

## **Drug and Alcohol Free Workplace**

### **Policy Adopted for BUCOM 9/29/2022**

| <b>Policy Information</b>                   |                 |                                     |                    |
|---|-----------------|-------------------------------------|--------------------|
| Policy# :                                   | GEN.2020        | Reviewed Date(s):                   | 11/07; 1/08; 12/12 |
| Date Created:                               | January 1, 2008 | Revised Date(s):                    | 4/16; 12/21        |
| Responsible<br>University<br>Administrator: | Adonna Caldwell | President Council<br>Approved Date: | 1/22               |

### **1. Purpose**

- 1.1. To reinforce Baptist Health Sciences University (Baptist University) commitment to a drug and alcohol free workforce.
- 1.2. To define management's responsibilities to comply with and strictly enforce Baptist University Drug and Alcohol Free Workplace Policy.
- 1.3. To define responsibilities of employees relative to Baptist's Drug and Alcohol Free Workplace through education and training so that all staff members are familiar with the provisions of this policy and the Organization's commitment to providing a safe and drug/alcohol free work environment.
- 1.4. To provide assistance toward recovery in limited circumstances to eligible employees with addictive drug and/or alcohol disorders.
- 1.5. To affirm the organization's commitment to fair and consistent terms and conditions of employment, without regard to an individual's age, sex, race, color, religion, national origin, handicap or disability.

### **2. Policy**

#### **2.1. Expectations**

- 2.1.1. Baptist is committed to its employees, volunteers, patients, students, and the public at large to ensuring safety in the workplace as well as safety and quality in the services provided by Baptist. Baptist's employees are very important to Baptist and their health and safety are a significant concern.
- 2.1.2. Abuse of alcohol or other drugs may adversely affect the health and safety of employees, compromise the quality of services provided to patients and students. All employees have the right to work in a drug/alcohol free environment. Baptist is committed to providing a drug/alcohol free workplace. Accordingly, employees are expected to report to work and perform job duties safely and appropriately without any adverse effects due to the use of drugs or alcohol.

#### **2.2. Prohibitions**

- 2.2.1. In addition to the specific activities listed below, employees are reminded that drug violations off premises may also render an employee unfit for duty and result in disciplinary action pursuant to this policy.

2.2.2. Employees who violate any provision of this policy during their initial 90 day introductory period are normally discharged for unsatisfactory probationary period performance in accordance with Baptist's policy.

2.2.3. Baptist prohibits the following specific activities:

- 2.2.3.1. Reporting to work or being under the influence of alcohol, an illegal drug, an unauthorized controlled substance or prescription drug not medically authorized or used in a non-prescribed manner on Baptist's premises or while performing Baptist business.
- 2.2.3.2. Using, purchasing, manufacturing, selling, transferring, distributing, or possessing illegal drugs or drug paraphernalia on Baptist premises or while performing Baptist business.
- 2.2.3.3. Unauthorized use, possession, manufacture, distribution or sale of a controlled substance or alcohol on Baptist's premises or while performing Baptist business.
- 2.2.3.4. Storage on Baptist's property of illegal drugs, drug paraphernalia, unauthorized controlled substances, or alcohol.
- 2.2.3.5. Use of alcohol or use, possession, manufacture, distribution, or sale of illegal drugs or controlled substances off University premises that adversely affects the employee's work performance, his or her own safety or the safety of others at work, or Baptist's regard or reputation in the community.
- 2.2.3.6. Theft and/or diversion of drugs or controlled substances.
- 2.2.3.7. Substance abuse of any kind.
- 2.2.3.8. Testing positive for any illegal drugs, unauthorized controlled substance, or alcohol.
- 2.2.3.9. Refusing to complete necessary forms for substance abuse testing or refusing immediately to submit to substance abuse testing when requested by Baptist in accordance with Section 2.7 set forth below.
- 2.2.3.10. Switching, adulterating/contaminating, or attempting to switch or adulterate/contaminate any specimen submitted for substance abuse testing.
- 2.2.3.11. Failure to notify Baptist of a conviction of a criminal drug statute within five days of the conviction as required by Section 2.3 set forth below.
- 2.2.3.12. Conviction under any criminal drug statute.
- 2.2.3.13. Failure to report to Baptist use of prescription and non-prescription drugs that may affect the employee's ability to perform the employee's job safely as required by Section 2.5 of this policy set forth below.
- 2.2.3.14. Failure to submit to a search as provided in Section 2.4 set forth below.

2.3. Reporting Convictions

- 2.3.1. An employee convicted of violating a criminal drug statute (including pleas of guilty or no contest) must inform the Human Resources Department of such conviction within five(5) days of the conviction. Failure to provide such notification will constitute a violation of this policy and will result in disciplinary action.

2.4. Searches and Investigations

- 2.4.1. Baptist reserves the right to search an employee or any locker, desk, office, or other property owned or controlled by the organization for alcohol or illegal or unauthorized drugs. Searches may also be made of an employee's personal property or automobile located on property owned or controlled by the organization. Management is accountable for consulting with the Corporate Human Resources representative prior to authorizing and/or conducting a search.

- 2.4.2. Baptist further requires all employees to cooperate in any investigation into alcohol and/or drug use in the workplace. Refusing to submit immediately to a search or cooperate in an investigation when requested by management or security personnel will normally result in disciplinary action, which may include termination of employment.
- 2.5. Prescription and Non-Prescription Drugs
  - 2.5.1. An employee's use of prescription or non-prescription medication prior to the start of the employee's shift or while at work may, under certain circumstances, pose a risk to the safety of the employee or others. An employee who believes, has reason to believe or has been informed that the use of prescription or non-prescription medication may present a safety hazard should consult confidentially with his/her manager or an employee health representative before beginning work.
  - 2.5.2. In such cases, the employee must provide a note from the prescribing/treating physician(s) stating that the use of the medication at the prescribed dosage level is consistent with safe performance of the employee's duties. If the employee does not present a note, he/she will not be allowed to work until the appropriate medical documentation is obtained and provided to the appropriate Employee Health representative.
  - 2.5.3. An employee who takes prescription or non-prescription medication without realizing the potential risks to the safety of the employee or others and then determines he/she is not fit for duty has an obligation to immediately communicate this information to his/her supervisor and/or employee health representative.
- 2.6. Management Responsibilities
  - 2.6.1. Early Identification and Intervention
    - 2.6.1.1. Management is responsible for being alert to changes in employees' routines which may signal existing or potential substance abuse problems. Early indications may include interrupted attendance patterns, poor job performance, or other similar observations. In these circumstances, management is expected to contact Human Resources to determine if employee assistance is warranted. Such referrals do not preclude disciplinary measures where appropriate.
  - 2.6.2. Responding to Reasonable Suspicion Incidents
    - 2.6.2.1. Management should be alert at all times during employees' work shifts to indicators of drug or alcohol impairment. If a manager has reason to suspect that an employee is under the influence of or impaired by alcohol, illegal drugs or a controlled substance, Human Resources should be contacted. Reasonable suspicion is defined as a belief based on objective facts and rational inferences which may be drawn from such facts, or based on direct or reported observations from a verifiable source that the employee is using or is impaired by drugs or alcohol. Circumstances which may constitute reasonable suspicion may include, but are not limited to, the following:
      - 2.6.2.1.1. Observed alcohol or drug use during working hours
      - 2.6.2.1.2. Impairment of motor functions
      - 2.6.2.1.3. Slurred or incoherent speech
      - 2.6.2.1.4. Disorientation
      - 2.6.2.1.5. Unusually aggressive behavior
      - 2.6.2.1.6. Incoherent or irrational mental state

- 2.6.2.1.7. Sleepiness
- 2.6.2.1.8. Smell of alcohol or marijuana
- 2.6.2.1.9. Frequent or extreme mood changes
- 2.6.2.1.10. Lack of physical coordination in walking or performing tasks
- 2.6.2.1.11. Unexplained absences from work area
- 2.6.2.1.12. Declining job performance
- 2.6.2.1.13. Unexplained changes in grooming or personal behavior
- 2.6.2.2. Based on the assessment by the manager and in consultation with Human Resources, appropriate actions will be taken.
- 2.6.2.3. If the situation appears to require emergency medical treatment, management will immediately seek such emergency assistance for the employee and notify Employee Health and Human Resources.
- 2.6.2.4. In non-emergency situations, management will generally require the employee to submit to a drug and/or alcohol test. An employee's refusal of such tests normally results in discharge.
- 2.6.2.5. A cab voucher or appropriate transportation will be offered to the impaired individual. An impaired employee should not be allowed to drive.
- 2.7. Substance Abuse Testing
  - 2.7.1. Employee alcohol and drug testing may be performed when:
    - 2.7.1.1. An employee's actions contribute to an accident that results in property damage, injury, or death;
    - 2.7.1.2. There is reasonable suspicion that an employee is impaired by alcohol or drug use;
    - 2.7.1.3. There is reasonable suspicion of theft and/or diverting drugs;
    - 2.7.1.4. An employee is in possession of prescription medication that does not identify the drug, date of prescription, and prescribing doctor, unless the employee provides a satisfactory explanation for his/her possession of any such non-identified prescription medication that is acceptable to Baptist;
    - 2.7.1.5. An employee is subject to drug or alcohol testing as a follow-up to treatment; and
    - 2.7.1.6. An employee is convicted of violating a criminal drug statute (including pleas of guilty or no contest).
  - 2.7.2. If an employee refuses immediately to submit to testing, disciplinary action may be taken up to and including termination of employment.
  - 2.7.3. If the results of the substance abuse test are positive (confirmed positive by a second test on the same sample), the employee generally will be terminated unless he/she qualifies for Baptist Assistance Toward Recovery as set forth in 2.8.2 below and agrees to comply with all applicable conditions.
- 2.8. Consequences for Violation of this Policy
  - 2.8.1. Discharge
    - 2.8.1.1. The violations listed below and/or similar violations of this policy normally result in discharge. This means in these situations Baptist will not provide assistance toward recovery:
      - 2.8.1.1.1. Possession with apparent intent to sell or distribute drugs, selling or distributing drugs, stealing/ misappropriation of drugs or diversion of drugs (from patient(s)).

These offenses may occur at work, on Baptist premises, off premises, or may be related to a conviction, or plea to a lesser offense away from work, or other incriminating circumstances not specified.

- 2.8.1.1.2. Diversion of drugs.
- 2.8.1.1.3. Felony conviction under any criminal drug statute.
- 2.8.1.1.4. Failure to notify Baptist of a conviction of a criminal drug statute within five days of the conviction.
- 2.8.1.1.5. Failing to cooperate immediately with a search and/or investigation related to drug and/or alcohol use in the workplace.
- 2.8.1.1.6. Refusal to submit immediately to a substance abuse test when requested by Baptist pursuant to Section 2.7 above or altering or adulterating/contaminating a specimen submitted for substance abuse testing.
- 2.8.1.1.7. Possession of illegal drugs or drug paraphernalia on Baptist's premises, including the employee's possessions and automobiles that are located on Baptist's property.
- 2.8.1.1.8. Positive confirmed test result for illegal drugs.
- 2.8.1.1.9. Positive confirmed test result for alcohol or an unauthorized controlled substance unless there is a finding of an addictive disorder and Baptist decides in its sole discretion to provide assistance towards recovery.
- 2.8.2. Baptist Assistance Toward Recovery
  - 2.8.2.1. Baptist recognizes that some employees may have addictive disorders with resulting loss of control, and that proper intervention, in appropriate circumstances, may facilitate recovery and sustain the employment relationship. As set forth in detail below, under limited circumstances, based upon Baptist's sole discretion, Baptist will assist an employee toward recovery. In such circumstances, treatment for substance abuse alone will not jeopardize an employee's continued employment. However, enrollment in a substance abuse program will not prevent disciplinary action for violating the provisions of this policy. In addition, specific conditions for receiving Baptist's assistance are provided below.
  - 2.8.2.2. Such referrals are coordinated by the Human Resources Director and/or Employee Health designee with a provider who specializes in addictive disorders and is acceptable to Baptist. If the medical assessment confirms that an employee has an addictive disorder relating to alcohol or a controlled substance and that the offense was due to the employee's loss of control, the employee will generally receive Baptist's assistance toward recovery.
  - 2.8.2.3. Employees confirmed to have addictive disorders are eligible for sick leave benefits, as stated in the Handbook, and health plan coverage under provisions of the plan. If medical assessment does not confirm an addictive disorder with loss of control, no assistance toward recovery is available, and these offenses normally result in discharge.
- 2.8.3. Conditions of Baptist Assistance Toward Recovery
  - 2.8.3.1. When treatment is required in response to a drug or alcohol related offense, a sustained employment relationship is contingent upon successful completion of a formalized drug/alcohol treatment program as administered by a designated in-patient and/or out-patient facility. Employees who undergo treatment for substance abuse and continue to work or return to work during treatment or return to work upon completion of treatment

must meet all established, standards of conduct, and job performance, must enter into a return to work agreement (described in more detail below) and must comply with all conditions of the substance abuse treatment program.

- 2.8.3.2. Along with an approved formalized medical treatment plan, the employee is required to sign a return-to-work agreement which remains in effect for two years after treatment which includes random testing at the employee's expense. Before assistance is provided, the employee is required to sign a standard consent form authorizing the designated provider to release pertinent treatment, progress, discharge planning and related information to an authorized Baptist representative(s). A component of the treatment process is to involve any appropriate peer assistance programs.
- 2.8.3.3. Employee Health maintains the return-to-work agreement and works closely with the designated provider for purposes of confidentially facilitating and monitoring an employee's entry and progression through the treatment program. The Employee Health representative, and provider's representative also work together monitoring progress following an employee's return to work. An employee must comply with all provisions of the return to work agreement. Failure to do so will normally result in termination of employment.

## 2.9. Reporting to an Outside Peer Review / Regulatory Organizations

- 2.9.1. Based upon the circumstances surrounding any substance abuse issues, Baptist will comply with any applicable reporting requirements based upon designated licensure and/or regulation. Any reporting to a peer review organization or external agency must be coordinated with Human Resources, the Chief Nursing Officer if nursing related, Pharmacy Director if applicable and/or the entity CEO.

## 2.10. Confidentiality

- 2.10.1. All reasonable steps will be taken to keep information related to employee substance abuse and the results of any substance abuse tests confidential. Only persons with a well-defined need to know will be informed.

# 3. Definitions

- 3.1. Substance Abuse - is defined as the use of any substance in a manner that deviates from accepted medical, social and legal patterns and includes: (a) reporting to work, working, or otherwise pursuing Baptist business while under the influence of, or impaired by, alcohol or any other drug; (b) chemical dependency on, or abuse of, alcohol or any other drug where the job performance or safety of employees, patients, or students is adversely affected; or (c) the use of any illegal drug.
- 3.2. Illegal Drug - any drug or substance whose possession and/or use is prohibited under state or federal law.
- 3.3. Improper use of Substance - all prescription drugs or over the counter drugs not legally obtained or not being used for the purpose or in the manner for which they were prescribed and/or manufactured.
- 3.4. Drug - any substance other than alcohol capable of altering the user's judgment, perception, mood, or impairing the user's physical or mental reactions.
- 3.5. Alcohol or Alcoholic Beverage - any consumable substance that has a measurable alcoholic content.

# 4. Procedure

- 4.1. Not applicable for this policy.



## **5. Related Information**

5.1. None.