

DEPARTMENT: HUMAN RESOURCES	POLICY DESCRIPTION: DRUG FREE WORKPLACE
APPROVED:	REVIEWED:
REPLACES: Drug and Alcohol Abuse – Approved on 07/01/04	RETIRED:
ADOPTED:	PRIOR NUMBER:
Page 1 of 9	REFERENCE NUMBER: C-IV-09

SCOPE: All ARH Employees

PURPOSES:

1. To create and maintain a safe, drug-free working environment for all employees.
2. To encourage any employee with dependence on, or addiction to, alcohol or other drugs to seek help in overcoming the problem.
3. To reduce absenteeism, tardiness, carelessness and/or other unsatisfactory matters related to job performance.
4. To reduce the likelihood of accidental personal injury and/or damage to patients, employees, visitors or property.
5. To reduce the likelihood that ARH property and facilities will be used for illegal drug activities.
6. To protect the reputation of ARH and its employees.

POLICY:

It is the policy of Appalachian Regional Healthcare, Inc., (ARH) to provide a healthy and safe environment for its employees and patients free from the adverse effects of alcohol and other drugs. All employees must report to work completely free from the effects of alcohol and/or the presence of drugs. No employee shall report for work or remain on duty involving direct patient care; requiring the operation of a motor vehicle or other hazardous equipment; or performing job duties in a hazardous environment when the employee is using any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's work or ARH's relationship with its patients or communities.

ARH also prohibits employees from using, possessing, manufacturing, distributing or making arrangements to distribute illegal drugs while at work on ARH property.

PROCEDURE:

- I. Drug Use/Distribution/Impairment/Possession

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All employees are prohibited from using, possessing, distributing, manufacturing, or having in their systems controlled substances, abused prescription drugs or any other mind altering or intoxicating substances while at work or on duty.

II. Alcohol Use/Possession/Impairment

All employees are prohibited from possessing, drinking, or being impaired or intoxicated by alcohol while at work or on duty.

III. Off-Duty Conduct

Off-the-job use of drugs, alcohol or any other prohibited substance which results in impaired work performance, including but not limited to, absenteeism, tardiness, poor work product, or harm to the image or relationship of ARH with its communities and governmental authorities, is prohibited. Employees should realize that these regulations prohibit all illegal drug use both on and off duty.

IV. Prescription Drugs

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Medications prescribed for another individual, not the employee, shall be considered to be illegally used and will subject the employee to discipline.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or a pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to:

(a) use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify company doctor) to avoid unsafe workplace practices;

(b) talk with his/her provider about how a medication may affect his/her

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ability to perform his or her job safely and effectively;

c) Make supervisor aware if accommodations are required while using this medication; and

d) Provide proof of a valid prescription.

When an employee tests positive for prescription drug use, the employee may be required to identify the use of any prescription or non-prescription medications. ARH will also require the employee to establish by documentation acceptable to ARH (e.g., prescription from a physician, pharmacy records, prescription bottle with label affixed) that a prescription medication has been lawfully prescribed by a physician authorizing its use for the particular condition at the time of testing.

If ARH has a reasonable belief, based on objective evidence, that: (1) an employee's ability to perform essential job functions will be impaired by a medical condition or (2) an employee will pose a direct threat due to a medical condition, in these situations, ARH may make disability-related inquiries or require a medical examination in accordance with the Americans with Disabilities Act of 1990. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks or prohibited from working if they are determined to be unable to perform their jobs safely while taking prescription or non-prescription legal drugs.

V. Notice of Drug-Related Conviction

In compliance with the Federal Drug-Free Workplace act of 1988, employees must notify their managers of any conviction of:

- A. A criminal drug law, based on conduct occurring in the workplace, or
- B. An alcohol beverage control law or law that governs driving while intoxicated, based on conduct occurring in the workplace.

Notification of a conviction must be made in writing and delivered no later than five (5) calendar days after such conviction.

An employee's appeal of a conviction does not affect the employee's obligation to report the conviction.

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VI. Substance Screening

A. Applicants

Pursuant to Drug and Alcohol Testing, Part C, Chapter I, Section 7, substance screening will be required for all applicants for ARH employment. Such testing will be required either alone or as part of a pre-employment physical examination. Applicants are required to sign a consent/release form before submitting to screening. Applicants will be disqualified for hire if they test positive, refuse to submit to a test, substitute or dilute their specimen, or refuse to execute the required consent/release form.

B. All Current Employees

1. Reasonable Suspicion

All employees may be required to submit to screening whenever a manager observes circumstances which provide reasonable suspicion to believe an employee has used a controlled substance or has otherwise violated the substance abuse rules. The manager's determination that reasonable suspicion exists to require the employee to undergo an alcohol and drug test must be based on specific, contemporaneous, clear observations concerning the appearance, behavior, speech or body odors of the employee.

The manager requesting testing shall prepare and sign written reports explaining the circumstances and evidence upon which they relied within twenty-four (24) hours of the testing, or before the results of the tests are released, whichever is earlier. While one manager may request a reasonable suspicion test, when feasible, managers are encouraged to obtain a second manager as a witness.

Requests for reasonable suspicion testing for an employee who operates a vehicle that requires CDL license must be submitted by a manager or designee who has been trained at least sixty (60) minutes on alcohol misuse and an additional sixty (60) minutes on controlled substances.

2. Post Accident Testing

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Employees are required to immediately notify their manager of any accident resulting in injury or damage to ARH property. Post accident drug and alcohol testing are required following any accident which results in the:

- a. Loss of human life, or
- b. Receipt of a citation under State or local law for a moving traffic violation arising from the accident.

ARH may require an employee involved in any accident resulting in injury that requires more than simple first aid or results in damage to property, to undergo alcohol screening within two (2) hours and drug screening within thirty-two (32) hours of the occurrence of the accident.

Failure to report an accident or submit to substance screening where required by law or this policy will result in disciplinary action up to and including termination.

3. Return to Duty/Follow-up Testing

All employees referred to rehabilitation through administrative channels, or suspended for violation of this policy, will be subject to unannounced testing following return to duty for a period of twelve (12) to sixty (60) months. Submission to unannounced testing shall be made a condition of employment for any employee returning to work after such rehabilitation or violation. The employee will be tested a minimum of six (6) follow-up tests during the first twelve (12) months. Testing will be on a daily, weekly, monthly or longer basis and will be in addition to the other types of tests provided in this policy.

A. Collective Bargaining Agreements

Employees who are members of the bargaining unit shall be governed by the terms of their collective bargaining agreement.

B. Testing Procedures

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A. Substances Tested for All Employees

Employees may regularly be tested for: amphetamines, cannabinoids, cocaine, opiates, phencyclidine and alcohol.

B. Test Specimens

ARH reserves the right to utilize blood, hair, breath, saliva or urinalysis testing procedures.

C. Collection Sites

ARH will designate collection sites in its facilities where individuals may provide specimens.

D. Request for Drug Test

In the event, the determination is made that a drug and alcohol screening is necessary, the manager of the employee contemplated for testing must make a request with the Human Resources department. The Human Resources department will then be responsible for coordination of the collection, testing and reporting of results.

E. Collection Procedures

ARH has developed and will maintain a documented procedure for collecting, shipping and accessing urine specimens. ARH will utilize a standard Urine Custody and Control form for all employee drug testing. ARH will utilize a standard Breath Alcohol Testing Form for all employee alcohol testing. A tamper-proof sealing system, identifying numbers, and labels will also be used for urine sample transportation.

Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain a proper collection procedure. All collectors will undergo basic knowledge training, qualification training and an initial proficiency demonstration. A person who collects or takes a specimen for drug test pursuant to this policy shall collect an amount sufficient for two (2) drug tests.

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All employees will also be required to execute the ARH Applicant/Employee Consent form.

F. Evaluations and Return of Result

The laboratory will transmit by fax, mail, or computer, but not orally over the telephone, the results of all tests to the Human Resources manager or designee. The manager or designee will be responsible for reviewing the quantified test results of employees and confirming that the individuals testing positive have used drugs or have adulterated, substituted or diluted the specimen in violation of ARH policy. Prior to making a final decision, the manager shall give the individual an opportunity to provide a medical explanation for the positive test result or adulterants, or a substituted or diluted specimen.

G. Request for Retest

All urine specimens will include a split specimen. An employee may request a retest of the split specimen within seventy-two (72) hours of notification of the final test result. The request must be submitted to the Human Resources manager or designee.

The employee may be required to pay the associated costs of retest in advance.

H. Release of Test Results

All information, interviews, reports, statements, memoranda and test results written or otherwise, received by ARH through its drug and alcohol testing program are confidential communications and may not be released except in accordance with the Consent/Release form. Information may be released without the employees consent in certain legal proceedings, including a lawsuit, grievance or administrative proceeding brought by, or on behalf of, an employee and resulting from a positive, adulterated or substituted drug test or alcohol test or a refusal to test. Such information may only be released to the decision maker in such action and only with binding stipulation that the decision maker will make it available only to parties to the proceeding.

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All employees will be required to execute a Consent/Release form permitting ARH to release test results and related information to government agencies, unemployment, department of worker claims, courts, arbitrators or others as may be necessary or reasonable.

VII. Discipline

ARH will discipline, including discharge, employees for a violation of this policy including refusing to submit to screening, execute a release, or otherwise cooperate with an investigation or search by ARH.

All employees who test positive in a confirmative substance test will be subject to disciplinary action up to and including termination. Any applicant or employee specimen that is found by the collection site, laboratory or Human Resources manager to have been adulterated or substituted will be considered equivalent to a positive test. All current employees who test positive for adulterants or for substituting the specimen will be subject to disciplinary action up to and including termination.

Rehabilitation may be available to individuals who violate this policy. However, all costs for such treatment will be the responsibility of the employee. ARH will not bear any costs for treatment. Treatment/provider must be approved by ARH.

No employee may be returned to regular duties after any rehabilitation or testing positive unless released for duty by the health provider in charge of the treatment. The employee must be seen by a Substance Abuse Professional and follow the counselor's recommendation for education and treatment. Prior to returning to work, the employee must have a negative drug or alcohol test. Any employee returned to duty after violating the policy or testing positive will be subjected to random testing as set out above.

VIII. Training

Substance abuse training shall cover the physical, behavioral, speech and performance indicators of use and misuse of alcohol and controlled substances.

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Manager or designee authorized to determine reasonable suspicion testing for a CDL licensed driver must receive a minimum of sixty (60) minutes of training on alcohol abuse and an additional sixty (60) minutes of training on controlled substance use and abuse.

Documentation of training attendance must be maintained.

IX. Investigation/Searches

Where a manager has a reasonable cause to suspect that an employee has violated the substance policy, he/she may inspect vehicles which an employee brings on ARH property, lockers, work areas, desks, purses, briefcases, tool boxes or other belongings, and at locations where ARH related activities are being conducted without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where this employee is not present or refuses to remove a personal lock, the Human Resources manager or designee, will do so for him or her. ARH may release any illegal, or controlled drugs, or paraphernalia to appropriate law enforcement authorities.