



December 2015

NUHRA Newsletter

www.nuhra.org

2015 Board Members

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Public Relations	Kathy Hammerle
Foundation Liaison	Stacey Comeau
Student Liaison	Pat Wheeler
Student President	Reese Driscoll
Past President	Christina London
Golf Committee Chair	Shawn Choate

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President's Address

Merry Christmas! Happy Hanukkah! Happy Kwanza! Happy Holidays! I hope all NUHRA members have a great and safe holiday season.

Thank you to Julianna Christie and Dayne Law for the November presentation – Open Dialogue – Transgender Employees in the Workplace. Although I was not able to attend due to a National SHRM commitment, I have been told it was an interesting program.

Our last meeting for 2015 on 12/17/15 will include speaker Gary Michaud who will be talking about Avenue H. This is a very timely topic and I hope everyone is able to take the time to attend – December can be SO busy!!!

And please remember NUHRA will be accepting donations of items for *hygiene kits* that will be donated to the Safe Haven in Kaysville. We had quite a haul last year, when donating to Safe Haven in Ogden. Let's show those in other communities within our area that NUHRA cares!!! Please be generous and help out those in need of the bare essentials. These items are easy to pick up when at the grocery store. We are looking for items that can be used for good hygiene such as soap, toothpaste, deodorant, combs/brushes, etc.

Lastly, I'd like to thank all of those who have helped out this year, the entire NUHRA Board – Summer Palmer, Darrel May, Alison Evans, Jesse Oakson, Audrey Curtis, Kathy Hammerle, Ashley Wendt, Saralyn Barnes, Shauna Greer, Ben Eden, Stacey Comeau, Pat Wheeler, Shawn Choate, and a special thanks to Christina London who has helped SO much this year!

Looking forward to 2016 – we have many diverse topics already lined up. We hope to have our brochure with the specifics available shortly. We will have a few new board members and plan to have a successful and educational year for all NUHRA members!

Veronica Akers
NUHRA President

AFFILIATE OF

SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

New minefield in your screening/hiring process: Prescription meds

by [Tim Gould](#) December 2, 2015

<http://www.hrmmorning.com/new-minefield-in-your-screening-hiring-process-prescription-meds/>

Would you hire an applicant who admits he/she takes methadone? The answer might be a little trickier than you thought.

The EEOC has recently filed suit against temp agency Randstad, which allegedly refused to hire a recovering drug addict who was using methadone.

Here's how the EEOC described the situation: April Cox, a recovering drug addict, hadn't used illegal drugs since being enrolled in a medically supervised rehabilitation program in 2011. She received medically prescribed methadone as part of her ongoing, supervised drug rehabilitation treatment. In January 2015, she applied with Randstad in Timonium, Md., for a vacant production laborer position at one of the staffing agency's clients. Randstad's site manager told Cox she had enough experience to advance to the next part of the hiring process and requested that Cox provide a urine sample for a pre-employment drug test.

At that point, Cox disclosed that she was in a medically supervised methadone treatment program. The site manager took back the cup for the urine test and said, "I'm sure we don't hire people on methadone, but I will contact my supervisor."

Even though Cox repeatedly called back and informed the site manager that she did not have any medical restrictions from performing the laborer job, Randstad told Cox it would not hire her because she used methadone, the agency said.

The EEOC filed suit (EEOC v. Randstad, US, LP) in U.S. District Court in Baltimore, alleging that Randstad violated the ADA by refusing to hire a person with disability.

This isn't a unique case, according to [Kathryn Russo, writing on Jackson Lewis' Drug Test Law Advisor blog](#):

- In 2012, EEOC settled a lawsuit for \$37,500 in which it alleged that an employer refused to hire an applicant who used methadone, and

- In 2011, EEOC settled a lawsuit for \$85,000 in which it alleged that an employer refused to hire an applicant due to his use of methadone and without conducting an "individualized assessment" to determine whether the applicant could perform the job safely.

So things might not look that good for Randstad in this case. We'll keep you posted.

Numerous similar cases

Russo also listed other settlements companies made in cases involving employee use of prescription meds on the job:

- April 2015 — \$59,000 settlement of suit alleging that an employer terminated an employee for using prescription medications to treat chronic pain
- 2013 — \$50,000 settlement of suit alleging that an employer fired an employee for taking bipolar medication
- 2013 — \$25,000 settlement of suit alleging that an employer asked applicants whether they were taking any medications and to identify those medications
- 2012 — \$750,000 settlement of suit alleging that an employer drug tested employees for prescription medications and made it a condition of employment that the employees cease taking their prescription medications, without any evidence that the medications adversely affected the employees' job performances
- 2012 — \$146,000 settlement of suit alleging that an employer refused to hire applicants and placed employees on leave due to the use of prescribed narcotic medications
- 2012 — \$80,000 settlement of suit alleging that an employer refused to hire an applicant due to her use of prescribed medication for epilepsy, and
- 2010 — \$32,500 settlement of suit alleging that an employer refused to hire an applicant

Clearly, this is an area where employers are going to need to tread carefully.



**HR TIP:
From SHRM 2015 Las Vegas**

Note Takers, Take Note. "During interviews, take notes on a separate piece of paper, not on a resume, not on an application. Those should be pristine documents." - *Michael Cohen, partner, Duane Morris LLP*

NUHRA will be collecting donations for hygiene kits again this year. Last year we were able to help Safe Haven located in Ogden. This year we will be donating to the Safe Harbor in Kaysville and/or the homeless shelter in Ogden.



Upcoming Events

NUHRA 2015 Calendar

<p>Jeremiah's December 17, 2015 11:30 – 1:00 p.m. Avenue H Hygiene Kit donations due</p>	<p>Jeremiah's January 21, 2016 11:30 – 1:00 p.m. Employing those with Green Cards, EADs, Foreign Students, Etc.</p>	<p>Jeremiah's February 18, 2016 11:30 – 1:00 p.m. Workshop: Basic Principles of Coaching</p>
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see calendar items in detail:

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