

Are you understaffed?

Employees in the United States may feel overworked, but a recent study by Hay Research for Management, the research arm of the Hay Group, has found that corporate downsizing and reorganization may not have had their expected negative effect on employee attitudes about staffing levels.

More employees now than in the late 1980s say that their departments have enough people to do the work. In the period 1988–1990, 30 percent replied they had enough workers. But for the period 1991–1994, 35 percent agreed that they were adequately staffed.

In both studies, the remaining respondents were equally divided between having no opinion and feeling negative about employment levels within their companies.

Why the upturn of positive attitudes? "In the process of downsizing, companies have learned how to use employees much more effectively," says Bruce Pfau, director of Hay Research for Management.

Other management improvements also may have taken some of the sting out of downsizing. Ratings went up for:

- **Avoiding duplication of effort.** Overall, ratings increased from 17 percent in 1988–1990 to 26 percent in the recent survey.
- **Organization of work flow.** This category showed a 6 percent overall favorable increase.
- **Supervisor's planning of work.** Favorable ratings averaged 46 percent, up from 39 percent.

Check the law before you fire! Alcoholic workers protected under ADA

BY STEVEN MITCHELL SACK

Harry sips from a plastic pop bottle throughout his shift. By midafternoon, his movements are uncoordinated, and the quality of his work is deteriorating.

The workplace is full of "Harrys." Alcohol is the most commonly used and abused drug in America. But employers have recourse: You can prohibit the use of alcohol on the job and require that employees *not* be under the influence of alcohol when they report to work.

And you can fire or discipline the alcoholic the same as any other worker who fails to behave or perform to standard.

This is because workers who drink on the job—or alcoholics who are incapable of performing their jobs properly or who present a direct threat to property or the safety of others—are *not protected* under the law.

But before you begin firing employees who come to work under the apparent influence of alcohol, make sure that your policies conform to both state and federal law.

The most encompassing legislation protecting individuals with disabilities is the Americans with Disabilities Act (ADA), which covers a broad range of disabilities, including *alcohol or drug use for workers who rehabilitate themselves.*

The ADA requires employers to make reasonable accommodations for disabled workers unless doing so would impose an undue hardship on the employer.

Reasonable accommodation of an alcoholic often consists of offering rehabilitative assistance and allowing

him or her the opportunity to take sick leave for treatment before initiating disciplinary action.

Court cases support this interpretation of accommodation.

For example: In one case, a company was found liable for not offering leave without pay for a second treatment in a rehabilitation program. The court's reasoning: Relapse is predictable in the treatment of alcoholics.

In another case, the judge outlined a series of steps an employer must take to avoid violating the law:

- **Offer counseling.** If the employee refuses, offer a firm choice between treatment and discipline. If the employee chooses treatment, the employer cannot take any detrimental action during the period of rehabilitation.

• **Relapse: discipline, don't terminate.**

In the case of relapse, don't automatically fire the employee. Discipline can be imposed short of discharge.

- **Determine "undue hardship" status.** Before terminating, determine if retaining the worker would impose an undue hardship. If firing is the only feasible option, the company still must evaluate whether the alcoholic condition caused poor performance. If so, the company should counsel and offer leave without pay first.

An effective way of making reasonable accommodation is by offering an employee-assistance program. When in doubt, consult experienced labor counsel before taking action.

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Alcohol abusers who perform poorly can be fired.