

## POLICY TITLE

# Prohibited Drug and Alcohol Use

## EFFECTIVE DATE

June 15, 2023

## DEPARTMENT

Human Resources

## APPLICATIONS

- Medical Center
- Medical Group
- Statera Network
- ACOM
- Foundation
- Southeast Medicine Shop

## PURPOSE

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To provide a policy that outlines the requirements and procedures for prohibited drug and alcohol use.

## SCOPE

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System-wide. This policy governs all employees and contracted workers of Southeast Health.

## POLICY & ENFORCEMENT

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It is the policy of Southeast Health to provide its patients and the community we serve with quality healthcare services and to provide employees with a safe working environment that is free from the effects of illegal/prohibited drugs and alcohol.

### ILLEGAL/PROHIBITED DRUGS:

1. Employees and contracted workers are prohibited from using, consuming, possessing, distributing, purchasing, selling or otherwise transferring illegal/prohibited drugs or controlled substances on the job, on Southeast Health property, and/or while operating Southeast Health equipment or vehicles. Illegal/prohibited drugs includes any drug that the federal law prohibits individuals from using, possessing, distributing, purchasing or selling, including, without limitation, marijuana and other tetrahydrocannabinol (THC)-containing products.
2. Products containing cannabidiol (CBD) may cause a positive test for THC. The claimed use of products containing CBD, even though they may be bought and sold legally, will not be

accepted by Southeast Health as an excuse for a positive THC test and may result in termination.

3. Employees are prohibited from reporting to work under the influence of drugs. An employee is considered “under the influence” of drugs if the test results indicate a presence of an illegal/prohibited drug, controlled substance, or prescription drug in his/her system in an amount that meets or exceeds the threshold levels adopted by a Medical Review Officer at a laboratory designated by Southeast Health.
4. Employees are considered under the influence, if based on the employee’s speech, statements, behavior, conduct or appearance, the employee reasonably appears to be under the influence.

### **PROHIBITED/ILLEGAL DRUG USE:**

1. Off-the-job drug use that affects an employee’s job performance, jeopardizes employees’ or the public’s safety, or risks damage to Southeast Health, to the patient, or to the property of the patient is a violation of this policy.
2. Employees arrested for off-the-job drug use will be in violation of this policy. Employees are required to notify his/her department/division head of any such arrest and/or convictions within five (5) days of the action. The department/division head shall notify the Employee Relations Manager within twenty-four (24) hours of notice from the employee. Human Resources will consider the nature of the charges, the employee’s present job assignment, the employee’s prior work record, the impact of the employee’s arrest on the reputation of Southeast Health, and the employee’s future reputation if allowed to remain in deciding what action to take against the employee.
3. Evidence discovered by Southeast Health of unlawful use, sale or possession of drugs at the workplace shall be turned over to law enforcement authorities for appropriate action. Southeast Health will utilize all internal investigative techniques available, including testing, to detect policy violations.
4. Southeast Health reserves the right to conduct searches as addressed in Human Resources Policy “Employee Searches”.

### **PRESCRIPTION DRUGS:**

1. Employees are prohibited from purchasing, selling or unlawfully transferring prescription drugs to any other person other than the prescription holder while on the job, on Southeast Health property, and/or while occupying or operating Southeast Health equipment or vehicles. Employees are also prohibited from using or consuming prescription drugs that have not been lawfully prescribed to them. For clarification, this policy does not restrict or prohibit the lawful operations of Southeast Health’s inpatient and outpatient pharmacy employees in dispensing prescription drugs, including controlled substances.

2. The use of legally obtained prescription drugs in an amount or for the duration that renders an employee unfit for duty is a violation of this policy. Employees must not report to work under the influence of any drug, legal or illegal, that renders that employee impaired and unfit for duty. Reporting to work under the influence, as determined by drug and/or alcohol screen standard parameters, is a violation of this policy and may result in termination of employment.
3. An employee who uses legally obtained drugs as prescribed by their physician is not in violation provided the use does not impair his/her ability to work safely. An employee using legally obtained drugs which might impair the employee's fitness for duty has the responsibility to:
  - Obtain a physician's release prior to return to work, and present to employee health to be loaded into their Employee Health Record. Employee Health will notify HR if the employee is fit or not, based on the physician's recommendation.
  - HR will notify the immediate supervisor if there is any doubt regarding employee's fitness for duty or if accommodations per ADA are recommended, the employee will not be allowed to work until released by their physician.
4. All medical information obtained relating to the use of legal drugs will remain confidential. This information will be kept in the individual's Employee Health record, which is separate from the personnel file. Access to this information will be restricted and only on a "need to know" basis.

#### **ALCOHOL USE**

1. Employees are prohibited from using, consuming, possessing, distributing, purchasing, selling or otherwise transferring alcoholic beverages on the job, on Southeast Health property, while operating Southeast Health equipment or vehicles, and during breaks (including meal breaks) during working hours.
2. Employees are prohibited from reporting to work under the influence of alcohol. An employee who has a breath alcohol of 0.02 or higher is considered to be under the influence of alcohol for the purposes of this policy. An employee may also be under the influence of alcohol if, based on the employee's speech, statements, behavior, conduct or appearance, the employee reasonably appears to Southeast Health to be under the influence.
3. Off-the-job use of alcohol that adversely affects an employee's job performance, jeopardizes the safety of the employee, patients, students, or the public, or risks the property of Southeast Health, patients, students, or the public is also a violation of this policy.
4. Employees arrested for alcohol related offenses may be in violation of this policy. Employees arrested for off the job drug use will be in violation of this policy. Employees are required to notify his/her department/division head of any such arrest and/or convictions within five (5) days of the action. The department/division head shall notify Human Resources within twenty-four (24) hours of notice from the employee. Human Resources will consider the nature of the charges, the employee's present job assignment, the employee's prior work record, the impact

of the employee's arrest on the reputation of Southeast Health, and the employee's future reputation if allowed to remain in deciding what action to take against the employee.

### **PRE-EMPLOYMENT DRUG TESTING**

1. All applicants for employment with Southeast Health must undergo testing for the presence of drugs as a condition of employment. All offers of employment will be conditional, pending a satisfactory drug test.
2. Job applicants who are extended a conditional offer of employment will be required to submit voluntarily to a drug test at a laboratory chosen by Southeast Health and, by signing a consent agreement, will release Southeast Health from liability.
3. Any applicant with a confirmed positive test will be denied employment.
4. Refusal to submit to a drug test will be interpreted as a voluntary withdrawal of application for employment.
5. If the physician, medical official, or lab personnel has reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.
6. Southeast Health will not discriminate against applicants for employment because of a past history of drug abuse. It is the current use of drugs that is prohibited.
7. Applicants with a confirmed positive test result may, at their option and expense, have a second confirmation test made on the same specimen. An applicant will not be allowed to submit another specimen for testing. Applicants must present themselves drug-free as demonstrated by the drug testing selected by Southeast Health.
8. Individuals who have failed a pre-employment test may initiate another inquiry with Southeast Health after a period of not less than twelve (12) months. However, they must present themselves drug-free as demonstrated by the drug testing selected by Southeast Health.

### **RANDOM DRUG AND ALCOHOL TESTING [NOTE: This section does NOT apply to ACOM employees.]**

1. Employees of Southeast Health will be subject to random drug and alcohol testing which will occur on a monthly basis.
2. Southeast Health will utilize a program for the purposes of the random selection of employee names.
3. The Employee Health department will notify the employee directly when they have been selected for a random drug screen. Employees shall report to the Employee Health department within three (3) hours of notification by Employee Health.
4. Failure of any Southeast Health employee to complete the random drug and alcohol screen within the require timeframe will be subject to termination of employment.
5. **This section does not apply to ACOM employees.**

### **FOR CAUSE/REASONABLE SUSPICION DRUG AND ALCOHOL TESTING**

In a situation where Southeast Health has reason to believe that fitness for duty is in jeopardy due to drug use or alcohol abuse, an employee may be required to immediately submit to drug testing to assess any drugs and their levels that are present. Test results shall be used by Southeast Health to make an accurate determination of fitness for duty and to protect the employee from an incorrect assessment.

Employees will be required to immediately submit to drug and/or alcohol screening when a supervisor has reason to believe the employee may have violated this policy or alcohol may have created a fitness for duty question. Reasonable suspicion may arise if one of the following conditions exist:

1. Erratic or unusual behavior of an employee (must exhibit two or more of the behaviors listed on the [Reasonable Suspicion Drug Form](#));
2. Inaccuracies or shortages of drugs for which an employee was responsible, and/or suspected misappropriation of drugs; or
3. Any other business or performance related information either received or observed by Southeast Health, which would give justification to suspect drug use or alcohol abuse.

### **OTHER DRUG TESTING CIRCUMSTANCES**

1. An employee will be drug tested when the employee has caused or contributed to an on-the-job accident that causes an injury to a person or property.
2. When a driver of either a Southeast Health or patient vehicle is involved in a vehicle accident where the driver is being cited for a moving vehicle accident, or as a result of the accident there was bodily injury to a person or damage to a vehicle.
3. As part of a follow-up program of treatment for drug abuse.
4. As part of a follow-up program agreed to between the employee and Southeast Health.
5. When a drug test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of Southeast Health's established policy or that is scheduled routinely for all members of an employment classification or group.

### **EMPLOYEE DRUG TESTING PROCEDURES**

These procedures are designed not only to detect violations of this policy but also to ensure fairness to each individual. Every effort will be made to maintain the dignity and confidentiality of all individuals involved. These procedures apply to all employee drug testing, regardless of the reason for the test.

1. An employee who is tested for cause may be suspended without pay pending the test outcome. If the test results are negative, the employee will be allowed to return to work with full back pay, unless the suspension was imposed for additional reasons unrelated to this policy.
2. Employees with a confirmed positive test result may, at their option and expense, have a second confirmation test made on the same specimen. An employee will not be allowed to submit another specimen for testing. An employee will be suspended without pay pending the results of the second confirmation test.
3. If the physician, medical official, or lab personnel has reasonable suspicion to believe that the employee has tampered with the specimen, the employee is subject to disciplinary action up to and including termination.
4. Results of for cause employee drug and alcohol tests will be kept confidential. Only employees who need to know test results will be permitted to review the results. This will include the employee's supervisor, Employee Health staff, and Human Resources.
5. All medical information will be maintained in the employee's health record which is kept separate from employee personnel files.
6. Southeast Health will produce, upon demand, and permit the appropriate governmental authorities to examine all records related to the administration and results of testing performed under the guidelines of this policy.
7. Any employee who has had a positive history of substance abuse and has been allowed to return to work will be required to submit to random drug testing and/or alcohol testing upon demand at the employee's expense.
8. Any employee who has had a positive history of substance abuse that is required to submit to random drug and/or alcohol screening as a requirement for professional licensure reinstatement is allowed to submit their drug screen results to Employee Health or will be required to submit to random screening conducted by Southeast Health.
9. Any employee who fails to cooperate with Southeast Health through an investigation into prohibited drug or alcohol use, including an employee who fails to take a required drug or alcohol test, will be subject to disciplinary action up to and including termination of employment.
10. Employees who have tested positive and have been terminated for impermissible drugs or alcohol may be considered for rehire after twelve (12) months and proof of the successful completion of rehabilitation.

## **VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL ABUSE PROBLEMS**

1. Southeast Health encourages employees to seek professional help for a drug and/or alcohol problem.

2. An employee who voluntarily notifies Southeast Health he/she has a drug or alcohol problem may be allowed to take a leave of absence to undergo rehabilitation.
3. When an employee voluntarily notifies Southeast Health of a drug and/or alcohol problem, and treatment is indicated, mandatory participation in a rehabilitation program will be required for continued employment. Payment for treatment will be in accordance with the provisions of the Southeast Health's health plan, which may or may not cover this treatment.
4. An employee who successfully completes a rehabilitation program will be required to sign a conditional reinstatement agreement which will include unannounced screening for a period of twenty-four months after the treatment is completed, in which the employee will acknowledge that if at any point they test positive for the presence of prohibitive substances, they will be terminated immediately.
5. Continued employment, however, will be based on an employee's performance as determined by Southeast Health, and is not guaranteed by participation in a treatment or rehabilitation program.
6. Employees will be required to execute a release authorizing Employee Health at Southeast Health to verify the employee's continued participation and progress in the rehabilitation or other required and/or appropriate service.

## REFERENCES

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Replaces "Prohibited Drug and Alcohol Use" policy effective 2/2/1994.

See also [REASONABLE SUSPICION DRUG FORM](#)