

Managing Behavior Problems in the Workplace – The Challenge of Substance Abusers

**2019 Fall Symposium
November 15, 2019**

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Agenda

Basic Background information

- Current trends
- Importance of following process
- Workplace challenges with Marijuana Legalization

Supervisor's Role and responsibilities

Five step strategy

#1 thing to avoid doing?



As a Manager or Supervisor

- *Know that your responsibility is to deal with employee performance and conduct problems, not solve them.
- *Be able to address situations in an objective, timely, and safe manner.
- *Successfully follow the process: 1.observe, 2.document, 3.prepare,4.take action, and 5.follow through.



Good Management

“The key to being a good manager is keeping the people that hate me away from those that are still undecided”

Casey Stengel



Current Workplace Trends

- * Alcohol abuse on and off the job.
- * Prescription Drugs:
 - Oxycontin and Oxycodone.
 - Methadone for pain mgmt.
 - FDA approval of Zohydro.
 - Anti anxiety medications.
- * Marijuana for pain mgmt. Legalization of recreational Marijuana.

Why do Employers Implement DFWP's?

- *Legislated.

- *Insurance Incentives.

- *Some type of workplace crisis.



Scope of the Substance Abuse Problem in Oregon

- ECONorthwest estimated that in 2018 substance abuse cost the Oregon economy:

\$5.6 billion



That equals approximately

\$1600.00 per person



State of Consciousness

We all have a natural desire/drive to attain an altered state of consciousness. How we do that can differ significantly.



Four Characteristics of Substance Use Disorders

- * Cannot return to controlled use.
- * Change is ALWAYS preceded by a crisis.
- * Diagnosed and treated by the person.
- * ALWAYS supported by aiders and abettors.



Secondary Side Effects

- *Paranoia
- *Anxiety
- *Depression
- *Drug induced psychosis
- *Anti-social behavior



How Did We Get to Where Are Today Regarding Marijuana?

Background Information



Prior to 1998


employers simply stated in their policies that if THC was present in your urine it was a disciplinary event, as Marijuana was considered an illegal drug.



Currently...

*33 States and DC have legalized Marijuana for Medical purposes. 93% of survey respondents are in favor of Medical Marijuana.

*11 states and DC have legalized the Recreational use of Marijuana and 64% are in favor of legalized use of Marijuana Recreationally.

A stylized silhouette of a mountain range in shades of brown and tan, positioned at the bottom of the slide against a blue gradient background.

OMMP-1998

Once voters passed legislation to allow the use of Marijuana for certain medical conditions, employers and their DFWP's began experiencing new challenges.



Disconnect

The disconnect is between Federal and State laws regarding the medical and/or recreational use of marijuana. Anyone having to comply with Federal laws and regulations are given no leniency. Marijuana is still considered a schedule I drug at the Federal level.



Feds vs. States

Clearly the reason the states want the Feds to leave things the way they are is for the revenues. 31 States with medical Marijuana laws and 10 States and the DC that allow legal recreational use.

Colorado in 2017:

- Revenue of over \$1.5 Billion.

- Over \$500 Million in taxes.

Oregon:

- Over \$11 Million in sales first week.

- Tax revenues in the first 2 months exceeded estimates for the entire year.



Now That Marijuana is Legal

Challenges:

- * Presence of THC in urine only indicates past use of the now legal drug.
- * Problems with edibles.
- * Butane Honey Oils. Can be over 90% THC.
“Dabbing”



The Impairment Issue

Washington State has set a 5ng. level IN THE BLOOD as a standard for issuing a DUI citation.



Is Marijuana Addicting???

Most of the proponents for the legalization of Marijuana say that it is NOT an addicting substance...My response...Is tobacco addicting??? There are 483 active chemicals in Marijuana smoke...

DSMV Diagnosis for Marijuana Use Disorder...

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Good News

- Oregon Supreme Court ruled in April 2010 employers DO NOT have to accommodate the Medical use of Marijuana. There have been no employment decisions rendered for the recreational use yet.



The Debate for Employers...

When an employee is using Marijuana
medically or recreationally, are they

“Fit for Duty”?




Most Employers Regarding Marijuana?

Zero Tolerance???

To defend this position...

1. Have adequate documentation to establish that the employee is currently questionably “fit for duty”.

2. Consider conducting both urine and saliva testing which, if positive, will show recent use as well as on going past use.



Possible Indicators of Depressant Impairment.

1. Blood-shot eyes.
2. Flushed complexion.
3. Slurred speech.
4. Unusually loud.
5. Odor of what appears to be alcohol.
6. Constricted pupils.



Possible Indicators of Stimulant Impairment.

1. Angry aggressive behavior.
2. Paranoia.
3. Difficulty staying focused.
4. Unexplained bursts of energy.
5. Dilated pupils.
6. Excessive talkativeness.
- 7 Erratic and unpredictable behavior.



Possible Indicators of Marijuana Impairment

- *Adversely affects judgment.
- *Lack of motivation.
- *Difficulty staying focused on task.
- *Minimizing complacency.
- *Short and long term memory problems.
- *Possible isolation.
- *Distortion of time and space.



When These Symptoms Are Present???

When these behaviors are observed it is necessary to first document your concerns and then conduct a reasonable suspicion urine screen to determine if a restricted metabolite is present.



The KEY



- * One of the KEY responsibilities of the employer is promoting a workplace that is:

SAFE

Supervisor's Reaction

Under

Over



Why Do Supervisors Have Difficulty Managing Behavioral Problems?

1. Lack of clarity regarding Procedures.
2. No skills training on handling conflict.
3. Not wanting to get anybody in trouble.
4. Possibility of losing the employee.
5. Fear of being wrong.



Reasonable Suspicion

*If you presented your evidence (documentation) to a group of people, and more than half of them agree with the actions taken, based on the policy and procedures, and/or labor-management contract.



Example

*If the information (about your knowledge) were in the newspaper after an event, would you feel bad for not having taken the appropriate action?



Legally

*The supervisor is considered
an agent of the
company/agency.



Negligence As a Supervisor

*The supervisor may be considered negligent if.....
you had prior knowledge, or should have, and may have been able to prevent a harmful event by acting in an appropriate and timely manner.



YOU CAN

*Give feedback

*Give choice*s

*Appropriate consequences



YOU CAN'T

*Make the employee change.

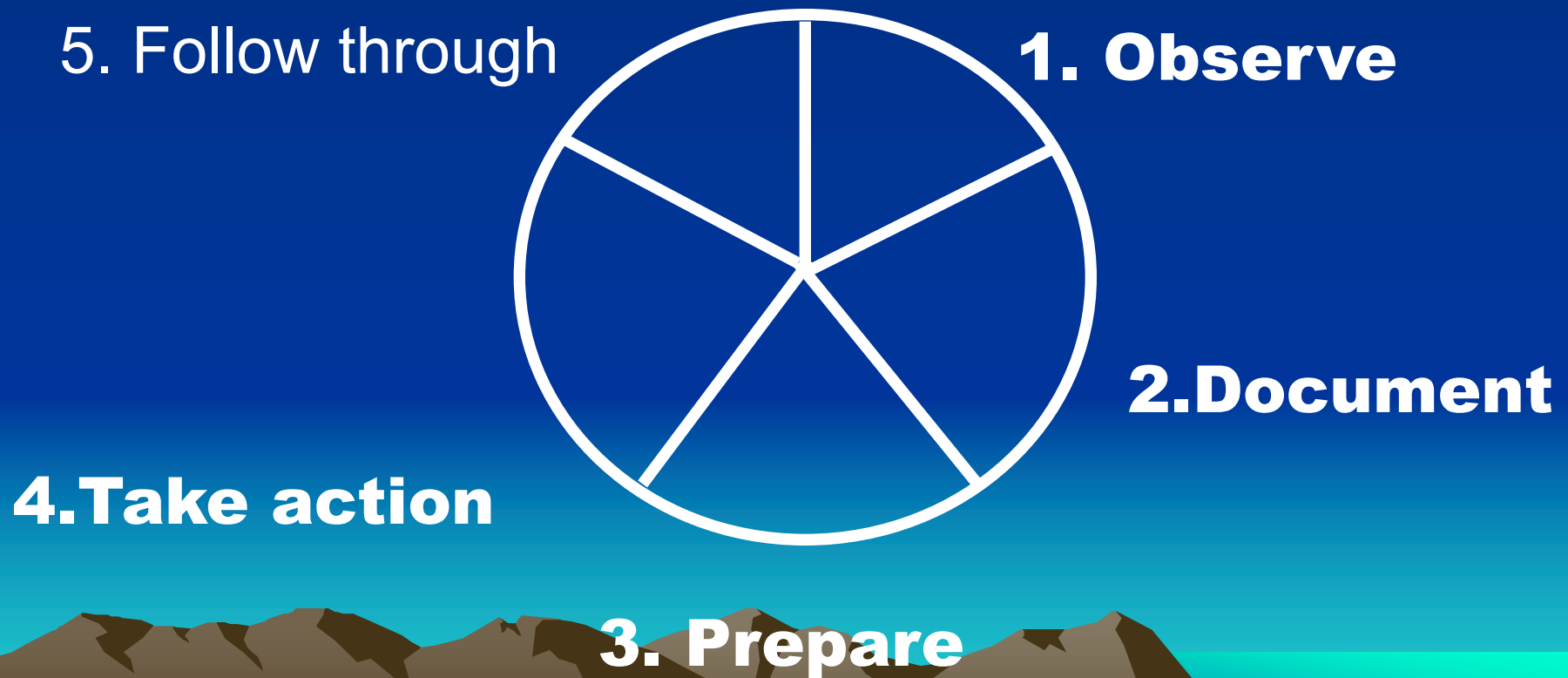


Fitness for Duty

- * Physically
- * Emotionally
- * Psychologically able to perform their job safely.



The 5 Step Strategy



5-Step Strategy

Skipping a step



**Increases the risk of a
successful challenge
to your actions.**



Observation & Documentation

*Who?

*What?

*Where?

*When?

*How?

NOT WHY?



What is “objective”???

- *What you see and hear.
- *What would be on a videotape.
- *What all observers would agree to.



Good documentation

- *Gives a clear, complete, and objective picture.
- *Shows why you took action.
- *Is a legal record - and your best friend in court - if necessary.



Preparation

- *Review your documentation, policy, labor management agreement and the employee's job description.
- *Ask for guidance. "Share the Risk".
- *Anticipate the employee's reaction.



Sidetracking Behavior

- *Tears - Fall apart during the conversation.
- *Excuses - Have a reason for everything.
- *Apology- Be very sorry. Say it won't happen again.
- *Promises - Give assurances that they'll do better.
- *Anger - Blow up at the supervisor. Be highly offended that he/she dare question them. Say they'll seek legal advise etc.



Unproductive Supervisor Styles

- *Ambushing the employee or verbally attacking them.
- *Avoidance.
- *Arguing with the employee.
- *Not listening.
- *Taking on the employee's problem.
- *Debating the existence of a problem or the reason for it.



Meeting with the employee

Guidelines:

- *Be firm and fair.
- *Focus on the conduct or behavior, not on the reason for it, and not on the person.
- *Respect the employee, but definitely hold him/her responsible for improving.



Meeting with the employee

AGENDA

- *Concerns

- *Expectations

- *Possible Consequences



Meeting Steps

- *Briefly mention 1 or 2 of the employee's contributions to the workplace.
- *Say "I have ... concerns. Will you make a commitment to listen to those concerns?"
- *State your observations and concerns.
- *Say "I'd like to hear your side now."
- *State your expectations.
- *State the **potential consequences**. "I hope we don't have to do that".



Stanford University Study on Effective Communication

Words.....7%

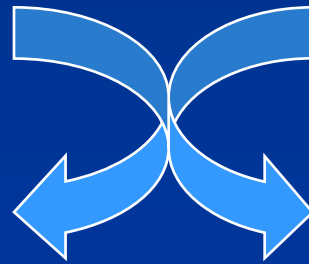
Tone of Voice.....38%

Body Language.....55%



Once the employee is
adequately informed:

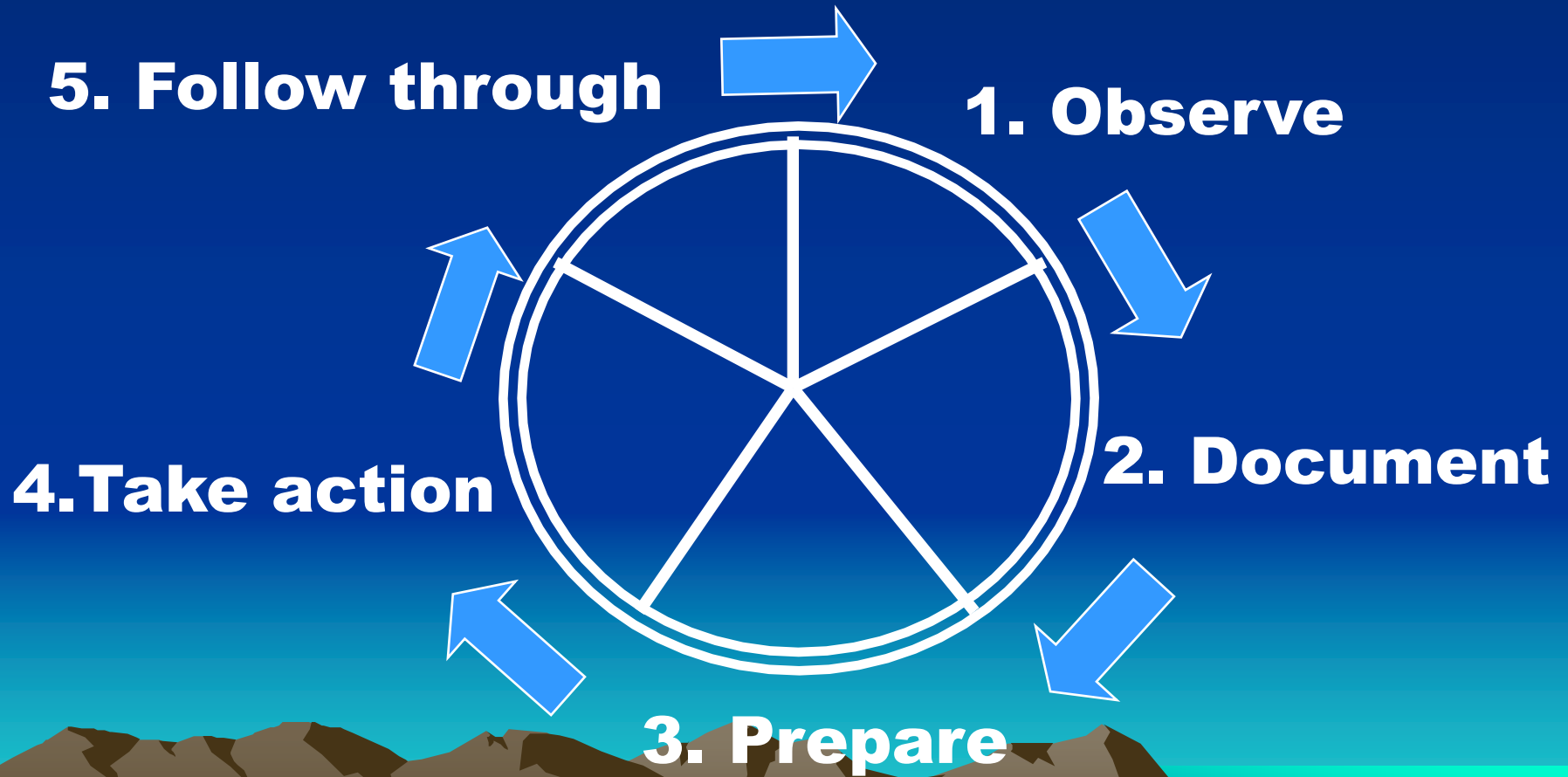
The employee makes the choice



Self correction

Self elimination

Follow Through



Questions

