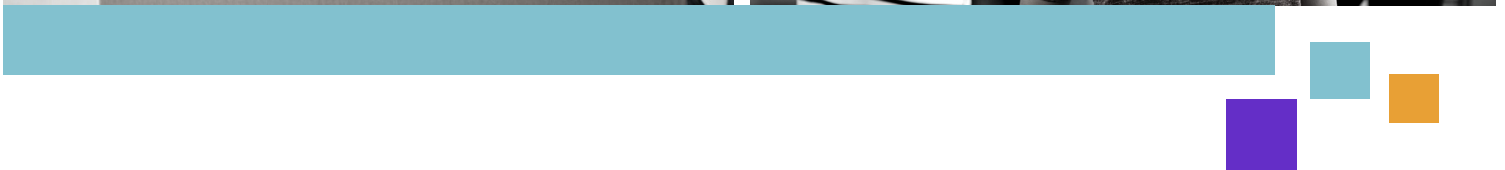




# Kentucky Small Business Toolkit for Hiring Employees in Recovery





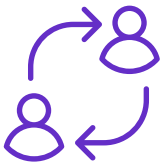
**Recovery** is a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential. (SAMHSA)

## What is a recovery-friendly workplace?

Substance use disorders (SUDs) impact Kentucky small businesses in many ways. SUDs are common in the workplace and lead to more absences, injuries, and increased costs for businesses. Workers in recovery from SUDs, however, take 10% fewer unplanned days off per year than the average number worker, and the turnover rate for employees in recovery is 12% lower.<sup>1</sup>

A recovery-friendly workplace is a business that puts policies and practices in place to hire, support, and retain staff who are in recovery. These changes can help employers expand their workforce and offer recovering employees one of the best tools for recovery—a job that provides structure and purpose.

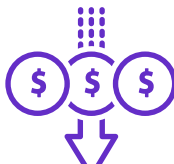
**Recovery-friendly workplace policies benefit employers in many other ways, including:<sup>2</sup>**



**Reducing employee turnover**



**Improving safety and productivity**



**Reducing health care costs**



**Promoting worker health and wellbeing**

**Becoming a recovery-friendly workplace includes:**

- Creating a positive work environment that is supportive of people in recovery
- Taking new approaches to recruiting employees
- Adopting new policies for hiring people in recovery
- Using tax credits, bonding programs, and community resources
- Connecting employees to recovery resources in the community
- Promoting your business as a recovery-friendly employer and communicating what that means to current employees and job applicants



## YOU DON'T HAVE TO DO IT ALONE

There are many great resources available in Kentucky that can help your business work toward becoming a recovery-friendly workplace:

### [Kentucky Transformational Employment Program \(KTEP\)](#)

KTEP is a program that employers can enroll in through the Kentucky Chamber Foundation. KTEP guides employers through the process of building a retention-oriented recovery-friendly workplace.

### [Kentucky Fair Chance Academy](#)

The Fair Chance Academy is also a program of the Kentucky Chamber Foundation. After attending, businesses are equipped with the knowledge, tools, and resources to help them successfully hire, train, and retain exceptional talent and be on the road to becoming transformational employers. To learn more about the programs at the Kentucky Chamber, contact: Ryan Bowman at [rbowman@kychamber.gov](mailto:rbowman@kychamber.gov) for more information.

### [Strategic Initiative for Transformational Employment \(SITE\)](#)

SITE helps employers work toward becoming transformational employers. They can assist with training, health and benefits, and HR policies. They also help link employers with individuals in recovery who are seeking employment.

[Additional resources and programs are listed in Section 3: Program Assistance.](#)



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### **AMERICANS WITH DISABILITIES ACT, SUBSTANCE USE DISORDER, AND RECOVERY<sup>3</sup>**

The Americans with Disabilities Act (ADA) is a federal law that gives civil rights protections to people with disabilities and ensures equal opportunities for employment.

#### **Does an individual in treatment or recovery from SUD have a disability under the ADA?**

Yes, individuals in treatment or recovery from SUD are considered to have a disability under the ADA.

#### **Does the ADA protect individuals who are taking legally prescribed medication to treat their SUD?**

Yes, if the individual uses a prescribed medication under the supervision of a licensed health care professional to treat SUD.

#### **Does the ADA protect individuals with SUD who currently participate in a drug treatment program?**

Yes, individuals with an SUD who are participating in a rehabilitation or drug treatment program are protected by the ADA if they are not currently using illegal drugs.

#### **Does the ADA protect individuals who are currently using illegal drugs?**

Generally, no. The ADA does not protect individuals currently using illegal drugs.

#### **Does the ADA protect individuals with a history of SUD?**

Yes, the ADA protects individuals with a history of SUD.

#### **Does the ADA provide any legal protections for individuals who are regarded as having SUD, whether or not they actually have an SUD?**

Yes, the ADA protects individuals who are "regarded as" having SUD, even if they do not have SUD.

#### **Does the ADA protect individuals from discrimination based on their association with individuals who have SUD?**

Yes, the ADA protects individuals from discrimination based on their relationship with an individual who has a disability.

Note: This document was adapted from the U.S. Department of Justice Civil Rights Division, [The Americans with Disabilities Act and the Opioid Crisis: Combating Discrimination Against People in Treatment or Recovery](#).

Additional Resource:

[The ADA National Network's webpage, The ADA, Addiction, and Recovery](#)

## ADDRESSING STIGMA IN HIRING PRACTICES

Research shows that employment helps people stay in recovery, but stigma can make it difficult for people in recovery to get a quality job. The word stigma is used to describe the negative beliefs that people have about people with SUD. People with a history of SUD often face difficulties in the job search process due to stigma, especially if they have a criminal record.<sup>4</sup> It is key to let job candidates know that the company is welcoming and supportive of people in recovery.

### Educate Your Business's Leadership, Management, and Staff

When addressing stigma, a great place to start is by educating yourself, your management, and your staff. Provide opportunities to learn about substance use disorder, stigma, language, and how each impacts the workplace. Below are some resources to help your business get started:

[Substance Use and Stigma: Considerations for Employers, National Safety Council](#)

[Training sessions offered by Kentucky Comeback](#)

### Check Your Language<sup>5</sup>

One of the simplest ways to reduce stigma is to change how we talk about people with SUD.

<p><b>WORDS OR PHRASES</b></p>	<p>Instead of saying "addiction" say "substance use disorder." Avoid terms like "junkie," "druggie," or "crack-head." Also avoid clichés like "once an addict, always an addict."</p>
<p><b>PERSON FIRST LANGUAGE</b></p>	<p>Avoid using the terms "addict" or a "user." Instead, use the phrase "person with a substance use disorder." By putting the person first, you acknowledge them, not their disease.</p>
<p><b>ACCURATE LANGUAGE</b></p>	<p>Remember that an SUD is a disease, not a moral failing. So talk about it like you would talk about any other disease. Help push back against stigma. Try to understand what people who have an SUD are struggling with and look for ways to help.</p>

Note: Language in this table was taken from [FindHelpNowKY.org's](#) fact sheet [Understanding the Impact of Stigma](#)

### Background Checks and Vetting New Employees

Background checks are an essential part of hiring, and it is important to be thoughtful and consistent when using them. The Society for Human Resource Management suggests waiting to ask about criminal history until later instead of on the job application to make the hiring process fairer. Their [article](#) provides tips on how and when to ask about criminal history during the hiring process. Currently, Louisville is the only city in Kentucky that bans employers from asking about criminal history on the job application.

Many recovery-friendly employers are open to hiring individuals with a criminal history. Getting the details of offenses and convictions allows employers to consider if an applicant is right for the job role and responsibilities. Background checks must be conducted in compliance with the [Equal Employment Opportunity Commission](#).

#### Tips for background checks<sup>6</sup>

- Apply the same background check procedures to all job candidates.
- Provide written notice of the background check and consent forms that are separate from the job application or other documents.
- Take steps to protect the privacy of every candidate's information.
- Apply the same standards for hiring or rejection to all candidates and consider each candidate's history individually.

#### Partnering with Recovery Centers

Some businesses have had success partnering with recovery centers to recruit new potential employees and provide third party validation from that the potential employee is actively in a recovery program, has safe housing, and is compliant with testing.



### Drug Testing

Drug testing is often part of a comprehensive drug-free workplace policy. Drug testing procedures should:

- Be detailed and clearly written
- Be enforced the same for all job candidates and employees
- Be communicated to all job candidates and employees on a regular basis
- Include how employees' privacy and drug testing records will be protected

### [Kentucky Drug-Free Workplace Program<sup>7</sup>](#)

Kentucky employers that adopt a drug-free workplace program qualify for a discount on their workers' compensation premiums. Employers aren't required to have such a program. If they do choose to do this, it must meet certain requirements, including both drug and alcohol testing.

### Types of screening<sup>8</sup>

Under Kentucky law, job candidates can be asked to take a drug test only once an employer has made a conditional employment offer. Some employers choose to write additional drug testing into their policies. Below are different types of testing employers may choose to use:

- Post-incident testing: testing employees who were involved in a workplace accident or unsafe practices to determine if alcohol or drug use were contributing factors
- Post-treatment testing: testing employees who return to work after completing a rehabilitation program can encourage them to remain drug-free
- Random testing: testing using a random selection process. In order for random drug screening to be legal, employees must be truly randomly selected, with no bias, prejudice, or favoritism
- Reasonable suspicion testing: testing employees who show signs of being under the influence of drugs or alcohol at work, or who have a documented pattern of unsafe work behaviors.

### Positive Drug Tests

It is up to the employer to decide what action to take or services to offer to employees when there is a positive drug test. Include this information in your policy.

### Second-chance agreements<sup>9</sup>

Some employers choose to have a second-chance policy that allows job candidates or employees who have a positive drug test to keep their job or job offer based on specific conditions being met. This can include requirements such as assessment by a certified substance use disorder professional, enrollment in treatment, and more frequent testing.

[See an example of a Second-Chance Agreement](#)

### Naloxone in the Workplace<sup>10</sup>

Naloxone hydrochloride (also known as naloxone, NARCAN® or Evzio®) is a drug that can temporarily help restore breathing and reverse the sedation and unconsciousness that are common during an opioid overdose. Consider implementing a program to make naloxone available in the workplace in the event of an overdose.

[Using Naloxone to Reverse Opioid Overdose in the Workplace Factsheet \(NIOSH\)](#)



### Family and Medical Leave Act (FMLA)<sup>11</sup>

FMLA applies to all employers with more than 50 workers. It allows certain employees to take up to 12 weeks of unpaid, job-protected leave per year. Eligible employees can use FMLA for treatment of SUD or a related medical problem. Under FMLA, employers cannot fire, demote, or refuse promotion because the employee takes time off for treatment. Employees are eligible for FMLA if:

- they have worked for the employer for at least one year and
- have worked at least 1,250 hours in the past 12 months.

To learn more about FMLA, visit the [Department of Labor's FMLA guide](#).

### Health Insurance Portability and Accountability Act (HIPAA)<sup>12</sup>

HIPAA sets rules for health information use and release. Under HIPAA:

- Employers can ask an employee for health information if needed for sick leave, workers' compensation, or health insurance.
- Employers cannot ask a health care provider for information about an employee.
- A health care provider cannot give out employee information without prior authorization from the employee.

#### Learn More :

- [Federal Laws and Regulations, Substance Abuse and Mental Health Services Administration \(SAMHSA\)](#)
- [10 Steps for Avoiding Legal Problems, SAMHSA](#)





## SAMPLE POLICIES

These sample policies were created for the Kentucky Comeback Employer Resource Guide. They are available freely to any employer. To avoid legal problems, it is best to work with human resources and legal experts when creating policies that are appropriate for your organization.



## **DRUG- AND ALCOHOL-FREE POLICY [SAMPLE]**

It is the policy of [COMPANY NAME] to maintain a drug- and alcohol-free work environment that is safe and productive for employees and others having business with the company.

The unlawful use, possession, purchase, sale, distribution, or being under the influence of any illegal drug and/or the misuse of legal drugs while on company or client premises or while performing services for the company is strictly prohibited. [COMPANY NAME] also prohibits reporting to work or performing services under the influence of alcohol or consuming alcohol while on duty or during work hours.

In addition, [COMPANY NAME] prohibits off-premises abuse of alcohol and controlled substances as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or the company's reputation in the community.

To ensure compliance with this policy, substance abuse screening may be conducted in the following situations:

**PRE-EMPLOYMENT:** As required by the company for all prospective employees who receive a conditional offer of employment.

**FOR CAUSE:** Upon reasonable suspicion that the employee is under the influence of alcohol or drugs that could affect or has adversely affected the employee's job performance.

**RANDOM:** As authorized or required by federal or state law.

Compliance with this policy is a condition of employment. Employees who test positive or who refuse to submit to substance abuse screening will be subject to termination. Notwithstanding any provision herein, this policy will be enforced at all times in accordance with applicable state and local law.

Employees or job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer after receiving written notification of the test result. If an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the company.

**PROCEDURE:** In cases where this policy is violated, we will take the following actions:

First Offense: "Under the Influence" of a substance (i.e., alcohol, controlled)  
Employee receives counseling/a written warning.

Second Offense: "Under the Influence" of substance (i.e., alcohol, controlled)  
Employee is immediately given a written warning/termination.

Third Offense: "Under the Influence" of a substance (i.e., alcohol, controlled)  
Employee is immediately terminated.

If an employee is drinking or using an illegal substance on company premises, the employee will be immediately terminated.

[COMPANY NAME] offers an Employee Assistance Program (EAP) benefit for employees and their dependents. The EAP provides confidential assessment, referral, and short-term counseling for

employees who need or request it. If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by the employee's medical insurance; but the cost of such outside services is the employee's responsibility.

Confidentiality is assured and NO information regarding the nature of the personal problem will be made available to supervisors, nor will it be included in the permanent personnel file.

The company offers resources and information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs.

## **ATTENDANCE POLICY [SAMPLE]**

All employees are expected to arrive on time, ready to work, every day that they are scheduled to work. You are hired to perform an important function at [COMPANY NAME]. As with any group effort, it takes cooperation and commitment from everyone to operate effectively.

Therefore, your attendance and punctuality are very important. Absences cause a slowdown in the work and added burdens for your fellow employees. Good attendance is something that is expected from all employees. You should be at your work station by the start of each workday at the time designated by the department. Excessive absenteeism or tardiness will not be tolerated and will be cause for disciplinary action up to and including discharge.

Regardless of the reason for your absence, you are expected to properly notify your supervisor on duty at least one hour in advance of your scheduled work time. Leaving a message does not qualify as notifying your supervisor. You must personally contact your supervisor. Lack of a telephone or absence from town is not an excuse for failing to notify your supervisor of absence or tardiness. You should call every day that you are absent unless you are on an approved leave of absence. Unreported and unexcused absences of two consecutive work days will be considered a voluntary resignation of employment with the company.

## **DISCIPLINARY PROCEDURE [SAMPLE]**

[COMPANY NAME] expects employees to comply with the company's standards of behavior and performance and to correct any noncompliance with these standards.

Under normal circumstances, the company endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees-at-will or in any way restrict the company's right to bypass the disciplinary procedures suggested.

The following steps are suggested in the discipline procedure. All steps should be documented in the employee's personnel file.

**STEP 1: Informal discussion.** When a performance problem is first identified, the nature of the problem and the action necessary to correct it should be thoroughly discussed with the employee.

**STEP 2: Counseling.** If a private informal discussion with the employee has not resulted in corrective action, following a thorough investigation, the supervisor should meet with the employee and (a) review the problem, (b) permit the employee to present his or her views on the problem, (c) advise the employee that the problem must be corrected, (d) inform the employee that failure to correct the problem will result in further disciplinary action that may include discharge, and (e) issue a counseling notice to the employee.

**STEP 3: Reprimand.** If satisfactory performance and corrective action are not achieved under Steps 1 and 2, the supervisor and his or her superior should meet with the employee in private and proceed via (a) through (d) above and issue a reprimand notice to the employee.

**STEP 4: Suspension.** Supervisors have the authority to temporarily remove employees from the workplace, with or without pay, if approved in advance by the department director and the director of Human Resources. An exempt employee generally may not be suspended without pay for less than a full day, and the suspension must be related to written workplace conduct rules applicable to all employees, such as a written policy prohibiting sexual harassment or workplace violence.

**STEP 5: Failure to improve.** Failure to improve performance or behavior after the written warning or suspension can result in termination.

The progressive disciplinary procedures described above also may be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.

In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the procedures contained above may be disregarded. Typically, the supervisor should suspend the employee immediately (with or without pay) and an investigation of the incidents leading up to the suspension should be conducted to determine if any further action, such as termination, should be taken.

## **ETHICS STANDARD POLICY VIOLATION [SAMPLE]**

[COMPANY NAME] has enacted the following ethics policy:

### **CONFIDENTIAL REPORTING**

All employees are required to report any activity that an employee reasonably believes to violate [COMPANY NAME]'s ethics policy, to constitute fraudulent activity, or to be in violation of any governmental regulation to the appropriate level of management in connection with this policy. All employees have the [COMPANY NAME]'s assurance that these reports will be considered completely confidential, and the identity of the reporting employee will not be disclosed under any circumstance. If an employee has exhausted all appropriate internal channels with management, the employee is encouraged to report the activity in question to the Treasurer or the Board Vice Chairman for Administration.

### **RETALIATION PROHIBITED**

[COMPANY NAME] has a strict policy prohibiting and will not tolerate retaliatory conduct in any form or manner, including but not limited to harassment, discrimination, or any other adverse action that impacts a term or condition of employment against any employee who has made a report under this policy. If a reporting employee is threatened with or experiences retaliatory conduct of any kind, s/he immediately shall report the retaliatory occurrence(s) to Human Resources, CEO or Vice Chair of Administration. [COMPANY NAME] will promptly and thoroughly investigate all reports of alleged threats of retaliation or retaliatory conduct, and take effective, remedial action to the extent appropriate.

### **ACTING IN GOOD FAITH**

As described herein, [COMPANY NAME] requires employees to report prohibited conduct and prohibits retaliation toward any employee who reports under this policy. At the same time, anyone filing a complaint under this policy must do so in good faith and have a reasonable factual basis to have reported the conduct or alleged conduct as potentially dishonest, fraudulent, unethical, or illegal. Failure to have made a report under this policy in good faith or the making of a report maliciously or with knowledge of its falsity is a serious offense and will be dealt with accordingly.

## **ETHICS STANDARD POLICY [SAMPLE]**

[COMPANY NAME] expects its employees to maintain the highest ethical standards at all times, but in particular when conducting [COMPANY NAME] business or in any circumstances that could reflect negatively on the organization. The intent of this policy is to ensure that every [COMPANY NAME] employee is clear about the mandatory nature of always conducting [COMPANY NAME] business with candor, reliability, integrity, and in strict compliance with all applicable laws, and to do so in a manner that excludes any consideration whatever of personal advantage or gain as well as in a manner that avoids even an appearance of personal advantage or gain.

### **GIVING/RECEIVING ITEMS OF VALUE:**

A. GIVING. Gifts, favors, entertainment, and payments may be given to others at expense, if they meet the following criteria:

1. They are consistent with accepted business practices.
2. They are of limited value and pre-approved by a divisional Vice President or the CEO and in a form that will not be construed as a bribe or payoff.
3. They are not in violation of applicable law and do not constitute unacceptable ethical standards.
4. Public disclosure of the facts will not create embarrassment, dishonor, or appearance of either for [COMPANY NAME] or tend to put [COMPANY NAME] in a negative light.

B. RECEIVING. Employees shall neither seek nor accept for themselves or others any gift, favor, entertainment, or payment without a legitimate business purpose, nor shall they seek or accept personal loans from any person, company or organization that: a) does or seeks to do business with [COMPANY NAME] or b) partners or seeks to partner with [COMPANY NAME].

Employees may accept:

1. Lunch and/or dinner invitations with an outside company, person, or organization (that is, customers/vendors/partners) assuming the invitation is extended by the outside company, person, or organization.
2. Gifts of small value such as calendars, pens, knives, etc., from an outside company, person or organization.
3. Tickets to events, assuming they are offered by the outside company, person or organization.
4. Gifts of perishable items usually given during the holidays, such as hams, turkeys, cookies, nuts, etc.

Receipt by an employee of any gift, item, or service with a value exceeding \$100 in connection with his or her work for [COMPANY NAME] shall be reported to the Vice President of Finance/CFO within 30 days. It is never acceptable or permissible to accept cash or cash equivalents, such as stocks or other forms of securities, of any amount.



## **INAPPROPRIATE OF INEFFECTIVE WORK BEHAVIOR [SAMPLE]**

As referred to herein, “inappropriate workplace behavior” or “ineffective workplace behavior” shall be subject to the following standards:

It is not possible to enumerate all forms of unacceptable, inappropriate, and/or ineffective workplace conduct; [COMPANY NAME] expects its employees to use good judgment and to adhere to reasonable standards of conduct and work performance.

In general, and without limitation, employees are expected to (1) conduct themselves professionally in the workplace, (2) adhere to traditional standards of honesty, good faith, and cooperation, (3) put strong effort into performing the individual’s job duties and perform one’s job effectively; (4) demonstrate a constructive attitude, (5) strictly refrain from engaging in insubordination, (6) avoid tardiness or absenteeism, (7) ensure that s/he is not intoxicated in the workplace at any time or at any event while representing [COMPANY NAME] in a public setting, (8) abide with [COMPANY NAME]’s alcohol/drug policy at all times, and (9) refrain from creating problems or disruption at work.

Any conduct that interferes with any employee’s work (one’s own or that of another person) or impedes the efficient and productive operation of [COMPANY NAME] will require review and consideration. Each situation shall be reviewed, and [COMPANY NAME] will take action that reflects the individual circumstances at hand, and the best interests of [COMPANY NAME].

It is the policy of [COMPANY NAME] to provide a safe work environment and encourage good personal health habits. The use or abuse of drugs or alcohol in a manner that adversely affects an employee’s conduct or job performance is considered to be unprofessional and/or disruptive if not also an unsafe and unsound practice. [COMPANY NAME] reserves the right to require any employee to submit to a drug test if there is “reasonable suspicion” that the employee is engaging in the use of, or is impaired by, alcohol or drugs in the workplace or where the employee has been involved in a work-related accident/injury.

Employees do not have a reasonable expectation of privacy in the workplace. [COMPANY NAME] reserves the right to search an employee’s workspace at any time, including locked desk drawers/closets. In addition, employees do not have a legitimate expectation of privacy in the use of social media, email etc., when using the employer’s network or when using the employer’s equipment.

# EQUAL EMPLOYMENT OPPORTUNITY POLICY [SAMPLE]

## DISCRIMINATION

[COMPANY NAME] provides an equal employment opportunity for all employees and applicants for employment without regard to sex, sexual orientation, gender, gender identity, age, race, color, religion, national origin, disability, citizenship, genetic information, veteran status and any other characteristic protected by law. [COMPANY NAME] and its supervisory personnel shall make all decisions regarding the material terms or conditions of an individual's employment, including but not limited to recruitment, hiring, promotion, demotion, assignments, training, disciplinary action, compensation and/or discharge without regard to sex, sexual orientation, gender, gender identity, age, race, color, religion, national origin, disability, citizenship, genetic information, veteran status, and any other characteristic protected by law. Any [COMPANY NAME] employee who believes that s/he has been subjected to less favorable treatment with respect to a term or condition of employment based on a protected characteristic, or believes that s/he is aware that *another* [COMPANY NAME] employee has been so subjected, must report his or her belief, using the process described in Section D below.

## HARASSMENT

[COMPANY NAME] prohibits unprofessional or inappropriate conduct of any kind, level, or manner toward any [COMPANY NAME] employee or by a [COMPANY NAME] employee, generally. Specifically, however, [COMPANY NAME] prohibits conduct that occurs because of or is related to a characteristic such as disability, gender, gender identity, sex, sexual orientation, age, race, ethnicity, national origin, religion, veteran status, and other categories or any other characteristic protected by law.

Examples of prohibited conduct include but are not limited to jokes, observations, remarks, or references that are derogatory, degrading, or discriminatory in nature. Also included are instances of non-verbal conduct related to a protected characteristic listed above. Sexual harassment is one variety of prohibited conduct and is difficult to precisely define. Again, by way of example and not limitation, sexually harassing conduct may include unwelcome sexual advances, requests for sexual favors, sexual jokes, and sexually motivated conduct in connection to another employee's body or physical characteristics whether verbal, nonverbal or physical. No member of management, supervisor, or any employee has any authority to engage in or subject an employee to such conduct.

It is important to remember that [COMPANY NAME] prohibits conduct of the type described in this policy whether or not it is legally actionable, i.e., is unwanted, is offensive to the individual to whom it is directed or offensive to others who may observe it, and is severe enough and/or occurs frequently enough to unreasonably interfere with an employee's ability to perform the duties of his or her position. Any [COMPANY NAME] employee who believes that s/he has been subjected to inappropriate conduct, as described in this policy, or is aware that another [COMPANY NAME] employee has been subjected to prohibited conduct must report his or her belief, using the process described in Section D below.

## RETALIATION

Importantly, [COMPANY NAME] will not tolerate retaliatory conduct in any form against any employee who either reports harassing conduct or who participates in an investigation under this policy. The identities and statements of individuals who participate in an investigation under this policy will be kept confidential to the extent confidentiality is consistent with a thorough investigation and appropriate [COMPANY NAME] action, if any. Generally, retaliatory conduct is adverse or unfavorable conduct toward a complainant, witness, or investigation participant for which there lacks an independent, legitimate business reason. Conduct prohibited by this policy is varied and may be, but is not limited to, withholding beneficial assignments or issuing unfavorable assignments; an unfavorable change in

schedules, hours, or breaktimes; poor work reviews or a failure to promote where deserved. Follow-up inquiries will be made to attempt to ascertain that retaliatory conduct is not occurring. However, any [COMPANY NAME] employee who believes that s/he has been subjected to [COMPANY NAME] retaliatory conduct as described in this policy, or is aware that another [COMPANY NAME] employee has been so subjected, must report his or her belief using the process described in Section D, below.

### **MANDATORY REPORTING AND INVESTIGATION**

Any employee subjected to conduct prohibited by the [COMPANY NAME]'s Discrimination, Harassment, and/or Retaliation policies has a duty to promptly report the matter to Human Resources. Failure to follow this mandatory reporting policy will result in some level of disciplinary action, depending on the facts and circumstances. If a [COMPANY NAME] employee is in any way uncomfortable reporting to Human Resources or is not satisfied with the response of that officer, the employee shall make a report directly to the CEO or the Vice Chair of the Board for Administration. Whether brought forth by a specific individual or individuals, or anonymously, once reported, the report will trigger [COMPANY NAME] to conduct a prompt, thorough investigation, and if a report is substantiated, to take prompt, effective remedial action. There are no exceptions. A complainant does not have the discretion not to disclose prohibited conduct, nor once reported to [COMPANY NAME], does a complainant have the discretion to then request that [COMPANY NAME] forego taking action. To the extent an allegation alleging conduct prohibited by any of the above policies is substantiated, [COMPANY NAME] will take prompt and effective corrective action against any individual found to have engaged in such conduct, up to and including termination of employment. Understand clearly that [COMPANY NAME] expects its employees, including all members of its leadership team, to act in a manner that is consistent with honesty and with good faith. Failure to act in good faith or less than honestly (e.g., making a false or exaggerated report) may result in the complaining party being subject to discipline, up to and including termination.

### **THIRD-PARTY HARASSMENT**

Employees who have been subjected by a third party to conduct that is inappropriate or unprofessional while operating within the scope of his or her employment (e.g., [COMPANY NAME] members, public officials, vendors, partners, etc.) are likewise subject to mandatory reporting under this policy as described in Section D, below. S/he must also report the matter to Human Resources or the [COMPANY NAME] President/CEO. [COMPANY NAME] will conduct a prompt, thorough investigation, and to the extent an allegation is substantiated, [COMPANY NAME] will take prompt and effective corrective action that is appropriate under the circumstances.

### **REASONABLE ACCOMMODATION**

It is the policy of [COMPANY NAME] not to discriminate against job applicants or employees who are qualified individuals with disabilities and to comply in all respects with local, state, and federal laws relating to individuals with disabilities and employment or public accommodations.

[COMPANY NAME] will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job. An individual who can be reasonably accommodated for a job without undue hardship will be given the same consideration for that position as any other applicant or employee.

If an employee has a disability that the employee believes limits the employee's ability to perform the employee's employment duties, the employee must report the disability to human resources and request an accommodation.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace—when such threat cannot be eliminated by reasonable accommodation—will not be hired. Current employees who pose a direct threat to the health or safety of other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made regarding the employee’s immediate employment situation.

### **WORKPLACE CONDUCT STANDARDS**

It is every employee’s responsibility to keep in mind that [COMPANY NAME] has high expectations for its employees. [COMPANY NAME] requires employees to conduct themselves in a professional manner at all times when at work or whenever involved in [COMPANY NAME] activities, whether on premises or off premises. It is important to remember that conduct may violate [COMPANY NAME]’s workplace conduct standards even where that conduct may not rise to the level of conduct that is legally actionable under local, state, or federal civil rights laws.

### **DIVERSITY**

[COMPANY NAME] is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the business and are valued for their skills, experience, and unique perspectives. This commitment is embodied in company policy and the way we do business at [COMPANY NAME] and is an important principle of sound business management.

## **OPEN DOOR POLICY [SAMPLE]**

[COMPANY NAME] values forthright, open, and productive communication and has an open-door policy that it intends to be an ongoing, good faith invitation to its employees to feel comfortable engaging in frank communication with management regarding work. Employees should feel free to reach out to their supervisors, and [COMPANY NAME] welcomes the opportunity for a supervisor to discuss any subject related to an employee's work and to work together to resolve any work-related problems that exist. If an employee believes that a specific issue cannot be resolved and/or feels uncomfortable discussing his/her concerns with his/her immediate supervisor, the employee is strongly encouraged to bring the matter to the attention of Human Resources or the President/CEO.

## **COMPLAINT PROCEDURE [SAMPLE]**

Any employee who believes they have been subject to or witnessed illegal discrimination, including sexual or other forms of unlawful harassment, is requested and encouraged to make a complaint. You may complain directly to your immediate supervisor or department manager, the HR director, or any other member of management with whom you feel comfortable bringing such a complaint. Similarly, if you observe acts of discrimination toward or harassment of another employee, you are requested and encouraged to report this to one of the individuals listed above.

No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any such claim or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

All complaints will be investigated promptly and, to the extent possible, confidentially. If an investigation confirms conduct contrary to this policy has occurred, [COMPANY NAME] will take immediate and appropriate corrective action, including discipline, up to and including immediate termination.

## **WORKPLACE VIOLENCE POLICY [SAMPLE]**

[COMPANY NAME] is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, we discourage employees from engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse, attempts to intimidate others, menacing gestures, stalking, or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace or at company-sponsored functions.

All [COMPANY NAME] employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor, manager, or the Human Resources department. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat in good faith under this guideline.

Any individual engaging in violence against the company, its employees, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken. Any such act or threatening behavior may result in disciplinary action up to and including termination.

[COMPANY NAME] prohibits the possession of weapons on its property at all times, including our parking lots or company vehicles. Additionally, while on duty, employees may not carry a weapon of any type. Weapons include, but are not limited to, handguns, rifles, automatic weapons, and knives that can be used as weapons (excluding pocketknives, utility knives, and other instruments that are used to open packages, cut string, and for other miscellaneous tasks), martial arts paraphernalia, stun guns, and tear gas. Any employee violating this policy is subject to discipline, up to and including dismissal for the first offense.

The company reserves the right to inspect all belongings of employees on its premises, including packages, briefcases, purses and handbags, gym bags, and personal vehicles on company property. In addition, [COMPANY NAME] may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and may remove all company property and other items that are in violation of company rules and policies.

## INCENTIVE PROGRAMS

PROGRAM	DETAILS	WEBSITE
<p><b>The Work Opportunity Tax Credit (WOTC)</b></p>	<p>Your company may be eligible for the federal WOTC if you hire certain individuals in recovery, such as those with felony convictions, some veterans, and individuals with a disability.</p>	<p><a href="https://kyworks.ky.gov/Pages/Work-Opportunity-Tax-Credit.aspx">https://kyworks.ky.gov/Pages/Work-Opportunity-Tax-Credit.aspx</a></p>
<p><b>Kentucky Fair Chance Bond</b></p>	<p>Kentucky Fair Chance Bond is part of the Federal Bonding Program. Employers can receive fidelity bonds free of charge when hiring certain job applicants, such as individuals in recovery or with a criminal record.</p>	<p><a href="https://kyworks.ky.gov/Services/Pages/Kentucky-Fair-Chance-Bond.aspx">https://kyworks.ky.gov/Services/Pages/Kentucky-Fair-Chance-Bond.aspx</a></p>

## KENTUCKY PROGRAMS AND SUPPORT SERVICES FOR EMPLOYERS

PROGRAM	DETAILS	WEBSITE
<p><b>Kentucky Career Center (KCC)</b></p>	<p>KCC can assist employers with applying for the Work Opportunity Tax Credit and the Federal Bonding Program.</p>	<p><a href="https://kcc.ky.gov/Pages/index.aspx">https://kcc.ky.gov/Pages/index.aspx</a></p>
<p><b>Kentucky Transformational Employment Program (KTEP)</b></p>	<p>KTEP is a program that employers can enroll in through the Kentucky Chamber Foundation. KTEP guides employers through the process of building a productive and retention-oriented recovery-friendly workplace.</p>	<p><a href="http://www.kentuckycomeback.com/kt ep/">www.kentuckycomeback.com/kt ep/</a></p>
<p><b>Kentucky Talent Hub</b></p>	<p>A platform where employers can post fair chance positions and directly engage with applicants.</p>	<p><a href="https://talenthubky.com/home">https://talenthubky.com/home</a></p>



PROGRAM	DETAILS	WEBSITE
<p><b>Kentucky Fair Chance Academy</b></p>	<p>The Fair Chance Academy connects businesses with openings to those in active recovery seeking meaningful employment. After attending the Fair Chance Academy, Kentucky businesses are equipped with the knowledge, tools, and resources to help them successfully hire, train, and retain exceptional talent and be on the road to becoming transformational employers.</p>	<p><a href="https://kentuckycomeback.com/fairchanceacademy/">https://kentuckycomeback.com/fairchanceacademy/</a></p>
<p><b>Naloxone resources</b></p>	<p>Some employers may choose to keep naloxone on hand and be trained to use it. Many local health departments can provide access to naloxone and training on when and how to administer it.</p>	<p><a href="http://www.chfs.ky.gov/agencies/dph/dafm/Pages/lhd.aspx">www.chfs.ky.gov/agencies/dph/dafm/Pages/lhd.aspx</a></p>
<p><b>Strategic Initiative for Transformational Employment (SITE)</b></p>	<p>SITE helps employers work toward becoming transformational employers. They can assist with training, health and benefits, HR policies, and necessary changes to organizational culture. They also help link employers with individuals in recovery who are seeking employment.</p>	<p><a href="https://www.siteky.org/">https://www.siteky.org/</a></p>

Listed below are resources that employers may refer employees to for assistance with needs related to recovery.

RESOURCE	SERVICES	WEBSITE/CONTACT
<b>County Health Departments</b>	<p>County health departments provide free or lower-cost health care, such as:</p> <ul style="list-style-type: none"> <li>• health screenings</li> <li>• vaccines</li> <li>• women's and children's health care</li> </ul> <p>Different counties offer different services.</p>	<p><a href="http://www.chfs.ky.gov/agencies/dph/dafm/Pages/lhd.aspx">www.chfs.ky.gov/agencies/dph/dafm/Pages/lhd.aspx</a></p>
<b>Find Help Now KY</b>	<p>This website helps find SUD treatment facilities that are currently taking clients.</p>	<p><a href="http://FindHelpNowKY.org">FindHelpNowKY.org</a></p>
<b>Find Recovery Housing Now KY</b>	<p>This recovery housing registry has search tools and detailed filter options to help find National Association of Recovery Residences-certified or Oxford House-chartered recovery residences that meet specific needs.</p>	<p><a href="http://FindRecoveryHousingNowKY.org">FindRecoveryHousingNowKY.org</a></p>
<b>Kentucky Adult Education Skills</b>	<p>Every county in Kentucky has free classes to help people improve their education, such as:</p> <ul style="list-style-type: none"> <li>• GED classes</li> <li>• English classes</li> <li>• college prep or career training</li> </ul>	<p><a href="http://www.kyae.ky.gov/Pages/index.aspx">www.kyae.ky.gov/Pages/index.aspx</a> (502) 573-5114</p>
<b>Kentucky Department for Community Based Services</b>	<p>This agency helps people with health and well-being needs, such as:</p> <ul style="list-style-type: none"> <li>• SNAP/food stamps</li> <li>• Medicaid benefits.</li> </ul> <p>You must apply to get benefits.</p>	<p><a href="http://www.chfs.ky.gov/agencies/dcbs/Pages/default.aspx">www.chfs.ky.gov/agencies/dcbs/Pages/default.aspx</a> 1-855-306-8959</p>

RESOURCE	SERVICES	WEBSITE/CONTACT
<b>Kentucky Harm Reduction Coalition</b>	<p>This group has information on substance use disorder needs and provides assistance, such as:</p> <ul style="list-style-type: none"> <li>• free naloxone mailing program to assist qualifying uninsured individuals</li> <li>• training on how to use naloxone</li> </ul>	<a href="http://kyhrc.org">kyhrc.org</a>
<b>Kentucky Housing Corporation</b>	<p>This agency has programs that help people find affordable and safe housing.</p>	<a href="http://www.kyhousing.org">www.kyhousing.org</a> (502) 564-7630
<b>Kentucky Naloxone Copay Program</b>	<p>All Kentucky residents that are either uninsured or have private pay insurance may be eligible for copay assistance for naloxone prescriptions.</p>	<a href="https://www.kphanet.org/copay">https://www.kphanet.org/copay</a> (502) 227-2303
<b>Kentucky Public Transit</b>	<p>This website provides a list of all public transportation in each county.</p>	<a href="https://transportation.ky.gov/TransportationDelivery/Pages/Public-Transportation-Providers.aspx">https://transportation.ky.gov/TransportationDelivery/Pages/Public-Transportation-Providers.aspx</a> (502) 561-3690
<b>KY HELP Statewide Call Center</b>	<p>This is a helpline for individuals seeking treatment for themselves or others as well as family members who have questions or are in need of support.</p>	1-833-859-4357 M-F 8:30 a.m.-10:00 p.m. 1-800-854-6813 after hours



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## GIVE US YOUR FEEDBACK

Please [click here](#) or use the QR code below to complete a brief survey. Your feedback helps us to improve future output.



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