

SYSTEM POLICY

HR-07 - Drug-free Workplace

Owner: Human Resources

Key Points

- This policy applies to The MetroHealth System (MHS) Workforce Members.¹
- This policy outlines MHS' requirements in establishing a Drug²-free workplace; guidelines to identify and address Workforce Members substance use; and support of employee substance-related treatment.
- MHS encourages Workforce Members who may have a problem with substance abuse to come forward confidentially and work to resolve the problem before it leads to work issues. Employees have access to an Employee Assistance Program (EAP) that provides assistance in the evaluation and treatment of substance abuse.
- Workforce Members may be subject to additional requirements due to the nature of their duties.

Policy

1. MHS strives to provide the safest environment possible to its employees, patients and visitors by avoiding workplace risk associated with substance use. MHS requires its Workforce Members to report to work each day free from the influence of Drugs, including alcohol. Workforce Members are required to follow the terms of this policy as a condition of their employment, services, or training.
2. MHS strictly prohibits the unlawful manufacturing, distributing, dispensing, possessing, using, or selling of Drugs on property owned or controlled by MHS, while on duty, or while conducting MHS business.
 - 2.1. This prohibition also applies to Drug paraphernalia.
 - 2.2. This prohibition applies to conduct in all facilities owned or controlled by MHS, all MHS vehicles, parking lots, garages, access roads, locker rooms, and employee vehicles on MHS premises.
 - 2.3. MHS may determine that certain off-duty conduct creates a threat to the patients, visitors, employees or property of MHS, or negatively affects the interests or mission of MHS. Such conduct is a violation of MHS policy.
3. As a general guideline, Workforce Members should not consume alcohol if they will start their shift within 8 hours, or if they are on-call or will be on-call within 8 hours.
4. MHS may conduct searches of individuals and their personal effects and vehicles on MHS owned or controlled premises, to determine compliance with this policy and for other lawful reasons. Searches may be conducted with or without prior notice and with or without the individual being present.

Reporting Concerns or Charges

5. Any Workforce Member who observes another Workforce Member exhibiting signs of suspected impairment notifies the observing individual's immediate supervisor.
 - 5.1. Either the observing individual or their supervisor immediately notifies both the supervisor of the observed individual and Human Resources.

- 5.2. The relevant supervisor and Human Resources respond to the reasonable suspicion in accordance with the procedures set forth in [Attachment A](#).
6. Employees are required to notify Human Resources if the employee expects to be charged with, is charged with, or is convicted of violating a criminal Drug statute. See policy [HR-59 -Criminal Activity Reporting and Background Checks](#). The reporting is required within three (3) days of the charge or conviction.

Drug Testing

7. Pre-Employment Testing. MHS requires candidates for employment and other working arrangements to submit to a Drug screen as part of the on-boarding process.
 - 7.1. Candidates complete Drug testing after accepting the offer of employment.
 - 7.2. Alternatively, MHS may require that an outside entity, such as a vendor, staffing service or school, confirm that acceptable testing was conducted for non-employees.
 - 7.3. Candidates for employment and others who have notice that they will be subject to testing should not consume poppy seeds or any other non-prescription substance that may adversely impact screening results.
 - 7.4. Evidence of Drug use in violation of this policy results in rejection of a candidate.
 - 7.5. Candidates who test positive generally are disqualified from employment or performing services for one year. A second positive test generally excludes them indefinitely from consideration for employment or services, absent unusual circumstances.
8. Reasonable Suspicion Testing. MHS may require an employee to submit to a Drug test based upon a reasonable suspicion that the employee has Drugs or alcohol in their system while on duty or while performing MHS services.
 - 8.1. A reasonable suspicion determination is based on specific, objective behavior and facts, and reasonable inferences, including any of the following:
 - 8.1.1. Direct observation of Drug use or possession
 - 8.1.2. Physical symptoms of being under the influence of Drugs or alcohol, such as:
 - 8.1.2.1. Odor of Drugs or alcohol
 - 8.1.2.2. Unusually dilated pupils
 - 8.1.2.3. Slurred or incoherent speech, balance issues or staggering, confusion or drowsiness
 - 8.1.2.4. Erratic conduct, excessive emotions or aggression, dynamic mood swings
 - 8.1.2.5. Disheveled appearance
 - 8.1.3. A pattern of abnormal conduct or performance that does not appear attributable to other causes. This may include:
 - 8.1.3.1. Excessive or patterned absenteeism or tardiness
 - 8.1.3.2. Excessive time away from the workspace without explanation, employee located in unusual and inappropriate areas such as storage areas
 - 8.1.3.3. Sleeping in the workplace
 - 8.1.3.4. Work-related accident or injury, or repeated or flagrant safety or work rule violations
 - 8.1.3.5. Deteriorating work performance
 - 8.1.4. Charge or conviction for a Drug-related offense, or identification of an individual as the focus of a Drug-related investigation

- 8.1.5. Credible information provided by another Workforce member or other third party regarding an employee's Drug use
 - 8.1.6. Evidence that an employee tampered with a previous Drug test
 - 8.1.7. Evidence of missing Drugs, Drug theft, or suspected diversion of medication
9. Work-Related Accident Testing. MHS requires employees to submit to a Drug test in the event of a work-related accident, injury or property damage. MHS administers the test after those involved have received any necessary medical attention.
- 9.1. The following are considered, along with other reasonable suspicion factors, to determine whether testing is appropriate:
 - 9.1.1. Physical injury to the employee, a coworker, or any other person.
 - 9.1.2. Significant vehicular or property damage, generally exceeding \$500.00.
 - 9.1.3. Repeated workplace accidents or safety violations involving the same employee.
 - 9.1.4. Receipt of a vehicle-related citation by law enforcement officials.
 - 9.1.5. The particular circumstances of an accident, including whether it was preventable and the extent to which the employee caused it.
 - 9.2. Employees may not be eligible for workers' compensation benefits if they are injured while under the influence of Drugs.
 - 9.2.1. MHS tests for Drugs designated by the Ohio Bureau of Workers' Compensation (BWC) when reasonable suspicion of Drug use exists at the time of the work-related injury. The BWC list currently includes alcohol, amphetamines, cocaine, marijuana, opioids and phencyclidine. The list may be subject to change. MHS may test for additional substances.
 - 9.3. If the employee tests positive, or if the employee refuses to be tested, the burden is on the employee to prove that Drugs in his or her system were not the cause of the work-related injury. The employee's failure to prove this may result in their disqualification from workers' compensation benefits.
 - 9.4. An employee who does not report a work-related accident or injury as soon as is safely possible, or who otherwise interferes with testing, is considered to have refused testing.
 - 9.5. MHS may require the employee to permit attending medical personnel to obtain testing specimens. MHS may require access to medical information for purposes of investigating the accident.
10. Follow-up Testing. MHS may require unannounced follow-up testing for a reasonable period of time following substance abuse assistance. This generally occurs after an employee tests positive and such results do not result in termination, or where an employee otherwise acknowledges a substance abuse problem that may impact their ability to safely perform their job duties.
- 10.1. Human Resources determines the schedule of follow-up testing.
 - 10.2. The Employee Health Clinic may utilize observed collection procedures for follow-up testing.
11. All employee tests conducted by MHS that are positive are confirmed through a Medical Review Officer (MRO) retained by MHS. A tested employee has the option to have test results confirmed by a second laboratory. The cost of this additional testing varies and is paid by the individual. The individual is required to inform MHS of his/her decision as soon as possible, no more than two days after being informed of their test result.
12. Results of Drug tests and information regarding employee assistance are kept confidential to the extent consistent with the need to investigate and address the issue. Such information is disclosed on a "need to know" basis only. MHS also may contact law enforcement authorities or other regulating bodies.

Policy Violations

13. An employee who fails to comply this policy may be subject to appropriate corrective action, up to and including discharge. A non-employee Workforce Member who violates this policy may be removed from the premises.
14. Failing to comply may include:
 - 14.1. Testing positive without medical justification;
 - 14.2. Being convicted of a Drug-related crime;
 - 14.3. Drug-related conduct on or off duty;
 - 14.4. Refusing to be tested or to comply with all testing procedures, including engaging in suspicious conduct during testing;
 - 14.5. Refusing to complete any required consent forms or other paperwork;
 - 14.6. Attempting to dilute, adulterate or substitute a testing specimen;
 - 14.7. Avoiding or delaying testing, or manipulating the testing process;
 - 14.8. Refusal to consent to a reasonable search; and
 - 14.9. Failing to comply with other requirements established by MHS, such as meeting with EAP, participating in outside assessment or treatment, the terms of a treatment plan, or follow-up testing
15. Where an employee directly engages in work pursuant to a federal grant or contract, the federal grantee or contractor is notified. This notification generally occurs within ten (10) calendar days after Human Resources receives notice.

Medical Marijuana

13. MHS prohibits the use of marijuana, including where the marijuana is prescribed or recommended by a medical provider. Ohio state law regarding medical marijuana permits employers to prohibit medical marijuana in the workplace. Accordingly, MHS' general marijuana prohibition applies to medical marijuana.

Prescription and Over-the-Counter Drugs

14. Workforce Members may carry and use their own prescription or over-the-counter Drugs in accordance with a lawful prescription or over-the-counter instructions. Workforce Members are required to keep such medication secure.
15. Workforce Members may not report to work using any prescription or over-the-counter Drug if it could impair their performance or judgment or create an unsafe environment.
16. It is the Workforce Member's responsibility to consult with their medical provider to determine the effect that the use of a lawful Drug may have on their ability to safely and efficiently perform their job duties.
17. If a Workforce Member is taking a lawful Drug that may impair their ability to safely and efficiently perform their job duties, the Workforce Member is required to report such potential impairment to Human Resources. MHS may change a Workforce Member's job assignment or take other appropriate action while a Workforce Member is under such medication-related impairment.

Employee Assistance and Treatment

17. MHS encourages Workforce Members to seek MHS support if they believe that they may have substance abuse issues. An individual who discloses such issues is not disciplined due to their voluntary disclosure. Information, counseling and referrals for substance abuse problems are available through EAP at 778-5098 and other MHS and external resources.
18. An employee's voluntary disclosure of substance abuse before a performance issue has been identified and before testing has been requested is generally handled as a medical issue. MHS may grant a leave of absence in accordance with MHS' leave policies so that the individual can participate in a substance abuse treatment program. For safety reasons, the individual may be required to participate in other follow-up measures, including follow-up testing after completion of a treatment program.
19. An employee's voluntary disclosure does not excuse their attendance, performance, or behavior issues, and disciplinary action may be taken for those issues.
20. When an employee violates this policy, MHS may permit the individual to participate in an approved substance abuse treatment program. This depends upon the nature and seriousness of the situation. An individual who participates in a treatment program is required to comply with all program and MHS requirements, including compliance with any treatment plans or contracts, mandatory EAP referral, after-care obligations, and follow-up testing.

Alcohol at MHS-related Events

21. The President and Chief Executive Officer, any Officer of the MHS Board of Trustees (in the case of Board-related events), or any member of management at the level of director or above, may make an exception to the prohibitions on possession and consumption of alcohol on the premises of MHS or at business-related functions, so that alcohol can be served and consumed at special events that benefit MHS or at other business-related functions.
22. MHS does not condone the excessive or irresponsible consumption of alcoholic beverages at MHS-sponsored or business-related events. It is the responsibility of each employee to act in a professional and responsible manner. Alcohol consumption at such events is limited and carefully controlled. A failure to act in a professional and responsible manner is a violation of policy.

End Notes

- ¹ Workforce Member – All individuals who perform work or provide services, train, or volunteer for MHS at any MHS location, including but not limited to employees, contractors, students/trainees, studentteachers/trainers, non-compensated workers and volunteers.
- ² Drug – Any substance that has the potential to significantly alter an individual's performance or judgement or create an unsafe environment. This includes: prescription Drugs, including the use of prescriptions Drugs that have not been legally prescribed, are not being used pursuant to medical directions, and prescription Drugs obtained from others. Illegal Drugs, including any Drug or substance covered by the federal Controlled Substances Act (U.S. Code title 21). Legal or over-the-counter substances, including those used in a manner inconsistent with over-the-counter directions. Alcohol in any form, including powder.
- ³ On duty – Workforce Members are considered to be on duty for purposes of this policy if they are on a rest or meal break, either on or off MHS premises. In addition, Workforce Members are considered on duty when they are on MHS premises for the purpose of reporting to work or after finishing work (e.g., an employee in the locker room prior to their shift).

Cross Reference

[HR-36 - Corrective Action](#)

[HR-59 - Criminal Activity Reporting and Background Checks](#)

[HR-39 - Recruitment and Selection](#)

Attachments

A. [HR-07A - Reporting and Handling of Reasonable Suspicions](#)

B. [HR-07B - Reasonable Suspicion Form](#)

C. [HR-07C - Employee Drug Test Consent Form](#)

Dates

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Approved

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MHS Policy Committee