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## CHI Drug and Alcohol Policy

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(Art. Ref. **drug\_free\_workplace** - v. 2)

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## CHI Drug and Alcohol Policy

### **Purpose:**

Catholic Health Initiatives (CHI) is committed to providing a safe and productive environment for our colleagues, patients and visitors in compliance with the Federal Drug Free Workplace Act. This commitment is compromised when any employee uses illegal drugs or alcohol on the job, comes to work under the influence of alcohol or illegal drugs or possesses, distributes, manufactures, or sells illegal drugs in the workplace. This policy was established to ensure a workplace free of drugs and alcohol use, to enhance visibility and access to support services for employees who need help with substance abuse problems, and to outline consequences for policy violations.

This policy also sets forth steps for pre-employment testing of job applicants. CHI tests all applicants (including former employees, current/former volunteers, and where applicable employees transferring employers within CHI). To promote our mission of building healthy communities, some CHI entities also enforce a nicotine-free hiring policy and conduct pre-employment screening for nicotine use.

### **Policy:**

The organization strictly prohibits any employee from working while under the influence of or while being impaired by the use or abuse of drugs or alcohol. The organization also does not tolerate the possession, use, sale, adulteration, purchase, distribution, dispensation, abuse, theft, cultivation and/or manufacture of illicit drugs, alcohol or other intoxicants at any time, in any amount, or in any manner while at work, performing services for the organization or at organization sponsored events, including prescription or legal drugs that are not used in accordance with the prescribed use or instructions. An employee taking a prescription or other medication that has the potential to negatively impact the employee's ability to work safely is required to notify their supervisor, HR or Employee Health Department that s/he is taking the drug. Certification from the prescribing health care provider may be required to ensure the employee is safe to work. The decision to seek medical certification is at the discretion of Human Resources and/or Employee Health Department.

Employees who violate this policy are subject to corrective action, up to and including discharge from employment. Applicants who test positive for illegal drug use are prohibited from obtaining employment with any CHI entity for twelve (12) months following the date of the positive drug test.

*Reasonable Suspicion* drug and/or alcohol testing for employees may be conducted to determine the presence of drugs/alcohol if the employee volunteers to be tested or when CHI has a reasonable basis to suspect that the employee is working while under the influence of drugs or alcohol. A Human Resources representative must be consulted prior to commencing with any reasonable suspicion.

*Pre-Employment* drug testing is conducted for all applicants post contingent job offer and prior to beginning employment. A designated official such as a laboratory Medical Review Officer or Occupational Health will review positive test results as needed to assess whether valid prescriptions exist when an applicant tests positive for any substance tested by the panel. The decision to seek medical certification is at the discretion of the designated official. The designated official will also assess potential safety concerns when it is revealed that an applicant is taking a controlled substance, e.g., narcotics, sedatives, amphetamines, barbiturates, etc. Assessment of the safety concerns will be made in accordance with applicable law.

Reasonable Suspicion / Pre-employment Drug Testing Guide and Responsibilities

### **Reasonable Suspicion Procedure:**

When the organization has reasonable suspicion that an employee may be impaired by alcohol or drugs (both legal

and/or illegal) during work hours, the employee shall be required to submit to drug or alcohol testing. Reasonable suspicion means a belief based on recently observed, specific, objective facts that the person is impaired by drugs and/or alcohol, or has otherwise violated this policy. The basis for a reasonable suspicion drug or alcohol test includes, but is not limited to:

- Observable symptoms, such as direct observation of alcohol or drug use or abuse, physical symptoms of being impaired such as slurred speech, red or bloodshot eyes, staggering, odor of alcohol on the employee's breath while at work.
- Statements by the employee that s/he took illegal drugs/alcohol prior to or during their shift or while at work.
- An accident occurring in a company vehicle, no matter who is at fault.
- Abnormal conduct or erratic behavior while at work.
- An investigation of a report of a violation of this policy provided by a reliable and credible source coupled with observed symptoms.
- Evidence that an individual tampered with a drug or alcohol test.
- Evidence that an individual caused an accident while at work that resulted in an injury to a person, including himself or herself.
- Evidence that an individual under the influence of, or impaired by, drug(s) and/or alcohol caused damage to property, including equipment.
- Evidence of diversion.
- Evidence of a drug-related offense and/or arrest coupled with observed symptoms.

Once reasonable suspicion has been established, the employee will be requested to submit to testing for drugs and/or alcohol. Refusal to submit to testing when reasonable suspicion has been established will result in discharge from employment. Refusal to submit to drug and/or alcohol testing includes, but is not limited to, any of the following behaviors: (a) refusing to sign the required consent and release form; (b) refusing to answer questions; (c) not being readily available for testing; (d) failing to provide an adequate volume of urine or breath sample necessary to conduct testing without a valid reason; (e) providing a sample that has been altered, substituted and/or fails to meet testable standards; (f) delaying testing without a valid reason; or (h) engaging in conduct that otherwise obstructs or interferes with the testing process.

If the employee admits to being under the influence of drugs/alcohol or after establishing reasonable suspicion that the employee is impaired, the employee must be sent home immediately. The employee may not return to work until a follow-up meeting takes place with an HR representative. If the employee is impaired, they should not be allowed to drive. The employee may not be detained or forced to accept taxi service, but should be provided the opportunity to call for transportation. If the employee insists on driving, they should be advised that the organization will report the situation to local law enforcement and notify the CHI security services.

As soon as reasonably possible upon receipt of the drug/alcohol test results, the employee should be scheduled to meet with their Manager and a Human Resources representative. Each situation is reviewed on a case-by-case basis. Corrective action should be implemented when it has been determined that an employee was at work under the influence of drugs/alcohol.

When diversion is suspected, it must be reported to Human Resources (HR) as soon as possible. Substantiated drug diversion is grounds for immediate termination. Reporting to State regulatory bodies may be required when reasonable suspicion exists and will occur in accordance with applicable licensing requirements. Suspected drug diversion may also be reported by CHI to local law enforcement.

Any employee is expected to report matters to their supervisor of known or suspected drug/alcohol use during work hours or has known or suspected knowledge of drug diversion by another employee. The supervisor will work with Human Resources to investigate as appropriate. CHI will take all reasonable steps to protect the confidentiality of the employee or individual who made the report.

Current employees are obligated to immediately inform Human Resources if they are arrested on any drug or alcohol-related charge that impacts their ability to safely perform their job.

### **Pre-Employment Testing Procedure:**

Applicants who receive a contingent offer of employment are informed that they will be required to submit to a drug test (and nicotine test, where applicable). A positive, adulterated, substituted, invalid or rejected test result will disqualify them from employment.

Within 72 hours of the applicant's acceptance of a contingent offer, the recruiter must schedule a drug test. Refusal to submit to the test or failure to report to the CHI-designated testing facility will disqualify the applicant from employment.

If the test result is negative for drug use (and nicotine, where applicable), the applicant will continue the normal employment process. If the drug test is positive or reveals an abnormality, a designated official (typically the MRO for the lab) will contact the applicant for additional information prior to making a final decision. If the findings of the first test indicated the sample was too diluted the applicant may be asked to take another test.

Upon receipt of a positive drug test result or if the drug test was confirmed to be adulterated, substituted, invalid or rejected, Human Resources will withdraw the applicant's contingent job offer. The applicant will not be eligible to apply for another position with any CHI employer until one year has passed from the date of the drug test result.

As required by law, CHI may report any confirmed positive drug test results to the applicable regulatory/licensing organization when a licensed applicant fails the drug screen.

Applicants for transfers from one CHI entity to another CHI entity who fail the drug test will be subject to corrective action, up to and including discharge from employment.

### **Responsibilities**

#### **Employee:**

- Ensure compliance with this policy.
- Immediately report to management any reasonable suspicion that another employee, contracted worker, practitioner or volunteer is impaired by drugs/alcohol at work or any other violation of this policy.
- Sign consent and submit to drug/alcohol testing when presented with reasonable suspicion that s/he is under the influence of drugs/alcohol.
- Immediately notify Human Resources if the employee has been arrested for any drug- or alcohol-related crime. If it impacts the employee's ability to safely perform their job.
- On occasion, such as at a special company-sponsored event or ceremony, alcohol may be available. Employees who choose to drink alcoholic beverages on these occasions are to do so in moderation and only after their workday has ended.

#### **Manager:**

- Ensure that policy is administered consistently and fairly to all staff members.
- Any manager who has a reasonable suspicion that an employee, or contracted worker, practitioner is impaired by drugs or alcohol should consult with Human Resources, security, local law enforcement and/or other appropriate internal resources immediately to determine appropriate action.
- Lead or participate in the assessment of employees suspected of policy violations.
- Document any assessment meetings.

**Human Resources:**

- Inform all employees of this policy.
- Lead or participate as a witness in the assessment of employees reasonably suspected of policy violations and engage other appropriate resources such as Security or Risk Management, as needed.
- Serve as the point-of-contact for requesting testing and receiving test results.
- In addition, Human Resources will participate, as appropriate, in a timely investigation of the situation, and assist management in determining appropriate employment actions.
- When applicable, ensure any required reporting to regulatory and/or licensing agencies is accomplished.
- Inform employee suspected of impairment to the Employee Assistance Program when appropriate.
- Advise applicants that job offers are contingent upon passing a pre-employment drug test (and nicotine test where applicable) and coordinate the testing.

**Employee Assistance Program:**

The organization maintains an Employee Assistance Program, which provides help to employees that suffer from substance abuse and other personal or emotional problems. It is the employee's responsibility to seek assistance from the Employee Assistance Program prior to any allegations or disciplinary action based upon a violation of the Drug-Free Workplace Policy.

Last Update 1/1/2017

Attached articles

- [Employee Assistance Program \(EAP\)](#)