



P E N N S Y L V A N I A  
B U S A S S O C I A T I O N

Representing the Motorcoach Industry Since 1923

## Leadership Learning Sessions

Dear Fellow PBA Members,

As Chair of PBA, one of my goals has been to offer education and training in a casual atmosphere with an opportunity to network, hear what is going on within the industry, and learn valuable information to bring back to your organization. If you'll recall, I introduced Leadership Lunch & Learning sessions a couple of years ago. I am proud to announce we will host Leadership educational sessions in 2020. The first session content is one I believe is on top of many PBA operator's list of hot topics: ***Marijuana in the Workplace***. We have an expert lined up to be your presenter.

This year, we have scheduled two sessions on said topic. Please select the session that works best for you based on your location and availability:

- **Central PA: March 23, 2020 at Wyndham Hotel, York, PA.**

Schedule: 9:00AM-11:30AM. Breakfast will be included.

[Please click here to register.](#)

- **Eastern PA: March 31, 2020 at Wind Creek, Bethlehem, PA.**

Schedule: 11:30AM-2:00PM. Lunch will be included.

[Please click here to register.](#)

On the next page is an overview of the session. Thank you for your continued support of PBA!

John Bailey, PBA Chair  
Bailey Coach

## SCHEDULE

Breakfast or Luncheon Buffet, Networking & PBA Updates

Presentation, Marijuana in the Workplace  
Presented by: Denise Elliott

## DATES/LOCATIONS

Central: Wyndham-March 23  
East: Wind Creek-March 31  
West: Pittsburgh Marriott North-April 6

## WHO SHOULD ATTEND

Open to all PBA members.

## FEES

Registration fee is \$25 per person; very affordable!

## SPONSORSHIPS

Sponsorship opportunities are open to all PBA members, the sponsorship fee is \$75, includes 1st attendee.

## REGISTER FOR A SESSION:

- March 23, 2020 at Wyndham Hotel, York, PA.  
[Please click here to register.](#)
- March 31, 2020 at Wind Creek, Bethlehem, PA.  
[Please click here to register.](#)



### About Presenter Denise Elliott:

As a member of the McNees Labor and Employment Practice Group, Denise focuses her practice on defending self-insured employers in workers compensation matters and providing representation and counsel to clients in employment discrimination litigation, ADA/FMLA compliance, safety drug and alcohol testing and health issues.

### Medical Marijuana in Pennsylvania - FAQs:

We also welcome you to come with questions or submit them ahead of time to Pattie Cowley, Executive Director via email: [director@pabus.org](mailto:director@pabus.org).

- **If an employee is using medical marijuana, will the employee's drug test be positive for marijuana?**
  - Yes. If the employee is actively using medical marijuana, the employee is likely to test positive for marijuana on a urine, hair or blood test. Moreover, the MRO (doctor who certifies drug test as positive) is likely to certify the test as positive although the employee was legally using marijuana under the PA Medical Marijuana Act. In conducting and verifying drug tests, MRO's follow regulations issued by the federal government. Accordingly, because marijuana remains illegal for all uses under federal law, the regulations do not recognize medical marijuana use as a legitimate medical reason for testing positive.
- **Can employers maintain a zero-tolerance drug policy and rely on the federal treatment of marijuana?**
  - No. Blanket zero tolerance policies are not recommended. Zero tolerance policies may run afoul of state disability discrimination laws as well as the anti-discrimination provision contained in the PA Medical Marijuana Act. One exception is where the employee is performing a job that is regulated by the federal government (i.e. a job that requires a CDL license/compliance with U.S. DOT regulations).

- **Does the PA Medical Marijuana Act include protections for employees?**
  - Yes. The PA Medical Marijuana Act provides that an employer may not discriminate against an employee solely based on the employee's status as a certified user. Recently, a judge in the Lackawanna County Court of Common Pleas held that an employee could bring a claim for such discrimination in state court. Additionally, individuals who are certified to use medical marijuana for their serious health condition are likely protected as an individual with a disability.
- **What rights do employers have to prohibit/restrict employee use of medical marijuana?**
  - Employers do not have to accommodate the use of medical marijuana at work, on the employer's property or during work hours. Employers may prohibit employees from bringing medical marijuana onto the employer's property/premises. Employers may discipline an employee for working while under the influence of medical marijuana. Employers may prohibit employees who work in certain safety sensitive positions from performing those positions while under the influence of medical marijuana. Employers are not required to do anything that would put them in violation of federal laws.
- **Is a positive drug test enough to demonstrate that an employee was under the influence of medical marijuana?**
  - Probably not. Several courts have held that a positive drug test by itself is not enough to demonstrate that a certified medical marijuana user was under the influence of medical marijuana at the time of the drug test.