

# NYS Recovery Ready Workplace Act – S8381, A9063

---



Legislation to establish workplace programs to prevent addiction and support recovery in employment.

- Recovery ready workplace (RRW) programs have been initiated around the country as important interventions in the opioid/substance use disorder (OUD/SUD) crisis. It is time for NYS to establish a RRW program.
  - The goal of RRW programs is to provide outreach, training, and certification to employers in cooperation with government officials, workers, labor unions, and communities to:
    - (a) Prevent initiation of new cases of misuse and addiction related to workplace injury and stress through primary prevention of exposure to job hazards and stressors;
    - (b) Support employees who are struggling and by providing access to treatment and pathway to return to work;
    - (c) Provide healthy, safe, and gainful employment for people in recovery;
    - (d) Reduce stigma around issues of addiction and recovery;
    - (e) Reduce absenteeism, presenteeism, and lost productivity among employees with substance use disorder.
- 
- Workers with painful injuries have frequently been overprescribed opioids, resulting in as many as 25 percent developing opioid dependence and OUD/SUD.<sup>1</sup>
  - RRW programs address prevention of addiction related to workplace injury and stress while also providing support for workers who are struggling and opportunities for people in recovery to reenter the workforce.
  - Between 2009 to 2015, an estimated 225,000 New York workers were lost from the labor market due to opioids. New York's economy cumulatively lost \$179.4 billion in real economic output, which translates to the state's annual real GDP growth rate slowing by 0.8 percentage points.<sup>2</sup>
  - Employers who establish RRW programs have saved money due to reduced absenteeism, healthier work environment, greater productivity, lower healthcare costs, greater workplace safety, employee retention, and reduced recruitment and hiring costs.<sup>3</sup>
  - Employees in recovery save their employers an average of \$8,500 annually, with \$8,175 attributable to avoiding turnover, replacement, and healthcare costs.<sup>4</sup>

---

<sup>1</sup> *Prescription Opioids*, CTRS. FOR DISEASE CONTROL & PREVENTION (last reviewed Aug. 29, 2017), [Prescription Opioids | Opioids | CDC](#).

<sup>2</sup> Ben Gitis, *State-by-State: The Labor Force and Economic Effects of the Opioid Crisis*, AM. ACTION F. (Sept. 12, 2018), [State-by-State: The Labor Force and Economic Effects of the Opioid Crisis \(americanactionforum.org\)](#).

<sup>3</sup> *70% of Employers Say Prescription Drug Abuse Affects Workplace*, INS. J. (March 10, 2017), [70% of Employers Say Prescription Drug Abuse Affects Workplace \(insurancejournal.com\)](#).

<sup>4</sup> Ian C. Parsley, et al., *Association between Workplace Absenteeism and Alcohol Use Disorder from the National Survey on Drug Use and Health, 2015-2019*, JAMA NETWORK OPEN (March 17, 2022), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2790205>.

- There is an urgent need to establish resources and standards for RRWs in New York State as a key component of the state's response to the opioid crisis.

The purpose of this Act is to:

- (a) Establish the criteria for employers to obtain certification as an RRW;
- (b) Protect the rights of employees;
- (c) Establish training, outreach, and certification resources;
- (d) Establish an advisory board within the Office of Addiction Services and Supports; and
- (e) Establish incentives for employers.

### **Criteria for Employer to Obtain Certification As An RRW**

The Office of Addiction Services and Supports shall promulgate regulations establishing the criteria by which an employer can obtain certification as an RRW. Such criteria shall include, but not be limited to, the following:

- (a) Sign a letter of interest to become an RRW;
- (b) Issue a written policy declaration to employees;
- (c) Collaborate with employees, collective bargaining agents (labor unions), recovery community organizations, and government officials in establishing an RRW and develop a written program within one (1) year of initiation;
- (d) Proactively identify and address primary prevention of workplace hazards and sources of stress at work associated with opioid and other substance misuse, including prescription medications and through self-medication;
- (e) Establish availability of naloxone onsite and train personnel on its administration and other first aid measures that reduce the risk of death as a result of an overdose;
- (f) Support and provide information to injured workers on how to avoid opioid and other substance misuse and seek alternative pain treatments;
- (g) Providing training/orientation to supervisors, management, employees, and union officials;
- (h) Provide resources and information to employees;
- (i) Achieve state designation as an RRW and advertise it to employees and the community;
- (j) Connect with local recovery-oriented system of care providing recovery support services within six (6) months of initiation;
- (k) Assess and address workplace culture issues:
  - (1) Encourage all qualified applicants, including people in recovery;
  - (2) Have programs and practices that promote and support employee health, wellness, and work-life balance; and
  - (3) Support employees who seek treatment who require hospitalization and disability leave, including planning for return to work;
  - (4) Combatting stigma around SUD in the workplace
- (l) Offer health benefits that provide comprehensive coverage for SUDs, including medications for OUD and SUD, aftercare, and counseling;
- (m) Evaluate and improve, as needed, access to treatment and recovery resources and ensure mental health and substance use benefits are equal to those for physical health as required by New York State Law ("Timothy's Law")

and the Federal Mental Health Parity Addiction Equity Act (under the Affordable Care Act);

- (n) Provide work accommodations for employees in recovery to attend recovery support services and provide reasonable work accommodations to support workers in recovery in compliance with federal and state law; and
- (o) Ensure employer RRW policies include confidentiality provisions to maintain confidentiality of employees accessing services.

### **Other key features of the draft legislation**

- (a) Employee and union involvement
- (b) No Diminishment of Employee Rights.
- (c) Establishment of a certifying body; a state agency that authorizes certification of employers.
- (d) Incentives to employers to retain workers who enter treatment/recovery programs and to hire people in recovery who are not employed.
- (e) Incorporation of Peer Services in the workplace to support workers in recovery.
- (f) Grant funding to organizations for the development and implementation of RRW programs throughout NYS employment in the private and public sectors.
- (g) Establishment of a recovery-ready workplace advisory committee to advise the state agency authorized to develop and implement the program.

**Actions:** Provide suggested changes, request a meeting or a speaker, or to endorse the bill see the contact information below.

**PARSE website:** <https://for-ny.org/parse/>

You can access the bill and download a pdf of it:

<https://www.nysenate.gov/legislation/bills/2023/S8381>

<https://nyassembly.gov/leg/?bn=A09063&term=2023>

Please encourage your local state legislators to sign on the bill!

### **Join the coalition or obtain more information**

Contact **Chris Assini**, Director of Policy for Friends of Recovery – New York at [cassini@for-ny.org](mailto:cassini@for-ny.org) or **Jonathan Rosen**, Safety & Health Consultant, National Clearinghouse for Worker Safety & Health Training at [jrosen396@gmail.com](mailto:jrosen396@gmail.com)