

# JAN

Job Accommodation Network

Practical Solutions • Workplace Success

## Accommodation and Compliance Series

# Accommodation and Compliance Series: Employees with Alcoholism

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**ODEP**

Office of Disability  
Employment Policy

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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.

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## **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 Alcoholism**

Alcoholism, also called "alcohol dependence," is a disease that includes four symptoms: craving (a strong need, or compulsion, to drink), loss of control (the inability to limit one's drinking on any given occasion), physical dependence (withdrawal symptoms, such as nausea, sweating, shakiness, and anxiety, occur when alcohol use is stopped after a period of heavy drinking), and tolerance (the need to drink greater amounts of alcohol in order to "get high"). Alcoholism treatment works for many people, but just like any chronic disease, there are varying levels of success when it comes to treatment. Alcoholism treatment programs use both counseling and medications to help a person stop drinking.

#### **Does an employer have to allow use of alcohol at work as an accommodation?**

No. The ADA specifically provides that an employer may prohibit the use of alcohol in the workplace and require that employees not be under the influence of alcohol. The Act permits employers to ensure that the workplace is free from the use of alcohol and does not interfere with employers' programs to combat the use of alcohol (EEOC, 1992).

#### **Are tests for alcohol use considered medical tests under ADA?**

Yes. Blood, urine, and breath analyses to check for alcohol use are considered medical exams, and therefore are subject to ADA limitations. According to the Equal Employment Opportunity Commission (EEOC), an employer's ability to make disability-related inquiries or require medical examinations is analyzed in three stages: pre-offer,

post-offer, and employment. At the first stage (prior to an offer of employment), the ADA prohibits disability-related inquiries and medical examinations. At the second stage (after an applicant is given a conditional job offer, but before s/he starts work), an employer may make disability-related inquiries and conduct medical examinations, regardless of whether they are related to the job, as long as it does so for all entering employees in the same job category. At the third stage (after employment begins), an employer may make disability-related inquiries and require medical examinations only if they are job-related and consistent with business necessity ([EEOC, 2000](#)).

**May an employer subject an employee, who has been off from work in an alcohol rehabilitation program, to periodic alcohol testing when s/he returns to work?**

Yes, according to the EEOC, “but only if the employer has a reasonable belief, based on objective evidence, that the employee will pose a direct threat in the absence of periodic testing. Such a reasonable belief requires an individualized assessment of the employee and his/her position and cannot be based on general assumptions. Employers also may conduct periodic alcohol testing pursuant to "last chance" agreements ([EEOC, 2000](#)).

In determining whether to subject an employee to periodic alcohol testing (in the absence of a "last chance" agreement), the employer should consider the safety risks associated with the position the employee holds, the consequences of the employee's inability or impaired ability to perform his/her job functions, and how recently the event(s) occurred that cause the employer to believe that the employee will pose a direct threat (e.g., how long the individual has been an employee, when s/he completed rehabilitation, whether s/he previously has relapsed). Further, the duration and frequency of the testing must be designed to address particular safety concerns and should not be used to harass, intimidate, or retaliate against the employee because of his/her disability. Where the employee repeatedly has tested negative for alcohol, continued testing may not be job-related and consistent with business necessity because the employer no longer may have a reasonable belief that the employee will pose a direct threat ([EEOC, 2000](#)).

**Example A:** Three months after being hired, a city bus driver informed his supervisor of his alcoholism and requested leave to enroll in a rehabilitation program. The driver explained that he had not had a drink in more than 10 years until he recently started having a couple of beers before bed to deal with the recent separation from his wife. After four months of rehabilitation and counseling, the driver was cleared to return to work. Given the safety risks associated with the bus driver's position, his short period of employment, and recent completion of rehabilitation, the city can show that it would be job-related and consistent with business necessity to subject the driver to frequent periodic alcohol tests following his return to work ([EEOC, 2000](#)).

**Example B:** An attorney has been off from work in a residential alcohol treatment program for six weeks and has been cleared to return to work. Her supervisor wants to perform periodic alcohol tests to determine whether the attorney has resumed drinking. Assuming that there is no evidence that the attorney will pose a direct threat, the

employer cannot show that periodic alcohol testing would be job-related and consistent with business necessity” ([EEOC, 2000](#)).

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.

## **Alcoholism 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 Alcoholism**

People with alcoholism 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 with alcoholism 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

#### Effect of/Receive Medical Treatment

- Flexible Schedule
- Telework, Work from Home, Working Remotely

#### 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

#### Organizing/Planning/Prioritizing

- Applications (apps)
- Apps for Organization/ Time Management
- Color-coded Manuals, Outlines, and Maps
- Electronic Organizers
- Ergonomic Equipment

- Job Coaches
- Job Restructuring
- On-site Mentoring
- Organization Software
- Professional Organizers
- Reminders
- Supervisory Methods
- Timers and Watches
- Wall Calendars and Planners
- 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**

##### Policies

- Additional Training Time / Training Refreshers
- Aide/Assistant/Attendant
- Flexible Schedule
- Marginal Functions
- Modified Break Schedule



- Periodic Rest Breaks
- Policy Modification
- Reassignment
- Service Animal
- Supervisory Methods
- Support Animal
- Telework, Work from Home, Working Remotely

## Stress

- Apps for Anxiety and Stress
- Behavior Modification Techniques
- Counseling/Therapy
- Flexible Schedule
- Job Restructuring
- Marginal Functions
- Modified Break Schedule
- Monitor Mirrors
- On-site Mentoring
- Service Animal
- Simulated Skylights and Windows
- Supervisory Methods
- Support Animal
- Support Person
- Telework, Work from Home, Working Remotely
- Uninterrupted Work Time

## Use Cognitive Function

- Additional Training Time / Training Refreshers
- Aide/Assistant/Attendant
- Color Coded System
- Counting/Measuring Aids
- Electronic Dictionaries

- Electronic Organizers
- Extra Time
- Job Coaches
- Line Guides
- Marginal Functions
- Modified Break Schedule
- On-site Mentoring
- Reassignment
- Reminders
- Service Animal
- Support Person
- Training Modifications
- Uninterrupted Work Time

## **Situations and Solutions:**

### **A sales representative with alcoholism had a relapse after going through a difficult divorce**

She was facing termination for coming to work intoxicated, but when she told her employer she was ready to enter rehab, her employer gave her a last chance agreement. The agreement stated that she would not be terminated if she followed through with treatment and did not come to work intoxicated again.

### **An office manager returning to work after in-patient treatment for alcoholism needed to attend AA meetings.**

His employer provided him with a schedule that allowed him to perform his job but also attend meetings.

### **A lawyer with alcoholism and stress from family problems had difficulty attending social events with clients where alcohol was served.**

His employer excused him from attending the events until he was able to deal with his family problems.

### **A marketing manager disclosed to her employer that she has alcoholism and would like to seek treatment.**

She would need to attend a 60 day residential program and requested a leave of absence to do this. She was granted job-protected leave under the FMLA for the duration of her treatment.

### **A maintenance worker with alcoholism came to work under the influence of alcohol.**

When confronted by his employer, he disclosed that he had recently relapsed after his son was diagnosed with a serious medical condition. His employer decided not to terminate him under the circumstances, but required him to sign a last chance agreement before allowing him to return to work.

## **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.

### **Addiction Resource Guide**

P.O. Box 8612  
Tarrytown, NY 10591  
Direct: (914) 610-1775  
Fax: (914) 631-8077  
info@addictionresourceguide.com  
<http://www.addictionresourceguide.com>

A comprehensive directory of addiction treatment facilities for substance abuse, alcoholism, drug and chemical dependencies and other addictions to help professionals and consumers find resources for dealing with addictive problems.

### **Alcoholics Anonymous**

475 Riverside Drive at West 120th Street  
11th Floor  
New York, NY 10115  
Direct: (212) 870-3400  
<http://www.aa.org>

Alcoholics Anonymous is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism. The only requirement for membership is a desire to stop drinking. There are no dues or fees for A.A. membership; they are self-supporting through their own contributions.

**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](mailto: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](mailto: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.

**MedlinePlus**

8600 Rockville Pike  
Bethesda, MD 20894  
[custserv@nlm.nih.gov](mailto: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](mailto: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](mailto: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.

## **National Institute on Alcohol Abuse and Alcoholism**

National Institutes of Health  
Bethesda, MD  
[niaaaweb-r@exchange.nih.gov](mailto:niaaaweb-r@exchange.nih.gov)  
<http://www.niaaa.nih.gov/>

The National Institute on Alcohol Abuse and Alcoholism (NIAAA) is one of the 27 institutes and centers that comprise the National Institutes of Health (NIH). NIAAA supports and conducts research on the impact of alcohol use on human health and well-being. It is the largest funder of alcohol research in the world.

## **Remedy's Health Communities**

<http://www.healthcommunities.com>

Remedy Health Media is America's fastest growing health information and technology company. We are a leading provider of clinical resources and wellness tools that help millions of patients and caregivers live healthier, more fulfilled lives.

Our mission is to empower patients and caregivers with the information and applications needed to efficiently navigate the healthcare landscape and as a result, to permit better health outcomes through use of our products and services.

## **Research Institute on Addictions**

1021 Main Street

Buffalo, NY 14203-1016

Direct: (716) 887-2566

Fax: (716) 887-2252

[webmaster@ria.buffalo.edu](mailto: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.

### **The Foundation for Peripheral Neuropathy**

485 Half Day Road  
Suite 350  
Buffalo Grove, IL 60089  
Toll Free: (877) 883-9942  
Fax: (847) 883-9960  
info@tffpn.org  
<https://www.foundationforpn.org/>

The Foundation for Peripheral Neuropathy is a Public Charity committed to fostering collaboration among today's most gifted and dedicated neuroscientists and physicians. These specialists from around the country will help us maintain a comprehensive view of the field and determine the research areas that hold the most promise in neuropathy research and treatment to develop new and effective therapies that can reverse, reduce and one day eliminate Peripheral Neuropathy. It is our ultimate goal to utilize every means and opportunity to dramatically improve the lives of those living with this painful and debilitating disorder.

**World Health Organization**

525 Twenty-third Street

N.W.

Washington, DC 20037

Direct: (202) 974-3000

Fax: (202) 974-3663

<http://www.who.int/en/>

We are the directing and coordinating authority on international health within the United Nations' system.

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