Addressing Opioid Use in the Workplace

Desiree Murphy, Esq.
Morgan, Brown & Joy, LLP

Under the Influence On the Job

When you see the signs of intoxication, remember safety first!

If there is any suggestion an employee is not fit for duty, do not allow him/her to work. (This concern extends to allowing them to drive themselves home.)

Under the Influence On the Job

Be sure to conduct an assessment to determine if the employee is impaired.

- If it is possible, have at least two supervisors assess the employee.
- Document the results of the assessment.

How to Address the Behavior

Discipline – did the employee violate a clearly established work rule/policy in coming to work intoxicated?

If the evaluation does not support a conclusion of intoxication, what can you do?

- Advise employee of existence of EAP
- Monitor employee for a period of time (formally or informally)

Legal Considerations

Addiction can be considered a disability:

- An employee must notify you before the problem.
- · Remember, you must provide a reasonable accommodation.

This does not require the employer to allow the employee to show up to work intoxicated.

