



Origination 01/2002  
 Approved 06/2023  
 Last Revised 06/2023  
 Next Review 06/2025

Owner Cherie Smith:  
 Employee  
 Relation Manager  
 Area Human  
 Resources  
 Applicability TUKHS System

## 5.20 Drug and Alcohol-free Workplace

<b>Purpose Statement</b>	The University of Kansas Health System wants employees to be secure that their working environment is safe. It is also necessary for our vision that patients and their families recognize that the health system leads the nation in caring, healing, teaching and discovering. To achieve this mission, employees must provide safety, trust and dependable employee performance. Employees must not have alcohol or illegal drugs in their bodies while working. Other substances that may adversely affect performance or safety are also not acceptable in the workplace.
<b>Adopted</b>	January 2002
<b>Previously Named</b>	Drug/Alcohol Abuse, Diversion, and Testing, 702
<b>Most Recently Reviewed/Revised</b>	January 10, 2021
<b>Who This Affects</b>	All employees, volunteers, students, medical staff and other healthcare providers with clinical privileges, vendors and contract workers within the University of Kansas Health System.
<b>Procedures</b>	<ul style="list-style-type: none"> <li>General Guidelines               <ul style="list-style-type: none"> <li>What Happens When an Alcohol/Drug Screen Test is Positive</li> </ul> </li> <li>Employee Responsibilities</li> <li>Leadership Responsibilities</li> </ul>
<b>Helpful Definitions for this Policy</b>	Prescription Drug Abuse Reasonable Suspicion Use and Possession
<b>References and Related Policies</b>	<a href="#">HR 1.03 Persons Seeking Employment</a> <a href="#">HR 1.14 Disabilities: Employees &amp; Persons Applying for Jobs</a>

	<a href="#">HR 3.05 Personal Leave Benefit (Including Non-FMLA Leaves)</a> <a href="#">HR 3.11 Employee Assistance Program (EAP) Benefit</a> <a href="#">HR 4.09 Family Medical Leave Act (FMLA) Benefit</a> <a href="#">HR 5.15 Employee Counseling</a> <a href="#">HR 5.24 Charges, Convictions or Sanctions</a> <a href="#">Medication Management Policy: Controlled Substance Handling</a> <a href="#">Observed Behavior Reasonable Suspicion Form (See Attachments)</a> <a href="#">Pharmacy Policy – Drug Diversion Detection: Prevention, Identification, and Reporting</a> <a href="#">Reasonable Suspicion Procedures (See Attachments)</a>
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## General Guidelines

- For safety reasons, employees and others covered by this policy may not use alcohol or illegal drugs during work hours, including break and meal periods, or while on The University of Kansas Health System property. For purposes of this policy, health system property includes all property owned, leased, used or under the control of the health system including, but not limited to, all land, buildings, parking areas, structures, work locations, vehicles and equipment.
  - Using alcohol or illegal drugs, abusing prescription drugs or taking someone else's prescription drugs during working hours or while on health system property could result in counseling, up to the end of employment. This includes reporting to work with alcohol or illegal drugs in the body. See [HR 5.15 Employee Counseling](#).
- The possession of alcohol, illegal drugs or drug paraphernalia may suggest that an employee or other person intends to drink or use during work hours or while on health system property. This could result in counseling, up to the end of employment or impacting/ending the other relationship between the person and the health system if they are not an employee.
  - Examples of possession may include, but are not limited to, having it on one's person or in a locker, desk, toolbox, lunchbox, personal area(s) or personal vehicle while on the property, parking lots, entranceways or when doing work for the health system.
- The health system has the right to inspect and/or search all health system property, as well as any employee's personal property located on health system property or leased property, due to reasonable suspicion or other grounds supporting the purposes of this policy.
  - A department leader and/or Kansas University Medical Center Police or law enforcement officers will conduct any search. A search also may be conducted by law enforcement with the assistance of specially trained animals. Individuals may be requested to display personal property for visual inspection at the health system's request. Refusal to consent to any such inspection or search or refusal to cooperate in any investigation may lead to the end of employment. See [HR 5.15 Employee Counseling](#).

- Medical marijuana and/or cannabis cardholders may seek reasonable accommodation. This will be carefully reviewed as federal and state laws continue to change. As of the date this policy was enacted, the health system cannot accommodate medical marijuana and/or cannabis cardholders as a reasonable accommodation for a variety of safety and legal reasons.
  - The health system is required to follow the Drug Free Workplace Act of 1988 due to its status as a federal contractor. Hiring an applicant who uses marijuana or cannabis risks this federal funding and contracts.
  - Secondly, due to the nature of many jobs at the health system being "safety sensitive" and/or operating heavy equipment and/or driving as a duty, reasonable accommodation cannot be made. Currently, "safety sensitive" is defined as a job where the safety of oneself or another is part of their job duties. See HR 1.14 Disabilities: Employees & Persons Applying for Jobs.
- Certain events may serve alcohol. The chief executive officer (CEO) or their designee must approve these events. These events will be exceptions to this policy. No one attending who is not of legal drinking age may consume the alcohol. The legal possession of alcohol at an event approved by the health system is not a violation of this policy.
- Drug testing can include urine or blood analysis or any other medically or legally recognized investigatory or testing procedure. Testing may be for alcohol, marijuana, opiates, amphetamines, cocaine and other drugs.
- A drug screen test is done during the post-offer health review for all persons applying for a job, contract workers, a volunteer position, students and some vendors at the health system. The screen must be negative for illegal drugs or the abuse of prescription drugs. If the test is positive, the person will not be hired or allowed to volunteer.
- Drug and/or alcohol tests or searches may be conducted when there is reasonable suspicion of drug/alcohol use. The definition of reasonable suspicion is included in this policy. Additional examples may include, but are not limited to, the following:
  - The employee's unit or department leader or another leader has reason to believe the employee is unfit to perform their job.
  - Use or possession of illegal drugs or alcohol is suspected.
  - The employee's work record has a history of major accidents.
  - As part of an investigation for diversion of drugs.
  - As a part of an investigation that involves a work-related accident or "near accident" and where safety guidelines were not followed and/or careless acts took place.
- Once paid time related to the test is over, an individual who is screened will be placed on paid administrative leave pending the results of the test. An individual is considered positive if there

is a presence of alcohol or illegal drugs, or evidence of abuse of prescription drugs.

- If the test results show that an adulterant (interfering substance) is used, this is considered a refusal to test. Not providing enough urine, switching, altering, delaying a screen for more than 2 hours, or attempting any of these actions is also considered a refusal to test.
- The following activities will result in the end of employment with the health system. Some may also result in criminal charges.
  - The use, sale, manufacture, distribution, or possession of illegal drugs.
  - The abuse of prescription drugs, over-the-counter drugs or taking someone else's prescription drugs while on the job, including break and meal periods.
  - Refusal to take a drug/alcohol screen test.
  - Refusal to promptly or timely take a drug/alcohol screen test.
- Any illegal drugs (as defined by law) found will be turned over to the proper law enforcement agency.

#### **What Happens When an Alcohol/Drug Screen Test is Positive**

- Due to safety issues, the employee remains on paid administrative leave until results are received. Once a positive result is communicated to the health system by our third-party vendor, the employee's employment relationship with the health system ends. See [HR 5.15 Employee Counseling](#).
- For employees holding licenses or certifications, the health system is required to report positive test results to the licensing board and/or meet reporting requirements per each board or licensing agency's requirements. The employee must then follow the guidelines of their licensing/certifying agency. This may be in addition to health system requirements/licensing agency requirements.
  - An employee who is tested for drugs or alcohol may get any lab test records relating to the test by contacting the vendor who conducted the screen.

### **Employee Responsibilities**

- Employees have a duty to report any suspicion of drug or alcohol use by a leader or co-worker, as well as anyone under the influence of alcohol or drugs, to the unit or department leader or the Nursing Administrative Coordinator (NAC). Tolerating an employee under the influence of drugs or alcohol could endanger patients, employees, visitors and others.
- Employees who think or know they have an alcohol or drug problem are urged to get help. The [Employee Assistance Program \(EAP\) Benefit](#) is available to all health system employees. Employees may voluntarily seek treatment through the EAP. Assistance is available 24 hours a

day by calling 855-784-2052.

- If an employee voluntarily reports that they have a possible drug or alcohol problem, the health system may refer the employee for an evaluation and counseling or a rehabilitation program. The employee must complete any assistance or rehabilitation program. The cost of rehabilitation or treatment is the employee's responsibility. The cost, however, may be covered by the health system's benefit plans and the employee will be placed on an appropriate leave. See [HR 4.09 Family Medical Leave Act \(FMLA\) Benefit](#) and [HR 3.05 Personal Leave Benefit \(Including Non-FMLA Leaves\)](#).
- Employees arrested for an alleged alcohol or drug charge (including driving violations involving alcohol) are to immediately inform their unit or department leader. If this is not done, it may result in counseling, up to the end of the employment relationship. For more details about this type of situation, please see [HR 5.24 Charges, Convictions or Sanctions](#).
- If an employee is "on call" and receiving a premium pay for being available to come into work, the employee is expected to be fit for work at all times when reporting to work. If an employee is contacted to report to work and has alcohol or illegal drugs in their body, the employee is to immediately inform the unit or department leader. The employee's situation will be documented. It may result in employee counseling, up to the end of employment. Employees on call are held to the same standards and policies as other employees on duty. See [HR 5.15 Employee Counseling](#).
- Employees may have a need to take prescription or non-prescription drugs that affect the employee's ability to perform job duties. This could affect patient safety, as well as the safety of the employee and others. Because of this, it is the employee's responsibility to ask their medical provider about any effects a drug may have on their ability to perform functions of their job. If there are effects communicated by the provider, the employee is to immediately report this to their unit or department leader. The employee need not report or discuss the underlying medical issue that caused the need for the drug with the leader. The leader will then attempt to make accommodations as outlined in [HR 1.14 Disabilities: Employees & Persons Applying for Jobs](#). Not reporting may cause the employee to receive employee counseling, up to the end of employment.
  - Employees are to keep prescribed medicine in its original container with a label that states the name of the patient, name of the drug, the date prescribed and the name of the prescribing physician or other healthcare provider with authority.

## Leadership Responsibilities

- Reasonable suspicion requires the use of careful consideration and good judgment. To make sure the rights of all employees are considered, at least 2 leaders must discuss and approve any counseling/disciplinary action under this policy. Employee Relations is available for additional support.



- If a unit or department leader has reasonable suspicion that an employee is impaired by drugs or alcohol, the leader is to contact their direct leader and Employee Relations to discuss the situation. Leaders are to follow the Reasonable Suspicion Procedures. During weekends and "off hours" the Nursing Administrative Coordinator (NAC) will function in place of the direct leader and Employee Relations. The leader is to be prepared to discuss facts, observations and behaviors.
- If an employee refuses to cooperate with a search request or an alcohol or drug test, the consequences are to be carefully explained to the employee. The unit or department leader is to get a written acknowledgment that the employee refused the drug/alcohol test, if reasonably possible. If the employee admits to being impaired, this is to be documented also. An employee's refusal to test leads to the end of the employment relationship.
- The unit or department leader is to promptly complete an Observed Behavior Reasonable Suspicion Form securely to their Employee Relations Consultant.
- Employees are required to report the use of prescribed or over-the-counter medicines that affect the performance of job duties. If an employee reports, leaders are encouraged to find accommodations. This process is outlined in HR 1.14 Disabilities: Employees & Persons Applying for Jobs.
- Recognize that confidentiality is expected and important in these situations. Breaches of confidentiality by any level of leadership may lead to counseling, up to ending the employment relationship. A breach of confidentiality may include conversations about the situation with anyone who is not involved directly in the review, testing, treatment and/or follow-up. See HR 5.15 Employee Counseling.

## Helpful Definitions

### Prescription Drug Abuse

As defined by the National Institute on Drug Abuse, prescription drug abuse is the use of a medication without a prescription, in a way other than as prescribed, or for the experience or feelings elicited.

### Reasonable Suspicion

This is a belief the employee is using or has used alcohol or drugs in violation of this policy based on a combination of facts, observed behaviors and balanced assumptions from those facts. A number of factors may be and are often used in deciding whether this standard is met. If the factors viewed together result in concern about the ability of a person to safely perform their duties, then the reasonable suspicion standard has been met. Examples of facts that may be used include:

- Safety rules not being followed.
- Careless acts.
- Repeated accidents.
- Erratic behavior or behavior suggesting drug or alcohol use.
- Employee's gait, odor, mood changes, speech, abusive action alcohol smelled on the breath.

- A credible report (as determined by the health system) of alcohol or drug use.
- Other job performance problems.

### **Use and Possession**

As used in this policy, "use" and "possession" include the terms manufacture, distribution, dispensation and sale.

**Note: The University of Kansas Health System policies are maintained electronically and are subject to change. Printed copies may not reflect the current official policy.**

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## Attachments

[🔗 5.20 Reasonable Suspicion Procedures update May 2023.pdf](#)

[🔗 observed-behavior-reasonable-suspicion-012221 FINAL.pdf](#)

## Approval Signatures

Step Description	Approver	Date
	Jennifer Palmer: Health System Policy Administrator	06/2023
Human Resources/Employee Relations Acknowledgement	Sarah Her-Bui: Administrative Assistant	06/2023

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## Applicability

The Univ of Kansas Hospital, The Univ of Kansas Hospital - Ambulatory Clinics, The Univ of Kansas Hospital - Home Infusion, The Univ of Kansas Hospital - Marillac Campus, The Univ of Kansas Hospital - Specialty Surgery, The Univ of Kansas Hospital - Strawberry Hill, The Univ of Kansas Hospital- Indian Creek Campus, UKHS: Great Bend Campus - Clinics, UKHS: Great Bend Campus - Hospital, UKHS: SW - Ambulatory Clinics, UKHS: SW - Olathe Health System Inc., UKHS: SW - Olathe Hospital, UKHS: SW - Paola Hospital, UKHS: Watkins Health Services