

Supervisor Training Outline

- Objectives of training
- Overview of Drug-Free Workplace Policy
- Supervisors' responsibilities
- Identifying performance problems and potential crisis situations
- Recognizing problems
- Intervention and referral
- Protecting confidentiality
- Continued supervision
- Enabling and supervisor traps
- Dos and Don'ts for supervisors

Objectives of Training

At the end of the training, supervisors should understand:

- The different components of the Drug-Free Workplace Policy
- Their role in implementing the Drug-Free Workplace Policy

Supervisors should also know how to:

- Identify and investigate crisis situations
- Recognize workplace problems that may be related to employee use of alcohol and other drugs
- Intervene in problem situations
- Refer employees who have problems with alcohol and other drugs
- Protect employee confidentiality
- Continue to supervise employees who have been referred to assistance related to problems with alcohol and other drugs
- Avoid enabling and common supervisor traps

Overview of Drug-Free Workplace Policy

The Drug-Free Workplace Policy accomplishes two major things:

- Sends a clear message that use of alcohol and drugs in the workplace is prohibited
- Encourages employees who have problems with alcohol and other drugs to voluntarily seek help

The policy exists to:

- Protect the health and safety of all employees, customers and the public
- Safeguard employer assets from theft and destruction
- Protect trade secrets
- Maintain product quality and company integrity and reputation
- Comply with the Drug-Free Workplace Act of 1988 or any other applicable federal, state or local laws

The Drug-Free Workplace Policy answers the following questions:

- What is the purpose of the policy and program?
- Who is covered by the policy?
- When does the policy apply?
- What behavior is prohibited?
- Are employees required to notify supervisors of drug-related convictions?
- Does the policy include searches?
- Does the program include drug testing?
- What are the consequences for violating the policy?
- Are there Return-to-Work Agreements?
- What type of assistance is available to employees needing help?
- How is employee confidentiality protected?
- Who is responsible for enforcing the policy?
- How is the policy communicated to employees?

Supervisors' Responsibilities

It is your responsibility, as a supervisor, to:

- Maintain a safe, secure and productive environment for employees
- Evaluate and discuss performance with employees
- Treat all employees fairly
- Act in a manner that does not demean or label people

It is NOT your responsibility, as a supervisor, to:

- Diagnose drug and alcohol problems
- Have all the answers
- Provide counseling or therapy
- Be a police officer

Legally sensitive areas:

- Safeguard employees' confidentiality
- Ensure the policy is clearly communicated
- Establish procedures to thoroughly investigate alleged violations
- Provide due process and ample opportunity for response to allegations
- If testing is included, ensure quality control and confirmation of positive tests
- Conform to union contracts, if applicable

Identifying Performance Problems and Potential Crisis Situations

It is important that you're familiar with the Drug-Free Workplace Policy when attempting to deal with highly-charged situations that may involve alcohol and drugs. If possible, when dealing with an employee regarding suspected use of alcohol and/or other drugs, a supervisor should call in another supervisor or manager who can act as a reliable witness.

One of a supervisor's first responsibilities when dealing with drugs and alcohol in the workplace is to distinguish between a crisis situation and a performance problem.

It is important to note that crisis situations are less common than performance problems.

Crisis situations can consist of:

- Dangerous behavior
- Threatening behavior
- Obvious impairment
- Possession of alcohol and other drugs
- Illegal activity

To investigate a potential drug or alcohol crisis situation, the supervisor should ask himself/herself the following questions:

- What exactly do you see?
- Does there appear to be illegal activity, policy violations or unusual behavior taking place?
- Is a group of people involved or a single employee?
- Are you the direct supervisor to anyone involved in the incident?
- Are reliable witnesses available?
- Is any physical danger involved in taking action or not taking action?
- Is the situation serious enough to require calling security or law enforcement?
- Is there a specific policy that applies to the situation?
- Does the situation require expert consultation from Human Resources, the Employee Assistance Program (EAP), if applicable, or security?
- Is this a situation that calls for reasonable-suspicion testing?
- Have you documented what you see and what you have done in response?

The following are recommended actions a supervisor should take when confronted with a possible drug or alcohol situation:

- Ask the employee to come to private area with another supervisor and/or security personnel
- Inquire about the behavior, rumor or report
- Inform the employee of your concerns
- Get his or her explanation of what is going on
- If you feel there is a problem, notify your superior
- If there is evidence or suspicion of recent use and based upon the employee's response and your drug-free workplace policy, the supervisor should:
 - Refer the employee to the EAP, if applicable
 - Place the employee on suspension until a formal investigation takes place
 - Arrange for the employee to be escorted home
 - Escort the employee to a collection for the drug test, if applicable (remember, if the employee is in no shape to work, he/she is in no shape to drive)
- If you make observations regarding the illegal distribution, possession, sale, transportation or manufacturing of controlled and dangerous substances on work property, contact local law enforcement. These situations usually result in a uniformed officer responding to conduct an investigation, make an arrest (if appropriate) and prepare a report. Due to the limited resources of most local law enforcement agencies, they may not conduct lengthy undercover investigations. If such a response is necessary, the employer has the option of securing the services of a private security investigator.

Recognizing Problems

Addiction: The irresistible compulsion to use alcohol and other drugs despite adverse consequences. It is characterized by repeated failures to control use, increased tolerance and increased disruption in the family.

On-the-Job Indicators of Addiction

Early Phase

Disease Progression	Impact	Visible Signs
<ul style="list-style-type: none"> • Uses to relieve tension • Tolerance increases • Memory blockouts • Lies about use 	<ul style="list-style-type: none"> ↓ To 90% efficiency ↑ Criticism from boss ↓ To 75% efficiency 	<p>Job Performance</p> <ul style="list-style-type: none"> • Makes more mistakes • Misses deadlines <p>Attendance</p> <ul style="list-style-type: none"> • Late • Absent <p>General Behavior</p> <ul style="list-style-type: none"> • Co-workers complain • Overreacts to criticism • Complains about being ill • Lies

Middle Phase

Disease Progression	Impact	Visible Signs
<ul style="list-style-type: none"> • Sneaks use • Guilty about use • Tremors • Depression • Loss of interest in activities 	<p>Loss of Job Advancement</p> <ul style="list-style-type: none"> ↑ Warnings from boss ↑ Family problems ↑ Financial problems ↑ Wage garnishment 	<p>Job Performance</p> <ul style="list-style-type: none"> • Spasmodic work pace • Difficulty concentrating <p>Attendance</p> <ul style="list-style-type: none"> • More days off for vague reasons <p>General Behavior</p> <ul style="list-style-type: none"> • Undependable • Avoids associates • Exaggerates • Unreasonable resentments

Late Middle Phase

Disease Progression	Impact	Visible Signs
<ul style="list-style-type: none"> • Avoids discussion of problem • Attempts to control use fail • Neglects food • Isolates self from others 	<ul style="list-style-type: none"> ↑ Disciplinary action ↑ Trouble with the law ↑ To 30% efficiency ↑ Serious family problems 	<p>Job Performance</p> <ul style="list-style-type: none"> • Far below expectations <p>Attendance</p> <ul style="list-style-type: none"> • Frequent time off • Doesn't return after lunch <p>General Behavior</p> <ul style="list-style-type: none"> • Aggressive; belligerent • Domestic problems interfere • Loss of ethical values • Won't talk about problem

Late Phase

Disease Progression	Impact	Visible Signs
<ul style="list-style-type: none"> • Believes that other activities interfere with use • Blames people, places and things for problems 	<ul style="list-style-type: none"> • Final warnings at work • Termination • Serious financial problems 	<p>Job Performance</p> <ul style="list-style-type: none"> • Formal discipline • No improvement <p>Attendance</p> <ul style="list-style-type: none"> • Prolonged unpredictable absences <p>General Behavior</p> <ul style="list-style-type: none"> • Use on the job • Physical deterioration

Intervention and Referral

Steps you should take when you have identified a performance problem and are going to discuss it with the employee:

- Document the performance problem
- Get yourself ready
- Set the stage
- Use constructive confrontation
- Refer for assistance
- Follow up on progress towards meeting performance goals

Document the performance problem

Documentation includes:

- The name of the employee
- The date, time and location of the incident
- A short summary of the supervisor's observations
- Any involvement of witnesses
- The action the supervisor takes to intervene
- The employee's response

Documentation provides:

- The employee specific evidence of the performance problem
- Objective factual information
- The performance picture over time
- The supervisor the ability to recognize the pattern of declining performance
- The means to prevent future meetings with the employee from being "his/her word against yours"
- Support for the corrective action process

Sample Incident Documentation Sheet

Employee Name:

Date:

Time:

Location of incident:

Description of incident:

Observations:

Odor of alcohol?

Odor of marijuana?

Attempt to conceal an object?

Behavior:

Nervous	()	Insulting	()
Sleepy	()	Exaggerated Politeness	()
Confused	()	Combative	()
Excited	()	Quarrelsome	()
Fatigued	()	Uncooperative	()
Poor Memory	()	Overly Talkative	()

Unusual Actions:

Sweating	()	Slow Reactions	()
Crying	()	Tremors	()
Fighting	()	Quick Moving	()

Speech:

Slurred	()	Slow	()
Confused	()	Thick	()
Rambling	()	Pressured	()

Balance:

Falling	()	Staggering	()
Unsure	()	Needs Support	()
Stumbling	()	Normal	()

Eye witnesses/other employees involved:

Supervisory action taken:

Consequences:

Follow up:

Intervention and Referral

Get yourself ready

- Discuss the matter with your supervisor and/or a Human Resources representative
- Discuss the problem with the Employee Assistance Program (EAP), if applicable*
- Prepare what you are going to say in advance and make notes
- Discuss the performance problem with the employee without delay, before it becomes more serious

*If EAP services are not available, supervisors may find it useful to consult with a community mental health professional or addiction treatment center with expertise in conducting interventions. This may help supervisors prepare for confronting an employee who is having performance problems that may be linked to alcohol and drug abuse. However, it is important to note that these professionals may not fully understand the limits in the workplace and the importance of keeping interventions focused on job performance matters only.

Set the stage

- Meet with the employee in a private place where interruptions will be limited
- Choose the best time of day considering workload and the employee's behavior
- Allow sufficient time for the meeting, but set a time limit
- Make an appointment with the employee in advance
- Allow for union representation, if appropriate

Constructive confrontation

- Tell employee you are concerned about his/her job performance
- State problem
- Refer to documentation of specific events
- Avoid over-generalizations
- Ask for explanation
- Avoid getting involved in discussions of personal problems
- Try to get employee to acknowledge what you see as the problem
- State what must be done to correct problem
- Set time frame for performance improvement
- Specify consequences if problem continues

Intervention and Referral

Refer for assistance

- Focus only on performance problems
- Do not attempt to determine whether alcohol or drug use is part of the cause
- Assure employee that you are not assuming that there is any kind of problem
- Acknowledge that performance problems are sometimes caused by personal problems
- Advise the employee that it is his/her responsibility to consider whether or not his/her poor performance is caused by an underlying personal problem.

If EAP services are available:

- Refer employee to the EAP
- Emphasize the confidential nature of the EAP
- Be clear about your expectations of the employee's performance and his/her participation in the program
- Continue to monitor job performance
- Apply progressive discipline as needed
- Notify the EAP if performance continues to decline

If EAP services are not available:

- Notify employee that if he/she believes there is an underlying problem, help may be available
- Offer list of therapists or treatment centers
- Emphasize that employee's decision whether or not to seek help is a private one and will not be made public.
- Explain any benefits that may be available (LWOP, insurance coverage, etc.)
- Be clear about your expectations of the employee's performance
- Continue to monitor job performance
- Apply progressive discipline as needed

Follow up on progress towards meeting performance goals

- Do not expect to get information about the employee's progress from an EAP or treatment provider
- Set a meeting to review the impact of your constructive confrontation and determine what progress has been made in terms of performance
- If employee discloses information about his/her meeting with an EAP or about his/her progress in treatment, this should not be the focus of your discussion.
- If performance is the same or has deteriorated further, review issues again and encourage employee again to seek assistance
- Determine the appropriate next step of discipline up to and including termination
- If performance has improved, let the employee know that you have noticed and appreciate his/her efforts
- Document the improvement

Slides 19-21
Handout 12

Protecting Confidentiality

For supervisory referrals to be effective, an employee needs to know that:

- Problems will not be made public
- Conversations with an EAP professional – or other referral agent – are private and will be protected
- All information related to performance issues will be maintained in his/her personnel file
- Information about an employee's referral to treatment, however, will be kept separately
- Information about treatment for addiction or mental illness is not a matter of public record and cannot be shared without a release signed by the employee
- If an employee chooses to tell coworkers about his/her private concerns, that is his/her decision
- When an employee tells his/her supervisor something in confidence, supervisors are obligated to protect that disclosure

If EAP services are available, employees are also assured that:

- EAP records are separate from personnel records and can be accessed only with a signed release from the employee
- EAP professionals are bound by a code of ethics to protect the confidentiality of the employees and family members that serve
- There are clear limits on when and what information the EAP professional can share and with whom

However, there are some limits on confidentiality that may require:

- Disclosure of child abuse, elder abuse and serious threats of homicide or suicide as dictated by state law
- Reporting participation in an EAP to the referring supervisor
- Reporting the results of assessment and evaluation following a positive drug test
- Verifying medical information to authorize release time or satisfy fitness-for-duty concerns as specified in company policy
- Revealing medical information to the insurance company in order to qualify for coverage under a benefits plan

Continued Supervision

After constructive confrontation and referral, the employee will need:

- Continuing feedback about behavior and performance
- Encouragement to follow through with continuing care and support groups
- Accurate performance appraisals and fair treatment
- Time to adjust to doing things differently
- Respect for his or her privacy
- Open lines of communication
- Corrective action if old behaviors reappear

Slide 26
Handout 14

Enabling and Supervisor Traps

Enabling: Action that you take that protects the employee from the consequences of his/her actions and actually helps the employee to NOT deal with the problem.

Examples of enabling include:

Covering Up – Providing alibis, making excuses or even doing an impaired worker's work rather than confronting the issue that he/she is not meeting his/her expectations.

Rationalizing – Developing reasons why the person's continued substance abuse or behavior is understandable or acceptable.

Withdrawing/Avoiding – Avoiding contact with the person with the problem.

Blaming – Blaming yourself for the person's continued substance abuse or getting angry at the individual for not trying hard enough to control his/her use or to get help.

Controlling – Trying to take responsibility for the person by throwing out his/her drugs, cutting off the supply or trying to minimize the impact by moving him/her to a less important job.

Threatening – Saying that you will take action (ceasing to cover up, taking formal disciplinary action) if the employee doesn't control his/her use, but not following through.

Examples of supervisor traps:

Sympathy – Trying to get you involved in his/her personal problems.

Excuses – Having increasingly improbable explanations for everything that happens.

Apology – Being very sorry and promising to change. (“It won’t happen again.”)

Diversions – Trying to get you to talk about other issues in life or in the workplace.

Innocence – Claiming he/she is not the cause of the problems you observe, but rather the victim. (“It isn’t true.” “I didn’t know.” “Everyone is against me.”)

Anger – Showing physically intimidating behavior, blaming others. (“It’s your fault.”)

Pity – Using emotional blackmail to elicit your sympathy and guilt. (“You know what I’m going through. How can you do this to me now?”)

Tears – Falling apart and expressing remorse upon confrontation.

Dos and Don'ts for Supervisors

DO emphasize that you only are concerned with work performance or conduct

DO have documentation or performance in front of you when you talk with the employee

DO remember that many problems get worse without assistance

DO emphasize that conversations with the EAP, if applicable, are confidential

DO explain that the EAP, if applicable, is voluntary and exists to help the employee

DO call the EAP, if applicable, to discuss how to make a referral

DON'T try to diagnose the problem

DON'T moralize. Limit comments to job performance and conduct issues only

DON'T discuss alcohol and drug use. Stick strictly to the topic of performance

DON'T be misled by sympathy-evoking tactics

DON'T cover up. If you protect people, it enables them to stay the same

DON'T make threats that you do not intend to carry out. If you threaten disciplinary action, you must follow through