

# **KENTUCKY TRANSFORMATIONAL EMPLOYMENT PROGRAM**

## **FREQUENTLY ASKED QUESTIONS (FAQs)**

### **What is the Kentucky Transformational Employment Program (KTEP), and how does it empower Kentucky's businesses to play a role in addressing the state's addiction crisis?**

The Kentucky Transformational Employment Program (KTEP) is a collaborative, statewide effort of the Kentucky Chamber, Kentucky Cabinet for Health and Family Services, Kentucky Office of Drug Control Policy, Kentuckiana Health Collaborative and Kentucky Opioid Response Effort. KTEP is the result of Senate Bill 191 which was signed into law in 2020.

This innovative program provides a framework to foster economic opportunities for people impacted by substance use disorder and to facilitate access to substance use disorder treatment.

### **Why was the Kentucky Transformational Employment Program (KTEP) created?**

Kentucky has been hit hard by the addiction crisis. Given the importance of employment in the recovery process, business leaders are looking for a clear pathway with steps they can take to help reduce stigma around addiction and encourage recovery in the workplace.

KTEP provides employers with a framework to better support employees and job candidates impacted by substance use, which will ultimately improve their ability to find and retain the workforce they need to not only maintain but grow their business—while also providing Kentuckians the opportunity to access treatment and achieve long-term recovery from substance use.

### **What is transformational employment, and how is it connected to long-term recovery?**

Employers may be familiar with terms such as fair chance or second chance employment, which aim to ensure that individuals in recovery or impacted by substance use have a fair chance to work. The Kentucky Transformational Employment Program aims to guarantee more than just a chance, but the opportunity to transform an employee's life and employer's workforce by supporting and connecting employees impacted by substance use with meaningful employment.

Recovering from a substance use disorder includes more than just traditional health care treatment. There are many other services and resources that Kentuckians need to reach and sustain long-term recovery, one of which is stable employment.

Employers that choose to participate in KTEP have the opportunity to offer transformational employment to both employees and job candidates impacted by substance use—something that will help them to live healthier, more productive lives while also strengthening our state's economy.

### **Have other states adopted a similar program/model and with what results?**

In February 2018, the Wellness Council of Indiana and the Indiana Chamber of Commerce announced the Indiana Workforce Recovery initiative, a strategic partnership with Governor Eric Holcomb to combat the opioid epidemic. Similar to KTEP, its mission is to empower the business community to play a leading role in addressing addiction by educating and guiding employers on how they can help their employees.

Soon after, Belden established the Pathways to Employment<sup>SM</sup> program at their Richmond, IN plant, which offers persons denied employment due to a positive drug screen the opportunity to participate in a personalized substance use treatment program. Successful participation will lead to

a job at Belden once the rehabilitation program is completed, along with a commitment to maintaining long-term recovery. Since the launch of their pilot program, Belden has expanded the Pathways program to two additional facilities and offers support to other organizations and communities facing similar workforce challenges. Belden's model serves as an outstanding blueprint for any Kentucky employers interested in participating in KTEP. For more information, [visit the Belden website](#). **Can someone check with Belden that it's OK to include since this will be a public-facing document?**

## ELIGIBILITY & PARTICIPATION

### **Who is eligible for KTEP?**

Businesses with operations and employees in Kentucky can participate in KTEP. Any person with a conditional offer of employment, or any current employee who tests positive on a drug screen, is eligible for the benefits outlined in the program.

### **How does KTEP work for job candidates?**

During the hiring process, employers participating in KTEP can offer services to any candidate who tests positive on a pre-employment drug screening. If a candidate agrees to participate in the program, the employer will pause the hiring process, and the individual will be assessed by a qualified treatment provider. Together, they will determine a personalized treatment plan to give the individual the very best chance at recovery. Once the candidate completes treatment and/or other recommendations from the qualified treatment provider, and tests negative on a follow-up drug screen, the hiring process will resume. If the candidate chooses not to participate in the program or tests positive after completing treatment recommendations, the employer can terminate the job offer.

### **When either an employee or job candidate seeks treatment for substance use disorder, how are these services paid for?**

We know the cost of treatment can be a significant expense. Fortunately, both public and private health plans provide some coverage for these services. Treatment should be covered for job candidates currently enrolled in Medicaid. Candidates with private insurance will need to check with their health plans. Individuals not covered under employer-sponsored health insurance should be referred to Medicaid to see if they qualify.

For current employees, payment for services will be contingent on whether the employee is enrolled in an employer-sponsored plan. Some employers also offer Employee Assistance Programs, even if insurance is not offered, which can provide some of the services.

### **What liability protections exist for employers who participate in KTEP?**

KTEP prioritizes workplace safety and provides important liability protections for employers, addressing what is often a significant barrier to hiring and retaining workers impacted by substance use. Under Kentucky law, employers who participate in KTEP will not be liable for civil action alleging negligent hiring, negligent retention or negligent acts by the employee because of an employee's substance use disorder. The clear intent of the Kentucky General Assembly was to remove this potential barrier for employers to engage and help their current and/or potential employees find successful recovery.

## **How does KTEP integrate with the American with Disabilities Act, as substance use can fall under these regulations?**

The American with Disabilities Act protects individuals with substance use disorders who disclose this information to the employers. In these scenarios, the employee is covered under the ADA. A well-constructed return-to-work policy can help support the employee in successfully reintegrating into the workplace. In some circumstances, employees returning to work after treatment of a substance use disorder are protected under the Americans with Disabilities Act (ADA). The ADA also limits the information that employers can access regarding an employee's substance use disorder.

Furthermore, legal, prescription drug use can yield a positive result on a drug screening and may be protected by the ADA. These cases may require workplace accommodations.

For more information on the ADA and other federal laws, please download the [Kentuckiana Health Collaborative's "Opioids and the Workplace" Toolkit](#).

## **SCREENING**

### **Most positive drug screens among my company's employees and job candidates are due to marijuana. Can employees seek treatment after screening positive for marijuana?**

Employers can set their own policies around marijuana when developing their written drug policies. If an employee or job candidate screens positive for marijuana, we recommend asking them to complete another drug test in a few weeks.

### **An employee screens positive for the second time. As their employer, how do I properly handle this situation?**

Stable employment, coupled with treatment, can provide Kentuckians with the purpose, motivation and support system they need to pursue and sustain recovery. However, workplace safety must be a top priority, and individuals must be the ones who decide to begin treatment. Per your company's written drug policy, an employer can terminate an employee or job candidate who screens positive for a second time. This process should be predetermined by the business and consistently followed. If the employee contests the test results, we suggest the employer repeat the panel or send the individual to a certified laboratory.

### **Under Senate Bill 191, can an employer participating in KTEP conduct in-house drug testing rather than outsourcing to a certified laboratory?**

We understand that many businesses across Kentucky prefer in-house drug testing as a more cost-effective and convenient option. Employers often need positions filled immediately and simply cannot wait weeks for results to come back from a certified laboratory. Because of this, Kentucky law does not require employers to use a certified laboratory.

### **What best practices are there for workplace drug screenings?**

Please see the [Kentuckiana Health Collaborative's "Opioids and the Workforce" Toolkit](#) for guidance and best practices around workplace drug screenings.

## LEARNING MORE

### Are resources available to employers to help navigate KTEP?

A wide variety of resources and training videos are available on the Kentucky Chamber's [Kentucky Comeback website](#), in addition to this FAQ. We will work with you to help navigate the program as easily as possible and assist with implementing the program's policies and procedures to make your workplace more recovery friendly.

Other helpful resources include:

- [Kentuckiana Health Collaborative's "Opioids and the Workforce" Toolkit](#)
- [Kentucky Cabinet for Health and Family Services' Online Provider Directory](#)
- Will add direct links to other materials, training videos, etc. once live

### I'm a business owner/business leader and interested in participating in KTEP. Where do I start?

As many businesses are already spread thin and still working to recover from the challenges of the COVID-19 pandemic, we have developed KTEP with a manageable implementation process and timeline to make it as easy as possible for employers to engage. To get started, please enroll online at [kentuckycomeback.com/ktep](https://kentuckycomeback.com/ktep).

The Kentucky Comeback website will house the materials you need to follow the KTEP guidelines and successfully incorporate the program into your business.

Once enrolled, you'll be prompted to complete a series of 15-minute training videos, which will assist you in implementing the program and developing a written drug policy that complies with SB 191. Training video topics include:

1. The Impact of Substance Use in the Workplace
2. Prevention, Treatment and Supporting Recovery from Substance Use Disorder as a Chronic Brain Disease
3. Creating a Policy and Building a Culture that is Right for Businesses and Employees
4. How to Participate in the Kentucky Transformational Employment Program
5. Legal Considerations for a Transformational Workplace

We can also help you establish a connection with a qualified treatment provider. The last step is to review all proposals with employer leadership and legal counsel before sharing with employees.

### How can I promote KTEP among employees?

We are in the process of developing materials to help explain and promote KTEP among your existing and potential employees. Once available they will be shared on [kentuckycomeback.com/ktep](https://kentuckycomeback.com/ktep).

VISIT [KENTUCKYCOMEBACK.COM/KTEP](https://kentuckycomeback.com/ktep) FOR MORE INFORMATION

