

Influencing Businesses Re: Drug-Free Policies

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I've been in "the drug business" most of my adult life both as a Drug Enforcement Administration (DEA) officer and as a DEA Demand Reduction Coordinator, as well as in the private sector, and I've seen a lot of progress. In spite of some of the things you've heard today, we have made a lot of progress since I started in this field 29 or so years ago.

Washington State has over 150,000 employers, and 80 percent of them have 20 or fewer employees. These small companies have drug users as employees.

Our goal in starting the Washington Drug-Free Business was to impact small businesses where most of the people were. One of the first things we did was to put in an incentive program with King County Medical Blue Shield, which is now Regent Blue Shield, the largest healthcare insurer in Washington State.

Win Pickering is now retired, but was the President and CEO of King County Medical Blue Shield. He heard me speak at a luncheon of business people where I said, "I need some partners. There's only one DEA Demand-Reduction Coordinator for five states, and I can't do this alone. How about some cooperation from the business community?" And he came up afterwards and said, "I'll volunteer. What can I do?" He had recently signed off on a claim where his company had paid out in excess of \$900,000 for a crack baby before the child even left the hospital. So he said, "I'm willing to put out a little bit of money for a pilot project, if it will eliminate one single claim such as that one." So I suggested to him, how about a 5-percent discount on medical insurance premiums, for employers that initiate a comprehensive drug-free workplace program?

Our drug free workplace program requires a written policy form, an employee-assistance program (EAP), two hours of supervisor training, some employee education or awareness program, and at least pre-employment and post-accident drug testing.

This program started in 1994, and then in 1996, my organization authored Senate Bill 5516 in Washington State. It gives a 5-percent discount on Worker's Compensation insurance. We took the health discount program and modified it a little bit. The written policy statement has to specify that there can be no terminations solely for a first-time positive drug test. You can terminate an employee for any other reason, but if the only thing you have against a worker is that he tested positive, he is allowed to keep his job, provided that he signs a Last Chance Agreement, in which he commits to following the recommendations of a professional employee assistance program and be monitored for two years, including return-to-work follow-up testing.

The employee assistance program had to be on a list of approved EAPs. The Alcohol and Drug Testing Program once again required pre-employment, post-accident, and follow-up testing. Reasonable suspicion and random testing are allowed under the law, but are optional for the companies.

Other requirements of the Senate bill are supervisor training, employee education, and a two-year continuing care component for any treatment. We also required that the employer have medical insurance available, whether it was provided by the company, the union, or some sort of a joint program.

The legislature added an amendment which stipulated that companies that already had a drug-free workplace program in place were not eligible for the program. The amendment also put a three-year limit on eligibility, based on the theory that after three years of a successful program, you should see enough of a reduction in your Workers' Comp claims.

My organization makes a smorgasbord of services available to these companies that decided to take advantage of the 5 percent discount. We have found that many - if not most - of them

needed a lot of help that they could not get from any other resources. Many of our employers said, "We tried to do it just like you said, Tom, and we went to the local EAP provider, and when they found out we only had 10 or 20 employees, they didn't even want to talk to us. So what do we do?" We ended up forming our own EAP consortium, and I think it's been very successful. We provide training at a central location so we can keep the costs down. Probably the most important thing that my organization furnishes these companies is a voice on the other end of the phone to offer advice when they get their first positive drug test, or when they get their first employee who walks in and says, "I got a problem, what do I do?" And of course, when the owner of the company has not read his own policy, we have to take them, and we willingly do this, step-by-step, through the program.

What I have found in the three years that I've been out there helping 600 companies manage their programs is how important the continuity of management is to smaller employers. I'll give you some examples. I would go out, train everyone in the company, all of the supervisors, and talk to each of the employees; we thought we had a perfect program. And then a year later I would send them an invoice for EAP services because they had a change in the HR department. I would get a phone call that said, "We're an office. We don't pollute the environment. Why do you charge me \$2000 for the *EPA*?"

We had companies who understood and signed off, and said, "Yes, we will train our supervisors on how to manage a drug-free workplace." And then we would go out and ask, "How have you accomplished your training?" One of them said, "Well, when I hire somebody I look them in the eye and say, 'We don't use drugs around here. You catch my drift?'"

I think overall, that we're learning and the small business owners are learning. I think the program has been very successful. But I want to stress to you, those of us who deal with smaller employers are really struggling to find the statistics and the data to show that **yes**, our programs are successful.

Q.

How have you managed to keep the movers and shakers in the business community involved year-in, year-out? How much transition has there been with your key people in terms of keeping it going?

A.

We are run by a volunteer board of directors, and we started out with some very generous grants from some of the major employers in the area that got us going. Our goal all along has been to become self-sufficient. I hate to go out and beg for money, and I honestly believe that if something's worthwhile, the member companies that get benefit from it should support it.

We charge a membership fee, and of course we make some money on the EAP and the drug-testing services, and for the last three years we have been completely self sufficient. But we could use more support for our Board of Directors, and also more publicity - like major corporations signing on, saying that they agree with these principles. That carries a lot of weight with smaller employers, and I wish I had more of them.