

Adam Sencenbaugh Talks With HR Magazine About ADA Protections for Workers With Opioid Use Disorder

April 28, 2022 Adam Sencenbaugh

PRACTICES Wage and Hour Litigation, Employment Litigation, Environmental Litigation, Labor and Employment, Litigation

Partner [Adam Sencenbaugh](#) was quoted in an *HR Magazine* article titled “ADA Protects Workers in Treatment and Recovery for Opioid Use.” Read an excerpt below:

Recent federal guidance reminds employers that workers with opioid use disorder (OUD) who are in treatment or recovery are protected from employment discrimination under the Americans with Disabilities Act (ADA).

The ADA prohibits businesses with at least 15 employees from discriminating against workers with disabilities and requires employers to explore reasonable accommodations that would help covered workers perform the essential functions of their jobs.

The DOJ noted on April 5 that the [guidance](#) is "part of the department's comprehensive response to the opioid crisis, which promotes prevention, enforcement and treatment."

The guidance aims to reduce the stigma associated with OUD and provide protections for employees who seek appropriate treatment, according to Adam Sencenbaugh, an attorney with Haynes Boone in Austin and San Antonio, Texas. "Employers should ensure that supervisors are trained to recognize that employees with opioid use disorder are disabled and may request accommodations under the ADA," he said.

Employers are allowed to have substance-abuse and drug-testing policies that help ensure workers are not currently using illegal drugs. However, employers should be careful that their drug-screening policies do not illegally target employees taking prescription medication to treat their addiction, Sencenbaugh said.

Tips for Employers

Although the guidance doesn't change the underlying law, it signals that employers need to be more careful in acknowledging and accommodating employees with opioid use disorder, Sencenbaugh said. This includes recognizing that employees recovering from OUD are legally protected under the ADA and taking steps to reduce the stigma around seeking appropriate drug abuse treatment.

Employers should also be aware of the risks of "associational" discrimination, he noted. Thus, employers should ensure that managers are trained to avoid discrimination against employees with friends or family who experience addiction.

Excerpted from *HR Magazine*. To read the full article, click [here](#).