

Meeting Notes

Small Business Liaison Team (SBLT)

Thursday, March 23, 2017, 1:00-2:30 pm

Please send corrections, edits or additional information to help@oria.wa.gov.

Location	Department of Commerce Building Floor 1, Large Room 110 Columbia Room
Purpose	Presentation: Marijuana and the Workplace; 2017 Outreach Workgroups Kick-off
Attendees	• Doug Cheney • Kari Gilje • Rose Gundersen • Scott Hitchcock • Kim Johnson • • Blake Knoblauch • Edmon Lee • Rachael Lindstedt • Grant Pfeifer • • Laura Raymond • Patrick Reed • Mary Segawa • Nancy Skewis • Jodi Slavik • • Jovi Swanson • Bert Toivola • Margeret Warner • Una Wiley • Brittany Wilson • • Gigi Zenk •

Agenda Highlights

- **Welcome and Agenda Overview**
 - Upcoming Events
 - Web Traffic Report
- **Presentation:**
 - Marijuana Legalization: Marijuana and the Workplace
- **Roundtable**
- **2017 Outreach Workgroups (Communications & Events) Kick-off**

Welcome and Agenda Overview

Scott Hitchcock, Office for Regulatory Innovation and Assistance

- Reviewed Agenda and Introductions

Upcoming Agency Event

- Department of Commerce provided the following business event: The CleanTech Innovation Showcase on June 26, 2017. For more information, visit:
<http://www.cleantechalliance.org/events/EventDetails.aspx?id=926107&group>

Web Traffic Report

Rachael Lindstedt, Office for Regulatory Innovation and Assistance

- Presented the [Web Traffic Report^a](#) for December 1, 2016 to February 28, 2017:
 - Small Business Guide agency referrals
 - Small Business Guide HTML
 - Small Business Guide PDF
 - United States and Country page views
- A quarterly web traffic report is presented to the Small Business Liaison Team each month; next month's report will include data from January 1, 2017 to March 31, 2017.

Presentation

Marijuana Legalization in the Workplace – Impact on Businesses

Bert Toivola, Cordant Health Solutions & Jodi Slavik, Vigilant

- Presented on the [Cordant Forensic Solutions Presentation – Marijuana and the Workplace^b](#)
- Employers found that 7 percent of employees are using synthetic urine during drug screening
- Businesses are in the process of developing accurate THC breathalyzers (about 4-5 years from implementation)
- For questions pertaining to this presentation, you can contact Bert Toivola, Ph.D. Laboratory Director of Cordant Health Solution in Tacoma at (928) 440-6240 or BToivola@cordanths.com.
- Jodi Slavik presented on how Marijuana Legalization has impacted the workplace.
- Jodi is part of a member organization, Vigilant; advises employers on employment laws. Vigilant has members in the western part of the United States and is located in 5 states: Washington, California, Oregon, Montana, and Idaho.

Employer Trends

- Employers are concerned about recent issues with labor shortage crisis in the manufacturer industry. Some of the issues employers face are:
 - Finding qualified skilled labor
 - Pre-employment medical marijuana accommodations
 - Claims staff are asking more questions regarding workers compensation

Marijuana Testing

- Employers test for marijuana through urine, blood, and mouth swabs
- Blood testing – is the most accurate
- There's no way to test if someone is impaired after smoking marijuana
- Companies are not accepting weekend drug use; they want to protect employees by keeping them safe at work
- There are legal impacts of retaining employees that are impaired (i.e. federal employees are required to have a drug-free workplace, businesses have a difficult time with liability insurance if workplace is not drug-free, etc.)

Advises Employers

- Do not change how your business is currently testing. After the I-502 Initiative was passed, more employees were testing positive for marijuana use
- Focus on drug testing policy and who is involved in the testing; include corporate and manufacturer
- Prohibit showing up to work impaired
- Do not eliminate pre-drug testing
- Double up on training supervisors for drug impairment with employees. Supervisors should be sending employees to have a drug test if they see signs of memory issues and erratic behavior.
- Does not recommend testing all employees after a work accident. This is also recommended by OSHA.
- As a resource, advise employees of the Employee Assistance Program.
- **Action:** Margeret Warner (ORIA) is following up with Jodi regarding medical marijuana court cases (see court cases below)
 - Here is the Washington Supreme Court case Jodi cited: [Roe v. Teletech Customer Care Mgmt.](#)^c, 171 Wn.2d 736.
 - Other states/courts with similar holdings (private employers not required to accommodate marijuana use):
 - [Emerald Steel Fabricators v. BOLI](#)^d (OR 2010)
 - [Johnson v. Columbia Falls Aluminum Co](#)^e (MT 2009)
 - [Ross v. Raging Wire Telecomms](#)^f (Cal 2008)
 - [James v. City of Costa Mesa](#)^g (9th Circ. 2012)
- To download Vigilante's Marijuana in the Workplace Legal Guide, visit: <http://www.vigilant.org/downloads/marijuana-in-the-workplace>

- For questions, you can contact Jodi Slavik, Employment Attorney & Strategic Services Director of Vigilant at (425) 349-4477 or Jodis@vigilant.org.
- Mary Segawa (LCB) – Provided [Marijuana Use in Washington State - An Adult Consumer Guide - Revised^h](#) (Use in WA State) – Washington State University is developing a THC breathalyzer.

2017 Workgroup Planning –Communications Workgroup and Events Workgroup

Scott Hitchcock, Margeret Warner, Rachael Lindstedt, & Brittany Wilson, Office for Regulatory Innovation and Assistance

- Provided the following handout to all SBLT members: [SBLT Outreach Survey – 2017 Work Groupsⁱ](#).
- Workgroups began focusing on priorities and next steps for each of the workgroups: “Events” and “Communications”.
- **Action:** Both workgroups will report out at the next SBLT meeting.

Communications Workgroup

- Rachael and Brittany provided the: [Workgroup Outreach Communications Team Agenda^j](#)

Events Workgroup

- Margeret and Scott provided the: [Workgroup Outreach Events Team Agenda^k](#)

Roundtable

Small Business Liaison Members

- Patrick Reed (SOS): Clarified the governor term on the SOS documents doesn't mean someone is part owner of the business.
- Nancy Skewis (DOL): The Department of Licensing, Information Technology Division and the Business Professionals Divisions are moving to 6135 Martin Way, Lacey. This is a short term office move. The long term plan is for DOL staff to return to the Black Lake Olympia office location.

Referenced Hyperlinks

^a Web Traffic Report

[https://www.ezview.wa.gov/Portals/_1729/Documents/Analytics/WebSite%20Analytics%20-%20SBLT%20Report%20\(Dec%202016%20-%20Feb%202017\).pdf](https://www.ezview.wa.gov/Portals/_1729/Documents/Analytics/WebSite%20Analytics%20-%20SBLT%20Report%20(Dec%202016%20-%20Feb%202017).pdf)

^b Cordant Forensic Solutions Presentation – Marijuana and the Workplace

https://www.ezview.wa.gov/Portals/_1729/Documents/Presentations/Marijuana%20Workplace%20Workshop%20%203-23-2017.pdf

^c Roe v. Teletech Customer Care Mgmt.

<http://courts.mrsc.org/supreme/171wn2d/171wn2d0736.htm>

^d Emerald Steel Fabricators v. BOLI

<http://www.oregon.gov/boli/legal/docs/emeraldsteelfo.pdf>

^e Johnson v. Columbia Falls Aluminum Co

<https://www.courtlistener.com/opinion/889079/johnson-v-columbia-falls-aluminum-company-llc/>

^f Ross v. Raging Wire Telecomms

<http://caselaw.findlaw.com/ca-supreme-court/1217720.html>

^g James v. City of Costa Mesa

<http://cdn.ca9.uscourts.gov/datastore/opinions/2012/05/21/10-55769.pdf>

^h Marijuana Use in Washington State Adult Consumer's Guide - Revised

<http://lcb.wa.gov/publications/Education/2016-consumers-guide-brochure-web.pdf>

ⁱ SBLT Outreach Survey – 2017 Work Groups

https://www.ezview.wa.gov/Portals/_1729/Documents/WorkGroups/SBLT%20Outreach%20Survey%202017%20-%20Work%20Groups%20-%20Final.pdf

^j Workgroup Outreach Communications Team Agenda

https://www.ezview.wa.gov/Portals/_1729/Documents/WorkGroups/SBLT%20-%20Events%20Workgroup%202017.docx

^k Workgroup Outreach Events Team Agenda

https://www.ezview.wa.gov/Portals/_1729/Documents/WorkGroups/SBLT%20-%20Communications%20Workgroup%202017.docx