



Drugs in the Workplace

JESS LANKFORD, CHIEF ADMINISTRATIVE OFFICER – NV OSHA

What We Will Discuss Today

- Employer responsibilities
- Prescribed/OTC Drug Use
- Illegal Drug Use
- Alcohol/Marijuana
- New Federal Rule
- Whistleblower protections



Employer Responsibilities

- ▶ Provide a workplace free from serious recognized hazards and comply with standards, rules and regulations issued under the OSH Act.
- ▶ Examine workplace conditions to make sure they conform to applicable OSHA standards.

Communicate effectively with employees

<https://www.osha.gov/as/opa/worker/employer-responsibility.html>

Employer Responsibilities

► Scope of Control?

What the job task is

Location of work station

Equipment to be used

Hazard Assessments



Employer Responsibilities

► Scope of Control?

Behavior

Attendance

Interactions



Hazard Assessments ?!?

Employer Responsibilities

▶ Hazard Assessments

- ▶ Hazards associated with the assigned work
 - ▶ How the work is completed
 - ▶ Location at which it is completed
 - ▶ What is used to complete the work

External or Independent Influences

Prescribed/OTC Drug Use

▶ Common medications that have influencing side effects:

- ▶ Cold/cough/Flu medicines
- ▶ Allergy medicines
- ▶ Sleep aides????

▶ Prescribed medications

- ▶ Pain management
- ▶ Psychotropic Medications
- ▶ Sleep aides????



Illegal Drugs

- ▶ **Depressants**
- ▶ **Stimulants**
- ▶ **Hallucinogens**



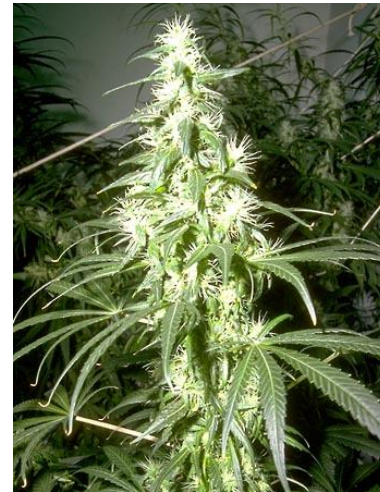
Alcohol & Marijuana

▶ Legal or not?

- ▶ Medical use of Marijuana in Nevada
- ▶ Legalization?

▶ Common issues

- ▶ Reduced reaction times
- ▶ Balance
- ▶ Coordination
- ▶ Judgement



New Federal Rules for Reporting

- ▶ **January 2017 – Submit 300 Log to Federal OSHA for internet posting**
 - ▶ Log accuracy
 - ▶ Negative effects of incentive or drug testing programs
 - ▶ Retaliation for incident reporting

<https://www.osha.gov/recordkeeping/finalrule/index.html>

Scope of Control ?

▶ **Injury and Illness Reporting**

- ▶ Employee Reporting of Incidents
 - ▶ Incentives
 - ▶ Drug Testing
- ▶ Supervisors Relationship with Labor



Whistleblower Protections

- ▶ **Workplace retaliation for protected activities under an applicable Act**
- ▶ **21 different Federal Acts provide for Whistleblower Protections**

Whistleblower Protections

1. Asbestos Hazard Emergency Response Act (AHERA)
2. International Safe Container Act (ISCA)
3. Surface Transportation Assistance Act (STAA)
4. Clean Air Act (CAA)
5. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
6. Federal Water Pollution Control Act (FWPCA)
7. Safe Drinking Water Act (SDWA)
8. Solid Waste Disposal Act (SWDA)
9. Toxic Substances Control Act (TSCA)
10. Energy Reorganization Act (ERA)

Whistleblower Protections

11. Wendell H Ford Aviation Investment and Reform Act (AIR21)
12. Corporate and Criminal Fraud Accountability Act, Title VIII of the Sarbanes-Oxley Act (SOX)
13. Pipeline Safety Improvement Act (PSIA)
14. Federal Railroad Safety Act (FRSA)
15. National Transit Systems Security Act (NTSSA)
16. Consumer Product Safety Improvement Act (CPSIA)
17. Affordable Care Act (ACA)
18. Consumer Financial Protection Act of 2010 (CFPA)
19. Seaman's Protection Act (SPA)
20. FDA Food Safety Modernization Act (FSMA)

Whistleblower Protections

▶ Nevada OSHA's Jurisdiction

- ▶ Only under the Occupational Safety and Health Act of 1970
- ▶ Directly related to protected activities associated with occupational safety and health
- ▶ Or the reporting of safety issues

Whistleblower Protections

▶ **NV OSHA Investigations**

- ▶ Complainant interviews
- ▶ Respondent rebuttals
- ▶ Site interviews
- ▶ Complainant response to rebuttals
- ▶ Respondent rebuttals (#2)
- ▶ Final determination
- ▶ District court

Questions?

▶ References

- ▶ <https://www.osha.gov/>
- ▶ <https://www.osha.gov/as/opa/worker/employer-responsibility.html>
- ▶ <https://www.osha.gov/recordkeeping/finalrule/index.html>
- ▶ <https://www.osha.gov/workers/index.html>