

Medical Marijuana Patients Employee Rights FAQ

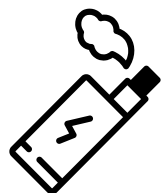


Pittsburgh Commission
On Human Relations



Do I have to share my qualifying medical condition?

No. Your employer may ask for a copy of your current and active medical marijuana card but you are not required to provide medical records or a diagnosis of your medical condition.



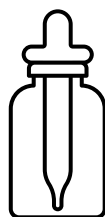
Can I be fired for using medical marijuana while I'm working?

Yes. This protection does not give you permission to use medical marijuana while you are working, on breaks, during lunch, or on any job site you are assigned to. The employer is permitted to test you upon reasonable suspicion of substance use on the job or after a workplace accident.



I applied for a job that requires a pre-employment drug test and I am a medical marijuana cardholder. What should I do?

Prior to taking the drug test, disclose that you are a medical marijuana cardholder and that you will test positive for that substance. The employer MAY still test for other substances. They MAY NOT deny you an employment opportunity because you legally use medical marijuana.



After I disclosed that I use medical marijuana my supervisor changed my work responsibilities. Is this allowed?

Depending on your job duties this may be necessary. Some duties that are restricted are working with certain chemicals, electricity, public utilities, positions that require carrying a firearm, etc.

Remember, when in doubt please reach out! We are here to help.

**Subject to exemptions,
see reverse*



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Things to consider

- If you are applying for a job with an employer who is a party to a valid collective bargaining agreement that specifically addresses the pre-employment drug testing of applicants, **you can be denied employment based on a positive drug test.**
- Is your medical marijuana card **current and active**? It must be at the time of a drug test. To check the status, renew, or obtain a card please visit the Medical Marijuana Registry website at <https://padohmmp.custhelp.com/app/login>
- For your safety and the safety of others, **while under the influence of medical marijuana a patient may not:**
 - Operate or be in physical control of chemicals which require a permit issued by the Federal Government or a state government or an agency of the Federal Government or a state government; or high-voltage electricity; or any other public utility.
 - Perform duties at heights or in confined spaces
 - Perform tasks that the employer deems life-threatening to anyone
- Your employer **may take disciplinary action against you** if you are under the influence of medical marijuana in the workplace or are working while under the influence and your conduct falls below the standard of care normally accepted for that position.
- Your employer is **not required to allow use of medical marijuana on the premises** or property of the workplace. This includes during breaks and lunch hours.
- Your employer is still **permitted to conduct drug testing:**
 - for illegal use of controlled substances
 - when supervisors have reasonable cause to suspect an employee of being under the influence of a drug while at work
 - when there has been a workplace accident

We offer free training and policy review for employers!





Pittsburgh Commission On Human Relations

Education · Collaboration · Enforcement

FAIR EMPLOYMENT PRACTICES

PROTECTED CLASS: MEDICAL MARIJUANA PATIENTS

QUESTIONS ON EMPLOYMENT PRACTICES OR FILING COMPLAINTS

If you have questions about your employment responsibilities or if you may have experienced discrimination in employment in Pittsburgh, please call, email, or message us using one of the methods below.

CONTACT US



414 Grant St, Room 908
Pittsburgh, PA 15219



human.relations@pittsburghpa.gov



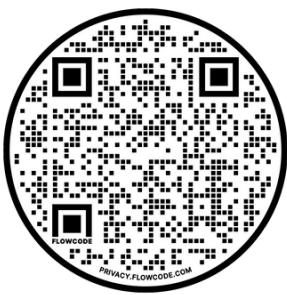
412-255-2600



<https://pittsburghpa.gov/chr/>



<https://pghchr.creatio.com>



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PITTSBURGH CITY CODE § 659.02 - UNLAWFUL EMPLOYMENT PRACTICES

Treating an employee less favorably than others because of a person's status as a medical marijuana patient is discrimination in violation of City Code. This remains true if a person's status as a medical marijuana patient is even part of the reason or motivation for the less favorable treatment of (or "adverse action" against) the employee. These prohibitions apply equally to applicants for employment or membership.

Best practices for employers to prevent discrimination against medical marijuana patients include:

- taking time to understand how the use of medicinal marijuana positively impacts the health of their employees when treating a qualifying condition
- how the various roles your employees play in the workplace may be exempt from permitting a medical marijuana patient from performing certain tasks
- creating policies for how to engage with employees who are medical marijuana patients
- making sure staff are trained in applicable antidiscrimination laws

Who is exempt from the medical marijuana patient protections?

- Positions with the Pennsylvania Department of Transportation or U.S. Department of Transportation that are subject to drug testing.
- Positions that require the employee to carry a firearm.
- Applicants for positions under a collective bargaining agreement which addresses the pre-employment drug testing of those applicants.
- Employees who use medical marijuana on the clock or on the job site.

FAIR EMPLOYMENT PRACTICES

PROTECTED CLASS: MEDICAL MARIJUANA PATIENTS

NON - COMPREHENSIVE LIST OF BEST PRACTICES FOR EMPLOYERS IN REGARDS TO MEDICAL MARIJUANA PATIENTS

DO end restrictions for employees and applicants on status as a medical marijuana patient wherever possible.*

DO develop and distribute a written Medicinal Marijuana Policy.

DO utilize the Pittsburgh Commission on Human Relations for policy review before enacting related policies.

DO inform employees of the preferred way to disclose status as a medical marijuana patient should they need to do so.

DO engage in an interactive process with individuals who disclose status as a medical marijuana patient at the time of a mandatory drug test.

DO train managers and human resources personnel on anti-discrimination laws and related company policies.

DO apply policies equally to all employees, contractors, and applicants.

DO continue to conduct drug tests when there is a workplace accident or reasonable suspicion of drug use while on the clock or job site.

DO familiarize yourself with the qualifying conditions medical marijuana cardholders.

DO NOT refuse to hire any person because of their status as a medical marijuana patient.

DO NOT discriminate against anyone in terms, conditions or privileges (such as compensation, promotion or termination) because of this status.

DO NOT have a policy of denying or limiting employment because of legal use of medicinal marijuana.

DO NOT deny someone participation in a guidance program, an apprenticeship training program, an on-the-job training program or any other occupational training program because of their status as a medical marijuana patient.*

DO NOT require any applicant to provide information about their qualifying medical condition, including diagnosis.

DO NOT advertise employment in a way that indicates a preference against a person's status as a medical marijuana patient.

DO NOT discriminate against anyone in ways that would deprive or limit their employment opportunities.

DO NOT allow medical marijuana patients to use the substance while on the clock or job site.

**See applicable exemptions*