

POLICY TITLE: DRUG FREE WORKPLACE**Former Policy Title:****POLICY PURPOSE:**

Ensuring a drug free workplace at Lancaster General Health (LG Health), while complying with the federal Drug-Free Workplace Act of 1988.

POLICY STATEMENT:

LG Health intends to provide a safe and drug-free work environment for our employees and our patients. The manufacturing, distribution, dispensing, selling, concealing, using, or being under the influence of alcohol or illegal drugs while working at LG Health is prohibited. Employees in violation of this policy are subject to disciplinary action, up to, and including separation of employment.

APPLICABILITY/SCOPE/EXCLUSION:

This policy applies to all employees of LG Health, its member affiliates, contingent workers, consultants, contractors, vendors, volunteers and students.

DEFINITIONS:

Diversion: The transfer of a controlled substance from a lawful to an unlawful channel of distribution or use.

Fitness for Duty: An employee's ability to perform safely and/or appropriately all job functions of his/her position from the time the employee reports to work and throughout the entirety of the employee's work shift.

Self- Identification: The voluntary disclosure by an employee of his or her current drug or alcohol abuse under circumstances where the employee is not currently under suspicion of, or under investigation for possible violation of this policy, or of any law, rule or regulation (either internally or externally).

Testing: any and all testing for drugs by the Employee Health Team or its designee.

Testing Failure: a Blood Alcohol Level (BAC) of 0.02%/20 mg/dL or higher; or the presence of a drug that was not prescribed or taken as prescribed, by a physician or advanced practice provider. Prescription and over the counter medications are not prohibited when taken according to the medication directions and/or according to provider prescription; and the employee remains fit for duty.

Under the Influence: An employee who is not fit for duty and/or has undergone drug/or alcohol testing and has had a drug and/or alcohol testing failure.

INSTRUCTIONS:

This policy is to be read in conjunction with the Corrective Action, Employee Assistance Program and Family and Personal Medical Leave policies.

Effective Date: 01/01/23

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PROCEDURES:

Reasonable Suspicion Drug and Alcohol Screening

1. The personal possession, distribution, dispensation, concealing, sale or use of drugs or alcohol on LG Health premises, or while on duty, is prohibited.
2. Working or reporting to work, under the influence of drugs or alcohol, is prohibited. For the purpose of this policy, an employee is presumed to be under the influence of alcohol if the (BAC) is greater than 0.02%/20 mg/dL.
3. An employee who is perceived to be under the influence of drugs or alcohol will be removed immediately from their work area and the Employee Health Department will be contacted.
4. An Employee Health team member will evaluate the circumstances and, if appropriate, perform Reasonable Suspicion Drug and Alcohol Screening; after consent is obtained. In addition to urine drug screening, a blood alcohol test will be completed if a breathalyzer indicates the presence of alcohol. **If the employee refuses the screening test, immediate separation of employment will occur and the employee will be provided transportation from the premises.**
5. If a positive test is delivered, arrangements will be made for the employee to be taken home, they will be suspended for three business days and their HR Business Partner will be notified.
6. The employee will also be referred to the Employee Assistance Program (EAP) by the Employee Health Department as a mandatory referral. The EAP will be responsible for notifying the Employee Health Department, within two business days, if the employee complied by requesting an appointment. The Employee Health Department will be notified by the EAP if the employee attends (or does not attend) the scheduled appointment. Failure to agree to the terms of the mandatory EAP referral, will result in immediate termination of employment.
7. LG Health reserves the right to release the results of the tests to Employee Health, or its designee and Human Resources. This information may also be communicated to individuals outside of LG Health, as required by any federal or state agency.
8. Employees will be paid for the actual hours worked the day of the drug screening. If all test results are negative and the concern is determined to be without foundation, pay may be reinstated for regular assigned hours, during the temporary suspension period.

Drug Diversion

If a drug diversion is suspected, a diversion response team (consisting of Nursing leadership, Pharmacy, Human Resources, Employee Health, the Chief Physician Executive (if a physician is suspected) and; as needed, Security) will evaluate any identified concern regarding potential diversion activity.

The members of the team will then meet with the employee and discuss the concern. At the conclusion of the meeting, the employee will be asked to consent to drug screening. Upon consenting and completing the drug screening, the employee will be present while work belongings are searched.

If the employee refuses the screening test, immediate separation of employment will occur and the employee will be escorted from the premises.

After completion of the screening test, the employee will be suspended pending further investigation. LG Health reserves the right to release the results of the tests to Employee Health, or its designee and Human

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Resources. This information may also be communicated to individuals outside of LG Health, as required by any federal or state agency.

Self-Identification

Self-identification is defined as the voluntary disclosure by an employee of their current drug or alcohol abuse under circumstances where the employee is not currently under suspicion of, or under investigation for, possible violation of this policy.

Employees who disclose a drug or alcohol problem after coming under suspicion or investigation for possible violation of this policy will not be considered to have properly self-identified and may be subjected to disciplinary action, up to and including, termination of employment.

Employees who self-identify to their supervisor, Human Resources, Employee Health or other LG Health management staff of their current use of alcohol or drugs (or chemical dependency) will be escorted with a supervisor to Employee Health. The employee will be eligible for an approved leave of absence under the terms of the Family and Personal Medical Leave policy. Testing may be required upon the employee's return to work following receipt of any substance abuse treatment. The employee will also be referred to the Employee Assistance Program (EAP) by the Employee Health Department as a mandatory referral. The EAP will be responsible for notifying the Employee Health Department, within two business days, if the employee complied by requesting an appointment. The Employee Health Department will be notified by the EAP if the employee attends (or does not attend) the scheduled appointment. Failure to agree to the terms of the mandatory EAP referral, will result in immediate termination of employment.

Self-identification will not shield an employee from possible disciplinary action for otherwise violating this policy or any other LG Health policy, but will be taken into consideration when determining the appropriate level of disciplinary action.

Pre-employment Drug Testing

Drug testing will be conducted during all post-offer assessments, after receiving a signed Consent to Perform Medical Examination and Drug testing form. These results are provided to Human Resources by Occupational Medicine or Employee Health.

All new employees will receive a copy of the Drug Free Workplace policy during their employment onboarding and attest that they have received the same, understand it and had the opportunity to ask questions about the policy. An electronic signature will be utilized to confirm their knowledge and receipt of this policy.

Any applicant who has received a confirmed positive test, as part of the post offer drug screening, must wait a minimum of 12 months before being eligible for reconsideration for any type of employment.

Medical Marijuana Note: *The presence of marijuana in an employee's body is not considered unlawful if the employee holds a valid medical marijuana certification issued by his or her state of residence. However, such employees are prohibited from working while impaired (i.e., unfit for duty) due to the use of such medical marijuana. Employees also are prohibited from using medical marijuana during their work day or while participating in work-related activities outside the workplace. Any such impairment or use is considered unlawful and may lead to discipline up to and including termination of employment. No adverse employment*

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action will be taken against an employee solely because the employee holds a valid medical marijuana certification issued by his or her state of residence.

Employee Responsibility

Prior to the beginning of a scheduled shift, employees are required to report to their Manager the use of any prescribed drug or other substance (including medical marijuana) which could impair safe job performance. Furthermore, they must provide written documentation from their health care provider that they are safe to perform the essential functions of their job while taking the prescribed medication.

1. An employee must notify Human Resources and his/her Manager in writing of his/her conviction for a violation of a criminal drug offense, no later than 5 calendar days after such conviction.
2. If applicable, LG Health will assist the employee in locating an appropriate treatment facility and the employee will be offered an approved leave of absence.
 - a. Reporting is required to appropriate licensing agencies.
 - b. Initial and Random testing may be required upon the employee's return to work following receipt of any substance abuse treatment.

ROLES/RESPONSIBILITIES: N/A

APPENDICES: N/A

FORMS:

Drug Free Workplace – Form – Authorization and Release for Drug and Alcohol Testing
Drug Free Workplace – Observation Checklist

REFERENCES:

Drug-Free Workplace Act of 1988
Corrective Action Policy
Family and Personal Medical Leave Policy