidents, higher medical claims expenses, and a host of other negative effects for the employer and the employees.*

*Today, there are a number of reasons why employers and unions establish Drug-Free Workplace programs. Among the leading reasons are:*

- *Compliance with law or other regulations*
- *Qualification for insurance discounts, rebates, and other incentives*
- *Prevention of associated problems, e.g., absenteeism, accidents, injuries, productivity loss*
- *Response to an incident or pattern of substance abuse*
- *Expression of support for the majority of employees who do not abuse alcohol or drugs*
- *Investment in worker health, safety, and family stability - Marketing of Drug-Free workers and services*

**Q. What issues should be covered in a Drug-Free Workplace Policy?**

- A. *It is beneficial to both the employer and the employees to have a program and policies designed to reduce and eliminate the negative effects of alcohol and drug abuse and provide a safe workplace. The employer should provide a written policy that:*
- *Explains why the product or service provided is inconsistent with employee alcohol and drug abuse*
  - *Provides information about the dangers of alcohol and drug abuse*
  - *Spells out what kind of assistance will be provided to substance abusers who voluntarily report their abuse problems or have been identified as a drug or alcohol abuser through other means*
  - *Spells out the roles, rights and responsibilities for employees and supervisors under the program*
  - *Describes the sanctions which will apply for violations of the policies*
  - *Assures personal privacy and dignity in reaching the goal of a Drug-Free Workplace*

*In addition, the written policy should include provisions for training supervisors on their role in the program. And drug testing, if necessary, on a carefully controlled and monitored basis. If the policy will include testing, it should specify the nature, frequency, and type of testing that will be included. It should also include the identification of the drugs for which employees will be tested.*

**Q. Do most employers have a Drug-Free Workplace Policy (DFWP) program in place?**

- A. *Although about 80% of large companies have some form of a DFWP program in place, far fewer small work organizations perform drug testing or offer EAP services. Fortunately, more and more small businesses are joining or forming consortia to purchase DFWP services.*

**Q. Do employees have to reveal prior treatment for substance abuse to take advantage of the EAP?**

- A. *EAP services are generally available to all employees regardless of treatment history and services are provided confidentially. Sharing personal details with a company-provided EAP is not the same as sharing this information with your employer. In some instances, workers with a history of substance abuse treatment may find it in their best interest to self-disclose to qualify for certain accommodations such as a schedule that will allow attendance at self-help recovery meetings and after-care treatment.*

**Q. What types of things should managers steer clear of regarding substance abuse in the workplace?**

- A. *The following is a list of things managers should not do regarding substance abuse in the workplace:*
- *Don't try to diagnose the problem*
  - *Don't discuss drinking unless it occurs on the job*
  - *Don't moralize. Restrict criticism to job performance or attendance*
  - *Don't be misled by sympathy-evoking tactics at which the alcoholic/addict becomes an expert*
  - *Don't "cover up" for a friend. Your misguided "kindness" can lead to a serious delay in real help reaching them*
  - *Don't put the person in the basement to file reports*
  - *Don't ignore the problem or the signs—they won't go away. You will have to deal with the problem sometime*



**Q. What should a manager focus on with regards to substance abuse in the workplace?**

- A. *The following is a list of things a manager should focus on regarding substance abuse in the workplace:*
- *Do remember that chemical dependency is a progressive disease; it always gets worse, never better, without treatment*
  - *Do point out that the company's employee assistance program or peer support program is available and can help. Do not suggest to the employee in any way, shape, or form that chemical dependency substantially limits him or her in any kind of major life function whether working, sexual activities, thinking, speaking or anything like that. If you do, you'll be slapped with a perceived disability claim faster than you know*
  - *Do make it clear that the organization is concerned only with job performance. Unless job performance improves, the job is in jeopardy*
  - *Do explain that the employee must decide for him or herself whether to seek assistance*
  - *Do emphasize that all aspects of the EAP and peer support program are completely confidential*
  - *Do promptly report to your superior all signs of potential unrest, including assaults, threats (including veiled threats), and marked changes in an employee's behavior, attitude, appearance, performance, attendance, and judgment*

**Q. What are the guidelines for implementing a drug-testing program?**

- A. *Drug testing programs have federal, state, and local restrictions and must be tailored to these laws and regulations. The guidelines for implementation are as follows:*
- *Evaluate the need for testing. Is there a problem among your employees justifying the costs and risks (legal and moral) of implementing a testing program? Are you interested in testing current employees or job applicants only?*
  - *Make sure you have a clear policy. You must devise a written drug testing policy that is clearly understood by employees and applicants alike. Employees should know the penalties in advance*
  - *Compliance with the law. You must be in compliance with all applicable laws, regulations, and ordinances*
  - *Testing. You must decide who will be tested (i.e. everyone, some) and the articulated rationale for the testing*
  - *Trigger. You must determine upon what basis the testing of an employee will occur; i.e. will it be random, only after accidents, or based upon a reasonable suspicion*

- *Method of testing.* What type of testing will be done (urine, blood, hair, other)? Prior notification and written permission of applicants of testing. Privacy vs. same sex observation. Opportunity to contest positive findings. Urine testing is less expensive and less physically intrusive than blood testing
- *Test confirmation.* Must insure that initial positive tests are confirmed by follow-up tests
- *Specimen retention.* All positive samples must be retained to protect against later challenges to the test
- *Chain of custody.* Require the testing agency to verify in writing that it provides adequate chain of custody procedures, which comply with all applicable rules and regulations
- *Confidentiality.* The testing procedure's confidentiality must be protected. The results of a job applicant or employee's test should only be revealed to those management persons who have an absolute "need to know" the results
- *Test results.* Your testing policy and procedures must articulate how you will respond to a positive test (EAP referral, leave of absence, discipline, etc.) Know your federal, state, and local laws regarding this area
- *Management Training.* Management and supervisory staff must receive training on an on-going basis regarding the detection of symptoms of drug or alcohol use in the workplace and familiarize themselves with the content and intent of the testing program and attendant disciplinary procedures
- *Prior Notice of Program.* A drug/alcohol testing program cannot be sprung on employees without fair notice and an opportunity to "prepare" for testing

**Q. When might an organization ask employees to submit to a drug test?**

- A. *The following circumstances are possible drug testing opportunities:*
- *Pre-employment testing – Offering employment only after a negative drug test result. Goal: To decrease the chance of hiring someone who is currently using or abusing drugs*
  - *Pre-promotion tests – Testing employees prior to promotion within the organization. Goal: to decrease the chance of promoting someone who is currently using or abusing drugs*
  - *Annual physical tests – Testing employees for alcohol and other drug use as part of their annual physical. Goal: to identify current users and abusers so they can be referred for assistance and/or disciplinary action*
  - *Post-accident testing – Testing employees who are involved in an accident or unsafe practice incident to help determine whether alcohol*

*or other drug use was a factor. Goal: To protect the safety of employees, and identify and refer to treatment those persons whose alcohol or other drug use threatens safety of the workplace*

- *Random testing – Testing a selected group of employees at random and unpredictable times. Most commonly used in safety and security sensitive positions. Goal: To discourage use and abuse by making testing unpredictable, and to identify current users and abusers so they can be referred for assistance and/or disciplinary action if needed*
- *Follow-up/Return to duty – Periodically testing employees who return to work after participating in an alcohol or other drug rehabilitation program. Goal: To encourage and ensure that employees remain drug-free after they have completed the first stages of treatment*
- *Reasonable Suspicion – Testing employees who show obvious signs of being unfit for duty (for cause) or have documented patterns of unsafe work behavior (reasonable suspicion). Goal: To protect the safety and well-being of the employee and other coworkers and to provide the opportunity for rehabilitation if the employee tests positive*

**Q. What effect does the ADA have on substance abuse?**

- A. *The ADA allows employers to:*
- *Prohibit the illegal use of drugs and alcohol in the workplace*
  - *Require that employees work without being under the influence of drugs or alcohol*
  - *Require employees to comply with the Drug Free Workplace Act of 1988*
  - *All employees can be held to the same performance and conduct standards, regardless of whether they abuse drugs or alcohol. The ADA also provides limited protection for recovering drug addicts or alcoholics to get rehabilitation services*

**Q. Does the ADA protect illegal drug use as a disability?**

- A. *The ADA does not protect current drug users, including anyone who tests positive for illegal drug use. The ADA does protect past drug users from discrimination based on their former behavior. In its definition of a “qualified individual with a disability” the ADA does not exclude individuals who:*
- *Have successfully completed or are participating in a supervised drug rehabilitation program and are not using drugs*
  - *Are erroneously regarded as using illegal drugs*
  - *The act allows employers to adopt or administer policies or procedures, including testing, that are designed to ensure that workers with a past history of substance abuse are no longer engaging in such practices*

**Q. Does the ADA protect alcoholics?**

- A. *The ADA definition of “qualified individual with a disability” offers some protection to alcoholics. It considers alcoholics to be disabled individuals, requiring employers to give them reasonable accommodation if they are qualified to perform the necessary job functions. The ADA allows employers to discipline, discharge, or deny employment to persons whose use of alcohol impairs their job performance, as long as the same action is taken against non-alcoholic employees who have similar performance problems.*

**Q. Does the ADA impact drug testing?**

- A. *The ADA allows, but does not encourage or authorize, drug testing. It does not consider drug testing to be medical examinations, so applicants can be required to submit to testing before a conditional employment offer is made. If a test reveals information about a medical condition other than illegal drug use, this information must be kept confidential and treated as a medical record.*

*Employers can refuse to hire, discipline, or discharge individuals who test positive for illegal drug use. The ADA does not override the Department of Transportation’s regulations for drug-free workplaces.*

## FOR FURTHER INFORMATION

Here are some sources for additional information on substance abuse in the workplace.

### **Web Sites**

U.S. Department of Labor – Working Partners for an Alcohol and Drug-Free Workplace

<http://www.dol.gov>

Drug-Free Workplace

<http://dfwp.utsa.edu/>

The American Council for Drug Education

<http://www.acde.org/>

FindLaw.com labor and employment law links

<http://www.guide.biz.findlaw.com>

Center of Substance Abuse Prevention – Department of Health and Human Services

<http://workplace.samhsa.gov/>

SAMHSA's National Clearinghouse for Alcohol and Drug Information

<http://www.health.org/>

The National Council on Alcohol and Drug Dependence

[www.ncadd.org](http://www.ncadd.org)

National Institute on Alcohol Abuse and Alcoholism

[www.niaaa.nih.gov](http://www.niaaa.nih.gov)

Alcoholics Anonymous

[www.alcoholics-anonymous.org](http://www.alcoholics-anonymous.org)

## **Telephone Numbers**

The U.S. Department of Health and Human Services  
(202) 619-0257 Toll Free: 1-877-696-6775

U.S. Department of Labor  
1-866-4-USA-DOL

National Clearinghouse for Alcohol & Drug Information  
800-729-6686

## **Addresses for Substance Abuse Information**

U.S. Department of Labor  
Frances Perkins Building  
200 Constitution Avenue, NW  
Washington, DC 20210

Alcoholics Anonymous  
Street Address  
475 Riverside Dr.  
11th Floor  
New York, NY 10115

Mailing Address  
Grand Central Station  
P.O. Box 459  
New York, NY 10163

The U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Division of Workplace Programs  
Center for Substance Abuse Prevention  
Substance Abuse & Mental Health Services Administration  
5600 Fishers Lane  
Rockwall II Building, Room 815  
Rockville, MD 20857

## POST-ASSESSMENT

**Instructions:**

Please answer the following questions. Once you have completed the assessment and reviewed your answers with your facilitator, please sign and date the Certificate of Training on page 20. Then remove this page and turn it in to your facilitator.

1. If you are not 100% sure that an employee is abusing drugs or alcohol, you should not approach them.  
True or False
2. If you are at a party sponsored by the organization and you think an employee has had too much to drink, you should have them leave the party immediately.  
True or False
3. As a manager, you have a responsibility to understand and communicate your organization's policies on substance use or abuse in the workplace.  
True or False
4. Attendance or tardiness issues, increased accidents, lower productivity, and increased interpersonal problems are all potential signs of drug or alcohol related problems.  
True or False
5. One of the most important jobs a manager has when dealing with substance abuse in the workplace is to accurately diagnose the employee's problem and communicate that problem to the employee directly.  
True or False
6. If you feel someone is abusing alcohol, then you need to remember that they are covered under the Americans with Disabilities Act and there is nothing you can do to remove them from their job duties.  
True or False
7. If you suspect an employee of substance abuse, then you have just cause for asking them to take a drug test.  
True or False
8. Legally, a drug and alcohol test cannot be sprung on employees without fair notice and an explanation of what the consequences may be for failing the test.  
True or False
9. When you are documenting a suspected substance abuse problem, make sure you limit documentation to the facts and the impact the behavior has on the workplace.  
True or False
10. After you have met with an employee regarding a substance abuse issue, it is important to communicate the problem to other managers or employees that interact with this person so that you can help support and better manage the employee's workplace behavior.  
True or False

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CERTIFICATE OF TRAINING

I understand the information presented in the course, *Substance Abuse: The Manager's Role in Creating and Maintaining a Drug-Free Workplace*. I have also completed the post-assessment for this course and have reviewed the correct answers with my session facilitator or manager.

---

Employee's Signature

Date

---

Facilitator's or Manager's Signature

Date

This certification of training may be included in your personnel file as a record of having successfully completed this training.