

Drug and Alcohol Testing – Manager Toolkit

Overview

Company X is committed to maintaining a work environment that is free from the influence of alcohol and/or illegal drugs to protect the health, safety, and well being of our patients, employees, and visitors. To meet this commitment, Company X has adopted this Drug and Alcohol Testing Policy for employees.

Applies to

This policy applies to all employees. In addition, some employee groups are also subject to mandatory drug testing by federal law or regulation. For those covered by DOT regulations, DOT standards will be followed. See the "More..." link to the right.

More Links...

[Drug and Alcohol Testing for Employee's Who Operate Under the DOT Regulations](#)

Policy Statement

Employee involvement with drugs and alcohol can adversely affect job performance and employee morale, jeopardize employee safety, and undermine employer confidence. The goal, therefore, and the purpose of this policy is to establish and maintain a safe work place and a healthy and efficient work force free from the effects of drug and/or alcohol abuse.

Policy Violation

If you violate this policy, you may be subject to corrective action.

More Links...

[Corrective Action](#)

Definition

"Illegal drugs" means controlled substances, and includes prescription medications which contain a controlled substance and which are used for a purpose or by a person for whom they are not prescribed or intended. These include, but are not limited to, heroin, cocaine, marijuana, morphine, phencyclidine (PCP), amphetamines, barbiturates, or hallucinogens (or metabolites of any such drugs).

Voluntary disclosure

Company X encourages any employee with a drug or alcohol problem to voluntarily disclose this matter to the Employee Assistance Program (EAP) before being confronted, tested, or otherwise involved in drug and/or alcohol related incidents. If you do so:

- You will be granted time off for treatment, rehabilitation, or counseling in accordance with applicable labor contracts or non-contract Company X policies;
- All communications will be strictly confidential;
- You will be able to use EAP resources to assist you in this process; and
- You will not be discriminated against because of this disclosure and will not be disciplined on the basis of voluntarily acknowledging a drug or alcohol problem. ***However, this will not excuse violations of this policy, the **Drug and Alcohol Free Workplace**, or other Company X policies and procedures under which the employee is subject to **Corrective Action**

Grounds for testing

Testing will be required only under the circumstances described below. No pre-employment drug and alcohol testing is conducted. No test will be sought for the purpose of harassment. All tests are

conducted by a laboratory certified in accordance with state law. No test will be conducted by a testing laboratory owned or operated by Company X. The laboratory will notify Company X of the presence or absence of controlled substances and their metabolites and/or alcohol in the sample tested.

Reasonable Suspicion

You will be required to undergo a drug and/or alcohol test if there is a reasonable suspicion that you:

- are under the influence of alcohol and/or illegal drugs,
- have violated the policy statement above or **Company X's Drug and Alcohol Free Workplace Policy**;
- have caused personal injury to yourself or another employee,
- have caused a work-related accident; or
- have operated or helped operate machinery, equipment, or vehicle involved in a work related accident

Treatment program

If you receive a positive test result, you will be requested to undergo drug and/or alcohol testing if you have been referred for chemical dependency treatment. You may be requested to undergo drug and/or alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two (2) years following the referral for prescribed chemical dependency treatment.

Notification

Before requesting that you undergo drug and/or alcohol testing, Company X will provide you with a copy of the Drug and Alcohol Testing Policy and an opportunity to read the policy and sign a consent form.

Right to refuse testing

You have the right to refuse to undergo drug and/or alcohol testing. If you refuse to undergo drug and/or alcohol testing, no test will be administered. However, if you refuse to be tested you will be subject to termination of employment.

Inconclusive test results or tampering

When test results are inconclusive or there is evidence of tampering, Employee Health Services will confer with the medical review officer ("MRO"), collector, and/or personal health care provider as appropriate to make determinations regarding the appropriate action. If it is unclear whether your behavior has contributed to the inconclusive result, you may be required to undergo another drug and/or alcohol test. If it is reasonable to conclude that you engaged in tampering, or other behavior that prevented a meaningful completion of the drug and/or alcohol testing (including but not limited to causing inconclusive results), you will be subject to **corrective action**.

If the initial result of the alcohol and drug test is negative but "dilute" (as defined by the testing lab), you will be required to submit a new sample for testing. Company X will pay for such test on recollection.

More Links...

[Corrective Action](#)

Right in the event of a positive result

If the initial result on the drug/alcohol test is positive, the sample which was tested will undergo a second, confirmatory test before it is reported as a positive result to the employer, employee or medical review officer. An employee has the right to explain the reasons for the positive test (such as that you are taking over the counter or prescribed medications) and to request a confirmatory retest of the sample, to be conducted at the employee's expense. Any employee wishing to exercise these rights must do so within five (5) working days.

If the confirmatory test result is positive, you may be subject to **corrective action** in accordance with applicable labor contracts or non-contract Company X policies and the following:

- **First Positive Test Result on Confirmatory Test**

You will not be discharged based on a first time positive result on a confirmatory test for alcohol and/or illegal drugs requested by Company X. However, you will be terminated if you have been given the opportunity to participate in a drug or alcohol counseling or rehabilitation program and have refused to participate or have failed to successfully complete the counseling program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after the completion of the program.

- **Administrative Leave**

You will be paid administrative leave pay for scheduled shifts up to five shifts while waiting for the test results. When test results are received, your administrative leave pay ends, even if less than five shifts.

- **Subsequent Positive Result on Confirmatory Test** An employee who receives a positive result on a confirmatory test for alcohol and/or illegal drugs requested by Company X and who has previously received a positive result on a confirmatory test for alcohol and/or illegal drugs requested by Company X may be discharged, so long as a previous positive result occurred within the three (3) preceding years.

If the initial result of the drug and/or alcohol test is negative or the confirmatory test result is negative, you are considered to have satisfactorily completed the drug and/or alcohol test.

Additional rights

If you were asked to undergo testing for alcohol and/or illegal drugs, you will be provided with a copy of the test results upon request. You will be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.

Confidentiality

The fact that you have been requested to take a drug and/or alcohol test, the result of the test, and information acquired in the alcohol and/or illegal drug testing process shall be treated in a manner consistent with Company X's treatment of other private and confidential information concerning employees. If you voluntarily disclose the excessive use of alcohol and/or illegal drugs before being confronted, tested, or otherwise involved in drug and/or alcohol related discipline or proceedings, this will also be treated in a manner consistent with Company X's treatment of other private and confidential information concerning employees. This information will not be communicated by Company X without your consent except to those who need to know this information to perform their job functions, and as permitted or required by law or regulation.

Contact

For more information, contact your HR representative.

See Also:

Employee Assistance Program (EAP)
Employee Dispute Resolution
Confidentiality and Non-Disclosure

[**Drug and Alcohol Testing for Employee's Who Operate Under the DOT Regulations**](#)