



NIEAPA

NORTHERN ILLINOIS
EMPLOYEE ASSISTANCE
PROFESSIONALS ASSOCIATION

NIEAPA.org

SPRING 2017

LETTER FROM THE PRESIDENT

Charley Galassini, LCPC, CSADC, CEAP, LAP-C



As we move into spring there are some things that I want to bring to your attention. If you have not already done so, I would recommend that you register for our annual conference. It will be held again at Drury Lane in Oak Brook Terrace. The date of the conference is Tuesday June 6. Each year I am amazed at the quality of the conference. This year is no exception. We have a great keynote speaker this year, Dr. Scott Miller, who will be speaking about “Achieving Clinical Excellence.” The day promises to be great for learning, networking with old friends, and time to visit our exhibitors to learn about their services that will allow us to help our clients at the highest level. Everything you need to know is on our website NIEAPA.org.

A couple special points of interest, the Board decided to raffle a trip to the Annual EAPA conference. To win this prize you must be a member and present to claim your prize. For those of you who want to know, this year’s conference is going to be held in Los Angeles. The dates are October 3-6. This prize will include the flight, registration, and lodging, so it is truly worth being at this year’s conference. Also, we will be raffling two registrations for the 2018 NIEAPA Conference.

The Board also decided to bring back the free meeting. The meeting will rotate to different locations and all members will be able to bring a guest to that meeting. This year it was decided to have the free meeting at the August Chapter Meeting. This is in addition to our bring a guest program which we have had in place for a number of years. The bring a guest program is a one-time opportunity, during the year, for a member to bring a guest to any of our Chapter Meetings.

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I would like you to save the date of our next Chapter Meeting. It is Friday, August 11, 2017 at Adler University in Chicago. This is our annual business meeting. We have a great Presentation that day called “Creating Effective Partnerships with Treatment Providers.” We have two great presenters Tony Pacione and Chelsy Castro. We would appreciate if you could register in advance so we have an idea of space needs at our location. You can go to NIEAPA.org and click the chapter meeting tab to register.

Lastly, I would like you to think about nominating a person for the Member of the Year. There are so many EAP professionals who deserve this recognition. If you would like to nominate someone, go to our website NIEAPA.org announce the person to be recognized at our Annual Conference.

The 39th ANNUAL NIEAPA CONFERENCE

Integration of Clinical Excellence and Cultural Competency

Keynote Speaker Dr. Scott D. Miller



Joining Dr. Miller are guest speakers: Tony Pacione and Robin Belleau | Margot Jacquot | Rachel Kodanaz | Jeff Gorter | Linda Lewaniak and Lara Effland | Bob Carty | Cheri DeMoss | Chet Taranowski | Tatyana Fertelmeyster

For a details of the sessions and the presenters above, check out our [Conference Agenda!](#)

Attendees include employee assistance program managers, benefit managers, clinical psychologists, medical directors, social workers, counselors and community liaisons. The Conference is an excellent opportunity to connect with the EAP community and raise awareness of topics or issues that the community would be interested in learning about.

EAPs and Medical Marijuana in Illinois: What Do We Do?

Paul J. Fitzgerald, PsyD, CEAP
NIEAPA Chapter Vice-President



EAP clinicians and account managers in Illinois have been accustomed to working with drug-free workplace policies that mandate testing and disciplinary action (up to termination) for employees who test positive for drugs, including marijuana. Clinicians who are also qualified to perform SAP (Substance Abuse Professional) evaluations under Department of Transportation regulations often hear from employers that they want their policies to “mirror” the DOT SAP process, with the implication that this is the “best” evaluation possible. However, workplace or union drug testing and disciplinary policies serve very different purposes than DOT drug and alcohol policies. The former are intended to help assure contractors and customers that the workers they employ will not be showing up to work impaired, or may endanger themselves or their co-workers. The policies may also be used to protect the employer from liability in case of a lawsuit resulting from the actions of an impaired employee. The DOT regulations, in contrast, were drawn up in response to major accidents that included serious environmental and property damage and loss of life. They are intended to protect the public, and their purpose transcends the interests of any employer or labor organization.

Several years ago, DOT issued guidance on the question of medical marijuana. Due to the nature of the safety-sensitive functions that DOT covers, their position was unequivocally that nothing would change regarding the prohibition for marijuana, which (by the nature of the half-life of marijuana in test results) means no use at all, either on or off duty.

Employers have had fairly wide latitude and a sense of obligation under federal drug-free workplace guidelines, to enforce zero tolerance policies for drug use by employees. Although they stress safety and freedom from impairment in their wording, these policies have not always been focused on the safety-sensitive nature of the positions in question. Now that a number of states have begun passing medical marijuana laws, and some have legalized recreational marijuana use, employers and EAPs need to be aware of possible changes in the way that marijuana is treated.



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Illinois' medical marijuana laws allow employers to maintain drug-free workplace policies and discipline or terminate employees for violations. However, they are prohibited from “discriminating” against employees who have legitimate permits to use medical marijuana. But marijuana is still illegal under Federal law, and court have tended to find in favor of employers who have drug-free workplace policies based in part on that fact. (One case was in Colorado and involved Dish Network as the employer, as described in the).

At this point, the legal consensus seems to be that employers are still empowered to test employees and discipline or fire them if they are in violation of the drug and alcohol policy. And, as long as they are not seen as “discriminating” against legitimately permitted users of medical marijuana, they may still prohibit marijuana use that could pose a safety hazard. But the legal opinions we have been seeing tend to caution the employer that they should clearly include in their policies the rationale for prohibiting marijuana use (primarily by limiting the prohibition to safety-sensitive jobs) and evaluate each case of an employee with a medical marijuana permit carefully, before any violation occurs, to prevent the perception of discrimination. Of course, the nature of the illnesses and disabilities for which medical marijuana is supposed to be prescribed would tend to limit the chances that those people would be engaged in hazardous or strenuous jobs, but as the experience of California has demonstrated, permits may be given for anxiety, depression, ADHD, and a wide range of other less-incapacitating disorders.

As EAPs, we should focus on the employee's clinical needs. If an employee – with or without a medical marijuana permit – meets the criteria for a substance use disorder, we should be working to get that person the help he or she needs. But in our role as consultants, we should also be encouraging employers to seek legal counsel and incorporate current best practices in human resources management when it comes to drug-free workplace policies and medical marijuana.

For more information see Hunton & Williams article:

[Anti-Discrimination Provisions in State Medical Marijuana Laws Raise Additional Considerations for Workplace Drug Testing](#)



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This is YOUR Chapter...

Join us at our next **Chapter Meeting, August 11th**. Our chapter meetings not only cover some of the hottest topics in the EAP industry, but are also your chance to network with industry professionals and share a few stories and laughs. Bring a Guest!!

Post **Your Event** to the **NIEAPA Calendar** on our website

- Events must be related to EAP, Behavioral Health, Work/Life Health, or Home Health. Posting to the calendar is FREE to Members and non-Members alike!

Take advantage of the **Online Resource Directory**

- This directory is an outstanding resource for a wide variety of EAP related services. Secure your listing [here](#).

Post EAP and EAP related Job Openings! Download the **FORM** and follow the instructions.

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