



<b>Service Area:</b> Human Resources	<b>YALE NEW HAVEN HEALTH SYSTEM POLICY &amp; PROCEDURES</b>	
<b>Title:</b> Substance Abuse in the Workplace		
<b>Date Approved:</b> August 10, 2017	<b>Approved by:</b> System Operating Committee	
<b>Date Effective:</b> August 30, 2017	<b>Date Reviewed/Revised:</b> NEW	
<b>Distribution:</b> HR policy standardization update to YNHHS managers. Additional communication by respective HR teams to managers. MCN Policy Manager	<b>System Policy Type (I or II):</b> Type I	
<b>Supersedes:</b> Substance Abuse (Bridgeport Hospital B:10); Drug and Alcohol Free Workplace (Greenwich Hospital B9); Substance Abuse in the Workplace (NEMG II.D.4); Substance Abuse in the Workplace (YNHH B:13)		

## PURPOSE

YNHHS is committed to providing a safe and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks to YNHHS patients, visitors and employees.

This policy ensures compliance with the Drug Free Workplace Act of 1988 and assists YNHHS in maintaining a safe, healthful, drug free work environment for all System employees, patients and visitors.

## APPLICABILITY

This policy shall apply to the Yale New Haven Health System (YNHHS), its parent and subsidiary corporations, including but not limited to its Delivery Network hospitals (Bridgeport Hospital, Greenwich Hospital, and Yale New Haven Hospital), Northeast Medical Group, Yale New Haven Care Continuum (d/b/a Grimes Center), Corporate Professional Business Services (CPBS), each of their respective parent and subsidiary corporations, and each affiliated entity owned by or under common ownership and control with any of the foregoing, with the exception of Lawrence + Memorial Hospital, Westerly Hospital and VNA of Southeastern Connecticut.

This policy is applicable except where it is expressly superseded by collective bargaining unit agreements.

## POLICY

### A. General

## Substance Abuse in the Workplace

The unlawful manufacture, distribution, dispensation, possession, presence in the body, or use of a controlled substance and/or alcohol, drugs, perception-altering substances is prohibited at any time during the hours between the beginning and end of an employee's workday (except the taking of a prescribed drug under the direction of a physician as long as it does not impair job performance or threaten safety, health, security of property), while the employee is on YNHHS-owned, leased or maintained premises, whether or not the employee is on duty.

### B. Eligibility

Compliance with this policy is a condition of employment for all employees, job applicants who receive conditional employment offers, and non-employees who perform work for YNHHS. Volunteers, students and medical residents will be advised of the Substance Abuse in the Workplace policy and that the consequence of not conforming to its general requirements will be the suspension and possible termination of their relationship with YNHHS.

### C. Convictions for Drug-Related Offenses

1. Employees must give notification in writing to Human Resources within five (5) calendar days of any conviction for violation of a criminal drug statute if the violation occurred in the workplace. The Human Resources Department will, if applicable, notify the agency with whom YNHHS has a federal contract of such conviction within ten (10) days after notification from the employee or other actual notice.
  - a. A conviction is defined as a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal statute.
2. An employee (post hire) who is determined by YNHHS to have violated this policy will have his/her case reviewed by the employing department in consultation with Human Resources to determine what action may be appropriate. The department's options include, but are not limited to: 1) rehabilitation treatment and counseling; 2) disciplinary action up to and including discharge; or 3) some combination of actions.
3. A job applicant who after undergoing drug testing has a confirmed positive result will have his/her conditional offer of employment rescinded by YNHHS. An employee or job applicant who is convicted of drug abuse or possession will be reviewed by his/her department to determine what action may be necessary as the conviction relates to the employee or job applicant's duties for YNHHS.

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### PROCEDURES

#### A. Pre-Employment Testing

1. All final candidates for employment at YNHHS will be required to submit to urinalysis to detect evidence of the presence of alcohol, drugs and perception-altering or other substances in the body during the pre-employment physical.
2. Refusal to submit to such testing will disqualify the applicant from further consideration for employment.
3. Abnormal testing behaviors, samples which suggest that there has been tampering with an intended sample, or being repeatedly unwilling or unable to submit a sample may result in no longer being considered for a position.
4. Samples obtained in Occupational Medicine and Wellness Services (OMWS, also known as Occupational Health) undergo strict chain of custody procedures for employee drug abuse screens.
5. If the applicant's test result is negative, he/she will be eligible for further consideration for employment.
6. Results of such testing and any information obtained through such examinations will be retained by YNHHS in the employee's OMWS record.

#### B. Post-Hire Testing

YNHHS reserves the right to require applicants for employment and employees to consent in writing and submit to medical examinations or tests, at YNHHS's expense, by OMWS or other designated party for the purpose of determining whether the individual is under the influence of a controlled substance and/or alcohol, drugs, or perception-altering substances. This test (urinalysis as permitted under Connecticut Statute, or breath analyzer) would be used in the following situations:

1. If their position is certified as “safety sensitive”;
2. Following specific employee behavior on the job which gives management “reasonable suspicion” that such behavior may be due to alcohol or drug use and does or could jeopardize job performance, or pose a potential or actual safety, health, security or property risk;
3. Following discovery of illicit or unauthorized drugs, drug paraphernalia, or alcohol, or any other relevant evidence on YNHHS owned, leased or maintained properties;  
or

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4. As part of the terms of a treatment agreement between the employee and YNHHS, either through the YNHHS EFR program or through HAVEN. HAVEN is the Connecticut Department of Health-sanctioned agency that case manages employees who are licensed healthcare professionals with substance abuse and/or behavioral health issues which have impacted their ability to provide safe patient care. Contact the local Human Resources representative to determine which positions within YNHHS are covered by HAVEN.

### C. Process for Testing

1. Any person can report his/her “present time” observations to his/her manager or designee that an employee may need to be evaluated and drug/alcohol screened. After the observation is reported, the employee in question must be observed by two employees; at least one of the employees making the observation must be a supervisor/manager level employee or above. The observers should document their observations, including time and behaviors.
2. If, after making the observation of the employee, the supervisor/manager believes there is need to have an employee evaluated and drug/alcohol screened, and it is during OMWS’s normal business hours, he/she should first reach out to his/her respective HR Department, either an HR business partner or employee relations specialist. The HR professional should contact the OMWS facility as well as any other personnel who should be involved (i.e. Security/Protective Services, HAVEN or the YNHHS EAP counselor).
3. During off-shift hours, the manager should be notified as well as the off-shift clinical leader, if applicable. The off-shift clinical leader and/or the manager will be responsible for coordinating with Security/Protective Services, the emergency department and the outside testing agency.
4. For locations that do not have an on-site occupational health service or emergency department designated to perform substance abuse testing, alternative resources will be identified to perform necessary tests, under the direction of YNHHS’s OMWS.
5. After it has been confirmed that evaluation and drug/alcohol screening is appropriate, the employee should be walked to the appropriate area by the manager. If an employee refuses to be evaluated or drug/alcohol tested, this is grounds for immediate suspension and/or termination.
6. When necessary to determine fitness for duty, employees must sign a consent form in OMWS and submit to drug and/or alcohol tests. Refusal to sign the consent form and/or submit to such testing will result in suspension and possible termination.

## Substance Abuse in the Workplace

7. Specimens collected undergo strict chain of custody procedures for forensic and employee drug abuse screens, whether done through YNHHS or through the outside vendor.
8. YNHHS will assist employees to arrange transport home if they are not permitted to return to work at the conclusion of the fitness for duty evaluation. This may involve requesting that Security/Protective Services assist in transporting employees to their home.
9. Employees who undergo a drug or alcohol fitness for duty test will not be permitted to return to work until the results are returned, and then certified by the designated medical officer.
10. If the sample is confirmed positive, the employee's department, in consultation with Human Resources will determine what action is appropriate. If the sample is confirmed negative, the employee will be returned to active work assignment.

### D. Policy Administration

1. The Human Resources Department is responsible for interpreting and administering this policy. This includes communicating and consulting with the employee's department, making recommendations for appropriate action and/or supporting decision-making.
2. The department manager or supervisor is responsible for using available resources in order to ensure proper implementation of this policy.
3. OMWS is responsible for ensuring that drug and/or alcohol testing is confidential and accurate. It is also responsible for handling results from the off-shift vendor to management and Human Resources.
4. When utilized, the Employee & Family Resources Program (EFR) is responsible for providing in-person and telephonic support to all YNHHS staff prior to and after interventions, and coordinating treatment and counseling efforts.

### **REFERENCES**

N/A

### **RELATED POLICIES**

Employee Family Resource Program Policy