

# The University of Louisiana at Monroe

## Reasonable Suspicion: Employee Substance Abuse

This training program was established to provide awareness of substance abuse problems and to maintain a drug-free workplace. It is the responsibility of all employees to understand the different components of the drug-free workplace policy and their role in implementing the policy.

# University's Responsibility

- Maintain a safe, secure, and productive environment
- Evaluate and discuss performance with employees
- Ensure staff and faculty meet established performance standards
- Protect the employee's privacy

The University has the responsibility to identify any employee who might be using illegal drugs or abusing alcohol. If there is a reasonable suspicion of substance abuse, supervisors need to take action.

Substance abuse is the 3<sup>rd</sup> leading factor of violence in the workplace. In order for the University to maintain a safe, secure and productive environment; supervisors must:

Evaluate and discuss performance with employees

Ensure staff and faculty meet established performance standards

Protect the employee's privacy as it relates to an employee's actions and reasonable suspicion.

## Employee Drug Testing Under Reasonable Suspicion

- Must be a good faith belief (specific articulated facts or evidence) there may be a violation of ULM's policy and that testing may provide evidence of that violation
- Must be confirmed by two supervisors
- Must provide a written recommendation to the Human Resources Department to test and a description of the behavior and/or circumstances observed

The University has the authority to conduct drug tests on employees where there is a reasonable suspicion that illegal drug use or alcohol abuse is present while an employee is conducting University business.

An example of reasonable suspicion: An employee comes to work demonstrating slurred speech, red bloodshot eyes, or they are behaving in a suspicious manner; this would be cause for reasonable suspicion.

Employees who notice a behavioral issue with a co-worker must contact their supervisor immediately. It is the supervisors responsibility to determine whether the actions of the employee provide a reasonable suspicion for drug or alcohol usage.

A second supervisor must be called in to confirm such determination---- this reduces allegations of preferential treatment or any type of bias towards the employee.

The supervisors must submit a statement of observation to the Human Resources Department. The HR director will provide information how to complete the testing procedure. The testing will be done in a state contracted lab.

It is the responsibility of the supervisor to ensure the employee is taken for testing. Do not allow the employee to transport themselves to the testing site.

# Protecting Confidentiality

- Situations will not be made public
- Conversations with a EAP/referral agent are private and will be protected
- Performance issues will be maintained on the employee
- Documentation of addiction or mental illness is not a public record and cannot be shared without a signed release from the employee
  - *Exceptions to confidentiality may be applied to University employees within the medical fields due to licensing/board regulations*

Employees will support the University's Drug-Free Workplace program only if their confidentiality is protected. The assurance of confidentiality means that an employee's private and personal information will not be released to anyone other than the person with whom the employee confides.

These are several points regarding confidentiality that all employees need to understand regarding the policy's confidentiality requirements:

Problems will not be made public.

Conversations with an EAP professional, or other referral agents, are private and will be protected.

All documentation related to performance issues must be maintained by the supervisor in the employee's confidential file in the supervisor's

office. Documentation required for disciplinary action will need to be provided to the HR Director. The disciplinary ruling and all

documentation will be maintained in the employee's personnel file in the Department of Human Resources.

Information about an employee's referral for treatment, however, will be kept separately in the employee's medical file as directed by law.

Information about treatment for addiction or mental illness is not a matter of public record and cannot be shared without a signed release from the employee.

Because of licensing/board requirements, some employees' confidentiality may not be maintained due to reporting procedures.

## Enabling Traps

- **Covering Up**
- **Rationalizing**
- **Withdrawing/Avoiding**
- **Threatening**



Dealing with illegal drug use or alcohol abuse is never an easy task for employees or supervisors. In an attempt to deal with an employee's abuse problems, co-workers and supervisors may actually end up enabling the employee.

"Enabling" is action which protects the employee from the consequences of their actions and actually helps the employee to **NOT** deal with the problem. Examples of enabling behavior include:

**Covering Up** -providing alibis, making excuses or even doing an impaired worker's work rather than confronting the issue where they are not meeting their responsibilities.

**Rationalizing** - developing reasons why the person's continued substance abuse or behavior is understandable or acceptable.

**Withdrawing/Avoiding** - avoiding contact with the person and ignoring the problem.

**Threatening** - saying that you will take action (ceasing to cover up, taking formal disciplinary action) if the person doesn't control their use, but not following through when they repeatedly use.

## Employee's Defense

- Sympathy
- Excuses
- Apology
- Diversions
- Innocence
- Anger
- Pity
- Tears



Supervisors also have to be aware that the employee will consciously or unconsciously use a variety of "traps" or "defenses" to protect themselves when being confronted by the supervisor.

**Sympathy:** Trying to get you involved in their personal problems and how bad things are for them right now.

**Excuses:** Having increasingly improbable explanations for everything that happens.

**Apology:** Being very sorry and promising that they will change. ("It won't happen again.")

**Diversions:** Trying to get you to talk about other issues in life or in the workplace or how this affects them and their lives.

**Innocence:** Claiming they are not the cause of the problems, but rather the victim. ("It isn't true." "I didn't know." "Everyone is against me.")

**Anger:** Exhibiting physically intimidating behavior, blaming others. ("It's your fault I drink.")

**Pity:** Using emotional blackmail to elicit your sympathy and guilt. ("You know what I'm going through. How can you do this to me now?")

**Tears:** Falling apart and expressing remorse upon confrontation.

# Continued Supervision

- Continue feedback about behavior and performance
- Encourage follow through with continuing care and support groups
- Provide accurate performance appraisals
- Allow time to adjust to doing things differently
- Respect for privacy
- Provide open lines of communication
- Correct actions if old behaviors reappear

Each employee's circumstances are different, and you may or may not know the particulars. If the employee was referred through a formal referral process, the Employee Assistance Program (EAP) will work with the Human Resources Department concerning the employee's participation.

Co-workers and supervisors may never know whether an employee participated in an EAP. However, the employee's performance must be maintained at acceptable levels. Supervisors must continue to focus on the employee's performance and not get involved or side tracked by the employee's personal problems.

Following constructive confrontation and referral, the employee will need several things from the supervisor:

- Continuing feedback about his/her behavior and performance
- Encouragement to follow through with continuing care and support groups
- Accurate performance appraisals and fair treatment
- Time to adjust to doing things differently
- Respect for his or her privacy
- Open lines of communication
- Corrective action if old behaviors reappear

## Steps for Supervision

- Emphasize that you only are concerned with work performance or conduct
- Provide documentation of performance when speaking with the employee
- Remember that many problems get worse without assistance
- Call Human Resources Department to discuss the EAP options

## Steps for Supervision (cont'd)

- **DON'T** try to diagnose the problem
- **DON'T** moralize. Limit comments to job performance and conduct issues only
- **DON'T** discuss alcohol and drug use
- **DON'T** be misled by sympathy-evoking tactics
- **DON'T** cover up
- **DON'T** make threats that you don't intend to carry out

Supervisors need to be aware that their actions can positively or negatively affect the situation and can lead to legal actions by the employee. Supervisors and co-workers must refrain from discussing the issue with other employees, vendors, acquaintances, family or friends as this would violate the employees privacy.

They should also be cognizant of the list of don'ts in order to prevent embarrassment to the employee or legal action from the employee.

## Conclusion

All questions regarding Reasonable Suspicion, the University's Drug Free Workplace or Drug Testing Policy, employee actions, disciplinary actions should be referred to the Department of Human Resources.

Safety issues should be referred to  
. the Safety Officer.

