

Drug testing:

'We have to do it'

Chris Kujawa of K.E.I. instituted a drug testing program two years ago, and he's glad he did.

by JOHN B. CALSIN, JR.

KE.I. of Cudahy, Wisc., is a \$4 million landscape management company with design/build and interior plantscape divisions. Owner Chris Kujawa realizes the need to have a drug-free workplace.

"Drug usage is prevalent not only in society, but in our particular industry," Kujawa observes.

When his company initiated a drug testing plan, it chose to do pre-employment screening, random testing and mandatory testing after major accidents. K.E.I. chose this rather than instituting a "wholesale" policy.

The tests began with owners and supervisors to show the rest of the workforce that the company was serious about having no drugs in the workplace. K.E.I. employs up to 85 people depending on the time of the year.

That was nearly two years ago.

Since then, two people have tested positive.

Two strikes, you're out

K.E.I. employees who test positive are immediately suspended. They may return to work if they take another test and there is a clean report. The employee must pay for the follow-up test. Second offenses result in dismissal.

The type of users that company drug policies generally unmask are "casual or recreational drug users," says agent Tom Childers of the Drug Enforcement Administration in Phoenix.

Childers said that Americans use about 60 percent of the world's supply of illegal drugs. Yet only 20 percent of that is consumed by hard-core, clinically dependent people.

So who uses the remaining 80 percent?

Childers said it's quite possible you work next to, or with, one of these casual or recreational drug users unless your company has a drug-free policy.

Facing the problem

"Quite honestly, we want to help our employees. We are not out strictly to catch people doing drugs," says Kujawa.

"Our employees are an extension of our family. But, as with any family, there may be problems that must be faced and then addressed head-on." K.E.I. does have a partial employee assistance

program (EAP).

Experts say that K.E.I.'s approach is a sound one. Rather than trying to scare or intimidate employees, it communicates care and concern. While not every company can afford to cover the costs of treatment

for drug abuse (including alcohol abuse), they can, at least, encourage employees to seek outside help and make it clear that help is available.

That help can be in the form of an employee assistance program (EAP) designed to assist employees with personal problems that affect their job performance. Although some EAPs focus primarily on alcohol and other drug problems, most address a wide range of employee problems: stress, marital difficulties, financial trouble and legal problems.

Most EAPs offer a range of services: employee education, individual and organizational assessment, counseling and referrals to treatment. In general, the more comprehensive the services, the

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Get your drug program reviewed by a professional

Thomas K. Schindler writes drug testing policies for companies.

"The law in this area is evolving. It's an active area of the law," says Schindler, a member of the law firm of Lamb, Windle & McErland, West Chester, Pa.

He says it's tough to generalize about testing and test-base employment decisions, but some observations are appropriate:

▶ A private employer has

greater latitude to act than a public employer.

▶ A non-union employer has greater latitude to act than a unionized employer.

▶ Any employer, either public or private, has a greater latitude to act concerning applicants for employment, as compared with existing employees.

▶ It's vital that a company publicize the existence of a testing program; make it clear

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at the outset what the test will disclose and stick to it.

▶ Any employer increases its risk of liability if it uses a testing program that is broader than necessary to address a problem that the employer had identified, and in which he/she has a legitimate interest. In the case of green industry employers, certainly, safety is a concern, because

power equipment used by employees under the influence of some drug can cause injuries. (Testing labs can test for prohibited drugs but not also test for pregnancy or HIV.)

▶ Any employer increases its risk of liability if it fails to administer an otherwise lawful program in a careful and confidential manner. Confidentiality is absolutely essential.

▶ A company must have a clear, consistent policy, known

to the employees, that a positive test will result, for example, in discharge.

▶ Additional policy criteria are required of private contractors working for the government.

The length of the general policy is usually 15 to 20 pages because of what must be covered. Due to recent case law, being specific about what is being covered is important.

Have employees sign off on

the policy at the time of their hire or at the time the policy is instituted.

Schindler and other experts recommend using an attorney to either write your company's policy or, at the very least, review and recommend changes that will keep your company within the laws of your particular state.

—J.C.

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more the EAP provider will charge for them.

Info on EAPs

Currently, there are no national licensure programs for EAP providers. Two professional associations, the Employee Assistance Professionals Association (EAPA) and the Employee Assistance Society of North America (EASNA), have developed certification procedures for EAP providers. Telephone EASNA at (313) 545-3888 or EAPA at (703) 522-6272.

Consider the following possibilities:

▶ Join with other employers and contract with an EAP provider. Consult your Yellow Pages, contact your Chamber of Commerce, or call the Workplace Helpline for the Center for Substance Abuse Prevention in Rockville, Md. at (800) 967-5752.

▶ Contact local hospitals and ask about EAPs.

▶ Talk with other employers who advertise they are a drug-free workplace or those who have successful EAPs.

Whether a company has an EAP or not, a drug testing program is essential, says Kujawa, who describes it as an "effort to provide a safe workplace for everyone concerned. We're working with machines capable of a lot of destruction."

Also, the fact that the industry relies on young and sometimes relatively low-paid laborers, might suggest that drugs are a problem. But Kujawa doesn't think the problem in the green industry is any more serious than in society itself.

"It is a problem that has to be addressed with a strong, stern but measured approach," he says.

As far as drug testing itself, Kujawa repeated, "We have to do it." **LM**

—John Calsin, Jr., is a freelance writer living and working in West Chester, Pa.

CHART 1

POTENTIAL COST OF DRUG ABUSE IN THE WORKPLACE

Obvious direct costs	Payment for treatment of substance abuse, including mental health care and detoxification programs
Hidden direct costs	All medical care expenses for illnesses arising, at least in part, from substance abuse, but which are not solely or directly associated with such abuse
Obvious indirect costs	Absenteeism Productivity losses Employee turnover Waste Accidents
Hidden indirect costs	Blows to corporate image Declining morale Bad decisions Diverted or unproductive supervisory time
Disciplinary and grievance actions	Damage to equipment and products Potential legal liability
Other measurable costs	Disability claims Corporate theft

CHART 2

DRUG USE IN THE U.S. WORKPLACE

Employment status /Age	Any drug in past month	Marijuana in past month	Cocaine in past year
Full-time workers			
18-25 years	18.7%	16.9%	14.0%
26-34 years	13.0%	11.2%	8.8%
35+ years	2.4%	1.3%	1.4%
all, ages 18+	8.2%	6.8%	5.7%
Part-time workers			
18-25 years	16.7%	14.2%	10.8%
26-34 years	13.0%	9.8%	5.9%
35+ years	3.6%	2.7%	n/a
all, ages 18+	9.4%	7.5%	4.5%