

1.6 FAQs



What is a Recovery Friendly Workplace (RFW)?

A Recovery Friendly Workplace is a CT business that has adopted policies and practices that support employees in recovery from substance use disorder (SUD).

How much does it cost to be an RFW?

There are no external costs to become an RFW.

State-supplied resources, such as this toolkit, are free. The costs a business will face are internal – mainly in the form of time that must be spent to form policies and practices, communicate with employees about the program, and interface with advisers.

What are the benefits of becoming an RFW?

- Money saved through reduced absenteeism
- Healthier work environment
- Greater productivity
- Lower health care costs
- Greater workplace safety
- Access to advisors and other resources.

What if my company already has an Employee Assistance Program (EAP)?

A Recovery Friendly Workplace initiative can work within your EAP. Regardless of whether it's an internal EAP, external EAP, or a hybrid program, an RFW initiative is simply another way your EAP works to help employees.

Key things to consider:

- Positioning the RFW program as a significant addition to your EAP.
- Identifying areas of overlap.
- Using existing EAP communications channels to spread the word about RFW.
- Making sure RFW resources are quickly available to interested employees.
- Notifying and coordinating with your insurance/EAP services provider(s).



How does the federal Family Medical Leave Act (FMLA) impact employees and employers dealing with SUD?

The FMLA exists to protect the job and benefits of an employee during an unpaid leave of absence. It has specific provisions regarding time off for treatment of SUD.

The FMLA defines the rights of employees and employers within the process of approving an unpaid leave of absence for SUD.

It's important to remember that state and federal FMLA policies differ and must be examined to determine which ones govern how you implement this particular benefit.

NOTE: In 2022, the FMLA will apply to all CT employers.

See the Resources section for more information on FMLA.

What if my company has safety-and security-sensitive jobs and employees?

There are federal laws related to drug-testing requirements for industries that perform public safety and national security roles. Some examples: Federal Aviation Administration, National Highway Traffic Safety Administration, and the Federal Railroad Administration.

Most state and local law enforcement officers and emergency service providers are also required to undergo drug testing. However, the laws and regulations affecting these tests vary from state to state and agency to agency.

The State of Connecticut has developed its own set of "high-risk or safety sensitive" occupations. A full list is available online at: <https://www.ctdol.state.ct.us/wgwkstnd/laws-regs/HRSSOccupationsList.pdf>

If your company employs people in these sectors, stay current regarding drug testing policies, as they can help identify employees with potential SUD issues.



What is the insurance impact of becoming an RFW?

Insurers are still developing policies regarding RFWs. As of now, there's simply not enough experience or data for them to have specific business practices in place for RFWs.

Actions to consider:

- Notify your insurer of your intent to implement the RFW program.
- Ask them for an assessment of any impact on your current policies and pricing.
- If you have an Employee Assistance Program, notify its managers and vendors.
- In the future, be alert to insurance carriers' changes in policies regarding RFWs.

How does the Americans with Disabilities Act (ADA) relate to a company being a Recovery Friendly Workplace?

ADA provisions for defining what is a "disability" are still evolving as they relate to substance use disorder, and it is wise to seek professional counsel on how to interpret the current definitions and practices. Here is the 2020 interpretation of the ADA codes regarding alcoholism and SUD:

Alcoholism

Alcoholism is not automatically considered a disability under the ADA. A person addicted to alcohol is considered disabled only when the condition substantially limits in at least one major life activity, which may include, but is not limited to, the ability to work.

Substance Use Disorder

An employee is considered disabled as a result of having a substance use disorder only when the condition is substantially limiting in at least one major life activity. Individuals who have completed a supervised drug rehabilitation program may be covered.

What are the legal issues related to being an RFW?

Recovery Friendly Workplace programs are relatively new, and their legal ramifications are still taking shape. Employers should contact their firm's attorney or initiate a conversation with a firm that is experienced in employment law.



Key topics to discuss include:

- Potential conflicts between state laws vs federal laws
- CT Law 21a-408 and medical marijuana usage
- Employer rights vs Employee rights
- Union relationships
- Privacy issues
- Reasonable Suspicion and drug testing policies
- Termination policies
- Family Medical Leave Act (FMLA) provisions
- Occupational Safety and Health Administration (OSHA)
- Mental Health Parity Act
- Americans with Disabilities Act (ADA) provisions
- Health Insurance Portability and Accountability Act (HIPAA) privacy provisions
- Workers Compensation

How does employee use of medical marijuana relate to a Recovery Friendly Workplace?

The use of medical marijuana relative to the workplace is a legal area that is still unclear, largely because of potential conflicts between federal and state laws. It's advisable to talk to legal counsel with experience in employment law to understand exactly how medical marijuana bears on the operation of your Recovery Friendly Workplace.

Key issues to discuss:

- CT Law (21a-408).
- Rights of employers vs rights of employees.
- Policies around pre and post-employment drug testing, "reasonable suspicion," and disciplinary action for substance use.



Do Recovery Friendly Workplaces actually work?

Recovery in general is good for business because it holds these benefits:

- Improved productivity.
- Decreased healthcare costs.
- Reduced injuries.
- Reduced absenteeism. Employees in recovery take less unscheduled time off than their peers and miss less work than employees with SUD – and the general workforce.
- Reduced Presenteeism. This refers to workers who are physically at work, but so distracted by the impact of SUD on their personal and family lives that they are ineffective workers.
- Reduced employee turnover.

Where can employers turn for more help and access to resources?

See the Resources section of this toolkit.