


When WEED is Legal


What are employer's rights?

Presented by:

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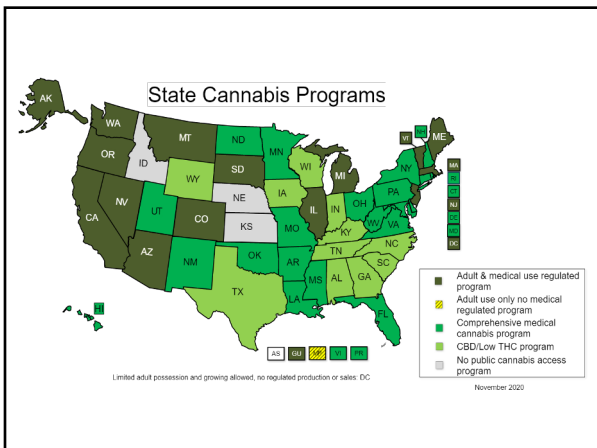


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When weed is legal...



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When Medicinal use is legal in your state...



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Legally Defensible Disability Accommodations

- All accommodations require striking a balance between employers' resources and employees' needs.
- The Americans with Disabilities Act requires accommodations, except for illegal drug use. What does this mean in a state where medical marijuana is legal?
- Consider a comprehensive policy and procedure for disability accommodations that addresses state law issues.
- Many state laws do not require employers to accommodate for medical marijuana use.

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It is still illegal under federal law.

You can still have a no tolerance policy, but is that the best idea?



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State decriminalization for recreational use

- Because marijuana remains federally scheduled, employers to test for marijuana and hiring/firing based on recreational use.
- Employers' policies should be updated to address employees working under the influence of marijuana.
- Employers that are subject to federal drug testing regulations, including safety-sensitive jobs, must still test and comply with applicable federal regulations.

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What are employers doing about it?

Should we stop testing for marijuana?

Will we have ADA liability if we deny employment for someone with a medical marijuana card?

Does failure mean the person is impaired?

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Does it
happen
here?



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Risk to your company

Marijuana users (National Safety council Oct. 2019):

- cause 85% more injuries at work;
- are absent 75% more often;
- cause 55% more industrial accidents;

than non-users.

Supporters will argue that there's no difference in risk.

Scott's advice: Keep safety sensitive positions clean.

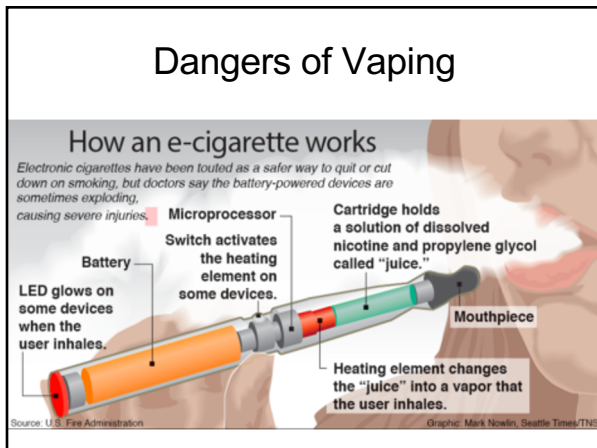
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CBD (cannabidiol)

- Do CBD products have THC?
- Can they get me high?
- Should we have a special policy covering CBD?




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Drug Free Workplace	
<p>Policy, Training, Testing Required</p> <ul style="list-style-type: none"> • Pre Employment • Post Injury • Reasonable Suspicion • Random • Return to Duty 	<p>Why?</p> <p>Safety</p> <p>Discount on Workers' Comp. Premium</p> <p>Productivity</p>

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	<p><u>Testing</u></p> <p>Go in cup</p> <p>MRO checks it</p> <p>Call if anything</p> <p>If illegal or no response = failure</p> <p>Refusal = failure</p>
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What is the Medical Review Officer looking for in the sample?

Temperature, acidity, dilution, masking agents (tampering)...

Cocaine, amphetamines, meth, THC, methadone, opiates, PCP, barbiturates, benzodiazepines, oxycodone

What is a refusal?

Refusing a test
Not showing up for a scheduled test
Saying, "I can't go" and not going...
Diluted samples could be...
Using another person's urine

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Role of the Supervisor



Stay Clean/Safe
Uphold Policy
Be Aware
Address Issues
Refer to EAP
Ask for Help

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Recognize the Signs

- red eyes
- poor muscle coordination
- delayed reaction times
- increased appetite
- sudden shift in mood from tense to relaxed
- abrupt symptoms of anxiety, panic, and/or hallucinations

Marijuana also has a distinctive smell, sometimes described as skunk-like. Catching a whiff of this scent on a person's clothing or hair could also be a sign that the person has used the drug recently.

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Next Steps

Do you need an updated substance abuse policy?

Want to become certified in your state and save on worker's comp. premiums?

Do you need training for your supervisors?



Is your pre-hire process compliant?

Are your consent forms compliant?

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Contact Info

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