

## DRUG FREE WORKPLACE

### PURPOSE

The purpose of this policy is to set forth guidelines to ensure a drug free workplace at UCLA Medical Center.

### POLICY

Medical Center employees are required to report to work physically and mentally able to perform their duties and to carry out their responsibilities optimally without endangering their own health or safety or that of patients, other employees, volunteers and visitors. No employee may manufacture, distribute, dispense, sell, use, or be under the influence of alcohol or illegal drugs while conducting Medical Center or University-related activities on or off UCLA Medical Center premises. Employees in violation of this policy are subject to disciplinary action up to and including dismissal, under applicable University and Medical Center policies and labor contracts. As a means of enforcing this policy, employees shall be subject to drug and alcohol testing (hereinafter referred to as "Substance Abuse Screening"), as provided hereunder. Employees may be required, at the discretion of the Medical Center, to participate satisfactorily in an Employee Assistance Program (EAP).

### PROCEDURE

#### I. ALCOHOL USE PROHIBITIONS

- A. The personal possession, distribution, dispensation, sale or use of alcohol on UCLA Medical Center premises or while on duty is prohibited. There may be occasions, removed from the usual work setting (e.g., Medical Center social functions), when it is permissible to consume alcohol in moderation, on UCLA Medical Center premises with prior management approval.
- B. Off-duty abuse of alcohol that adversely affects or impairs an employee's job performance or that results in on-duty conduct which adversely affects or threatens to adversely affect other interests of UCLA Medical Center is prohibited.
- C. Working or reporting to work under the influence of alcohol is prohibited. For the purpose of this policy, an employee is presumed to be under the influence of alcohol if a Substance Abuse Screening finds levels that are equal to or greater than the cutoff level set forth in the "*Pre-employment Substance Abuse Screening*" policy.
- D. An employee who is perceived to be under the influence of alcohol will be removed immediately from the workplace and shall be evaluated by medical personnel. UCLA Medical Center will take further action, including Substance

Abuse Screening, based on medical information, work history and other relevant factors. If an employee refuses to submit to, tampers with, or fails to pass a Substance Abuse Screening s/he shall be deemed to have failed the screening and may be placed on paid administrative leave pending an investigation and/or discipline (up to and including termination) in accordance with applicable University personnel policies and collective bargaining agreements.

## II. DRUG USE PROHIBITIONS

- A. The unlawful use, sale, purchase, possession, manufacture, distribution, or dispensation of any drug or unprescribed controlled substance on UCLA Medical Center premises, or while on duty, is prohibited.
- B. Off-duty abuse of drugs that adversely affects an employee's job performance or that results in conduct which adversely affects or threatens to adversely affect other interests of UCLA Medical Center is prohibited.
- C. Use of illegal substances or abuse of legal substances off work time that result in impairment at work will result in action as described in the Supervisor Responsibility Section.
- D. An employee who is perceived to be under the influence of drugs will be removed immediately from the workplace and shall be evaluated by medical personnel. UCLA Medical Center will take further action, including Substance Abuse Screening, based on medical information, work history and other relevant factors. Refusing to consent to a Substance Abuse Screening, failing to report to the designated area for screening, or attempting to alter or tamper with the specimen will be interpreted as a failed screening and the employee may be placed on paid administrative leave pending an investigation and/or discipline (up to and including termination) in accordance with applicable University personnel policies and collective bargaining agreements.
- E. It is recognized that individuals may be taking prescription or over-the-counter drugs, which could impair judgment or other skills required in job performance. If an employee observes an individual who appears to be impaired in the performance of his or her job, they shall report their observations to the supervisor who should refer the employee to Occupational Health as necessary. If an employee has questions about the effect of a medication, prescribed for them personally, they may consult with their supervisor, contact their physician, or contact Occupational Health. If it is determined that there is no safety risk and the employee can safely and effectively perform the job, the employee will be permitted to work. If such use impairs the employee's ability to safely or effectively perform the job, UCLA Medical Center may temporarily reassign the employee or grant a leave of absence during the treatment period. Employees who are taking legally prescribed and/or over the counter medications, which

impair job performance, safety or the efficient operation of the UCLA Medical Center may be subject to action as set forth in Section VII.

- F. If convicted of a drug-related crime, an employee may be subject to immediate termination, in accordance with applicable University personnel policies or collective bargaining agreements. If the Medical Center determines in its sole discretion to enter into a return-to-work agreement with the employee, s/he may be required under the written terms of the return-to-work agreement to submit to unannounced, periodic Substance Abuse Screening for a period of up to two (2) years, if the employee's position is a sensitive nature such that substance abuse may compromise the safety of patients, employees, visitors, or members of the community. Sensitive positions include, but are not limited to, positions involving patient contact or support, public safety officers or communication officers and those positions that require the possession of a driver's license.
- G. As a condition of employment, an employee must immediately (within five (5) calendar days) notify the Medical Center if he or she is convicted of a criminal drug offense occurring in the workplace, while operating a UCLA Medical Center vehicle on UCLA Medical Center or personal business, or while operating a personal vehicle on UCLA Medical Center business.

### **III. PERFORMANCE IMPAIRMENT**

A supervisor may reasonably suspect that an employee has consumed drugs and/or alcohol on UCLA Medical Center premises or reported to work under the influence of one or both if the supervisor believes the employee's job performance is impaired or adversely affected, or the supervisor believes the employee's conduct is adversely affecting or threatening to adversely affect other employees, patients, visitors, or other interests of UCLA Medical Center.

### **IV. MANUFACTURING, TRANSFER OR POSSESSION OF DRUGS**

If an employee is suspected of being in possession of, manufacturing, or transferring illegal drugs while on duty or on UCLA Medical Center premises (except in the normal course of the employee's duties), the supervisor should:

- A. Notify UC Police as soon as possible regarding suspicion of manufacturing, sale, or possession of illegal drugs while on duty.
- B. Corroborate his or her observation with another supervisor, Human Resources or management.
- C. Review issues with Human Resources. If necessary, place the employee on investigatory leave in accordance with the requirements of the appropriate personnel policy or labor agreement.

- D. Follow requirements of Nursing or Pharmacy reporting policies for violations involving nurses or pharmacists.
- E. Implement appropriate corrective action based on the findings of the investigation following consultation with Human Resources.

## **V. EMPLOYEE INJURY**

- A. When an employee is injured at the workplace and there is a reasonable suspicion of the involvement of drugs or alcohol, the employee will be taken for immediate treatment of the injury.
- B. Once emergency medical care has been provided the injured employee will be asked to consent to Substance Abuse Screening. Refusing to consent to a Substance Abuse Screening, failing to report to the designated area for screening, or attempting to alter or tamper with the specimen will be interpreted as a failed screening and the employee may be placed on paid administrative leave pending an investigation and/or discipline (up to and including termination) in accordance with applicable University personnel policies and collective bargaining agreements.

## **VI. EMPLOYEE RESPONSIBILITY**

- A. Employees must report to work in a condition fit to perform job duties and not under the influence of alcohol or controlled substances or illegal drugs while performing work for UCLA Medical Center or on UCLA Medical Center premises.
- B. Employees must comply with all UCLA Medical Center policies, rules and regulations governing substance abuse, including this policy.
- C. If an employee is subjected to a Substance Abuse Screening test, he or she must not report to work until evaluated by the Occupational Health Facility and granted a *Return to Work Clearance*.
- D. Employees may request a leave of absence to voluntarily enter an appropriate rehabilitation program. Granting or not granting such a leave is at the Medical Center's sole, non-grievable discretion and is subject to the specific circumstances of each request and applicable personnel policies or labor agreements. An employee's voluntary disclosure of his or her use of drugs or alcohol will be treated confidentially in accordance with applicable state and federal laws and University policy.

- E. Employees will be requested to consent to Substance Abuse Screening if there is reasonable suspicion that their ability to perform work safely or effectively may be impaired or that their conduct is adversely affecting or threatening to adversely affect employees, patients, visitors, or other interests of UCLA Medical Center. Refusing to consent to a Substance Abuse Screening, failing to report to the designated area for screening, or attempting to alter or tamper with the specimen will be interpreted as a failed screening and the employee may be placed on paid administrative leave pending an investigation and/or discipline (up to and including termination) in accordance with applicable University personnel policies and collective bargaining agreements.
- F. An employee who has a positive, confirmed screening may be subject to disciplinary action, up to and including dismissal from employment, in accordance with applicable personnel policies and collective bargaining agreements. Employees who have a positive, confirmed screening and who are required as a condition of employment, to participate in a rehabilitation program for drug and/or alcohol abuse, may as a further condition of employment, be required to consent in writing to periodic unannounced Substance Abuse Screening for a period of up to two (2) years after return to work.

## VII. SUPERVISOR RESPONSIBILITY

If a supervisor has a reason to consider requesting a Substance Abuse Screening (See Appendix F), the following steps should be followed prior to screening:

- Observe
- Document
- Intervene

### A. Observe

If there is reason to suspect that an employee is under the influence of drugs or alcohol on the job, observe the employee's behavior, especially at high risk times such as after lunch or breaks. Use the *Observation Checklist* (Appendix A) as a guide in observing employee behavior.

### B. Document

1. Document your observations factually.
2. Relate performance or behavioral problems, as much as possible, to the employee's inability to perform his or her work duties satisfactorily.

### C. Intervene

1. Notify Human Resources of your suspicions.
2. Corroborate your observation with another supervisor, manager, Security, or Human Resources.

3. Escort the employee personally to a private area. Have another supervisor or Human Resources present as a witness, if at all possible.
4. Inform the employee of the reasons for suspecting drug and/or alcohol policy violations. Review the work performance or behavior and indicate why you are concerned. Inform the employee that the situation must be changed and that pursuant to policy a Substance Abuse Screening may be requested.
5. From the information gathered from your conversation with the employee, determine whether or not you believe the employee has either consumed drugs or alcohol on UCLA Medical Center premises or reported to work under the influence of either.
6. If you conclude the employee does not appear to be under the influence of alcohol or drugs and the employee is able to perform regular work duties, have the employee return to the work unit and resume work.
7. If you conclude that the employee may be under the influence or has consumed drugs or alcohol on UCLA Medical Center premises, report this to Human Resources or the Administrator on call. Upon approval, advise the employee that this policy may have been violated and the employee is being requested to consent to a Substance Abuse Screening. Inform the employee that refusal to consent to the screening may result in disciplinary action up to and including dismissal from employment.
8. State the consequences if the Substance Abuse Screening result is positive, e.g., disciplinary action up to and including dismissal from employment and/or required admission to a drug and/or alcohol treatment program.
9. Place the employee on investigatory leave until the results of the Screening are available.
10. Call the Occupational Health Facility (or Emergency Medicine Center, if after hours) and inform them that an employee is being referred for Evaluation and/or Substance Abuse Screening. Escort the employee immediately to the OHF or the EMC (after hours, i.e; weekends, evenings and holidays) along with your Documentation describing the behavior or concern.
11. If appropriate, assist the employee in making arrangements to be taken home after Screening is completed. If the employee appears to be impaired, do not permit the employee to leave the premises or to drive alone. If the employee refuses assistance, make sure the witnessing supervisor can verify that the employee refused such assistance. If the employee cannot control his/her actions, call UC Police immediately to inform them of the employee's condition and refusal of assistance.
12. Refer to the Pharmacy Policy for additional reporting requirements for nurses and pharmacists respectively.

13. Determine action to be taken based on documented observations and/or Screening results following consultation with the OHF (or EMC) and Human Resources. If you are aware that the employee is participating in EAP, advise EAP regarding the disciplinary or dismissal action initiated.
14. If the employee has a negative confirmed Substance Abuse Screening result, inform the employee of such and that they must receive a clearance from the OHF before returning to work.
15. If the employee has a positive confirmed Substance Abuse Screening result, inform the employee of the consequences of the result. Discipline the employee up to and including dismissal from employment.
16. Consider whether to offer the employee a “last chance” agreement (in consultation with Human Resources) on condition the employee agrees to enter an approved rehabilitation program. This agreement may be offered at the sole, non-grievable discretion of the Medical Center, after considering the individual circumstances of each case. Each agreement is prepared considering the individual circumstances of each case. Agreements may cover, but are not limited to, subjects such as assignment changes and work restrictions, verification of attendance at a diversion or rehabilitation program, and/or testing and participation in an after-care program. The agreement shall specify the consequences for violation of its provisions, including further corrective action or dismissal from employment.

### **VIII. OCCUPATIONAL HEALTH FACILITY RESPONSIBILITY**

- A. Evaluate employee for impairment to determine necessity of conducting Substance Abuse Screening
- B. Present the employee with a *Consent to Substance Abuse Screening* form. The form requires the employee to provide information considered relevant to the test including listing all drugs taken recently (including prescription drugs).
- C. Provide employee with a list of the *Most Common Medications Which May Affect Drug Test*.
- D. Upon receipt of a negative or positive test result, inform Human Resources of such result. Clear the employee to return to work if result was negative.

### **IX. LABORATORY RESPONSIBILITY**

- A. Collect a urine and/or blood specimen for the drug test, ensure the security of the specimen, provide for chain of custody, and temporarily store the specimen until transported to the testing laboratory. (See the “*Pre-employment Substance Abuse*” policy.)

- B. The testing laboratory will provide technical assistance to the Medical Review Officer (MRO) for the purpose of interpreting any positive confirmed test results.
- C. Analyze urine and/or blood samples.
- D. Report test results to the MRO. (See the “*Pre-employment Substance Abuse*” policy.)

## **X. EMPLOYEE ASSISTANCE PROGRAM**

An EAP is available through the Staff and Faculty Counseling Center to provide counseling and other services for employees with substance abuse and other personal or emotional problems. EAP also provides prevention educational information. The EAP will treat information obtained regarding an employee during participation in such programs or services as confidential, in accordance with Federal and State laws. The Medical Center will not use an employee’s voluntary participation in an EAP program as a basis for corrective action. An employee may also request a leave of absence to obtain treatment for substance abuse, with documentation from a licensed health care provider providing that such treatment is required and undertaken. The granting and returning from medical leaves is subject to applicable UC personnel policies, and applicable collective bargaining agreements.

## **REFERENCES**

### Federal Drug-Free Workplace Act of 1988

This act mandates that federal contractors and grantees maintain a drug-free workplace with the following requirements:

- Require corrective action for convicted employee
- Publish a Drug-Free Workplace statement and policy
- Establish an ongoing awareness program for employees
- Require an employee to inform employer of the drug conviction
- Require employer to inform Federal agency of an employee’s drug conviction

### California Drug-Free Workplace Act of 1990

This act mandates state contractors and grantees to certify that they have a drug-free workplace program in place that includes the following requirements:

- Establish a company policy which includes the penalties that may be imposed upon employees for drug abuse violations
- Inform employees about the dangers of drugs in the workplace
- Provide information about available treatment sources
- Notify all employees of the policy

### Department of Transportation Regulations of 1991



This regulation requires employers with commercial motor vehicles engaged in transportation to implement a drug-free workplace program for all drivers including the following:

- Pre-employment testing
- Random testing
- Reasonable suspicion testing
- Post accident testing
- Follow up testing

Department of Nursing, Guidelines for Identification and Intervention of Employees with Substance Abuse/Mental Health Problems

- Assist the manager in identifying and initiating appropriate interventions regarding the chemically impaired/dependent or mentally ill employee
- Assist the employee in identifying the problem and taking appropriate action before the condition renders him or her unemployable
- Outline the procedure for referral and monitoring of the chemically impaired/dependent or mentally ill employee to successful completion of a recovery program
- Assist the recovered employee to be re-employed (re-enter) in the health care setting

University of California Policy on Substance Abuse – November 1, 1990

Implementing Guidelines for the University of California Policy on Substance Abuse, December 4, 1990

Academic Policy Manual APM-190 Appendix C

## **REVISION HISTORY**

Effective Date: November 1, 1991

Review Date: December 1, 1992, March 1, 1994, March 1, 1995; Policy discontinued, February 2, 1998. Policy reactivated November 21, 2002

Revised Date:

## **APPROVAL**

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## Appendix A

### Observation Checklist

Any single poor performance or work habit behavior (unless extreme) is probably not a cause for great concern, although it still may require attention. But when such performance or habits occur in patterns, especially when recurring, close attention and perhaps intervention may be warranted. A strong pattern of either poor performance or poor work habits is cause for serious concern. A strong pattern of both usually warrants testing.

For example, absenteeism is a significant supervisory problem, but in the absence of other signs may not warrant a test. However, absenteeism along with increased mistakes, mood swings, signs of drowsiness, and slurred speech, would probably warrant a drug and alcohol test.

Watery eyes and sniffles may be the sign of a cold, but when coupled with rapid and wide mood swings, dilated pupils, increased startle reactions and rambling speech, testing may be necessary.

Changes in behavior are cause for concern. If a person goes from friendly and outgoing to very withdrawn, or clean and neat to disheveled -- along with other signs -- close supervisory attention would be advisable.

You may also observe an employee in light of a report of drug use provided by a reliable and credible source that has been independently corroborated.

#### Behavior/Physical Signs

- Bloodshot eyes
- Pupils constricted or dilated
- Inappropriate shivering
- Tremors
- White powder around nose
- Smell of alcohol or burning leaves
- Drowsiness/sleepiness
- Slurred speech or speech that doesn't make sense
- Lack of coordination in walking; staggering, weaving
- Unexplained change in physical appearance or dress -- usually neat person becomes unkempt
- Wide swings in mood or attitude -- very happy to very sad; cooperative to defiant and surly

