

<b>Policy Name:</b> Drug Free Workplace	
<b>Policy Owner:</b> SVP and Chief People Officer	<b>Effective Date:</b> 01/02/2017
<b>Approved By:</b> System Leadership Council	<b>Last Reviewed Date:</b> 01/02/2017
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**1.0 Scope:**
**1.1 Applicable Entities:**

This policy applies to Texas Health Resources and its member entities and excludes the Texas Health joint venture entities.

**1.2 Applicable Departments:**

This policy applies to all Texas Health departments.

**2.0 Purpose:**

2.1 Workforce members are required to demonstrate competence and credibility, avoiding behaviors that may cause harm to themselves, patients, visitors, or fellow Workforce members. The purpose of this policy is to communicate expectations regarding a drug free workplace.

**3.0 Policy Statement(s):**

3.1 It is the policy of Texas Health that each Workforce member is accountable to maintain a safe work environment by being drug and alcohol free.

**4.0 Policy Guidance:**

4.1 Texas Health prohibits the use, disbursement, transportation, promotion or sale of illegal drugs, or other legal but illicitly-used substances including inhalants, household products containing alcohol or over the counter drugs.

4.2 Texas Health prohibits the use or misuse of any prescription drug without proper medical authorization and prohibits the use of Medical Marijuana.

4.3 Workforce members must not report for work, or remain on duty while impaired or intoxicated.

4.4 An employee's consent to submit to testing is required as a condition of employment. A Final Candidate or new Volunteer Candidate's consent is required for completion of the hiring process or being placed in a volunteer role.

4.4.1 If the Final Candidate or Volunteer Candidate is a Minor, parents should complete the consent for treatment survey prior to the drug screen testing.

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- 4.5 The entity Employee Health Services Department or its designee will perform all testing, unless otherwise specified.
- 4.6 All positive drug/alcohol-screening results will be reviewed by the Medical Review Officer for verification.
- 4.7 No copies of test results will be given to Final Candidates, employees, Volunteers Candidates, managers, or Human Resources unless directed by the Medical Review Officer. Texas Health will release test results in response to subpoena or if necessary to provide documentation for any outside agency investigation as directed by the Senior Vice President and Chief People Officer.
- 4.8 No re-testing of Final Candidates, Volunteer Candidates or employees with positive test results will be performed unless directed by the Medical Review Officer.
- 4.9 If an employee refuses to submit to drug and/or alcohol testing and/or fails to cooperate during the testing process, he or she will be involuntarily separated from employment.
  - 4.9.1 The Senior Vice President and Chief People Officer or designee will make the determination regarding eligibility for rehire.
- 4.10 If a Final Candidate or Volunteer Candidate refuses to submit to drug and/or alcohol testing and/or fails to cooperate during the testing process, the employment offer/volunteer role assignment will be rescinded.
- 4.11 Employees and volunteers are required to report charges and/or convictions of drug or alcohol related misdemeanors and/or felonies to Human Resources and to their manager within ten (10) days of such charges or convictions. Managers must immediately notify Human Resources of any known charges or convictions.
- 4.12 Employees who are working on a covered grant or provide services as part of a federal contract may be subject to additional requirements as defined by the Federal Drug-Free Workplace Act.
- 4.13 Testing Guidelines - Drug and/or alcohol testing will occur in the following circumstances:
  - 4.13.1 A drug/alcohol test will be required as part of the Fitness for Duty assessment process.
  - 4.13.2 Post offer physical assessment
    - a. Texas Health will conduct drug testing on Final Candidates for employment and Volunteer Candidates. Texas Health will test

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employees of companies being acquired prior to the hiring of those employees.

- b. The Final Candidate or Volunteer Candidate will be scheduled for a post offer physical assessment with Employee Health Services.
- c. The Final Candidate or Volunteer Candidate will not be hired until post offer physical assessment clearance has been provided by Employee Health Services to Human Resources.

#### 4.13.3 Employee transfers

- a. Any employee who has applied for transfer and is offered a position at another entity will be drug tested if the employee has not undergone testing within the last three years.
- b. The employee will not begin work in the new position until post offer physical assessment clearance has been provided by Employee Health Services to Human Resources (except for those moving to CSO float pool).

#### 4.13.4 Shared positions

- a. Any employee who has applied for a shared position at another entity and is offered that shared position will be drug tested if the employee has not undergone testing within the last three years.
- b. The employee will not begin work in the new, shared position until post offer assessment clearance has been provided by Employee Health Services to Human Resources.

#### 4.13.5 Promotions

- a. Any employee who has applied for a promotion within their current entity and is offered that promotion will be drug tested if the employee has not undergone testing within the last three years.
- b. The employee will not begin work in the new, promoted position until post offer assessment clearance has been provided by Employee Health Services to Human Resources.

#### 4.13.6 Reasonable suspicion

- a. Any employee demonstrating reasonably suspicious behaviors (see definition in section 5.7) during scheduled working hours, will

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be required to submit to drug/alcohol testing. A manager should immediately contact a representative of Human Resources to review the circumstances, and determine if testing is appropriate. The employee must be escorted to the testing site. If a manager is unavailable during weekends or after hours, the Nursing Supervisor or the on-call administrator will review the circumstances and reach a decision as to whether to require the employee to submit to a drug/alcohol test and direct the testing process.

- b. After completion of the testing process, the employee should be placed on paid Administrative Leave pending investigation and arrangements should be made to provide transportation for the employee to his or her home. Scheduled shifts missed as a result of the Administrative Leave pending investigation will be paid at the Base Pay rate (non-productive time).
- c. The employee will not be allowed to return from Administrative Leave until he or she receives notification from Human Resources.

#### 4.13.7 Investigation of circumstances involving theft, diversion, or falsification of records or misappropriation and/or unauthorized use of Texas Health's resources

- a. Texas Health reserves the right to test groups of employees or departments, as deemed appropriate by the entity Human Resources Officer and the highest level executive/senior leader of the functional area.
- b. If the decision is made to test an employee(s), the manager must escort the employee(s) to the testing site.
- c. Once the testing has been completed, the employee(s) may be allowed to return to work conditionally while awaiting results of tests, except in cases of Reasonable Suspicion.

#### 4.13.8 Voluntary acknowledgement

- a. Any employee who comes forward voluntarily, prior to any known incident and/or investigation, and acknowledges a problem with alcohol or legal drug will be tested and may be considered for a rehabilitation agreement.
- b. After completion of the testing process, the employee should be placed on paid Administrative Leave Pending Fitness for Duty.

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Arrangements should be made to provide transportation for the employee to his or her home. Scheduled shifts missed as a result of the Administrative Leave pending fitness for duty assessment will be paid at the Base Pay rate (non-productive time).

- c. The employee will not be allowed to return from Administrative Leave until he or she receives notification from Human Resources.
- d. Employees returning to work from substance abuse treatment will be tested and may be considered for a rehabilitation agreement.
- e. Once the testing has been completed, the employee may return to work conditionally while awaiting results of tests.

#### 4.14 Unfavorable test results

##### 4.14.1 Post offer physical assessment

- a. Any Final Candidate or Volunteer Candidate deemed by the MRO as positive for illegal drugs will not be hired for employment or volunteer role.
- b. Any Final Candidate or Volunteer Candidate deemed by the MRO as positive for prescription drugs for which the Final Candidate or Volunteer Candidate is unable to show proof of medical authorization, will not be hired for employment or volunteer role.
- c. Any Final Candidate or Volunteer Candidate whose specimen is adulterated or dilute upon recollection for which the Final Candidate or Volunteer Candidate is unable to show proof of medical substantiation will not be hired for employment or volunteer role.

##### 4.14.2 Employee transfers

- a. Any employee deemed by the MRO as positive for illegal drugs will not be transferred, and will be involuntarily separated from employment.
- b. Any employee deemed by the MRO as positive for prescription drugs for which the employee is unable to show proof of medical authorization, may be involuntarily separated from employment or may be considered for a rehabilitation agreement as determined by the Senior Vice President and Chief People Officer or designee.

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- c. Any employee whose specimen is adulterated or dilute upon recollection for which the employee is unable to show proof of medical substantiation will not be transferred and will be involuntarily separated from employment.

#### 4.14.3 Shared positions

- a. Any employee deemed by the MRO as positive for illegal drugs will not be granted a shared position and will be involuntarily separated from employment.
- b. Any employee deemed by the MRO as positive for prescription drugs for which the employee is unable to show medical authorization will not be granted the shared position and may be involuntarily separated from employment or may be considered for a rehabilitation agreement as deemed by the Senior Vice President and Chief People Officer or designee.
- c. Any employee whose specimen is adulterated or dilute upon recollection for which the employee is unable to show proof of medical substantiation will not be granted a shared position and will be involuntarily separated from employment.

#### 4.14.4 Promotions

- a. Any employee deemed by the MRO as positive for illegal drugs will not be promoted and will be involuntarily separated from employment.
- b. Any employee deemed by the MRO as positive for prescription drugs for which the employee is unable to show medical authorization will not be granted a promotion and may be involuntarily separated from employment or may be considered for a rehabilitation agreement as deemed by the Senior Vice President and Chief People Officer or designee.
- c. Any employee whose specimen is adulterated or dilute upon recollection for which the employee is unable to show proof of medical substantiation will not be promoted and will be involuntarily separated from employment.

#### 4.14.5 Reasonable suspicion, and fitness for duty assessments

- a. Any employee deemed by the MRO as positive for illegal drugs will be involuntarily separated from employment.

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- b. Any employee deemed by the MRO as positive for alcohol and/or prescription drugs for which the employee is unable to show medical authorization may be involuntarily separated from employment or may be considered for a rehabilitation agreement as deemed by the Senior Vice President and Chief People Officer or designee.
  - c. Any employee whose specimen is adulterated or dilute upon recollection for which the employee is unable to show proof of medical substantiation will be involuntarily separated from employment.
- 4.14.6 Circumstances involving theft, diversion or falsification of records or misappropriation and/or unauthorized use of Texas Health's resources.
- a. Any employee deemed by the MRO as positive for illegal drugs, prescription drugs for which the employee is unable to show medical authorization , whose specimen is adulterated or dilute upon recollection for which the employee is unable to show proof of medical substantiation will be involuntarily separated from employment.
- 4.15 If a decision is made to involuntarily separate an employee due to positive alcohol/drug test results, Texas Health may pay the employee's COBRA costs for existing medical coverage for up to six (6) months if the employee actively participates in a rehabilitation program and provides proof of successful completion of the program.
- 4.16 Rehabilitation Agreements
- 4.16.1 The offering of a rehabilitation agreement to any employee as an alternative to involuntary separation or as a result of the employee's voluntary acknowledgement of problem with alcohol or legal drug, must be approved in advance by the Senior Vice President and Chief People Officer or designee. Rehabilitation agreements will not be offered to employees who voluntarily acknowledge and/or test positive for illegal drugs.
- 4.16.2 Employees offered the opportunity to participate in a rehabilitation agreement, will be referred to the Texas Health's Employee Assistance Program (EAP) and if applicable, the Texas Peer Assistance Program for Nurses (TPAPN) and/or Texas Professional Recovery Network (PRN) for Pharmacists.

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- 4.16.3 Employees offered the opportunity to participate in a rehabilitation agreement must comply with all terms of the agreement and treatment guidelines or will be involuntarily separated.
- 4.16.4 Employees participating in a rehabilitation agreement will be subject to unannounced drug/alcohol testing at their own expense.
- 4.16.5 Any Final Candidate who is currently under a TPAPN, PRN or similar agency's rehabilitation agreement and is offered a position at Texas Health, must be hired under a Texas Health rehabilitation agreement.
- 4.17 Nothing in this policy should be construed to restrict an employee's protective rights under the Americans with Disabilities Act, or other state or federal law.

## 5.0 Definitions:

- 5.1 Base Pay - The salary paid or the hourly rate times the number of hours the employee is classified in Texas Health's HR/Payroll System. Base Pay does not include shift differentials, benefits, overtime, incentive premiums, bonuses, or any pay element other than base rate.
- 5.2 Final Candidate - A person who has had an interview for a position and received a contingent job offer.
- 5.3 Fitness for Duty - An employee's ability to perform the essential functions of their assigned job.
- 5.4 Minor - Anyone under 18 years of age who does not meet the following criteria: is pregnant, is living away from parents and supports self, or is currently a parent.
- 5.5 Medical Marijuana - Marijuana used to treat certain illness as authorized by prescription from a physician. Although medical marijuana is legal in some states, it is illegal in the state of Texas, therefore, the use of medical marijuana even with a prescription is not allowed under this policy.
- 5.6 Reasonable Suspicion - Acute or non-acute behavioral changes or characteristics which lead to the suspicion of intoxication, or impairment. Examples of acute behavioral changes or characteristics include, but not limited to: dilated or constricted pupils, red eyes, slurred speech, tremors, hyperactivity, unsteady gait, lack of motor coordination, drowsiness, fainting or blackouts, flushed complexion, disorientation, hallucination, the odor of alcohol, unconsciousness, and/or inappropriate responses and action.

Examples of non-acute behavioral changes which may indicate impairment include but are not limited to significant changes in the following: quality or quantity of work, increased tardiness or absenteeism, disappearance from the



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workplace, errors of judgment or mistakes, documentation discrepancies in medication utilization or wastage, personal appearance, cooperation or interaction with co-workers, mood swings, and/or energy level.

- 5.7 Volunteer Candidate - An individual who has applied for a volunteer opportunity and has received a contingent volunteer offer to perform hours of service for an organization, without promise or coercion, expectation or receipt of compensation for services rendered.
- 5.8 Workforce - Employees, volunteers, physicians, and other person's whose conduct, in the performance of work for an entity, is under the direct control of such entity, whether or not they are paid by the entity.

#### **6.0 Responsible Parties:**

6.1 Entity Human Resources Officer

6.1.1 Implementation and oversight of the policy is the responsibility of the entity Human Resources Officer.

#### **7.0 External References:**

Not Applicable

#### **8.0 Related Documentation and/or Attachments:**

- 8.1 [Background Check - THR System Policy](#)
- 8.2 [Employee Transfer - THR System Policy](#)
- 8.3 [Employment Standards - THR System Policy](#)
- 8.4 [Fitness for Duty - THR System Policy](#)
- 8.5 [Leave of Absence \(LOA\) - THR System Policy](#)
- 8.6 [Personal Conduct - THR System Policy](#)
- 8.7 [Reasonable Accommodation - THR System Policy](#)
- 8.8 Rehabilitation Agreement
- 8.9 [Safe Workplace - THR System Policy](#)

#### **9.0 Required Statements:**

Not Applicable