



# Supervisor Newsletter

## Supervisor Intervention

When an employee is suffering from addiction issues, it can cause multiple problems for employers, ranging from legal liability to lost productivity.

Ignoring an employee who is suffering from drug or alcohol addiction makes life difficult for coworkers and lowers team morale and productivity. But approaching someone about an alcohol or drug problem can be difficult for a supervisor.

Recognizing that addiction is a disease that can be treated successfully to the point that long-term recovery is achieved often helps supervisors to feel better about taking action to get an addicted employee the help he or she so badly needs. By the time drug addiction is visible in the office, it will already be causing problems in the employee's life, and intervention by a supervisor can often save an employee's career, family, and health.

### Steps to Take

The first step in dealing with an addicted employee is to be fully aware of the requirements of the company substance abuse policy. A general policy statement is not enough to permit drug testing. The company must have a substance abuse policy in place that specifically permits reasonable suspicion testing, and supervisors must be familiar with the policy and the procedures required.

The next step is to document any and all suspicions regarding the employee. All complaints, concerns, behavior patterns, and statements of witnesses to the behavior must be recorded. Unacceptable work performance must be detailed along with any physical observations of impairment—such as slurred speech; red, bloodshot, or dilated eyes; drowsiness; agitation; irritability; or other tell-tale signs.

After carefully documenting the circumstances and reason(s) for a belief that an employee is under the influence of alcohol or drugs, the supervisor should meet with the employee for a discussion of what has been observed. There should always be a second party present at the meeting to act as a witness. Supervisors must be able to have a direct conversation with employees any time there is a question or concern about behavior or work performance, and if a manager thinks that an employee may have an alcohol or drug problem, that should be no different.

The more open and non-judgmental a manager or supervisor can be with an employee in the meeting, the more likely the employee will feel comfortable in being honest about his or her problem.

The goal is to identify if there may be a problem and to put steps in motion to resolve it. It's not the role of supervisors or managers to counsel the employee themselves, but to identify if there is a problem and to follow through to address it.

It is important for managers to take action if they are certain an employee is struggling with alcohol or drug addiction. It's the supervisor's responsibility to the employee and to the company. If a supervisor suspects drug or alcohol addiction and does not take action, he or she is putting the company—and perhaps the public—at risk.

If after meeting with the employee a supervisor believes that legal reasonable suspicion exists, a drug test will be required. Drug testing is a legal issue and will depend on the company policy and legal advisors. If the policy calls for a drug or alcohol test, the supervisor should contact the drug testing facility and make notification that an employee is on the way for reasonable suspicion testing.

## Testing and Follow-Up Procedures

When sending an employee for a test, the supervisor should explain that in order to rule out the possibility that the employee is in violation of the company's drug and alcohol policy, the employee will be sent for a drug and/or alcohol test. If a drug testing consent has not been previously obtained, a consent form should be available at this meeting for the employee's signature.

When sending an employee for a drug or alcohol test, never allow the employee to drive by him/herself. Always provide transportation to and from the facility. If he or she refuses the test, refer to the substance abuse policy, especially if the policy states that refusing the test will be treated as a positive drug test result or will result in immediate termination of employment.

If the drug or alcohol test results are negative, contact the employee and return him or her to his or her prior job as soon as possible. If the test is positive—depending on the company policy—there will be the option of terminating the employee or sending the employee for counseling or treatment and return to work. Most company policies offer return-to-work rights with a clause that allows for termination if the employee is found under the influence at work again.

If health insurance is available to employees, supervisors should call the insurance company to determine if addiction treatment is covered and if there are recommended treatment facilities in the community. Insurance coverage varies widely from policy

to policy, so it is important for managers to understand what is covered in order to be able to help the employee to take the appropriate action for his or her own financial situation.

For an employee with an alcohol or drug addiction, an abstinence based treatment program combined with corporate reporting and abstinence monitoring is the key to getting well. Employees who engage in abstinence based treatment and recovery with the support of their employer are usually more motivated to maintain their sobriety and have better outcomes.

Having an accountability agreement in place—often referred to as a “last chance agreement”—is also important. A last chance agreement makes clear to the employee that not only has the company supported his or her treatment, but that the employer has very specific expectations and requirements for continued employment. This transparent contract allows for clear and straightforward communication and performance management once the employee has returned to work.

In some situations, it may be necessary to fire an employee who is abusing alcohol or drugs. Companies are not required to accommodate addicted employees, especially where to do so would cause undue hardship to the employer financially or on other workers. However, if termination is going to be the outcome, supervisors should first consult with an attorney before starting the termination process.

For legal assistance with drug free workplace issues, contact the Council on Alcohol and Drugs.

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