



**SUPPORTING EMPLOYEES
WITH SUBSTANCE USE
DISORDER: A GUIDE FOR
EMPLOYERS**

Supporting Employees with Substance Use Disorder: A Guide for Employers

INTRODUCTION

An [estimated](#) 46 million Americans aged 18 or older experience substance use disorder (SUD). Nearly [two-thirds](#) of this population, 30.1 million, are employed. Employees with SUD, both treated and untreated, work across various sectors, industries, and sizes of employers. Employers who effectively respond to substance use in the workplace and work to hire, onboard, retain, and advance people in recovery from SUD benefit from an expanded labor pool, increased worker well-being, decreased turnover, improved productivity, and reduced health care costs.

Because employers are uniquely positioned to address SUD in a way that benefits them and the nation's economy, a [National Drug Control Strategy](#) (PDF) was created to promote and support [recovery-ready workplace \(RRW\) policies](#) across the public, private, and federal sectors. This document supports employers in developing RRW policies and provides information to help them address substance use in their workforce.

What is SUD?

[SUD is a health condition](#) that refers to the recurrent use of alcohol and/or drugs that “causes clinically significant impairment,” including related health conditions or failure to meet responsibilities at work, home, or school. [SUD](#) is a “treatable [condition] that affects a person’s brain and behavior, leading to their inability to control their use of substances like legal or illegal drugs, alcohol, or medications.” When SUD progresses to addiction, [it is defined](#) (PDF) as a “chronic condition that can be treated but generally not cured, like diabetes or heart disease.” Commonly known SUD subsets focus on specific types of substance use:

- [Opioid use disorder \(OUD\)](#): OUD refers to the “problematic use of opioids causing significant impairment or distress” and is classified as a [public health emergency](#) in the United States.
- [Alcohol use disorder \(AUD\)](#): AUD is a “medical condition characterized by an impaired ability to stop or control alcohol use despite adverse social, occupational, or health consequences.”

Who is impacted by SUD?

Although SUD exists across all sectors of society, its prevalence has [more of an impact](#) on certain groups. For example, many people with SUD also have underlying mental health conditions such as anxiety and depression. Of those who develop SUD, [58 million people](#) (PDF) aged 18 or older have a mental health condition, and about [one in four](#) are classified as “serious.”

Data show that SUD significantly impacts all populations, particularly those from historically underserved communities:

- American Indian and Alaska Native (AIAN), Native Hawaiian and Other Pacific Islander (NHOP), and Black communities aged 12 or older are significantly impacted by SUD [[Substance Abuse and Mental Health Services Administration \(SAMHSA, Slide 24\)](#) (PDF)].
- Female adults older than age 18 account for 11.1 million people who have co-occurring SUD and mental health conditions ([SAMHSA, Slide 44](#)).
- Of all LGBTQIA+ adults aged 18 or older, 8.1 million have SUD ([SAMHSA, Slide 23](#)).
- SUD is prevalent among justice-involved youth (JIY) and is a strong predictor of re-offending, with [60% of youth](#) in juvenile facilities meeting the criteria for SUD.

SUPPORTING EMPLOYEES WITH SUD

Are people with SUD protected from employment discrimination?

According to the [Equal Employment Opportunity Commission \(EEOC\)](#), SUD may be a disability under the Americans with Disabilities Act (ADA). Under Title I of the ADA, employers with 15 or more employees who are private, state government, or local government may have a legal obligation to provide accommodations to people with SUD. [Subtitle A of Title II of the ADA](#) prohibits public entities such as state and local governments, regardless of workforce size, from discriminating against people with disabilities in their employment practices.

The ADA's nondiscrimination standards also apply to **federal sector** employees under [Section 501 of the Rehabilitation Act \(Rehab Act\)](#). [Section 501](#) prohibits federal agencies from discriminating on the basis of disability and requires them to provide reasonable accommodations. Affirmative action is not a requirement under the ADA but is under the Rehab Act. Federal employers must take [proactive steps](#) to employ and advance disabled people. One way to meet this requirement is to employ people with a history of SUD.

As a part of doing business with the Federal Government, federal contractors and subcontractors must meet certain obligations under [Section 503 of the Rehab Act](#), including not discriminating against qualified job applicants or employees on the basis of disability. Covered federal contractors and subcontractors are also required to ensure that their workforces are inclusive of disabled workers. Hiring people with SUD and encouraging them to [self-identify](#) is one way federal contractors can meet their obligations.

How can employers support and retain employees with SUD?

Fostering a culture in which SUD is recognized as a treatable health condition from which people can and do recover is the first step in creating an RRW. A key to developing this [inclusive culture](#) is to provide a **seamless accommodation process** that results in effective accommodations when needed.

When exploring accommodations for employees with SUD, start by **asking the employee for suggestions**—employees are often the best resource for practical accommodation ideas. If the employee does not have ideas that work, the [Job Accommodation Network \(JAN\)](#) can help. JAN provides confidential technical assistance on workplace accommodations and related disability employment issues at no cost, which includes offering [accommodation ideas](#) for people with SUD.

Another way to support employees with SUD is to provide [workplace flexibility](#), such as telework and flexible scheduling, as a benefit of employment. When flexibility is built-in, employees with disabilities have less need to disclose personal medical information and request accommodations, making the workplace more inclusive. In addition to providing accommodations through a formal process, workplace flexibility is another way to help promote RRW policies.

Mental health and workplace well-being should also be at the forefront of every employer's planning. Through collaboration, employers can create supportive, inclusive, **mental health-friendly workplaces** for all workers, which can be especially helpful to employees with SUD. The [Employer Assistance and Resource Network on Disability Inclusion \(EARN\) Mental Health Toolkit](#) contains information and tools that can help.

If you do not already have a **paid leave policy** that covers time off needed by employees with SUD, you might consider developing one. Paid leave can ease some of the [stress associated with having SUD](#) (PDF) and can [benefit](#) (PDF) you as an employer. For example, [paid leave policies](#) (PDF) have improved employee retention and increased productivity for all workers, including workers from historically underserved communities.

Finally, another way to support employees with SUD is to refer them to **available organizational resources**, especially when they are undergoing treatment. If you have internal resources such as an [Employee Assistance Program \(EAP\)](#) or [Employee Resource Group \(ERG\)](#), an employer can remind employees that these options are available.

Do employees with SUD work successfully with accommodations?

Although accommodations are not always necessary for those working with SUD, they are often helpful when needed. Beyond potential legal obligations, there are numerous [benefits](#) to providing accommodations. Below are examples of workers who continue to successfully work with accommodations.¹

Meet Aisha. Aisha is a production worker for a manufacturing company. They went to their Human Resources Business Partner (HRBP) to request a schedule change for SUD-related treatment. Aisha asked for a transfer from the night shift to the day shift to attend counseling with her sponsor, who is only available in the evening. The HRBP worked with Aisha's manager to change their shift and remove the mandatory overtime requirement on days when attending counseling.

Meet Bryer. Bryer is a package handler for a distribution company. Bryer is in recovery from SUD and experiences anxiety in face-to-face discussions. This prompted Bryer to request a change in management style from their operations manager when providing performance-related feedback. Bryer now receives a written performance review with the option to have a discussion later.

Meet Kiran. Kiran is a substance use counselor with a history of OUD and a mental health condition who approached their supervisor to request an accommodation. Kiran expressed that their disability is exacerbated during specific time periods, e.g., holidays, anniversaries of traumatic events, etc. After working with Kiran to develop their work schedule, the supervisor modified Kiran's attendance agreement to give them leave during the times requested. Kiran also has the flexibility to request unscheduled leave if needed.

Meet Riddhi. Riddhi is a sales representative with AUD who faced termination for violating a workplace policy against being under the influence of alcohol when working. As part of a ["fair chance offer"](#) (PDF) of continued employment, Riddhi agreed to seek treatment and undergo periodic alcohol testing for several months after returning to work.

QUESTIONS AND ANSWERS

What types of accommodations might be effective for employees with SUD?

Accommodations vary depending on the employee's limitations, job duties, work environment, and the employer's resources, so they should be approached on a case-by-case basis. Examples of accommodations that are often effective for employees with SUD include:

- Providing a flexible schedule to attend meetings and receive ongoing treatment
- Minimizing exposure to stress and other potential relapse triggers
- Reducing distractions to help with concentration
- Lessening physical exertion to help with fatigue

¹ These examples were created from aggregated JAN data. They do not represent any specific person or organization.

Can we have and enforce rules about the use of alcohol and the illegal use of drugs in the workplace?

The ADA expressly permits employers to prohibit the use of alcohol or the illegal use of drugs in the workplace. Consequently, an employee who violates such policies, even if the conduct stems from SUD, may face the same discipline as any other employee. The ADA also permits employers to require that employees not be under the influence of alcohol or the illegal use of drugs in the workplace ([EEOC, Question 26](#)). However, if the employee has a valid prescription – for example, if they are taking an opioid medication as directed in a medication-assisted treatment (MAT) program – then their use of the medication is legal. Under the ADA, an individual cannot be denied a job or fired from a job because they are in a MAT program unless they cannot do the job safely and effectively, or they are disqualified under another federal law.

If an employee requests a flexible schedule to attend meetings following treatment for SUD, can we ask the employee to attend meetings during non-work hours instead?

The interactive process is crucial to determining an accommodation that works for both employees and employers. When an employee requests a flexible schedule to attend meetings following treatment for SUD, an employer may discuss whether it is possible for the employee to attend meetings before or after work rather than modify the employee's schedule. For more information, see [Modified Schedules to Attend Alcoholics Anonymous/Narcotics Anonymous Meetings](#).

How do we accommodate an employee with SUD who indicates they need to avoid stress?

Because stress is subjective, stress management starts with identifying what is causing the specific employee stress. Once the source of stress is identified, the next step is to determine whether there are accommodations to reduce or eliminate the stress.

We want to start giving employees with SUD a chance to recover and maintain their jobs. At the same time, we want to protect our company and make sure the employee gets treatment. What approach might we take?

As an alternative to termination or other disciplinary actions, employers can make a fair chance offer of continued employment (formerly referred to as last chance or firm choice agreement) that includes requirements such as screening, assessment, and treatment by a designated substance use professional or organization. In addition, the offer might consist of a return-to-work plan with requirements such as drug testing and ongoing treatment. See Appendix 7 in the [Recovery-Ready Workplace Toolkit](#) (PDF) for additional guidance.

As a part of our safety program, can we test applicants and employees for alcohol and drug use?

The ADA does not prohibit, require, or encourage drug tests. Because drug tests are not considered medical examinations, an applicant can often be required to take a drug test before a conditional offer of employment has been made ([EEOC, In General](#)). An employee also can be required to take a drug test, whether or not such a test is job-related and necessary for the business. A test to determine an individual's blood alcohol level, however, would be a "medical examination" and could only be required by an employer in conformity with the ADA ([EEOC, Section 8.9](#)).

Can we deny employment to a person with SUD because they may be a threat to safety?

An employer may not deny employment to a person with a disability merely because of assumed risk. The ADA prohibits covered employers from excluding disabled people from the workplace for health or safety reasons unless they pose a direct threat. A [direct threat](#) is a significant risk of substantial harm to the health or safety of the person or others that cannot be eliminated or reduced by accommodation. An employer must take time to evaluate several factors to determine whether a person would pose a direct threat.

While we want an inclusive workplace where employees feel comfortable disclosing that they have SUD, we also want to maintain confidentiality. What are some best practices that can help us?

To help ensure employees are comfortable requesting an accommodation or accessing assistance, organizations should emphasize transparency in the process, clarify exactly how personal data will remain confidential, and reassure workers that disclosure of personal information will not influence advancement opportunities. With limited exceptions, medical information [must be kept confidential](#).

How do we increase our hiring of people with a history of SUD?

There are several strategies employers can use to embed disability inclusion in their recruiting and hiring practices:

- Organize specific disability-related [outreach and recruitment](#) efforts
- Use [community partnerships](#) with disability organizations to attract applicants not currently in the workforce
- Participate in [internship programs](#) for students, trainees, and VR clients with disabilities

Federal employers can enhance current recruitment practices via [Schedule A](#) or [other hiring authorities](#) (PDF). The [Schedule A hiring authority](#) allows candidates with disabilities, including those with SUD, to apply for federal appointments through a noncompetitive hiring process. If an applicant meets the eligibility status of the appointment and the minimum qualifications for a position, they may be hired for the position without competing with members of the general public. Promising practices can be found in the 2024 EEOC report "[Promising Practices for Using Schedule A to Recruit, Hire, Advance, and Retain Persons with Disabilities](#)."

Where can I refer employees with SUD to get more information?

An additional companion publication, [A Guide for Workers with Substance Use Disorder: What You Should Know](#), provides information and resources to educate employees with SUD on their rights.

Where can I find additional information?

Recovery-Ready Workplace Development

- [Recovery-Ready Workplace Resource Hub](#)
- [Recovery-Ready Workplace Toolkit: Guidance and Resources for Private and Public Sector Employers](#) (PDF)

Resources to Help Employers Support and Accommodate Employees with SUD

- [Accommodating Workers with Substance Use Disorder](#)
- [Inclusion@Work: A Framework for Building a Disability-Inclusive Organization](#)
- [Mental-Health Toolkit](#)
- [Opioid Use and Mental Health in the Construction Industry: The Importance of Workplace Supports](#)
- [Performance and Conduct Management of an Employee with Opioid Addiction](#) (Video)