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Area Human Resources
Applicability Aspirus Legacy System
References Courier, INVALID FOR MN, NEO Contracts + 3 more

Drug And Alcohol-Free Workplace Policy & Procedure

SCOPE:

- System Wide
- Excludes Minnesota Region

STAKEHOLDERS:

- All Aspirus employees, volunteers, contract/temporary staff, and students, as well as non-employees providing services within an Aspirus facility.

PURPOSE:

Through Aspirus' commitment to excellence to provide quality healthcare and compassion for people, we recognize our responsibility to provide a drug and alcohol-free workplace.

The Intent of this policy is:

- To protect our customers (patients, families, employees, etc.) from the impact of those who may be impaired by alcohol or other drugs while at work.
- To provide a process for identifying individuals who may be impaired by alcohol or other drugs,

or who may be diverting controlled substances from their intended purpose.

DEFINITIONS:

Drugs: the term "drugs" refers to prescription and non-prescription drugs (including legal and illegal substances) or other substances that are likely to impair the employee's ability to perform his/her duties.

Diversion: The illicit use of a controlled substance for a purpose other than that which was intended by its prescriber.

Impairment:

- An employee shall be deemed "impaired" by the use of drugs if a test for the presence of drugs in the employee's system results in a positive finding per established laboratory parameters. The laboratory determines "positive findings" if a sufficient concentration of a drug is present in the sample tested.
- An employee shall be deemed "impaired" by the use of alcohol if a test for the presence of alcohol results in any level whatsoever of alcohol concentration in the employee's system.

Reasonable Suspicion/Reasonable Cause: "Reasonable suspicion or cause" used herein includes the actual presence of drugs or alcohol in an employee's possession or identifiable patterns of behaviors or performance which may cause a person to question whether an employee is unable to perform his/her job. This could be suspicion that an employee is impaired while on the job based on actual observation or behaviors, such as drinking alcohol, using other drug(s), or unlawful possession of drugs and/or paraphernalia.

POLICY:

Aspirus will not tolerate drug and/or alcohol use on the job, the sale or transfer of illicit drugs or alcohol, or the possession of drugs or alcohol on company premises. An exception to this may be if alcohol is received as a gift during the holidays; in these situations, the receipt of the alcohol should be reported to your department leader, the alcohol must remain sealed, and be removed from the premises at the end of the business day. Aspirus employees found in violation of this drug and alcohol policy will be subject to corrective action, up to and including termination.

Prescribed medication may be taken while on duty, provided it does not impair work performance or jeopardize the safety of patients, employees, or property.

- I. If in question, Aspirus reserves the right to seek a medical opinion for the purpose of determining an employee's fitness for duty. Results will be sent to Employee Health and placed in the employee's medical file. Release of information to unauthorized persons or entities requires the express written consent from the employee, unless otherwise required by law. In the event that an employee requires an accommodation, they are advised to notify Human Resources or Employee Health and Leave Management Services

PROCEDURE WHEN SUSPECTED REASONABLE CAUSE/ SUSPICION PRESENTS:

When an employee exhibits behavior that leads to the belief that there is reasonable cause or suspicion the following procedure will occur:

- I. During normal business hours (Monday-Friday 8:00am-4:00pm) contact the department's designated Human Resources Business Partner.
- II. During non-business hours, immediately contact the Hospital Supervisor or designee to facilitate the testing process.
 - a. If travel is required, **do not** allow the employee to drive or travel unaccompanied to the designated testing site.
- III. The employee will be required to sign a written consent form, under the terms of which the employee gives Aspirus permission to obtain specimens for testing for the presence of drugs or alcohol.
- IV. If the employee refuses to give consent to test or otherwise fails to cooperate in any way with the testing procedure, this will be considered non-compliance with the investigation and the result will be a presumed positive test result and the employee will be subject to termination.
- V. Based on the situation, Aspirus reserves the right to mandate that the drug test be an observed collection. If the employee refuses to comply with the observed collection, this will be considered non-compliance with the investigation and the result will be a presumed positive test result and the employee will be subject to termination.
- VI. Upon receipt of a positive result or presumed positive test result due to an employee's refusal to test, employees will not be allowed to drive themselves home. If the employee leaves with the apparent intent to drive, local law enforcement will be notified immediately. There should not be an attempt to restrain the employee, physically or otherwise.

Employees who are tested are required to authorize the release of test results to Aspirus Employee Health. Results sent to Employee Health are kept as confidential medical records. Release of information to unauthorized persons or entities requires written consent from the employee, unless otherwise required by law. Employee Health will provide the results to the appropriate Human Resources Designee; however, the records will not be forwarded to anyone else.

Aspirus will follow all necessary chain of custody procedures that include all positive test results being reviewed by an Independent Medical Review Officer (MRO).

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable, and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

- I. In the event the test for drugs or alcohol reveals that the employee has tested positive, the

employee will be mandated to meet with EAS (or other approved program) and put on unpaid leave of absence until the completion of a substance abuse assessment. If a licensed professional has a positive test result, reporting to the State Licensing Board will be made if required by applicable State law.

- II. Upon completion of the initial assessment by EAS (or other approved program), the employee will be required to sign a Return-to-Work Contract and submit to observed drug and alcohol testing, with negative results, prior to returning to work. Any confirmed positive drug or alcohol test during this return-to-work period will lead to termination.
- III. Once the Return-to-Work contract is signed, the employee will be required to adhere to the terms of the contract, or the employee will be subject to corrective action up to and including termination. The contract may include mandatory-unannounced drug and/or alcohol testing. Specifications on the terms of the contract will remain individually based, including the frequency and duration the employee is subject to drug and/or alcohol testing. Any confirmed positive result during mandatory-unannounced drug and/or alcohol testing will lead to termination.
 - a. During the mandatory-unannounced drug and/or alcohol test process, the collection may be observed.
 - b. If the employee refuses to give consent to testing or otherwise fails to cooperate in any way with the testing procedure, the test will be presumed positive and will follow the same process as a positive result. This will be considered non-compliance with the return-to-work agreement, and the employee will be subject to termination.
 - c. Employees will be allowed to return to work after providing their testing sample when called to submit their mandatory-unannounced drug and/or alcohol test.

IV. In most instances where reasonably practical, an employee's request for a leave of absence to obtain treatment for substance abuse will be granted by Aspirus, however, the treatment will not delay a decision to discipline and/or discharge an employee for policy or work performance violations. It is the employee's responsibility to work with Leave Management Services to request a leave to obtain treatment as needed. The terms of the employee's absence for treatment will be determined in consultation with Leave Management Services, Human Resources and Employee Health Services.

Employees who successfully complete treatment and wish to return to work may do so subject to conditions mutually established between the employer and the employee. These conditions will be established by the employee's department according to guidelines and consultation provided by Human Resources and in consultation with the employee, treatment provider, EAS (or other approved program), and Employee Health Services.

Aspirus reserves the right to require employee testing after an incident, such as workplace injury or a vehicle accident, at the discretion of the employee's Leader, Human Resources and Employee Health.

- I. If an employee is required to go through the reasonable cause/suspicion testing process, they will be removed from work until Aspirus Employee Health receives their results.

In situations when drug diversion is suspected, Aspirus will conduct an immediate investigation. As part of the investigation, Aspirus reserves the right to conduct drug testing on those employees that had, or

reasonably could have had, access to the diverted medications up to and around the time the medication was identified to be missing.

- I. Employees that are required to be tested due to a diversion will follow the same procedure as an employee that is being tested for reasonable suspicion/reasonable cause.
- II. If a diversion is confirmed, Aspirus may consult local law enforcement to conduct an independent investigation.

Aspirus reserves the right to conduct searches of employees, employee lockers, and other property if it is suspected that the employee has alcohol, drugs, or related paraphernalia on company property (including authorized parking lots).

Persons who are on-call have the potential to report for duty and are required to abstain from alcohol and/or illegal substance consumption.

Off-duty persons **who are not on-call**, but who are requested to come in to work, and have engaged in the use of drugs or alcohol, must refuse to work regardless of their level of use. Such people will not be subject to corrective action for not coming into work.

REFERENCE:

- Reporting & Investigating Caregiver Misconduct – Aspirus System Policy
- Employee Assistance Services (EAS) – Aspirus System Policy
- Medical Staff Support Committee Policy-Practitioner Health Issues – Aspirus Wausau Hospital Policy

Approval Signatures

Step Description	Approver	Date
	Jessie Hlad: POLICIES & PROCEDURES ADMINISTRATOR	09/2023

Applicability

Aspirus Divine Savior Hospital, Aspirus Eagle River Hospital, Aspirus Iron River Hospital, Aspirus Ironwood Hospital, Aspirus Keweenaw Hospital, Aspirus Langlade Hospital, Aspirus Medford Hospital, Aspirus Medical Group Inc., Aspirus Merrill Hospital, Aspirus Post Acute Care/MedEvac, Aspirus Rhinelander Hospital, Aspirus Stanley Hospital, Aspirus Stevens Point Hospital, Aspirus Tomahawk Hospital, Aspirus Wausau Hospital, Aspirus Wisconsin Rapids Hospital, Aspirus, Inc., Howard Young Medical Center

References

Courier, INVALID FOR MN, NEO Contracts, Orientation, Orientation Providers, Template: Policy/Procedure

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