



A plan to assist the employee is maintaining abstinence is:

**A Return to Duty Agreement**, to include follow up drug and/or alcohol testing, is an effective tool in outlining the expectations for continued employment in a Drug Free Workplace. Follow up is a crucial element in the implementation of a return to duty agreement. An EAP or Substance Abuse Professional is well positioned to provide services when continued chemical dependency treatment and/or community support meetings are a part of an employees continued care or aftercare program.

**Follow up drug testing** is the responsibility of the employer. In the case of a DOT covered employee seeking assistance voluntarily or a non DOT employee's positive drug or alcohol test, a return to duty agreement 'with teeth' will include in the policy that the employee comply with non-DOT testing on a follow up basis. A DOT covered safety sensitive employee who has failed a DOT drug and/or alcohol test will have the extent and duration of the required follow up testing recommended by the Substance Abuse Professional (SAP). This information must be provided as part of a Notice of Compliance report sent by the SAP to the employer's designated representative. Follow up testing must at a minimum include six tests over the course of the first twelve months or it can be recommended for up to five years. The most important part of the Return to Duty agreement is the follow up. A troubled employee can use any excuse to explain why they haven't attended a counseling session or meeting. The employee assistance professionals determine if the employee is staying on track. I often remind supervisors that drug and/or alcohol dependent employees are very manipulative and can easily mislead you if you do not have the skills necessary to identify relapse behavior. Periodic supervisory training is certainly beneficial in maintaining awareness of the signs and symptoms of problems in the workplace. Finally, always remember to implement the follow up testing plan to underscore the commitment of the company to keeping it Drug Free.

We have all heard the phrase "I love it when a plan comes together." A company policy that incorporates an Employee Assistance Plan coupled with an employer's commitment to rehabilitation can be the best opportunity an employee has to get the assistance they need with a drug and/or alcohol problem. Cigna Insurance reported in 2002 that 35% of companies who offer EAP services have increased the level of services available since 9-11. Cigna also found that 74% of employees who have access to workplace support services report they find them valuable and helpful.

A Return to Duty agreement and consistent follow up, to include testing, is key to providing the motivation necessary for an employee to continue abstinence. If the employee does not comply, job termination is the outcome. The company's Drug Free Workplace policy, to include the Return to Duty agreement, serves to protect the company from future safety and financial losses associated with chemically troubled employees.

*1* Mark, T. L., Vandivort-Warren, R., Montejano, L. B. (2006) Factors affecting detoxification readmission: Analysis of public sector data from three states. *Journal of Substance Abuse Treatment*, 31(4): 439-445.

*2* McLellan, A.T. et al., *JAMA*, Vol 284(13), October 4, 2000

**Jean Denes's (MPA, CSW, CEAP)** career spans thirty three years in the field of substance abuse services. Her positions have included social worker, counselor, clinical supervisor, administrator, as well as Chief Executive Officer of Discovery House, an 80 bed residential and outpatient treatment program. Currently, Ms. Denes is President of Prevention Specialists in Ocean, N.J., founded in 1990, a private corporation dedicated to the provision of employee assistance, drug free workplace as well as drug & alcohol testing services. Ms. Denes is a member of the Advisory Board of PDFNJ and Rutgers University School of Alcohol Studies. She served three years as President of the New Jersey State Association for the Prevention and Treatment of Substance Abuse Services and vice-president of the Substance Abuse Treatment Providers of New Jersey. On a national level, Jean has served as a consultant to the National Institute for Drug Abuse and as a board member of the Therapeutic Communities of America, headquartered in Washington, D.C. Ms. Denes received her undergraduate degree in Sociology from Northern Illinois University and a Masters degree in Public Administration from Fairleigh Dickinson University. She is a Certified Employee Assistance Professional, Certified Social Worker and DOT recognized Substance Abuse Professional. Phone: (732) 869-2900 Fax: (732) 869-2992 E-mail: [JeanDenes@aol.com](mailto:JeanDenes@aol.com)

**Notice: This article reflects the opinion of the author and does not necessarily reflect the opinion of Partnership for a Drug-Free New Jersey (PDFNJ). This information should not be construed as legal advice from the author or PDFNJ. Please consult your own attorney before making any legal decisions.**

**Partnership for a Drug-Free New Jersey**  
**61 Monroe Street, Hoboken, NJ 07030**  
**201-798-7171 Fax. 201-798-6867 [www.drugfreenj.org](http://www.drugfreenj.org)**