

What Happens After An Employer Discovers An Employee Is Misusing Prescription Drugs?



What can your employer do if you were at work and using impairing prescription drugs that were not prescribed for you or were taking more than your prescribed dose?



■ *When an Employee Is Caught Misusing Prescription Drugs*

Employees caught misusing prescription drugs that can interfere with the safe or proper performance of their duties usually are removed from duty immediately. The employer may arrange for the employee's safe return home. The employer's drugfree workplace policy lays out what happens next. The most common employer choices are:

- Conditional continuing employment
- Termination with conditional reinstatement
- Termination with no possibility of reinstatement

■ *If an Employee Is Allowed to Remain Employed or Be Reinstated*

- Typically, an employee will not be allowed to return to work until the employee undergoes a substance abuse evaluation and successfully completes the recommendations (for example, education or treatment) that the professional evaluator says is needed for the employees safe return to work.
- Return to work typically occurs in 4 to 12 weeks after completing treatment for prescription drug misuse disorders.

Return to work may also include a return to work meeting and a written agreement between the employer and employee.

■ *After Return to Work*

A conditional reinstatement or last chance agreement may include a requirement for the employee to:

- Complete any on-going professional and 12-step support services recommended by the professional evaluator or treatment program.
- Abstain from all impairing substances, including prescription medications, unless pre-approved by the employer's designated professional. If a medication is medically approved, but poses a safety risk, the employee may be reassigned to alternative duties or placed on sick leave.
- Be monitored for abstinence through drug testing

■ *Termination without Rehire*

An employer may decide to permanently separate an employee who is using prescription drugs that were not prescribed for the employee. If the employee got the drugs from another employee, even for free, the supplier can also be fired. The employer's drugfree workplace policy lays out the rules.



DISCLAIMER: This fact sheet is provided solely for informational purposes and is not legal advice.

The Substance Abuse and Mental Health Services Administration supports the Preventing Prescription Abuse in the Workplace Technical Assistance Center. For more information, contact PAW-TA@PIRE.org. To join the PAW Listserv, visit <http://paw.dsgonline.com>, or simply scan the QR Code to the right.

