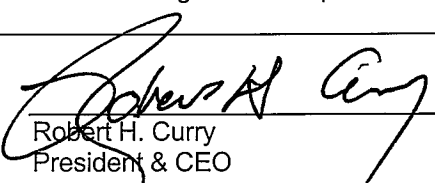


O'CONNOR HOSPITAL POLICIES & PROCEDURES		Page: 1 of 9
SUBJECT: Alcohol & Drug Free Workplace		Effective: 4/07
		Revised: 7/08
		Function:
APPROVED: 	ORIGINATING DEPARTMENT: Human Resources	
Robert H. Curry President & CEO	HOSPITAL-WIDE DISTRIBUTION	

APPROVED

Julie Hatcher V.P., Human Resources

### POLICY

O'Connor Hospital is committed to fulfilling the mission and values of the Daughters of Charity. In support of the mission and values, it is the policy of the Hospital to provide and maintain a safe and healthy working environment for all associates and a safe environment for the delivery of health care services to patients and their families.

O'Connor demonstrates this commitment by the following actions:

1. All job offers will be made contingent upon the applicant's passing a post-offer pre-employment drug test designed to detect the unlawful use of controlled substances.
2. Current associates may be requested to take a drug and alcohol test based upon a reasonable suspicion that an associate is in violation of the Policy.
3. Associates returning from a drug or alcohol rehabilitation leave of absence may be tested without notice for reasonable suspicion in accordance with a return-to-work agreement.

O'Connor Hospital requires all associates and on-site contractors and volunteers providing services to arrive at the workplace and perform their job duties free from the influence of alcohol and illegal drugs (including prescription medications for which the individual does not hold a valid prescription).

The Hospital strictly prohibits the use, possession, distribution, or sale of alcohol and controlled substances that is unlawful under federal, state, or local law. All associates, on-site contractors and volunteers must not use, possess, be impaired by or test positive for alcohol or illegal drugs, in the following circumstances:

1. While on duty, whether or not on Hospital premises;

2. While on Hospital premises, whether or not on duty;
3. While off duty, if the use of alcohol or illegal drugs impairs the associate's ability to work safely or efficiently upon return to duty;
4. While operating a motor vehicle or dangerous equipment owned, leased, or provided by the Hospital; and
5. Conviction for any violation of local, state or federal laws prohibiting the use, possession or sale of any illegal drug. While the medical use of marijuana is sometimes permitted under California law, it is a federal offense to use, possess or sell marijuana.

This policy also prohibits the abuse of any legal drug. (Remember, any use of a prescription medication not prescribed for the individual is illegal). Associates should not work while impaired by the use of a legal drug whenever such impairment might:

1. Endanger the safety of the associate, co-workers or patients;
2. Pose a risk of significant damage to Hospital property or equipment; or
3. Substantially interfere with the associate's job performance.

This policy does not prohibit the consumption of alcohol at social or business functions sponsored or approved by the Hospital where alcohol is served, whether or not on Hospital premises, although associates who choose to consume alcohol at such functions must refrain from becoming intoxicated and must be prepared to return to work as scheduled free of the effects of alcohol.

Any associate who observes activities prohibited by this policy is responsible for alerting their supervisors or whatever management is necessary to resolve the issues. Failure to report violations may result in disciplinary action.

### **Self-Acknowledged Drug and Alcohol Use**

1. Associates are responsible for informing their supervisors if their use of prescribed or over-the-counter drugs may affect their job performance or pose safety problems. If the adverse effects cannot be reversed or controlled, the associate may have to be removed from the workplace and placed on sick leave or a leave of absence.
2. Treatment is available for persons with problems related to alcohol and/or drug abuse or dependency, and O'Connor strongly urges associates with such problems to seek treatment. The responsibility for seeking, obtaining and cooperating in such treatment is the individual's.
3. Any individual experiencing drug and/or alcohol dependency is encouraged to use available Employee Assistance Programs and/or any disability plans, treatment, and health plan coverage that may be appropriate. Associates may check with Human Resources regarding available resources. Participation in such programs does not relieve the associate of the responsibility to meet job performance expectations. However, participation may help preserve employment when sought before serious absenteeism, performance problems or misconduct occurs.

4. Information regarding an associate's efforts to obtain help, as well as statements regarding substance use or abuse, are treated confidentially.

### **Definitions**

1. **Illegal drugs or other controlled substances.** "Illegal drugs or other controlled substances" includes any substance, the possession or use of which is unlawful under federal, state, or local law, and/or:

- a. Is not legally obtainable; or
- b. Is legally obtainable but has not been legally obtained; or
- c. Has been legally obtained but is being sold, distributed, or used unlawfully.

2. **Legal drugs.** "Legal drugs" means any drug, including prescription drugs and over-the counter drugs, that has been legally obtained and that is used in a manner consistent with prescription or dosing directions.

3. **Abuse of any legal drug.** "Abuse of any legal drug" means the use of any legal drug:

- a. For any purpose other than the purpose for which it was prescribed or manufactured; or
- b. In a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.

4. **Under the influence.** "Under the influence" means a condition that results from the use or ingestion of any drug, alcohol, or substance from whatever source, legal or illegal, prescribed or over-the-counter, home grown or personal remedy, that alters or impairs an associate's behavior or an associate's ability to safely perform his or her job duties. Any individual who tests positive for alcohol (with a blood alcohol percentage of .04 or more) or who tests positive for any illegal drug will be considered to be under the influence for purposes of this policy.

5. **Reasonable suspicion.** "Reasonable suspicion" means suspicion that is based on personal observations or objective evidence of the following:

- a. "Symptoms" of abuse of alcohol, illegal drugs or other controlled substances, or abuse of any legal drug; and/or
- b. "Other factors" that indicate abuse of alcohol, illegal drugs or other controlled substances, or other indication that this policy may have been violated.

6. **Symptoms.** "Symptoms" mean symptoms that support reasonable suspicion that an associate possesses or is under the influence of alcohol, illegal drugs or other controlled substances, or is abusing any legal drug, may include, but are not limited to, any of the following:

- a. Odor of alcohol or illegal drugs on breath or person;
- b. Impaired coordination;
- c. Impaired job performance;
- d. Impaired judgment;
- e. Irritability or mood swings;
- f. Needle marks;
- g. Slurred speech;
- h. Confusion;
- i. Dilated pupils;
- j. Blood-shot eyes.

7. **Other factors.** "Other factors" mean that other factors may support a reasonable suspicion that an associate is in possession of or is under the influence of alcohol, illegal drugs, or other controlled substances, is abusing any legal drug, or is otherwise in violation of this policy. "Other factors" include, but are not limited to, any of the following:

- a. Information provided to management by a credible source, an associate, law enforcement officer or Hospital security personnel;
- b. An associate is found to be in possession of suspected alcohol, drugs or drug paraphernalia;
- c. Suspected alcohol, drugs, or drug paraphernalia are found in the associate's immediate work area or area ordinarily in the associate's control;
- d. Any work-related incident, including those in which a violation of safety precautions or standards occurred, to which the associate's acts, or failure to act, contributed, whether or not an injury resulted;
- e. Observations of an associate in what appears to be the use, distribution or sale of alcohol or illegal drugs.

8. **Responsible Manager.** For purposes of this policy, the "Responsible Manager" is the following individual, preferably in order, depending on availability:

- a. The Vice President of Human Resources; or
- b. The associate's Department Director, or
- c. The Administrative (House) Nursing Supervisor, or
- d. The Administrator on call.

## **PROCEDURE**

### **Pre-employment Drug Testing:**

1. All job offers will be made contingent upon the applicants passing a post-offer pre-employment drug test. This step must be completed BEFORE the applicant is referred for a pre-employment/post-offer medical examination.
2. As part of the application process, applicants will be required to consent in writing to drug testing and the disclosure of test results to authorized O'Connor Hospital personnel.
3. Refusal to consent to the drug tests and/or to disclose the results of such tests will result in the withdrawal of the job offer. Efforts to tamper with, substitute, or adulterate test samples, as well as other behaviors designed to frustrate the testing process will be considered a refusal to test.
4. An applicant is not authorized to commence work until the applicant has taken, and passed, a drug test under this policy.

### **Reasonable Suspicion Drug and Alcohol Testing:**

1. All associates, on-site contractors, and volunteers will be subject to reasonable suspicion drug and/or alcohol testing whenever Hospital management has reason to believe that the individual is under the influence of drugs or alcohol, or is otherwise in violation of this Policy.
2. Associates who test positive or otherwise are found to be in violation of this policy, and who are at some point permitted to return to work will be required to agree to unannounced follow-up testing as a condition of a written return-to-work agreement between the Associate and the Hospital.
3. Supervisors, managers or directors must immediately contact the Responsible Manager whenever there is reason to believe that the individual may be under the influence of alcohol or an illegal drug, or is otherwise in violation of this policy. The Responsible Manager will then follow through with an investigation and, if appropriate, will initiate the testing process.
4. Before any associate is asked to submit to a reasonable suspicion test, the associate will be asked by the Responsible Manager about any observed behavior and offered an opportunity to give an explanation. If the Responsible Manager believes that reasonable suspicion exists to believe a policy violation has occurred despite any explanation offered, the

individual will be requested to take a drug test and/or alcohol in accordance with the procedures outlined below. An associate may refuse to submit to the testing process and no adverse employment action will be taken solely as a result of such refusal. However, disciplinary action may be imposed based on the outcome of the investigation that caused the Hospital to request the test.

5. The Hospital will pay the costs of any test it requires of associates and applicants extended a conditional offer of employment.
6. All drug testing will be performed by urinalysis. Initial screening will be done by Preferred Alliance. Positive results will be confirmed at a state-certified laboratory using gas chromatography/mass spectrometry (GC/MS) (a scientific test that examines the molecular structure of the substance detected). Samples will be tested only for the presence of drugs and/or their metabolites, and not for any medical condition, although samples may also be subject to tests to determine the presence of adulterants or other validation procedures, as appropriate.
7. On Monday through Friday between 7:30 AM and 4:00 PM, the associate will be escorted to the Human Resources Department by the Responsible Manager. The associate will be escorted to US Healthworks for testing Monday through Friday 8am-5pm (USHW open hours)
8. After 4:00pm and before 7:30am, the associate will be escorted to Room 309 by the Responsible Manager or Nursing Supervisor to wait for the test technician.
9. Onsite Health and Safety can be contacted at 925-689-6700 to request a technician to collect the specimen. The Responsible Manager should request Onsite Health and Safety to send a technician to collect the specimen.
10. Any associate subject to testing under this policy will be asked to sign the Consent to Submit to Drug and/or Alcohol Testing and Authorization to Release Drug/Alcohol Results forms consenting to the following:

The collection of a urine sample for the purpose of determining the presence of alcohol or drugs, and the release to the Hospital of information regarding the test results for the purpose of making a decision about his or her employment with the Hospital.

11. In order to maintain confidentiality, US Healthworks will coordinate collection and testing services Monday through Friday 8am-5pm and Preferred Alliance will coordinate collection and testing services during off hours. Preferred Alliance subcontracts with Onsite Health and Safety

who will send a trained and certified technician to the Hospital to collect the specimen.

For urine testing for drugs, the technician will collect a split specimen (each sample is divided into two bottles and sealed). The associate will be asked to sign a chain of custody form indicating that the specimen is the associate's and that it was sealed in front of the associate. A refusal to sign a chain of custody form without a valid reason will subject the associate to discipline up to and including termination.

For alcohol testing, the technician will use saliva and/or breath testing. All alcohol tests that screen positive will be confirmed using a breath testing device, and all initial breath-alcohol screens that are positive will be confirmed with a second breath test.

12. Security should be called if at any point the Responsible Manager reasonably believes that the associate presents a risk to the health or safety of the associate or to other individuals.
13. The Vice President of Human Resources or designee or the Responsible Manager will make arrangements for the associate to be driven home following any reasonable suspicion test. If the associate refuses and insists upon driving him or herself while possibly impaired, the Responsible Manager will alert local law enforcement authorities.
14. When the test is based upon a reasonable suspicion determination, the associate will be suspended until the laboratory results are available.
15. The testing laboratory will refer all urine drug tests that are confirmed positive or that are found to be adulterated, substituted, or dilute to the Medical Review Officer (MRO). An MRO is a medical doctor or doctor of osteopathy with specialized knowledge of toxicology. The MRO will review each such test result to ensure that the chain-of-custody is intact and that laboratory testing procedures were followed. In addition, the MRO will make reasonable attempts to contact the donor, and will offer that individual the opportunity to provide an explanation for the positive test result. If the individual offers a legitimate explanation for the positive test result (i.e., the result is positive for reasons not prohibited by this policy), the MRO will report the test as negative to the Hospital. Otherwise, the MRO will report the test as positive (or adulterated, etc.) to the Hospital.
16. In the event of a positive test result, the individual will have 72 hours after notification to request a re-test using the untested split of the sample obtained at the original collection. Re-tests must be conducted by a SAMHSA certified laboratory, and will be at the individual's expense.

The individual may authorize the disclosure of the test results to the Responsible Manager.

17. Any follow-up drug and alcohol testing requested under the terms of a Return to Work Agreement will be obtained under the procedures outlined in this policy.
18. In the event any associate is convicted of a drug-related offense occurring in the workplace the Responsible Manager or appropriate Department Director will report the fact of that conviction to any federal or state agency, as required by applicable law.
19. Test results are deemed confidential and will be shared within the Hospital management only on a need-to-know basis. Notwithstanding the foregoing, the Hospital may report any incident involving the abuse of drugs or alcohol, or other illegal activity involving same, to the associate's licensing agency, as applicable. The Hospital reserves the right, in appropriate circumstances and in the Hospital's discretion, to report violations and suspected violations to local law enforcement authorities. Finally, the Hospital may release test results to defend itself in any legal or administrative proceeding brought by or on behalf of the individual, or as otherwise may be compelled by law or legal process.
20. With the exception of any reporting made pursuant to the preceding paragraph, the associate's right to confidentiality and privacy will be maintained. All records will be retained in Employee Health Services Department in a secure location.
21. Any person divulging information regarding an individual's actual or suspected prohibited alcohol or drug-related activities or involvement in rehabilitation, other than in the circumstances described above, is subject to discipline up to and including discharge.

### **Disciplinary Action**

1. A first violation of this Policy will subject the associate to immediate discharge whenever the prohibited conduct:
  - a. Caused injury to the associate or any other person, or, in the sole opinion of management, endangered the safety of the associate or any other person;
  - b. Resulted in significant damage to Hospital property or equipment, or, in the sole opinion of management, posed a risk of significant damage;



- c. Involved the sale or manufacture of illegal drugs or other controlled substances (regardless of whether this occurred on Hospital premises or whether the associate was working at the time);
  - d. Involved the possession, distribution, or dispensation of illegal drugs or other controlled substances on Hospital premises; or
  - e. Involved an associate who had not completed the introductory period.
2. The Hospital, in the discretion of management, may choose not to discharge an associate for a first violation of this Policy. Nothing in this policy precludes the imposition of other levels of discipline, such as a written warning, suspension without pay, and a Return-to-Work Agreement. The severity and nature of the violation, the associate's work and disciplinary record may play a role in determining the appropriate level of discipline.

The Hospital may also choose to facilitate associate assistance and intervention under the following conditions:

- a. The associate contacts the Employee Assistant Program (EAP) within two working days of the being referred there by management; and
  - b. The associate submits to an evaluation conducted or requested by EAP and follows any subsequent recommendations EAP deems appropriate for that individual, including satisfactory completion of participation in an approved alcohol or drug abuse assistance or rehabilitation program, which may be at the associate's expense.
  - c. The associate must authorize his or her approved drug or alcohol assistance or rehabilitation program to release information about the associate's attendance at and progress in that program, if such a program was recommended or required by EAP.
  - d. The associate must submit to a fit-for duty exam including a drug and/or alcohol test prior to returning to work and that test must be negative.
  - e. The associate seeking to return to work, following intervention and treatment, must be able to perform the essential duties of the position, and possess a current license and/or certificate if required.
  - f. On return to work the associate must agree to an after-care plan that will include unannounced as well as reasonable suspicion tests applicable to all associates. Any associate working under a return-to-work agreement who tests positive for drugs or alcohol will be terminated from employment.
3. A second violation of this Policy at any time will result in immediate discharge.