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PURPOSE:

To define the manner in which the District will provide a drug and alcohol free workplace.

POLICY:

Sierra View Medical Center (SVMC) believes in promoting and enforcing the maintenance of a workplace free of drugs and alcohol. The Hospital has adopted a ZERO TOLERANCE for the employee's use of drugs and/or alcohol affecting their work or work environment.

As part of the drug awareness program, employees must recognize that a drug-free environment is essential. The quality of our work and our customer safety depends, in part, on maintaining a drug-free environment.

A violation of this policy will result in disciplinary action, up to and including termination of employment, or in not being hired.

INDIVIDUALS COVERED:

This policy applies to external applicants for SVMC special needs jobs and to all SVMC employees. A copy of this policy will be given to all employees. Notices of this Policy are available on the SVMC intranet and copies are available in the Human Resources Department.

CONFIDENTIALITY:

Any information about an employee's use of prescription or non-prescription medication, the results of any pre-employment or reasonable suspicion drug and/or alcohol testing, and/or an employee's past or present participation in rehabilitation or treatment for substance abuse shall be considered confidential personnel information. The information received in enforcing this policy shall be disclosed only as necessary for: (1) disciplinary actions and appeals; (2) interactive process meetings and reasonable accommodation efforts; or (3) resolving legal issues. Any reports or test results generated pursuant to this policy shall be stored in a confidential file, accessible only by those authorized to receive the information and separate and distinct from the employee's personnel file.

DEFINITIONS:

Chain of Custody: For purposes of this policy, "Chain of Custody" refers to procedures to account for the integrity of each specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen at the certified laboratory.

Collection Location: For the purposes of this policy, "Collection Location" shall mean a designated clinic/facility where applicants or employees may present themselves for the purpose of providing a specimen to be analyzed. SVMC will select a Collection

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Location and require that the Collection Location comply with all methods of collection and Chain of Custody and provide documentation of compliance to SVMC.

Medical Review Officer: For purposes of this policy, “Medical Review Officer” or (MRO) shall mean a licensed physician with knowledge of drug abuse disorders as well as appropriate training to interpret and evaluate an employee’s positive test results together with an employee’s medical history and any other biomedical information. MRO reviews all positive test results and interviews individuals who tested positive to verify the laboratory report before the employer is notified. SVMC shall select a MRO who is a licensed physician.

On-the-Job: For purposes of this policy, an employee is considered “on the job” or “on Hospital premises” whenever the employee is:

- On Hospital property, including parking lots, break rooms, lounges, cafeterias, locker areas, etc., at any time;
- On Hospital time, even if off Hospital premises (including paid lunch, conferences and rest periods);
- On the property and/or at the facilities of customers, clients and/or vendors of the Hospital;
- Operating SVMC equipment, including, but not limited to, all property and equipment, machinery and vehicles owned, leased, rented, or used by SVMC.
- Attending a conference for which the Hospital reimburses expenses;
- At a job site.

Possession: For purposes of this policy, “possession” includes substances being physically held by a person and/or stored or deposited in areas the employee controls (e.g. purses, lunch boxes, personal automobiles, lockers and limited-access work areas).

Testing Positive: For purposes of this policy, “testing positive” means an alcohol blood test resulting in a value of 0.02 or above or urine or blood test results showing the presence of an illicit drug substance and/or the metabolites of an illicit drug.

Reasonable Suspicion: For purposes of this policy, “reasonable suspicion” will be based on specific and timely observations concerning the appearance, behavior, speech, and body odors of the employee, etc. including behavior or symptoms which may indicate chronic and/or withdrawal effects of the use of controlled substances. This

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includes information from customers, members of the public, and co-workers. In addition, a job-related accident or near-accident involving human error may trigger a reasonable suspicion test request.

Safety Sensitive: Those positions where employees engage in activities that have the potential to endanger the health and safety of the employee, the public or the Hospital's patients, or those applicants seeking jobs which can directly influence children.

AFFECTED PERSONNEL/AREAS: *ALL EMPLOYEES & VOLUNTEERS*

PROCEDURE:

RESPONSIBILITY

All employees are encouraged to come forward with any information regarding any concerns about compliance with this policy. It is the responsibility of all managers, supervisors and employees to ensure that this policy is enforced. Employees who have reason to believe that another employee is under the influence of drugs and/or alcohol shall immediately notify his or her immediate supervisor or they may be in violation of this policy. Should any Leader have reasonable suspicion to believe an employee may be under the influence of drugs and/or alcohol; the employee shall be removed immediately from the workplace until such time as testing results confirm or refute the presence of drugs and/or alcohol.

PROHIBITIONS

1. *ALCOHOL*

The Hospital strictly prohibits the use, consumption, possession, or being under the influence of alcohol, or having blood/alcohol content (BAC) level of .02 or above while on the job and/or on Hospital premises. **EXCEPTION:** On occasion, the Hospital may permit alcohol to be served at off-duty and off-site functions to which employees are invited. However, the Hospital strictly prohibits the use of alcohol which results in impairment or intoxication at any time while on Hospital premises and/or while attending Hospital functions.

2. *ILLICIT DRUGS*

The Hospital strictly prohibits the illicit use, sale, solicit, attempted sale, conveyance, distribution, manufacture, cultivation, dispensation, purchase, attempted purchase, and possession of illegal drugs, intoxicants, or controlled substances, at any time and in any amount or in any manner. Illicit drugs include all drugs, the possession of which are illegal under federal law, and include prescription drugs for which the individual does not have a valid prescription. Because the use of marijuana is illegal under federal law, and in accordance with California's Health & Safety Code, the Hospital is neither obligated to nor will it accommodate or permit an employee's medical marijuana or recreational marijuana use or possession.

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3. PRESCRIPTION AND OVER-THE-COUNTER DRUGS

The Hospital strictly prohibits the use, possession, or being under the influence of a prescription drug obtained or used without a prescription by a licensed physician at any time and in any amount while on the job or on Hospital premises. Additionally, using or being under the influence of legally obtained prescription or over-the-counter drugs is prohibited where such use may affect the employee's ability to safely and/or efficiently perform his/her job. It is each employee's responsibility to check with their medical care provider and review product packaging to determine whether any prescription or over-the-counter drugs may adversely affect his/her ability to safely and/or efficiently perform assigned duties.

Before commencing work, an employee is required to advise Employee Health Services that he/she is taking prescription or over-the counter drugs that will or may impact the employee's ability to safely and/or efficiently perform assigned duties. The employee should not reveal the name or type of medication he/she is taking nor should the employee reveal why he/she is taking the medication. The **ONLY** information sought by the Hospital is whether the medication has side effects that preclude the employee from safely and efficiently performing their assigned duties.

Employee Health Services, along with Human Resources and the employee's supervisor, shall determine the employee's ability to perform safely and/or efficiently under the circumstances and whether he or she may work, full duty or light duty, based on the written opinion of the employee's medical provider that the use of the action may impair the employee's ability to perform specific duties. The employee will be assigned to other duties if, in the sole discretion of management, such duties are appropriate and available. The Leader may, upon a determination that the employee is unable to safely or efficiently perform his or her normal duties, or that a modified work assignment is not available, direct the employee not to work and to return home on a paid sick leave, if available, or otherwise on unpaid leave. Notices or communications required by this Section shall be confidential and disclosed only to the Leader and the other employees specifically authorized to receive information pursuant to this Policy.

4. TESTING

Refusing to submit to illicit drug and/or alcohol testing pursuant to this policy is strictly prohibited and will be considered a failed test.

5. ADULTERATING AND/OR TAMPERING WITH SAMPLE

Adulterating and/or tampering with the collection forms, the testing process and/or with the testing sample, or engaging in behavior which causes suspicions of adulteration or tampering with the sample or the collection or testing process is strictly prohibited and will result in the test results being treated as a failed test.

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6. CONVICTION OF DRUG AND ALCOHOL CRIMINAL VIOLATIONS

Being convicted of a criminal drug violation occurring in the workplace **is prohibited**.

In order to ensure safe patient care, safety and security, all employees have an ongoing duty to self-report to SVMC at the employee's earliest opportunity any misdemeanor or felony arrests or convictions that occur after the employee begins working for SVMC. Any misdemeanor or felony arrests or convictions must be reported to the Vice President of Human Resources. This would include conviction of DUI. Failure to properly report conviction or arrests of misdemeanor or felony may result in separation of employment up to and including separation.

7. COMPLIANCE WITH MANDATED PROGRAMS

Failing to comply with any program mandated by state, federal or local law **is prohibited**.

The Nurse Practice Act makes it clear the responsibility is on the licensee to report any conviction of a felony or misdemeanor to the Board of Nursing within 30-days. This includes DUI conviction and arrests.

Any staff member who is considered a licensee through an agency as a requirement to perform their roles, is responsible to follow the self-reporting guidelines for reporting convictions or arrests of any misdemeanor or felony, including DUI within the agencies established timeline.

DRUG TESTING – NEW HIRES

The Hospital requires all prospective new hires in safety sensitive positions to successfully pass a mandatory drug test. Such pre-employment testing will take place after a conditional offer of employment, but before the applicant begins work.

External job applicants who test positive, attempt to or engage in behavior which causes suspicions of adulterating or tampering with the sample of the collection or testing process, or who fail to cooperate in the testing process will result in the revocation of their conditional offer of employment and they will no longer be considered for employment by the Hospital.

DRUG AND ALCOHOL TESTING – CURRENT EMPLOYEES

The Hospital may require drug and alcohol testing of current employees under the following circumstances:

1. When a reasonable suspicion exists, based upon specific and documented facts and observations, that an employee may be under the influence of any controlled substance, drug or alcohol while on the job, or is otherwise in violation of this policy;

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2. When a reasonable suspicion exists to believe, based upon specific and documented facts and observations, that the employee either possesses, uses, sells, transfers, manufactures, purchases or illegally transports alcohol, drugs and/or drug-related paraphernalia or attempts to do so. or when such items are found in an area controlled or used by the employee, such as an employee’s desk;
3. When required by state, federal or local law or regulation(including, but not limited to (a) persons driving commercial motor vehicles with a gross vehicle weight rating of 26,001 pounds or more or carrying hazardous materials [DOT testing]; or (b) for other reasons required by law);
4. When transferring from a non-safety sensitive position into a safety sensitive position (drug testing only), such drug testing will take place after the offer of transfer to the safety sensitive position but prior to the start of the new position.
5. Follow up testing for employees who have returned to work following a positive test and testing is required as part of their participation in a drug and/or alcohol rehabilitation program;
6. Following a work-related accident, incident, or mishap that resulted in death, or injury requiring medical treatment away from the immediate scene of the accident, or property damage, where drug and /or alcohol use by the employee cannot be ruled out as a contributing factor.

TESTING PROCEDURE

In conducting an illicit drug or alcohol test, precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified while simultaneously protecting the privacy of the individual to the extent reasonably practicable.

1. No sample will be collected, and no test will be conducted without the written consent of the individual being tested. However, failure to consent will be considered a refusal to test and viewed as an insubordination and will subject the individual to disqualification from employment or disciplinary action, up to and including discharge. The Hospital will pay the cost of all drug and/or alcohol tests required by the policy.
2. The employee will also be asked to sign an authorization for the release of the test results to the Hospital.
3. Any employee who is asked to submit to a reasonable suspicion illicit drug or alcohol test will be placed on unpaid suspension pending further investigation.
4. The testing will involve collecting urine and/or blood samples, which will be subjected to An initial screening test. If that test result is positive, the positive result will be confirmed using a different testing methodology.
5. One or more persons in Employee Health Services will be designated to receive test results and will notify Human Resources and other authorized Hospital officials on a need-to-know basis.

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6. Employee will present to the collection location at the scheduled date and time. Should a drug or alcohol screen need to be performed after operational hours from Employee Health Services (Monday through Friday, 7:00 a.m. to 3:30 p.m.), the House Supervisor shall be contacted, who in turn will notify the Administrator On-Call and the Director of Quality and Patient Safety or designee for further instructions. Collection location personnel will further explain the mechanics of the collection process.
7. A valid form of photo identification will be requested and photocopied prior to the test.
8. Procedures for urine collection will allow for individual privacy unless there is a reason to believe the individual may alter or substitute the specimen to be provided. Samples will be tested for temperature and subject to other validation procedures as appropriate.
9. The employee must sign the provided “Chain of Custody” forms by attesting that there was no tampering with the specimen prior to its being sealed in the package. The “Chain of Custody” procedures will be continued by the vendor laboratory and shall conform to the Mandatory Guidelines for Federal Workplace Drug Testing Programs, as promulgated by the Department of Health and Human Services, as amended from time to time.
10. The Hospital will test for cannabinoids (marijuana), cocaine, amphetamines, opiates, barbiturates, benzodiazepines, and phencyclidine (PCP) as well as alcohol. Tests will seek only information about the presence of drugs and/or alcohol in an individual’s system and will not test for any medical condition. Because the use of marijuana is illegal under federal law, and in accordance with California’s Health & Safety Code, the Hospital is neither obligated to and will not accommodate or permit an employee’s medical marijuana or recreational marijuana use. A positive drug test for marijuana use will subject the employee to disciplinary action, up to and including termination of employment as provided in this policy.
11. All test results will be directed to the designated contact person in Employee Health Services, who will then notify the designated contact person in Human Resources.
12. Any positive drug or alcohol test will prompt an investigation by the Medical Review Officer (MRO) for confirmation of the positive test. The employee will be notified by the MRO and will be given an opportunity to provide the MRO with any reason he or she may have that would explain the positive test. The MRO’s investigation may include the need to gather information from the employee regarding prescription and over the counter medications that may have affected the drug test. If the employee provides an explanation acceptable to the MRO that the positive drug or alcohol test result is due to factors other than the presence of drugs and/or alcohol in the test specimen, the positive test results will be disregarded and reported to the Hospital as negative. Otherwise, the MRO will report the positive result to the designated contact in Employee Health Services, or other authorized Hospital officials as appropriate. If the MRO determines that a positive drug test is the result of a validly prescribed medication or over the counter medication, the Hospital reserves the right to proceed accordingly under the “Prescription

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and Over-the-Counter Drugs” section of this policy. Test results will only be disclosed to the extent expressly authorized by this policy and the employee authorization form.

13. Employees may request and receive a copy of their test results from Employee Health Services.
14. Should an employee be observed attempting to substitute or adulterate the sample or an unusual occurrence arise during the collection procedure that creates concern about the accuracy of the specimen, the Director of Quality and Patient Safety and Vice President of Human Resources will be notified.

VOLUNTARY ADMISSION OF A DRUG AND/OR ALCOHOL PROBLEM

1. The Hospital encourages employees with drug and/or alcohol abuse problems to seek needed counseling and treatment.
2. The Hospital encourages employees to contact a supervisor, Human Resources, or Employee Health Services to receive information about the Employee Assistance Program (EAP). An employee requesting this assistance may, at the supervisor’s discretion, be transferred, given work restrictions, or placed on leave while receiving treatment and until the employee is drug and/or alcohol free. Any voluntary communications with a supervisor, Human Resources, or Employee Health Services that are initiated by the employee, and not as a result of a violation or suspected violation of this policy, will be treated as confidentially as possible. However, requesting assistance for substance abuse does not relieve the employee of his/her responsibility to meet performance, safety and attendance expectations and to comply with all Hospital policies. Nor will an employee’s voluntary disclosure of a substance or alcohol abuse problem terminate any investigation, criminal or administrative, initiated prior to the disclosure.
3. Employees must use available Paid Sick Leave (PSL) or Vacation/Holiday (VAC/HOL) with applicable leaves of absence. If none of the above is available to them and time off from work is necessary for rehabilitation services related to a drug and/or alcohol problem, it will be unpaid. The employee will pay rehabilitation expenses unless coverage is provided under a health insurance policy.

COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

1. Employees must, as a condition of employment, report any drug-related conviction under a criminal drug statute for violations occurring on or off Hospital premises. A report of a conviction must be made to the VP of Human Resources within five days of the known conviction.
2. Within 30 days of the date the Hospital learns of an employee’s conviction, it may discipline such employee up to and including termination.
3. Each employee, as a condition of employment, shall sign a Notification Statement confirming that the employee will abide by this policy.

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4. The Hospital's drug-free awareness program will inform employees of:
 - a. The dangers of drug and alcohol abuse on health and in the workplace;
 - b. Hospital policy of maintaining a drug-free workplace as set forth herein and which all employees will acknowledge;
 - c. The extent of available drug counseling rehabilitation and other employee assistance measures (*see section titled Voluntary Admission of a Drug and/or Alcohol Problem above*); and
 - d. The penalties that may be imposed for drug abuse violations (*see Prohibitions discussion above.*)

INVOLVEMENT OF LAW ENFORCEMENT AGENCIES

When the Hospital has reason to believe that federal, state or local law is being violated, the Hospital may refer such activities to law enforcement agencies.

REFERENCES:

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- Elaws - drug-free Workplace Advisor. (n.d.). Retrieved February 03, 2021, from <https://webapps.dol.gov/elaws/drugfree.htm>.
- The controlled Substances Act. (n.d.). Retrieved February 03, 2021, from <https://www.dea.gov/controlled-substances-act>.
- 42 U.S.C. §§ 12101 et SEQ. | Americans with Disabilities ... (n.d.). Retrieved February 3, 2021, from <https://americandisabilityrights.org/ada/42-usc-12101-americans-with-disabilities-act>.
- The Americans with Disabilities Act Amendments act of 2008. (n.d.). Retrieved February 03, 2021, from <https://www.eeoc.gov/statutes/americans-disabilities-act-amendments-act-2008>.
- *Nursing, C. (n.d.). Nursing practice act. Retrieved February 03, 2021, from <http://www.rn.ca.gov/practice/npa.shtml>.*

CROSS REFERENCES:

- [SOP – Behavioral Physical Observation For Leaders](#)
- [SOP – Reasonable Suspicious Guidelines For Leaders](#)

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