



American Drug Testing

Drug-Free Workplace Programs

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DRUG-FREE WORKPLACE ADVISOR

AN ONGOING SERIES TO PROTECT YOUR COMPANY BY HELPING TO KEEP DRUGS OUT OF YOUR WORKPLACE.

What is Crack?

Crack is the street name given to the freebase form of cocaine that has been processed from the powdered cocaine hydrochloride form to a smokable substance. The term "crack" refers to the crackling sound heard when the mixture is smoked. Crack cocaine is processed with ammonia or sodium bicarbonate (baking soda) and water, and heated to remove the hydrochloride.



Because crack is smoked, the user experiences a high in less than 10 seconds. This rather immediate and euphoric effect is one of the reasons that crack became enormously popular in the mid 1980s. Another reason is that crack is inexpensive both to produce and to buy.

The Drug-Free Workplace Advisor



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President

is a resource of American Drug Testing, the Lowcountry's premier drug-free workplace administrator, and testing company. Let us help you maintain a drug-free workplace. Contact us at (843)747-4111.

The ADA's impact on Drug Testing

ADA is enforced by the Equal Employment Opportunity Commission or related human-rights agencies that sometimes carry out investigations and hold hearings at the state or county level. When ADA was enacted in the early 1990s, the drug and alcohol provisions were among the most contentious, and the resulting litigation over enforcement of this law during the past decade has done little to establish true "bright line" tests on what employers can and cannot do. The case precedent may vary depending on the Court of Appeals Circuit in a given area.

The application of ADA to active alcoholics (those still drinking) is particularly confusing because alcohol is a legal substance and an employer's rights are limited to regulation of on-the-job behavior. This makes it problematic if a worker reports to work extremely hung-over and, possibly, still impaired from the night before or from the "hair of the dog" imbibed before coming to a job site in the morning rendering an employee's blood alcohol level below the legal limit. The bottom line under prevailing case law is that alcoholics do not have to stop drinking to be protected by ADA. In a nutshell, DOL guidance on this subject lays out the following dos and don'ts for maintaining a drug- and alcohol-free workplace:

- Employers may prohibit the illegal use of drugs and alcohol in the workplace.



- ADA is not violated by tests for illegal use of drugs (but employers must meet state requirements, which may differ from federal standards).

- Employers may discharge or deny employment to people who currently engage in illegal drug use.

- Employers may not discriminate against drug addicts who currently are not using drugs and have been rehabilitated or have a history of drug addiction.



- Employers may not discriminate against drug addicts who are currently in a rehabilitation program, EAPs, outpatient treatment, and support groups such as Narcotics Anonymous or Alcoholics

Anonymous and must provide employees reasonable accommodation to attend such programs.

- Employers may discipline, discharge or deny employment to alcoholics whose alcohol use impairs job performance or conduct to the same extent that such conduct would result in disciplinary action for other employees.

- Employees who use drugs and alcohol may be required to meet the same standards of performance and conduct set for other employees.

- Individuals with a record of addiction or who are erroneously perceived as

being addicts are covered by ADA guidelines even if they are not addicts.

The Rehabilitation Act of 1973 is enforced under the same legal precedent as ADA. That

law requires federal contractors and subcontractors with government contracts in excess of \$10,000 to take affirmative action to employ and advance in employment qualified individuals with disabilities.

Source: National Roofing Contractors Assoc.