

HOW LEGAL MARIJUANA IMPACTS THE WORKPLACE



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123 million f/t U.S. employees

over **75%** of U.S. employees live in a state where marijuana is legal in some form

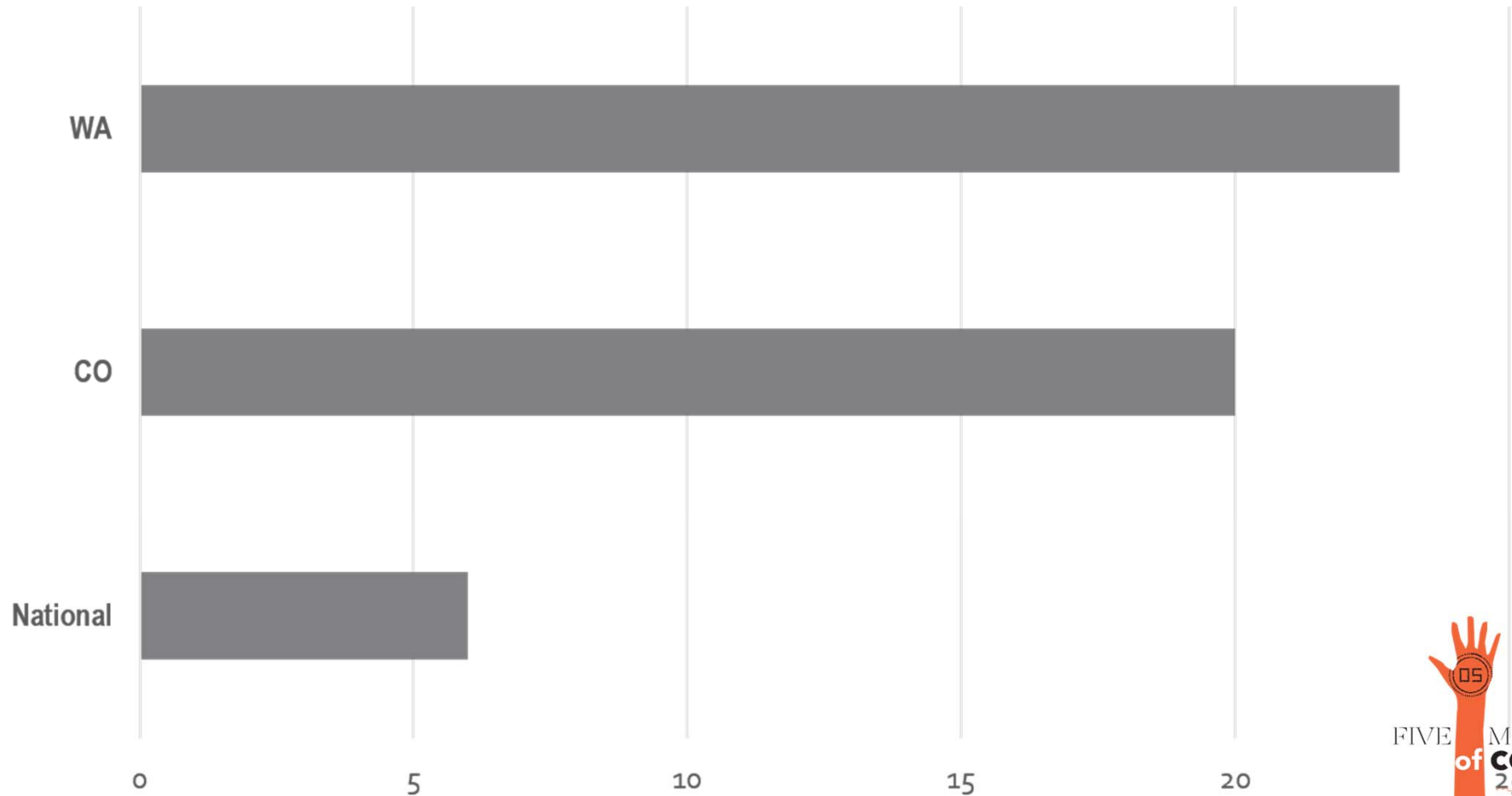
51%: Med Marijuana States = 63 Million
26%: Recreational MJ States = 33 Million
23%: Illegal States = 27 Million

<https://www.bls.gov/ces/home.htm>



■ No MJ ■ Rec MJ ■ MMJ

Workplace Pos MJ Tests: Increase from 2012-2013



Rocky Mountain Employment Council Survey: Denver/Boulder employers removing THC from the drug panel

Fear-based Decisions

- About 10% of companies in the Denver and Boulder areas — considered a single region in the survey — dropped marijuana from their pre-employment tests and 2% removed the drug it from all drug testing.
- About 9% of the companies from Pueblo that responded omitted marijuana from pre-employment screening.



Denver Post <http://www.denverpost.com/2017/02/03/colorado-business-pot-drug-tests/>



substance use in the workplace

- Substance abusers are five times more likely to file a workers compensation claim.
- Roughly 35% of the industrial injuries that take place in the U.S. involve drugs or alcohol.
- Substance abusers are 33% less productive on the job.
- Absenteeism among substance abusers is significantly higher.



substance use in the workplace



- Substance abusers file a higher number of medical claims than their counterparts.
 - Operating machinery under the influence of alcohol or drugs is clearly high-risk. But danger also increases when reflexes or judgment are compromised to any degree by drugs or alcohol.
 - **Substance abusers are responsible for 40% of all industrial fatalities.**
- **Substance abuse costs small biz approx. \$7,000/month**

employee marijuana use

- .55% more industrial accidents
- .85% more injuries
- .75% more absenteeism



Journal of Legal Medicine (1998): 273-280. Journal.
www.drugabuse.gov



contemporary marijuana

- Highest THC products in history 60-95%
- New delivery systems: vaping, dabbing/waxing
- Edible products are complicated



what's trending



is it nicotine or marijuana?



Can you tell which is which?

is it nicotine or marijuana?



is it nicotine or marijuana?



How about now?



Marijuana



Nicotine

opioid & illicit drug use increases

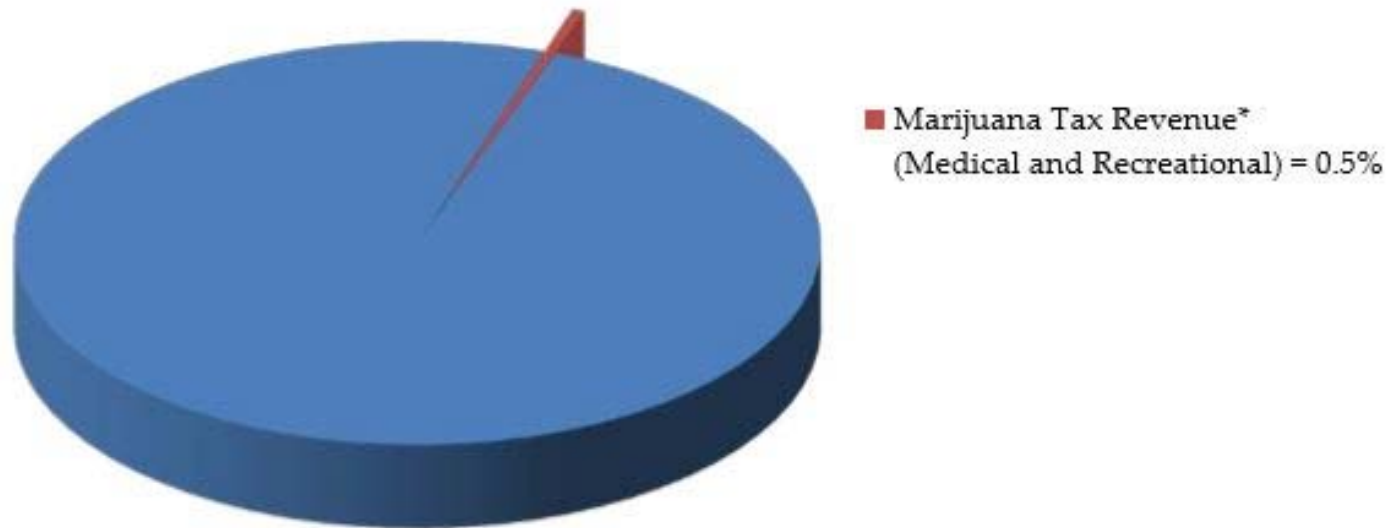
- The Quest Diagnostics Drug Testing Index shows the greatest increase in use of all illicit drugs by U.S. employees in 12 years, based on laboratory drug test results.
- According to the U.S. Bureau of Labor Statistics drug and alcohol-related deaths in the workplace soared in 2016 with a spike of more than 30% in a single year.
- The BLS also shows that fatal work injuries in 2016 were the highest since 2008.

<https://www.questdiagnostics.com/home/physicians/health-trends/drug-testing>

<https://www.bls.gov/news.release/pdf/cfoi.pdf>



Colorado's Statewide Budget, FY 2016



*Revenue from marijuana taxes as a portion of Colorado's total statewide budget

SOURCE: Governor's Office of State Planning and Budgeting

job applicants at CO electric company

February 2015

12 applicants in the pre-employment process

Mobile drug test collector arrives

9 applicants walk-out

3 complete pre-employment drug screen

2 pass the drug screen

1 fails (THC positive)



VS



looking outside the state for qualified workers



“ Jim Johnson said his company has encountered so many job candidates who have failed pre-employment drug tests because of their THC use ... it is actively recruiting construction workers from other states. ”

GE Johnson

<http://gazette.com/drug-use-a-problem-for-employers/article/1548427>



southern colorado challenges

Pate Construction

- For every 75 people we interview, we can find about 15 who can pass the drug test



Canon City Workforce Center

- It took 2 months to find 3 CDL drivers that could pass the drug test. Salaries offered were competitive



“ “In February,” Leona Willener said,
“more than half the applicants who
came to her company looking for
work failed the required drug tests
because of THC use ... *1 in 3*
attempted to cheat the test.”

Colorado Staffing Agency

<http://gazette.com/drug-use-a-problem-for-employers/article/1548427>



employer challenges

Exposure to Chemicals, Molds, Pesticides, Herbicides, etc.



employer challenges

Exposure to Chemicals



1 in 5 marijuana
users in the state
also reported
driving after using
marijuana



Keri Headley, Pueblo, CO

<https://www.colorado.gov/cdphe/marijuanause>



boundaries work



- Swerdfeger Construction in Pueblo, Colorado has a robust company located in the heart of legal recreational marijuana territory and insists that maintaining a strong workplace drug and alcohol testing program has kept employees from engaging in activities that would put their safety record at risk.
- Reg Rudolph who has been in the public utilities industry for 26 years in Pueblo, Colorado states, “We’ve had to make some major operational changes. Overall, from an HR perspective we’ve maintained a hard line on marijuana. So far, we’ve had no issues but we’ve been clear about our policy and interpretation.”

drug test programs have proven success

- NSDUH: Workers who are not in a drug testing program have substance use rates 50% higher than those who are subject to mandatory drug testing.
- The U.S. Department of Transportation's model of drug-free workplace programs have achieved significant improvements in safety and productivity.
- National Bureau of Economic Research: "Using the U.S. Military's policy of random drug testing and zero tolerance, we find that a strict employer anti-drug program is a highly effective means of deterring illicit drug use among current users as well as potential users."



oral fluid testing

- Less invasive
- Always observed
- Reduce opportunities to cheat the test
- Can detect use within the last 15-24 hours
- Lab-based results with MRO verification are evidential
- Growing in popularity due to effectiveness
- Excellent for roadside testing



<http://www.orasure.com/docs/pdfs/products/intercept/Intercept-Detection-of-Marijuana-Use-by-Oral-Fluid-and-Urine-Analysis.pdf>

Photo: quest diagnostics drug testing



impairment testing

When Will We Have a Drug Test that Measures Impairment?

- The short answer is: **Not any time soon**
- It's extremely complicated
- States or Feds could “force” an impairment standard but it must hold up in court
- Currently 5 ng in whole blood is highly contestable and losing more than winning
- Presence-in-system simply *is what it is*



hold the line

- Employers have an opportunity to teach the boundaries
- There should be zero-tolerance for working buzzed, stoned or under-the-influence
- Drugs and safety don't mix
- Keep policies intact & enforced
- Create a culture of safety 1st
- Educate, educate, educate
- Protect the vulnerable



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