

Legal Connections



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**Jill Snitcher
McQuain, Esq.**
Executive Director
jill@cbalaw.org



A SECOND CHANCE AT WORK

The opioid crisis has had a tremendous and dire impact on the families and friends of those who have a substance use problem. There is also a clear economic impact on business that few companies realize and far fewer are doing anything about. In fact, just 17 percent of employers feel they are prepared to handle opioids in the workplace.



KATHLEEN HERATH
Nationwide Insurance

we’ve implemented policies that help these employees, and can share our advice with other businesses.

A no-tolerance substance policy can be both unproductive and uncaring, removing workers from their jobs and the support they need to overcome their addictions. Instead, look into establishing

clear steps that give employees who are affected by substance use or drug-impaired at work the option of entering treatment and holding onto their jobs.

There are a few ways to accomplish this: one way we handle it is if an employee is suspected of being under the influence at work, they must submit to a drug test. If that test result shows drug or alcohol use, the employee can then agree to enter into a treatment program through an employee assistance program. Following treatment, the employee

returns to work, but could be subject to unscheduled alcohol or other drug testing for two years. Any business can follow this model, or establish their own similar model.

The good news is that, since establishing our own program, we’ve witnessed a 60 percent success rate with those completing treatment and the two-year follow-up. This is an incredible motivator for both the employee and the business.

Part of that success relies on managers receiving training to recognize an impaired worker, but also the knowledge across the organization that someone with a substance problem will not automatically lose their job. This is an important educational step in getting support to those who need it most in the workplace, and making sure the entire employee base knows they can seek out that support safely.

One of the first steps a company can take to deliver support is to establish an employee assistance program. At Nationwide, for example, our employee assistance program includes a dedicated helpline, connecting those in crisis immediately with a specialized licensed clinician, available 24 hours a day, seven days a week. We established this option because there is a limited window of opportunity to get someone into treatment, and getting lost in bureaucracy or a phone tree can cause us to miss that chance.

For any business, providing second-chance employment can be an effective policy that is easy for employees to understand, cares for and provides support to those employees and helps keep employees and the company productive in the face of crisis. ■

But the National Safety Council says that prescription painkiller abuse costs employers almost \$42 billion yearly across the country, and, in Ohio alone, we’ve lost 1.2 billion work hours since 1999. More strikingly, 56 percent of substance abusers are employed, and that is perhaps the place companies can have not only the biggest impact on their bottom line, but also the most positive impact on those suffering from the disease of addiction. At Nationwide,

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DONOR-ADVISED FUNDS: OPTIMIZING YOUR CHARITABLE GIVING

A donor-advised fund is like a charitable investment account, for the sole purpose of supporting charitable organizations the donor cares about. Pursuant to Section 501(c) (3) of the Internal Revenue Code, irrevocable contributions of cash, securities or other assets to a donor-advised fund at a public charity (ex. The Columbus Foundation, The Catholic Foundation, The Jewish Foundation) generally gives the donor an immediate tax



MARK J. PALMER, ESQ.
The Joseph Group Capital Management

deduction. The funds can be invested for tax-free growth and the donor then recommends when and to what IRS qualified charities grants are made from the fund.

Appreciated assets (shares of stock, real estate, etc.) are typically the most favorable, as they allow the donor to avoid capital gains taxes on

those assets, while receiving the tax deduction on the gross (pre-tax) value of the donated assets.

Typically, the donated assets are sold within the donor-advised fund account

and the proceeds invested in readily liquid assets (ex. publicly held stocks or bonds) until the donor suggests that funds be granted to the donor’s charity of choice. A best practice is for a donor to collaborate with their own financial professional team, as well as the appropriate persons with the public charity holding title to the donor-advised fund account.

Donor-advised funds allow for anonymity in that grants can be made without identifying the underlying donors. They cannot be used to fulfill pledges made in the donor’s individual name. This is one of the most commonly unknown or forgotten

features by donor advised fund owners.

Donors can benefit by using on-line services, including an organized system to recommend grants and review transaction history. This can be especially helpful when a donor needs to know how much was granted to a specific charity in any given year.

Donor-advised funds, when used as part of an overall giving strategy, and executed properly, are a highly optimal vehicle for the tax benefits, ease of administration, flexibility, low costs and benefits to charities. ■

Session 1: Hiring
Free + lunch provided

August 7, 2019 • 12:00-1:30pm @ the Columbus Bar

Diversity & Inclusion Series: BIAS INTERRUPTERS

The CBA’s new Diversity & Inclusion Series kicks off August 7 and is open to lawyers as well as non-lawyers. The first session will examine systemic bias in hiring and present a menu of solutions to interrupt that bias, leading to better employment practices and greater diversity. There is no cost to attend and lunch is provided. [Details @ cbalaw.org](http://Details@cbalaw.org).



Register now:

www.cbalaw.org

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