

References & Resources:

ADA & The ADA National Network Websites:

<https://adata.org/faq/what-are-public-or-private-college-universitys-responsibilities-students-disabilities>

<https://www.usccr.gov/pubs/ada/ch4.htm>

ADA Information Line & Filing a Complaint:

(800) 514-0301

https://www.ada.gov/filing_complaint.htm

FMLA Website:

<https://www.dol.gov/whd/fmla/fmla-faqs.htm>

U.S. Department of Labor Information Line:

(866) 487-9243

Created by the Bristol-Plymouth Teachers Association, Taunton, MA.

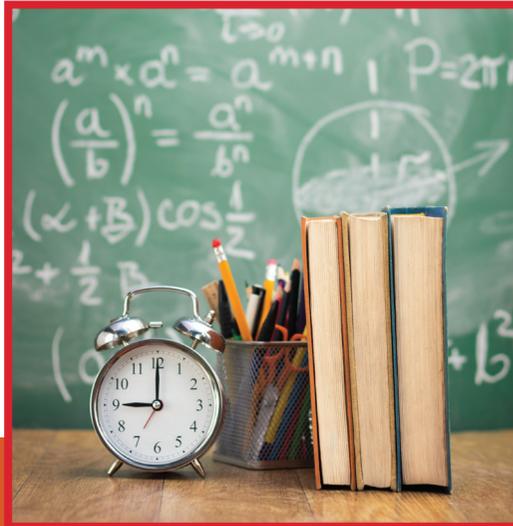
Funded by the National Education Association

Year of Publication: 2019

For more information visit:
www.moveshakeeducate.com

“ You can’t lead the people if you don’t love the people. You can’t save the people if you don’t serve the people. ”

- Dr. Cornel West



Created By The BPTA



We All Have Rights:

A resource for **EDUCATORS** with **OPIOID DEPENDENCE** who are seeking recovery or in recovery, outlining rights and protections in accordance with federal anti-discrimination laws and civil rights



Frequently Asked Questions and Answers

Q

As an employee, is my job safe if I leave for treatment related to my opioid dependence, including detoxification treatment?

A

You are not permitted to engage in the illegal use of drugs in the workplace; however, if you are opioid dependent and seeking treatment for recovery

or are a person in recovery, then you have protections regarding discrimination and job security under the ADA and FMLA.

Q

As an employee, what types of accommodations are appropriate to ask of my employer?

A

It is within your right to request reasonable accommodations from your employer. Accommodations may include time out of work for out-patient treatment

or time needed to administer Medication Assisted Treatment at work, for example.

Obligations for Employers and Employees

The following is an overview of legal obligations for employers and employees related to substance use disorder and opioid dependence disorder:

- An individual who is currently engaging in the illegal use of drugs is not an “individual with a disability” when the employer acts on the basis of such use;
- An employer may prohibit the illegal use of drugs and the use of alcohol at the workplace;
- An employer may discharge or deny employment to persons who currently engage in the illegal use of drugs;
- It is not a violation of the ADA for an employer to give tests for the illegal use of drugs;
- Employees who misuse drugs or alcohol may be required to meet the same standards of performance and conduct that are set for other employees;
- Employees may be required to follow the Drug-Free Workplace Act of 1988 and rules set by federal agencies pertaining to drug and alcohol misuse in the workplace.

That being said, qualified individuals under the ADA include those individuals:

- who have been successfully rehabilitated and who are no longer engaged in the illegal use of drugs; or
- who are currently participating in a rehabilitation program and are no longer engaging in the illegal use of drugs.

Reasonable work accommodations include, but are not limited to, the use of prescription drugs (Medication Assisted Treatment: MAT) to manage addiction, like methadone or Suboxone.

Additionally, the Family Medical Leave Act (FMLA) has made it possible for Americans to take care of their health while also maintaining group health benefits and with the knowledge that their job is secure.

