

How can I help?

- In today's complex and confusing environment surrounding marijuana use, especially within the workplace, there are increasing calls for help and direction from **employers**.
- Working as an advocate for the employee within the framework of a company, the employee assistance professional is ideally suited to answer this call!

How can I help?

- The five most common questions asked by employers:
 1. Should I **ban** the use of marijuana amongst my current employees as well as new hires?
 2. How do I accomplish this?
 3. What do I do if an employee with a medical card brings marijuana to work?
 4. Can I fire or not hire an employee who tests positive?
 5. Can I be sued by an employee?

1. Should I ban?

This is the most important question. Given your current (perhaps new) knowledge regarding the diminished cognitive (executive functioning) health in marijuana users as well as the pharmacokinetics of the drug and your commitment to a safe and healthy workplace, your answer should be absolutely

YES!

1. Should I ban? Go/No Go Steps

- Determine the states within the operations of the workplace.
- Determine exceptions/carveouts within the state's laws.
- Determine scope of job classes to be tested – all; safety sensitive; contractors.
- Decide if new hires or current employees or both will be included.

2. How is it done?

Implement a Drug-Free Workplace Program

1. Written policy
2. Employee education
3. Supervisor training
4. Employee Assistance Program (EAP)
5. Drug and alcohol testing

2. How is it done?

The Drug-Free Workplace Program will provide the framework for the drug testing program. It will be seen as an integrated whole when implemented. For example, if the decision is to test current employees, the process of a positive test will be outlined – termination, referral to EAP, etc. This process will be known by the entire workforce through communication and training.

3. Can an employee bring marijuana to work?

- The importance of a written Drug-Free Workplace policy is highlighted with this question.
- If the policy prohibits the presence of marijuana (cannabinoids) at workplace premises and specifies that the ownership of a medical marijuana card will not alter that declaration – the legal risk will be minimal especially following consistent enforcement.

4. Can I fire or not hire an employee who tests positive?

The answer to this question will be specified within the written policy and communicated to all employees or candidates. It is up to the employer to determine what to do for each of these categories. Most employers do pre-employment drug screening in order to not hire candidates who test positive (New York bans this practice).

4. Can I fire or not hire an employee who tests positive?

For current employees testing positive, employers with EAP professional services, generally refer the employee for assessment and treatment. This, too, should be spelled out in the Drug-Free Workplace Program.

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For current employees testing positive for marijuana and referred to EAP for assessment and treatment but are determined to “not meet DSM criteria” for a diagnosis of substance use disorder, a follow up program for return to work should be developed and implemented.

4. Can I fire or not hire an employee who tests positive?

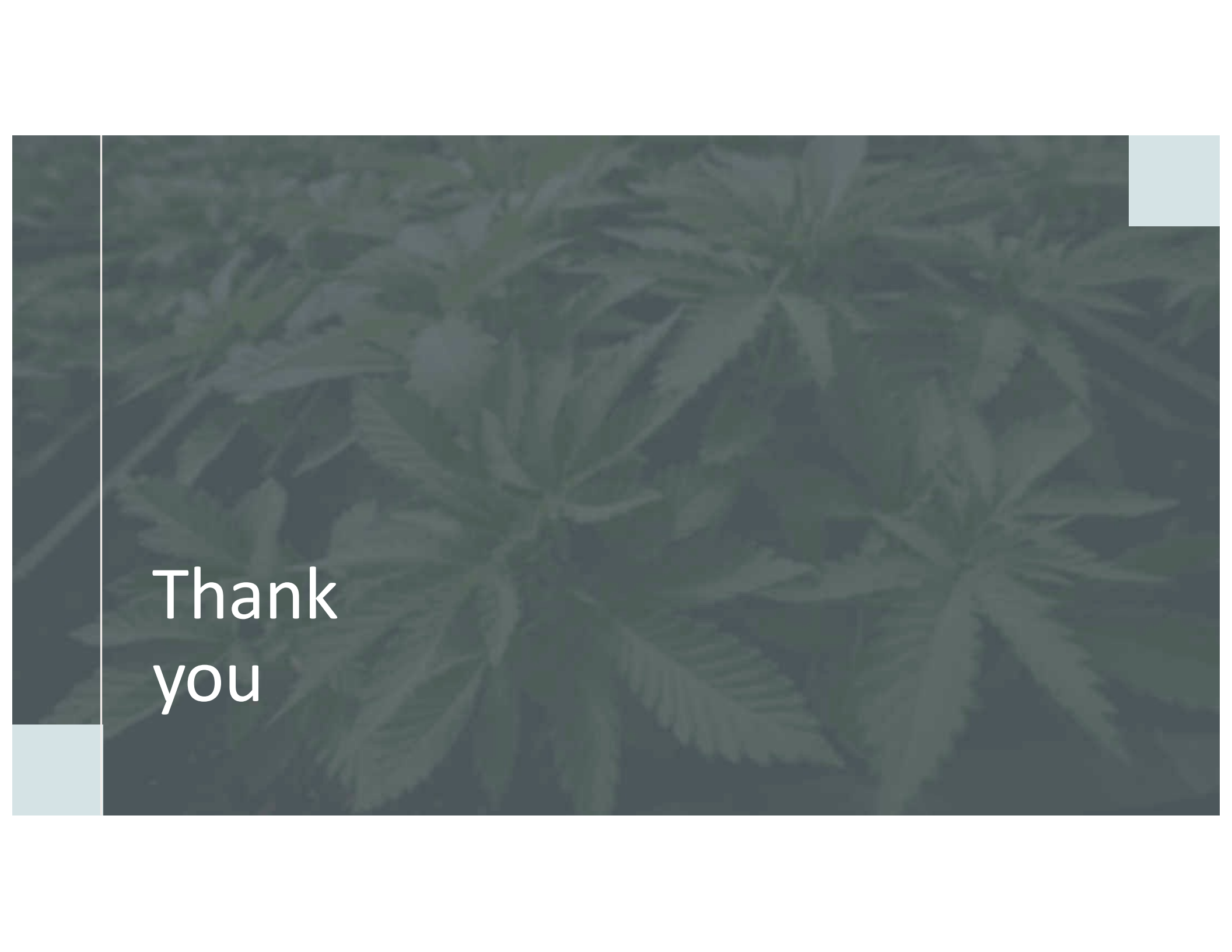
This may include a time limited education program, drug use monitoring program (random screenings), and periodic counseling.

5. Can I be sued by an employee?

Performing due diligence regarding state and federal regulations, developing, implementing and communicating a comprehensive Drug-Free Workplace Program and treating all employees with dignity and respect especially around substance abuse issues will reduce the likelihood of legal action by employees as well as mitigating the risk should a suit occur.



Questions



Thank
you