

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Accommodation and Compliance Series: Employees with Drug Addiction

Job Accommodation Network
PO Box 6080
Morgantown, WV 26506-6080
(800)526-7234 (V)
(877)781-9403 (TTY)
jan@askjan.org
AskJAN.org



Funded by a contract with the Office of Disability
Employment Policy, U.S. Department of Labor

Preface

The Job Accommodation Network (JAN) is funded by a contract with the Office of Disability Employment Policy, U.S. Department of Labor. JAN makes documents available with the understanding that the information be used solely for educational purposes. The information is not intended to be legal or medical advice. If legal or medical advice is needed, appropriate legal or medical services should be contacted.

JAN does not endorse or recommend any products or services mentioned in this publication. Although every effort is made to update resources, JAN encourages contacting product manufacturers/vendors and service providers directly to ensure that they meet the intended purposes. This guarantees that the most up-to-date information is obtained.

The following document is not copyrighted and reproduction is encouraged. Section 105 of the Copyright Law provides that no copyright protection is available for works created by the U.S. Government. Therefore, all works created by JAN fall under this provision. While individuals may use such work with impunity, individuals may not claim copyright in the original government work, only in the original material added. Individuals may access the full text of the law from the U.S. Copyright Office <http://www.loc.gov/copyright>. Please note that specific information cited by JAN may be copyrighted from other sources. Citing secondary sources from a JAN publication may violate another organization's or individual's copyright. Permission must be obtained from these sources on a case-by-case basis. When using JAN materials, JAN asks that the materials not be reproduced for profit, that the tone and substance of the information are not altered, and that proper credit is given to JAN as the source of the information. For further information regarding this or any other document provided by JAN, please contact JAN.

Updated 11/26/2018.

JAN'S Accommodation and Compliance Series

Introduction

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA). Each publication in the series addresses a specific medical condition and provides information about the condition, ADA information, accommodation ideas, and resources for additional information.

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case by case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail.

For information on assistive technology and other accommodation ideas, visit JAN's Searchable Online Accommodation Resource (SOAR) at <http://askjan.org/soar>.

Information about Drug Addiction

Drug addiction is a chronic, relapsing, and treatable disease. Addiction begins with a conscious choice to use drugs, but addiction is not just "a lot of drug use." Recent scientific research provides overwhelming evidence that not only do drugs interfere with normal brain functioning creating powerful feelings of pleasure, but they also have long-term effects on brain metabolism and activity. At some point, changes occur in the brain that can turn drug abuse into addiction. Those addicted to drugs suffer from a compulsive drug craving and usage and cannot quit by themselves.

Job accommodations may include the use of paid or unpaid leave for inpatient medical treatment or flexible scheduling for counseling or to attend support meetings. When, as a part of a job, an individual is exposed to drugs in the workplace (e.g., hospitals, pharmacies), an employer may need to implement additional workplace supports, provide extra supervision, or reassign an individual to a position that does not involve exposure to drugs. JAN's [Effective Accommodation Practices \(EAP\) Series: Executive Functioning Deficits](#) is a publication detailing accommodations for individuals with limitations related to executive functioning. These ideas may be helpful in determining accommodations.

How can you tell if an employee is addicted to drugs?

The following are some of the behavioral characteristics that may occur with drug addiction. Note that these behavioral characteristics do not always indicate drug addiction, but may warrant further investigation.

- Absences without notification and an excessive use of sick days
- Frequent disappearances from the work site, long unexplained absences, improbable excuses
- Unreliability in keeping appointments and meeting deadlines
- Work performance that alternates between periods of high and low productivity
- Mistakes made due to inattention, poor judgment, and bad decisions
- Confusion, memory loss, and difficulty concentrating or recalling details and instructions
- Ordinary tasks require greater effort and consume more time
- Interpersonal relations with coworkers suffer
- Rarely admits errors or accepts blame for errors or oversights
- Progressive deterioration in personal appearance and hygiene
- Wearing long sleeves when inappropriate
- A personality change that includes mood swings, anxiety, depression, lack of impulse control, suicidal thoughts or gestures
- Increasing personal and professional isolation

Can drug addiction be treated?

Yes. A variety of approaches are used in treatment programs to help patients deal with cravings and possibly avoid drug relapse. Through treatment that is tailored to individual needs, individuals can learn to control their condition. There are several types of drug abuse treatment programs. Short-term methods last less than six months and include residential therapy, medication therapy, and drug-free outpatient therapy. Longer term treatment may include, for example, methadone maintenance outpatient treatment for opiate addicts and residential therapeutic community treatment.

Drug Addiction and the Americans with Disabilities Act

The ADA does not contain a list of medical conditions that constitute disabilities. Instead, the ADA has a general definition of disability that each person must meet. A person has a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having an impairment. For more information about how to determine whether a person has a disability under the ADA, see [How to Determine Whether a Person Has a Disability under the Americans with Disabilities Act Amendments Act \(ADAAA\)](#).

Accommodating Employees with Drug Addiction

People with drug addiction may develop some of the limitations discussed below, but seldom develop all of them. Also, the degree of limitation will vary among individuals. Be aware that not all people who are addicted to drugs will need accommodations to perform their jobs and many others may only need a few accommodations. The following is only a sample of the possibilities available. Numerous other accommodation solutions may exist.

Questions to Consider:

1. What limitations is the employee experiencing?
2. How do these limitations affect the employee and the employee's job performance?
3. What specific job tasks are problematic as a result of these limitations?
4. What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?
5. Has the employee been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training?

Accommodation Ideas:

Limitations

Attentiveness/Concentration

- Applications (apps)
- Behavior Modification Techniques
- Cubicle Doors, Shields, and Shades
- Electronic Organizers
- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Flexible Schedule
- Job Coaches
- Modified Break Schedule

- Noise Canceling Headsets
- Sound Absorption and Sound Proof Panels
- Telework, Work from Home, Working Remotely
- Timers and Watches
- Worksite Redesign / Modified Workspace
- Written Instructions

Decreased Stamina/Fatigue

- Aide/Assistant/Attendant
- Anti-fatigue Matting
- Elevating Wheelchairs
- Ergonomic Assessments
- Ergonomic Equipment
- Job Restructuring
- Periodic Rest Breaks
- Scooters
- Stand-lean Stools
- Telework, Work from Home, Working Remotely
- Walkers
- Wearable Anti-fatigue Matting
- Wheelchairs
- Worksite Redesign / Modified Workspace

Executive Functioning Deficits

- Apps for Concentration
- Checklists
- Color Coded System
- Cubicle Doors, Shields, and Shades
- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Form Generating Software
- Job Coaches
- Job Restructuring

- Marginal Functions
- Modified Break Schedule
- Noise Canceling Headsets
- Recorded Directives, Messages, Materials
- Sound Absorption and Sound Proof Panels
- Speech Recognition Software
- Timers and Watches
- Wall Calendars and Planners
- Written Instructions

Non-compliant Behavior

- Apps for Miscellaneous Mental Health / Control of Anger & Emotions
- Behavior Modification Techniques
- Counseling/Therapy
- Cubicle Doors, Shields, and Shades
- Disability Awareness/Etiquette Training
- Employee Assistance Program
- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Flexible Schedule
- Habit Monitoring
- Job Restructuring
- Noise Canceling Headsets
- On-site Mentoring
- Periodic Rest Breaks
- Reminders
- Supervisory Methods
- Support Animal
- Support Person
- Telework, Work from Home, Working Remotely
- Training Modifications
- Worksite Redesign / Modified Workspace

- Written Instructions

Stress Intolerance

- Apps for Anxiety and Stress
- Behavior Modification Techniques
- Counseling/Therapy
- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Flexible Schedule
- Job Restructuring
- Marginal Functions
- Modified Break Schedule
- Supervisory Methods
- Support Animal
- Support Person

Work-Related Functions

Safety Standards

- Additional Training Time / Training Refreshers
- Aerial Lifts
- Air Cleaners & Purifiers
- Air Cleaners - Chemical/Odor Removal
- Air Cleaning Systems
- Air Purifiers for Multiple Chemical Sensitivity
- Alerting Devices
- Body Protection
- Break Reminder Software
- Custom Shoes
- Cut and Puncture Resistant Gloves and Sleeves
- Designated Responders
- Directional Sounders
- Ergonomic Assessments

- Ergonomic Equipment
- Escape Hoods
- Established Routes of Travel for Heavy Equipment/Vehicles
- Evacuation Devices
- Fall Protection
- Hearing Protection
- High Contrast/High Visibility Paint and Tape
- Large-Rated Harnesses
- Large-Rated Ladders
- Machine Guards and Shields
- Personal Safety and Fall Alert Devices
- Plan of Action
- Protective Eyewear
- Roadwork Assistance
- Rolling Safety Ladders
- Safety-Related Equipment for Little People
- Seat Belts & Seat Belt Extenders
- Stair Tread/Tape
- Steel Toe Shoes & Toe Guards
- Strobe Lights
- Vehicle Rear Vision System
- Workplace Safety

Situations and Solutions:

A production worker in recovery from substance abuse needed to attend counseling that was only available in the evenings.

His employer excused him from overtime on the days he attended counseling.

A nurse with drug addiction was restricted from dispensing medication after she was caught using illegal drugs.

Her employer had a policy allowing employees to participate in drug rehabilitation and return to work with a last chance agreement. When the nurse returned to work after rehabilitation, she was reassigned to a job that did not require her to dispense medication and given periodic drug tests.

A call center employee with a history of drug addiction was having difficulty dealing with stress, especially face-to-face discussions with her supervisor about her job performance.

Her supervisor agreed to change her management style, giving performance information in writing.

A substance abuse counselor with a history of drug addiction was having difficulty working with clients while dealing with family problems.

Her employer allowed him to take leave time to deal with his family problems.

Products

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource at <http://askjan.org/soar> is designed to let users explore various accommodation options. Many product vendor lists are accessible through this system; however, JAN provides these lists and many more that are not available on the Web site upon request. Contact JAN directly if you have specific accommodation situations, are looking for products, need vendor information, or are seeking a referral.

Resources

Job Accommodation Network

West Virginia University
PO Box 6080
Morgantown, WV 26506-6080
Toll Free: (800) 526-7234
TTY: (304) 293-7186
Fax: (304) 293-5407
jan@askjan.org
<http://AskJAN.org>

The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

Office of Disability Employment Policy

200 Constitution Avenue,
NW, Room S-1303
Washington, DC 20210
Toll Free: (866) 633-7365
odep@dol.gov
<http://dol.gov/odep>

The Office of Disability Employment Policy (ODEP) is an agency within the U.S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

Addiction Center

Recovery Worldwide LLC
121 South Orange Avenue Suite 1450
Orlando, FL 32801
Toll Free: (877) 416-1550
Contact@addictioncenter.com
<https://www.addictioncenter.com>

Addiction Center was founded by recovering addicts and health information writers. Our goal is to provide the most up-to-date information on addiction as well as reviews of top treatment centers across the country.

Addiction Center is owned and funded by Recovery Worldwide LLC, an organization that creates informational web properties on health and mental health-related topics. We are not a treatment center, but our network of centers across the country aims to provide outlets for people seeking help.

AllTreatment.com

Toll Free: (888) 812-1137

<http://www.alltreatment.com>

AllTreatment.com is a drug rehab center directory and substance abuse information resource. Their website is dedicated to educating our users about drug and alcohol addiction. They feature a complete directory of drug addiction treatment centers, an article database about alcoholism and drug abuse, a blog about current drug news, and much more.

American Psychiatric Association

1000 Wilson Blvd

Suite 1825

Arlington, VA 22209-3901

Toll Free: (888) 357-7924

Direct: (703) 907-7300

apa@psych.org

<http://www.psych.org>

The American Psychiatric Association is an organization of psychiatrists working together to ensure humane care and effective treatment for all persons with mental illness, including substance use disorders. It is the voice and conscience of modern psychiatry. Its vision is a society that has available, accessible quality psychiatric diagnosis and treatment.

American Society of Addiction Medicine

4601 North Park Ave
Upper Arcade, Suite 101
Chevy Chase, MD 20815
Direct: (301) 656-3920
Fax: (301) 656-3815
email@asam.org
<http://www.asam.org>

ASAM is dedicated to increasing access and improving the quality of addiction treatment, educating physicians and the public, supporting research and prevention, and promoting the appropriate role of physicians in the care of patients with addiction.

Anxiety and Depression Association of America

8701 Georgia Ave.
Suite #412
Silver Spring, MD 20910
Direct: (240) 485-1001
Fax: (240) 485-1035
<http://www.adaa.org/>

ADAA is a national nonprofit organization dedicated to the prevention, treatment, and cure of anxiety and mood disorders, OCD, and PTSD and to improving the lives of all people who suffer from them through education, practice, and research.

Brain & Behavior Research Foundation

90 Park Avenue,
16th Floor
New York, NY 10016
Toll Free: (800) 829-8289
Direct: (646) 681-4888
info@bbrfoundation.org
<https://bbrfoundation.org/>

The Brain & Behavior Research Foundation is committed to alleviating the suffering caused by mental illness by awarding grants that will lead to advances and breakthroughs in scientific research.

Centers for Disease Control and Prevention

1600 Clifton Rd
Atlanta, GA 30333
Toll Free: (800) 232-4636
<http://www.cdc.gov>

The Centers for Disease Control and Prevention are dedicated to protecting the health and safety of people - at home and abroad, providing credible information to enhance health decisions, and promoting health through strong partnerships.

MedlinePlus

8600 Rockville Pike
Bethesda, MD 20894
custserv@nlm.nih.gov
<https://www.nlm.nih.gov/medlineplus/>

MedlinePlus is the National Institutes of Health's Web site for patients and their families and friends. Produced by the National Library of Medicine, the world's largest medical library, it brings you information about diseases, conditions, and wellness issues in language you can understand. MedlinePlus offers reliable, up-to-date health information, anytime, anywhere, for free.

Created by the U.S. National Library of Medicine

Mental Health America

500 Montgomery Street
Suite 820
Alexandria, VA 22314
Toll Free: (800) 969-6642
Direct: (703) 684-7722
Fax: (703) 684-5968
<http://www.mentalhealthamerica.net/>

Mental Health America (MHA) – founded in 1909 – is the nation's leading community-based nonprofit dedicated to addressing the needs of those living with mental illness and to promoting the overall mental health of all Americans. Our work is driven by our

commitment to promote mental health as a critical part of overall wellness, including prevention services for all, early identification and intervention for those at risk, and integrated care and treatment for those who need it, with recovery as the goal.

National Association on Alcohol, Drugs & Disability

2165 Bunker Hill Drive
San Mateo, CA 94402-3801
Direct: (650) 578-8047
Fax: (650) 286-9205
solanda@sbcglobal.net
<http://www.naadd.org/>

The National Association on Alcohol, Drugs and Disability Inc., (NAADD) promotes awareness and education about substance abuse among people with co-existing disabilities. The mission of NAADD is to create public awareness of issues related to alcoholism, drug addiction, and substance abuse faced by persons with other co-existing disabilities, and to provide a peer approach to enhance access to services, information, professional helping facilities such as a drug rehab, education and prevention through the collaborative efforts of interested individuals and organizations nationwide.

National Center for Biotechnology Information

8600 Rockville Pike
Bethesda, MD 20894
pubmedcentral@ncbi.nlm.nih.gov
<http://www.ncbi.nlm.nih.gov/>

MISSION: IMS brings together an international community of health care professionals, researchers, educators, and others to improve care and transform delivery of treatment to those suffering from soft tissue pain through the promotion and exchange of globally recognized research, education, and innovation in patient care.

National Center on Addiction and Substance Abuse at Columbia University

633 Third Ave.,
19th Floor
New York, NY 10017-6706
Direct: (212) 841-5200
<http://www.casacolumbia.org/>

CASA's mission is to inform Americans of the economic and social costs of substance abuse and its impact on their lives; Assess what works in prevention, treatment, and law enforcement; Encourage every individual and institution to take responsibility to combat substance abuse and addiction; Provide those on the front lines with the tools they need to succeed; Remove the stigma of abuse and replace shame and despair with hope.

National Institute on Aging

31 Center Drive
MSC 2292
Bethesda, MD 20892
Toll Free: (800) 222-2225
niaic@nia.nih.gov
<https://www.nia.nih.gov/>

At NIA, our mission is to discover what may contribute to a healthy old age as well as to understand and address the disease and disability sometimes associated with growing older. In pursuit of these goals, our research program covers a broad range of areas, from the study of basic cellular changes that occur with age to the examination of the biomedical, social, and behavioral aspects of age-related conditions, including Alzheimer's disease.

Research Institute on Addictions

1021 Main Street
Buffalo, NY 14203-1016
Direct: (716) 887-2566
Fax: (716) 887-2252
webmaster@ria.buffalo.edu
<http://www.buffalo.edu/ria.html>

The Research Institute on Addictions (RIA) is a national leader in the study of substance use and abuse, addiction and treatment.

Start Your Recovery

<https://startyourrecovery.org/>

Our goal is to offer people a single source of relatable, reliable information at any stage of their recovery journey.

We work with leading experts in effectively treating substance use issues to offer people a single source of relatable, reliable information at any stage of their recovery journey.

StartYourRecovery.org provides helpful information for people who are dealing with substance use issues — and their family members, friends, and co-workers, too. We know that there is no one-size-fits-all solution to the challenges faced by those who misuse alcohol, prescription or illegal drugs, or other substances, and we aim to break through the clutter to help people at any stage of recovery.

Our goal is to offer people who are dealing with substance use issues a single source of reputable, objective information about signs, symptoms, conditions, treatment options, and resources — presented in a user-friendly format and in language that's easy to understand. First we asked: "Why doesn't someone offer access to these resources in one place?" Then we asked: "Why don't we?"

Substance Abuse and Mental Health Services Administration

1 Choke Cherry Road
Rockville, MD 20857
Toll Free: (877)726-4727
SAMHSAInfo@samhsa.hhs.gov
<http://www.samhsa.gov>

The Substance Abuse and Mental Health Services Administration (SAMHSA) is the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation. SAMHSA's mission is to reduce the impact of substance abuse and mental illness on America's communities.

This document was developed by the Job Accommodation Network, funded by a contract from the U.S. Department of Labor, Office of Disability Employment Policy (#1605DC-17-C-0038). The opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Labor. Nor does mention of tradenames, commercial products, or organizations imply endorsement by the U.S. Department of Labor.