



<b>Title:</b>	Substance Abuse in the Workplace (Drug Free Workplace)				
<b>Department/Service Line:</b>	Human Resources				
<b>Approver(s):</b>	Chief Human Resources Officer, VP Employee Health				
<b>Location/Region/Division:</b>	BSWH				
<b>Document Number:</b>	BSWH.HR.COND.005.P				
<b>Effective Date:</b>	05/01/2021	<b>Last Review/ Revision Date:</b>	03/05/2021	<b>Origination Date:</b>	BHCS - 7/1991 SWH - 12/2005

## SCOPE

The Substance Abuse in the Workplace (Drug Free Workplace) policy (“Policy”) applies to the Baylor Scott & White Health including Controlled Affiliates (“BSWH”).

## DEFINITIONS

*When used in this document with initial capital letter(s), the following word(s)/phrase(s) have the meaning(s) set forth below unless a different meaning is required by context. Additional defined terms may be found in the BSWH P&P Definitions document.*

**Applicant** – any person who has applied and received an offer from any BSWH entity, including rehired individuals and individuals hired through an acquisition.

**Negative Dilute Result** – dilute specimen where a specimen with creatinine and specific gravity values that are lower than expected.

**Negative Result** – the result reported by a U.S. Department of Health and Human Services (“HHS”)–certified laboratory when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

**Medical Review Officer (“MRO”) Pending Result** – the result reported by an HHS–certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations and not yet determined positive by the MRO.

**Non-Employed Individuals** – any paid or un-paid individual engaged to provide services to BSWH including but not limited to: Contingent Workers, contractors, volunteers, and/or any other non-employees as determined by BSWH.

**Positive Result** – the result reported by an HHS–certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations and is determined positive by the MRO. Including Positive Dilute Results or a second diluted specimen.

**Prohibited Substances** – may include alcohol and any drug obtained illegally or legally. Prohibited Substances do not include prescription substances used in a prescribed manner.

**Reasonable Suspicion** – a reasonable belief, based on observation or other reliable information that an individual is in violation of this Policy.

**Screen (“Screening”)** – a test to determine whether an individual violated this Policy based on a sample of the following: urine, blood, hair, saliva, and/or breath.

## **POLICY**

BSWH maintains a workplace free of alcohol, illegal drugs, and the abuse of legal drugs, and therefore Applicants, employees, and Non-Employed Individuals (collectively, "individuals") are prohibited from:

- Possessing, using, or being under the influence of Prohibited Substances while working or performing services for BSWH and/or on BSWH property.
- Possession or use of paraphernalia related to the use of Prohibited Substances while working or performing services and/or on BSWH property.
- Involvement in activities relating to the manufacturing, selling, or transferring of Prohibited Substances, or any paraphernalia related to the use of Prohibited Substances while working or performing services for BSWH and/or on BSWH property.

### **Searches for Prohibited Substances**

- Although BSWH respects an individual's privacy, that individual should have no reasonable expectation of privacy regarding work-related conduct or the use of BSWH property and equipment. This includes searches of offices, desks, lockers, and other BSWH property and, under certain circumstances, personal property, including but not limited to, bags, briefcases, purses, backpacks, and satchels. BSWH expects full cooperation by all individuals asked to undergo a search based upon Reasonable Suspicion.
- If an individual does not cooperate, BSWH may take appropriate action.
- If the search produces evidence that the individual violated this Policy, BSWH may take appropriate action.

### **Screening for Prohibited Substances**

BSWH expects full cooperation by all individuals asked to undergo a Screen. BSWH performs Screens under the following circumstances. BSWH Employee Health Services and/or an approved third-party vendor perform all Screenings.

#### **Initial (Post Offer/Pre-Employment)**

- BSWH performs a Screen on all Applicants who receive an offer or other Non-Employed Individuals before they are engaged to perform services.

#### **For-Cause Screening**

- BSWH may perform a for-cause Screening on employees and Non-Employed Individuals.
- For-cause screening must be based on Reasonable Suspicion.
  - Reasonable Suspicion includes individual(s) exhibiting clinical signs, behavior, or conduct that could be consistent with use of Prohibited Substances or violation or potential violation of BSWH policy.
  - Reasonable Suspicion may also include an individual or group based on an activity or event in violation or potential violation of BSWH policy.
- Upon selection and notification of For-Cause Screening, the individual must immediately proceed to the designated Screening location and undergo Screening. The individual notifies their supervisor/manager and, as applicable, hands-off their assignment/patients.
- An individual who has been asked to undergo for For-Cause Screening may be placed on suspension immediately pending the results of the Screening or may be allowed to continue work at BSWH Human Resources discretion depending on the activity or event that triggered the need for For-Cause Screening.

#### **Random Screening**

- BSWH may perform random Screening on all employees and Non-Employed Individuals by a scientifically valid method. Additionally, certain departments may have heightened random drug screening requirements.
- Upon selection and notification for random Screening, the individual must immediately proceed to the designated Screening location and undergo Screening. The individual notifies their supervisor/manager and, as applicable, hands-off their assignment/patients.
- Every individual's name selected for Screening is returned to the selection pool to ensure that all individuals have an equal chance of being selected at any time. Accordingly, an individual may be subject to multiple random tests throughout any given year.

## **Post-Accident or Workplace Injury**

BSWH requires employees submit to a Screening within twenty-four (24) hours of notice from the BSWH Safe Choice Department that the employee is subject to Screening post workplace accident or injury. The employee must comply with the requirements of this Policy.

## **Post-Motor Vehicle Accident**

Regardless of injury or fault, in accordance with the BSWH Vehicle Driver Safety policy, BSWH requires a Driver involved in an accident while operating any vehicle for BSWH company business to submit to a Screening within twenty-four (24) hours. The Driver must comply with the requirements of this Policy.

## **Drug Screen Results other than Negative**

BSWH complies with all Federal and state laws and regulations including licensing agency rules regarding the reporting of any violation of this Policy.

### **Positive Results (including Positive Dilute Results)**

- BSWH rescinds the offer of employment to Applicants and does not permit Non-Employed Individuals to perform services. Applicants and Non-Employed Individuals are prohibited from future employment or engagement.
- BSWH employees may face separation from employment and Non-Employed Individuals may no longer be able to provide services to BSWH.
- The MRO must report positive findings to Federal Motor Carriers Safety Administration for BSWH employee CDL drivers.

### **Negative Dilute Results**

- If the first Screen is a Negative Dilute Result, a second Screen is completed.
- If the second Screen is also a Negative Dilute Result:
  - BSWH rescinds the offer of employment to Applicants and does not permit Non-Employed Individuals to perform services. Applicants and Non-Employed Individuals are prohibited from future employment or engagement.
  - BSWH employees may face separation from employment and Non-Employed Individuals may no longer be able to provide services to BSWH.

## **Protesting Results**

An individual wishing to protest Screening results must do so by submitting a written request to Employee Health Services. Individuals requesting re-testing of are required to pay for the re-testing. The original specimen is sent to an independent laboratory and results from the re-testing are sent to Employee Health Services for review. BSWH reserves the right to take any action it deems appropriate including separation of employment, rescission of Applicant offers, or termination of contractual relationships regardless of the results of the re-testing.

## **Refusal to Cooperate**

If an individual refuses to cooperate or comply with this Policy including refusing to provide a sample, the employee may face separation from employment and the Non-Employed Individual may no longer provide services.

## **Drug-Free Awareness Program**

In order to increase awareness of this Policy, BSWH publishes this Policy on the BSWH intranet and may provide additional education and training as necessary. Further, BSWH may provide information on available drug counseling, rehabilitation, and employee assistance programs.

## **Employees Working on a Federal Contract or Grant**

- BSWH makes a good faith effort to comply with the Federal Drug Free Workplace Act requirements including requiring compliance with this Policy as a condition of employment for employees working on a Federal contract or grant.
- Employees working on a Federal contract or grant must notify their Human Resources (“HR”) contact of any criminal drug conviction for a violation occurring within the workplace within five (5) days of such conviction. Within ten (10) days of such notification or other actual notice, BSWH will notify the appropriate person in the contracting or granting Federal agency of such conviction. The notice must include the convicted employee’s position title and grant or contract identification number.
- It is the responsibility of BSWH to take appropriate corrective action up to and including separation from employment upon receiving notice of an employee’s conviction of a criminal drug violation in the workplace within 30 calendar days of notification. In the discretion of BSWH, any employee working on a Federal grant or contract who violates this may be required, in connection with or in lieu of disciplinary action, to participate in an approved drug assistance or rehabilitation program.

## **PROCEDURE**

None.

## **ATTACHMENTS**

None.

## **RELATED DOCUMENTS**

Driver Vehicle Safety (BSWH.RISK.005.P)

Post Offer/Pre-Employment Screening Process (BSWH.HR.EMPL.013.P)

Controlled Substance and Alcohol Abuse for Commercial Motor Vehicle Operators (BSWH.HR.COND.007.P)

Safe Choice Plan (BSWH.SAFE.001.P)

## **REFERENCES**

Drug Free Workplace Act of 1988

The information contained in this document should not be considered standards of professional practice or rules of conduct or for the benefit of any third party. This document is intended to provide guidance and, generally, allows for professional discretion and/or deviation when the individual health care provider or, if applicable, the “Approver” deems appropriate under the circumstances.