

Alcoholism and Drug Addiction

About...

- Alcoholism is a chronic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations.
 - A person who has alcoholism is considered an individual with a disability under the ADA.
- A person who is addicted to drugs is protected from discrimination on the basis of past drug addiction if he
 - is no longer using drugs illegally, and is receiving treatment for drug addiction, or has been successfully rehabilitated.
 - A person currently engaging in the illegal use of drugs is not protected.
- Employees who illegally use drugs or alcohol should be held to the same qualifications and performance standards applied to other employees.
- *Addiction*: chronic, progressive, relapsing disorder characterized by compulsive use of one or more substances.
 - results in physical, psychological, or social harm to the individual.
- *Physical dependence*: state of becoming physically adapted to alcohol or other drugs.
- *Psychological dependence*: subjective sense of need for alcohol or other drug for positive effects or to avoid negative effects associated with no use.

Employer May / May Not...

- *May* make pre-offer inquiries regarding use of alcohol or current illegal use of drugs.
- *May not* ask whether an applicant has alcoholism or a drug addiction.
- *May not* inquire whether applicant has ever been in a drug or alcohol rehab program.
- *May* discharge or deny employment to a person with a disability who illegally uses drugs.
- *May not* discriminate against those who are currently in a rehabilitation program.
 - EEOC defines rehabilitation program as inpatient or outpatient programs, Employee Assistance Programs, or recognized self-help programs such as Narcotics Anonymous.

Reasonable Accommodations

Treatment Needs

- Allow use of paid or unpaid leave for medical treatment.
- Allow use of paid or unpaid leave or flexible scheduling for counseling, rehab participation.

Exposure in the work environment

- Do not mandate job-related social functions.
- Reassign to a position that does not involve exposure.
- Provide workplace supports / extra supervision.

Maintaining concentration

- Reduce distractions in the workplace
- Provide space enclosures
- Plan for uninterrupted work time
- Divide large assignments into smaller tasks and steps

Difficulty staying organized and meeting deadlines

- Make a daily to-do list, use electronic organizers, maintain a calendar.
- Write clear expectations of employee's responsibilities and the consequences of not meeting them.
- Establish written long term and short term goals.

Difficulty handling stress

- Provide a self-paced workload or the ability to modify daily schedule.
- Allow non-scheduled breaks.
- Refer to counseling and employee assistance programs.
- Modify supervisory methods.

Resources

Job Accommodation Network (www.jan.wvu.edu)

Job Accommodations for People with Alcoholism (<http://www.jan.wvu.edu/media/employmentalcfact.doc>)

Accommodation and Compliance Series: Employees with Drug Addiction (<http://www.jan.wvu.edu/media/drugadd.html>)

U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) (www.samhsa.gov)

U.S. Department of Labor, Office of the Assistant Secretary for Policy

Working Partners for an Alcohol- and Drug-Free Workplace (www.dol.gov/workingpartners)

U.S. Office of Personnel Management (www.opm.gov)

Alcoholism In The Workplace: A Handbook for Supervisors (http://www.opm.gov/Employment_and_Benefits/WorkLife/OfficialDocuments/HandbooksGuides/Alcohol/index.asp)

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