

'Firm choice' defined in alcohol cases

The Merit Systems Protection Board has defined what it means by its policy that employees be given a "firm choice" between treatment and discipline for misconduct related to alcoholism.

MSPB said an agency must offer employees in such situations an unequivocal choice between treatment or the initiation of firing procedures. The agency may proceed with a firing, MSPB said, if the employee chooses not to participate in treatment, begins treatment but then leaves it before it's completed (either voluntarily or by being discharged from it), fails to adhere to the terms of the program, engages in alcohol-or drug-related misconduct, or has performance deficiencies related to alcohol or drug use after completing the program.

The standards help define a 1990 MSPB ruling that said agencies must try to reasonably accommodate alcoholic employees in much the same ways as they must oblige employees with handicaps.

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