

SUBSTANCE ABUSE

SUMMARY

The equipment, materials, and chemicals used in the tooling and machining industry present various significant hazards. These hazards and their control methods are identified by the manufacturer. Substance abuse in a manufacturing environment introduces additional unpredictable hazards. According to the National Institute for Drug Abuse, "nearly 50% of injuries and 40% of deaths are attributed to drug or alcohol use". The number of injuries attributed to drugs and alcohol for the tooling & machining industry in 1989 were 7,790 - 9,739 for tool & die shops and 12,267 - 15,334 for tooling & machining shops. Incident rates in 1989 were 12.6 - 13.1 per 100 employee's. The number of injuries could be reduced to 5 - 6.5 if a substance abuse policy and employee assistance program were utilized for all companies.

Employees in the tooling and machining industry are highly trained in their tasks. Training continues throughout the employee's career. Substance abuse can potentially ruin a professional's career and personal life. Procedures can be adopted to avoid this tragic loss. The first, is to establish a clear, written policy on substance abuse. The policy needs to include the following:

1. State your company's position on drugs and alcohol, to include illegal drugs, over the counter drugs, and prescription drugs.
2. Explain the purpose of the drug and alcohol policy:
 - protect the safety and health of all employees.
 - maintain product quality and productivity.
3. Explain your drug testing program.
4. Explain any disciplinary actions.
5. Explain training programs:
 - employee
 - supervisor
6. Written statement signed by the employee understanding and verifying the training.
7. Identify availability of treatment and rehabilitation services or employee assistance program.

TESTING

Drug testing is used by many companies throughout the country, most commonly as pre-employment testing. Federal guidelines for administering tests are contained in the Department of Health and Human Services "Mandatory Guide-

lines for Federal Workplace Drug Testing Programs, Final Guidelines, Notice". This Federal Register is located in the appendix. A copy is available from NTMA's Technical Department, upon request.

The testing program should consider the following:

1. State & Local laws
2. Employee's to be tested
 - all current employees
 - applicants
 - security positions
 - safety concerns (accident investigations)
3. Frequency of testing
 - pre-employment
 - weekly, monthly, quarterly, semiannually, annually
 - post accident testing
 - poor performance testing
4. Drugs to screen
 - marijuana, cocaine, etc.
5. Disciplinary action
 - condition of hire
 - discharge
 - probation period
 - Employee assistance program
 - voluntary
 - non-voluntary
6. How and where will the test be performed?
 - labs to use
 - physicians

- Documentation of actions by employees that may indicate a problem, such as: absences, tardiness, scrap rate increase, low volume of production, poor quality, etc.

The legal questions are many. Laws vary from state to state. Check with your local legal representative to assure compliance with the law before incorporating the policy. The National Institute on Drug Abuse publishes a list of NIDA certified laboratories. The list is updated approximately the 2nd week each month to reflect each laboratory's current status. The latest listing may be obtained by calling the National Institute of Drug Abuse (NIDA) 301-443-6014.

The first test is a screen test to identify samples with levels above threshold values. The confirmation test is a more sophisticated test that is very accurate and will identify the substance(s) used. The positive test must have a physician screening performed to determine if there is a legitimate reason for the results. Many prescription and over the counter drugs will provide a positive result. The physician screening would be performed before notifying the employer of a positive test result.

ALCOHOL ABUSE VERSUS DRUG ABUSE

The Americans with Disabilities Act (ADA) distinguishes between alcohol abuse and drug abuse. Drug abuse is not a disability under the ADA which means a shop owner can take employment action against a drug abuser (unless prohibited by state law). In short, an employer can refuse to hire an applicant who fails a drug test and can discharge an employee who reports for work under the influence of or is in possession of illegal drugs.

On the other hand, an alcoholic is deemed to be disabled. This means that an employee who turns himself in claiming to have a problem with alcohol, must be afforded a reasonable accommodation, thus, he must be given a leave of absence, and where appropriate, medical help to clear up his addiction to alcohol. Only one(1) such leave and/or EAP is required to satisfy the reasonable accommodation standard. If, however, the alcoholic employee violates company rules - such as the absenteeism policy, safety rules, causes excess scrap, etc. The alcoholic employee can be held to the same standards as all other employees and disciplined or discharged - and no accommodation is required.

EMPLOYEE ASSISTANCE PROGRAMS

Employee Assistance Programs, (EAP), affirm three important points:

- Employees are valuable members of the company.
- It is better to offer assistance to employees experiencing personal problems than to discipline or fire them.
- Recovered employees become more productive and effective.

Statistics available indicate that for every \$1 invested in a EAP, the company will save \$5 - \$16 in total costs. The

average costs is \$12 - \$25/employee/year depending on the services provided. Smaller companies may contract a EAP or may form a group contract. Local hospitals, clinics, substance abuse treatment centers, Alcoholics Anonymous, and Narcotics Anonymous can also be sources to the small business. Many states provide EAP services through the health department. The most important item to consider is the completeness of the program. Employees, supervisors and managers must become involved in the program to be successful. Compare as many options as you can before making a choice.

RESOURCES AVAILABLE FOR DRUGS AND ALCOHOL ABUSE

NATIONAL INSTITUTE ON DRUG ABUSE
(NIDA) 800 - 843 - 4971

NATIONAL CLEARINGHOUSE FOR ALCOHOL
AND DRUG INFORMATION (NCADI)
800 - 729 - 6686

EDISON ELECTRIC INSTITUTE PUBLICATION:
EEI DRUG AND ALCOHOL POLICY
\$15 + \$5 Shipping & handling
\$20 prepaid
1985 72 pp #07-85-46
202 - 508 - 5424

CORPORATIONS AGAINST DRUG ABUSE
(CADA) 202 - 338 - 0654

NATIONAL ASSOCIATION STATE AND AL-
COHOL AND DRUG ABUSE (NASDAD)
301 - 225 - 6925

DRUG FREE WORKPLACE HELPLINE
800 - 843 - 4971

REGIONAL ALCOHOL AND DRUG AWARE-
NESS RESOURCE (RADAR)
301 - 225 - 6543

EMPLOYEE ASSISTANCE PROFESSIONALS
(EAP) 703 - 522 - 6272

NATIONAL COUNSEL ON ALCOHOL
800 - ALCOHOL
(800 - 252 - 6465)

ALCOHOLICS ANONYMOUS (AA)
CHECK YOUR LOCAL PHONE LISTING

NARCOTICS ANONYMOUS (NA)
CHECK YOUR LOCAL PHONE LISTING

This BMA was reviewed by NTMA Labor Relations Counsel, Alan Berger, Partner; McMahon, Berger, Hanna, Linihan, Cody & McCarthy, St. Louis, MO.