



ST. JOSEPH HOSPITAL

Original: 12/2012
 Review: 11/2015
 Next Review: 11/2018
 Policy Champion: Wesley Layne: Director of Human Resources
 Policy Area: HR - Employment
 Applicability: Nashua St. Joseph Hospital

Drug and Alcohol Policy, HR-63

PURPOSE:

INTRODUCTION:

In compliance with the Drug-Free Workplace Act of 1988, St. Joseph Healthcare has a longstanding commitment to providing a safe, quality-oriented and productive work environment consistent with the standards of the community in which we operate. Alcohol and drug abuse pose a threat to the health and safety of St. Joseph Healthcare employees, volunteers, physicians, patients, and visitors, and to the security of our equipment and facilities. For these reasons St. Joseph Healthcare is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy continues to apply to all employees, applicants for employment, volunteers, physicians, patients, and visitors of St. Joseph Healthcare. Compliance with this policy is made a condition of employment. The Human Resources Department is responsible for policy administration.

EMPLOYEE ASSISTANCE AND DRUG-FREE AWARENESS

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems is available from the Human Resources Department.

St. Joseph Healthcare will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other St. Joseph Healthcare policies. Such employees will be required to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or have violated this policy previously. Once a drug test has been scheduled, the employee will have forfeited their right to be granted a leave of absence for treatment and possible discipline, up to and including discharge, will be unavoidable.

An employee will not be disciplined or terminated for voluntarily seeking assistance for a drug or alcohol problem. However, employees who undergo voluntary counseling or treatment and who continue to work must meet all established standards of conduct and job performance. The fact that an employee is in treatment for alcohol or drug abuse does not preclude St. Joseph Healthcare from taking disciplinary action for violation of

its policies or standards of conduct. Likewise, an employee who has violated this policy cannot escape disciplinary action, including termination, by voluntarily requesting treatment for alcohol or drug abuse.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to Employee Health. The Employee Health department will notify the supervisor of restrictions as appropriate. Employees should not, disclose underlying medical conditions to department management.

POLICY:

WORK RULES

1. Whenever employees are working, operating any St. Joseph Healthcare vehicle, present on St. Joseph Healthcare premises, or conducting Hospital related work off-site, they are prohibited from:
 - unlawfully using, possessing, buying, selling, manufacturing, distributing, storing or dispensing an illegal drug (to include possession of drug paraphernalia);
 - being under the influence of alcohol or an illegal drug as defined in this policy; and
 - possessing or consuming alcohol.
2. The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body system, while performing Hospital business or while in a St. Joseph Healthcare facility, is prohibited.
3. St. Joseph Healthcare will also not allow any employee to perform his/her duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce this if asked.

Any employee who is taking medication that may impair his/her ability to safely perform job functions must inform his/ her supervisor and the Employee Health Department immediately and must not perform any work until authorized to do so by his/her supervisor and the Employee Health Department.

An employee using prescription medication not prescribed for them is deemed as using an illegal drug and will be subject to disciplinary action as determined by this policy.
4. Any employee who is convicted of any crime (not annulled by the court) involving alcohol or drugs must inform the Human Resources Department within three (3) days of the conviction. A conviction includes any finding of guilt or plea of no contest and/or imposition of a fine, jail sentence, or other penalty.
5. If any employee is involved in drug misconduct (including the use or possession of illegal drugs or unauthorized prescription drugs) on St. Joseph Healthcare property or while working for the St. Joseph Healthcare, the employer reserves the right to report the incident to law enforcement authorities and to cooperate in prosecuting the crime to the fullest extent of the law.
6. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.
7. If any person observes an employee exhibiting behavior that may be indicative of impairment by drug or alcohol use, he/she should immediately report the behavior to his/her supervisor and/or the Employee Health Department.

PROCEDURE:

REQUIRED TESTING

Pre-employment: All applicants must pass a drug test before beginning work after receiving an offer of employment. If an applicant refuses to submit to testing, tests positive for drugs or alcohol, or there is evidence that the applicant tampered with the test or result in any way, the applicant will not be considered for employment and/or any conditional offer of employment will be withdrawn.

Reasonable Suspicion: Employees are subject to testing when one or more supervisors has a reasonable suspicion that the employee:

- Is under the influence of drugs and/or alcohol. Factors that may be considered in determining whether an employee may be under the influence of drugs and/or alcohol include, but are not limited to: the employee's behavior; evidence of impairment; and evidence of repeated errors on the job, policy violation, or unsatisfactory attendance patterns if coupled with a specific contemporaneous conduct that indicates possible impairment by reason of drug or alcohol use; or
- Has violated this Drug- and Alcohol-Free Workplace Policy.

Reasonable suspicion drug and alcohol tests will not be performed without prior notice to and approval from Employee Health Department/House Administrator (as outlined in Policy "[Fitness for Duty, HR-55](#)").

Under no circumstances will an employee be allowed to drive himself or herself to the testing facility. A member of supervision/management must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home. St. Joseph Hospital has a duty to protect society if they are aware of a potential risk when an employee refuses transportation home and elects to drive him/herself. The supervisor/manager will contact local law enforcement and advise them of the employee's possible impairment.

Follow-up: Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including discharge. Employees who are referred by St. Joseph Healthcare for drug or alcohol treatment or who are voluntarily participating in a drug or alcohol treatment program may be requested or required to undergo drug or alcohol testing without prior notice during the treatment period and for a period of time, determined by the Hospital, after the completion of the treatment. An employee who tests positive during this period will be subject to termination.

COLLECTION AND TESTING PROCEDURES:

Applicants and employees subject to urine drug testing will be tested at a St. Joseph Healthcare designated medical facility and directed to provide urine specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens shall be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone and use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory shall screen all specimens and confirm all positive screens. There shall be a chain of custody from the time specimens are collected through testing and storage.

The laboratory shall transmit all positive drug test results to a Medical Review Officer ("MRO") retained by St. Joseph Healthcare who shall offer persons with positive results a reasonable opportunity to rebut or explain the results. Persons with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests

must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event shall a positive test result be communicated to St. Joseph Hospital until such time that the MRO has confirmed the test to be positive.

Consent to Testing: Tests will not be conducted without the individual's written consent. However, applicants and employees must submit to tests requested or required by the Hospital as a condition of hire and employment. If an applicant refuses to submit to a required test, the applicant will not be hired. If an employee refuses to submit to a requested or required test, the employee will be subject to disciplinary action up to and including termination of employment.

Cooperation with Testing: Individuals subject to testing may not try to subvert the test by using an adulterated, diluted, or substituted specimen. Failing to provide a specimen in a timely manner or otherwise tampering with the process is grounds for withdrawal of a pending job offer or employment termination.

Consequences of a Positive Test Result: If an applicant tests positive, any conditional offer of employment will be withdrawn and the applicant will not be hired. Further, the applicant may not be allowed to re-test or be reconsidered for employment.

If an employee tests positive, he/she will be subject to disciplinary action, up to and including termination of employment. Within its discretion, St. Joseph Healthcare may decide to refer an employee for drug or alcohol treatment in lieu of termination and as a condition of continued employment. Within its discretion, the employer may suspend the employee while he/she participates in the treatment program. Employees must pay for the cost of any such treatment programs. Employees who refuse to participate in such programs or who fail to successfully complete a treatment program are subject to immediate termination.

Opportunity to Explain Positive Results: Any applicant or employee who tests positive will have the opportunity to rebut or explain positive test results within three (3) business days of notice of the positive test result and/or to request and pay for a confirmatory re-test.

CONSEQUENCES OF VIOLATING THIS POLICY:

Applicants who refuse to cooperate in a drug or alcohol test, who tamper with the test or results, or who test positive will not be hired or reconsidered for hire and may not be allowed to re-test in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, distribute, transfer, store or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested yet the Hospital believes they are impaired, under no circumstances will the employee be allowed to drive himself or herself home. St. Joseph Healthcare has a duty to protect society if they are aware of a potential risk when an employee refuses transportation home and elects to drive him/her self. The supervisor/manager will contact local law enforcement and advise them of the employee's possible impairment. The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

CONFIDENTIALITY:

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the MRO shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed where relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

INSPECTIONS:

When there is reasonable cause to suspect that an employee has violated this policy, the St. Joseph Healthcare reserves the right to inspect, without prior notice, lockers, work areas, desks, cabinets, purses, bags, briefcases, other belongings, and vehicles brought on Hospital property or at locations where work-related activities are being conducted for drugs, alcohol or other contraband. Cause to suspect shall be solely in the judgment and discretion of the Hospital, which may release any illegal drugs, paraphernalia, or other evidence to law enforcement authorities. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas, and property that might conceal a drug, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

CRIMES INVOLVING DRUGS:

St. Joseph Healthcare prohibits all employees, from manufacturing, distributing, dispensing, possessing, transferring, storing or using an illegal drug in or on St. Joseph Healthcare premises or while conducting company business. St. Joseph Healthcare employees are also prohibited from misusing legally prescribed or OTC drugs. Law enforcement personnel shall be notified, as appropriate, where criminal activity is suspected.

St. Joseph Healthcare does not desire to intrude into the private lives of its employees, but recognizes that employee's off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, St. Joseph Healthcare reserves the right to take appropriate disciplinary action for drug usage/sale/distribution while off hospital premises. All employees who are convicted of, plead guilty to, or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to Human Resources within three (3) days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with St. Joseph Healthcare.

DEFINITIONS:

"Hospital Premises" includes, but is not limited to, all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by St. Joseph Healthcare or on any site on which the company is conducting business.

"Illegal Drug" means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional.

"Refuse to Cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated, or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

"Under the Influence of Alcohol" means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

"Under the Influence of Drugs" means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly over-the-counter) where there is not a

valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization).

Please see attached - Certificate of Receipt

RESPONSIBILITY:

It is the responsibility of all employees, volunteers and physicians to comply with this policy.

ATTACHMENT:

Attachment #1 - Certificate of Receipt

Attachments:

[Attachment #1 - Certificate of Receipt](#)

Approval Signatures

Step Description	Approver	Date
Director of Human Resources	Shirley Lussier: Director of Human Resources	11/2015
	Jacqui Woolley: VP of Human Resources	11/2015

COPY