

Pittsburgh Mercy Health System  
Human Resources Policy Manual  
7.00 Responsibilities of Personnel

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Drug-Free Workplace Policy

Policy No. 7.06

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## I. Policy

Pittsburgh Mercy Health System (PMHS) is committed to providing a work environment that is free from the use and/or presence of alcohol, tobacco, and other drugs (including, but not limited to, controlled substances, over-the-counter medications such as alcohol-based cough syrups, weight loss medications, cigarettes, smokeless tobacco, e-cigarettes, etc.) Reasonable and appropriate steps, including drug and alcohol testing and corrective disciplinary action, will be taken in an attempt to prevent such use and/or presence in the workplace. PMHS recognizes alcohol, tobacco, and other drug dependencies as an illness and/or addiction, for which there may be effective treatment and rehabilitation and encourages employees with such illness and/or addiction to seek help.

## II. Purpose

1. To establish and maintain a safe, healthy working environment for all employees.
2. To protect the health and safety of consumers.
3. To preserve the quality and reputation of PMHS and its employees within the community.
4. To reduce the number of accidental injuries to person or property.
5. To reduce absenteeism and tardiness and improve productivity.
6. To provide assistance and/or treatment for any employee who needs such help.

## III. Eligibility

This policy applies to all employees of PMHS.

## IV. Definitions

- A. Chemical Dependency – An illness in which continued consumption of alcohol or use of a chemical substance impairs judgment and leads to a deterioration of the employee's

work performance, behavior, physical health, and social and family well-being.

B. Illegal Drugs – Street drugs.

C. Legal Drugs – Alcohol, tobacco, and prescription and over-the-counter drugs.

D. Tobacco – Tobacco products include, but are not limited to, cigarettes, cigars, chewing tobacco, snuff, snus, and pipe smoking. Other devices which contain tobacco or other smoke or vapor-producing products, such as e-cigarettes, are also covered under this policy.

## V. Provisions

A. Substance Abuse Guidelines

1. Employees using a legal medication for which they have a valid prescription are permitted to do so but if the possibility exists that the medication could produce mind or personality altering effects, employees are asked to alert their immediate supervisor in order to prevent any difficulty or misperception.
2. All employees are prohibited from working under the influence of alcohol or illegal drugs. Illegal drugs include any drug or controlled substance which, under federal or state law, is not authorized for use, sale, possession, transfer or purchase, and legal drugs which are obtained or distributed illegally.
3. The unlawful manufacture, distribution, dispensing, possession, use, sale, transfer, or purchase of illegal drugs on PMHS property or while performing PMHS business is strictly prohibited. PMHS will report any such activities to appropriate law enforcement officials.
4. The use or possession of alcoholic beverages on PMHS property or while on shift is prohibited.
5. Only the person to whom a prescription drug is issued can bring that medication on PMHS premises. Employees must use prescription drugs only in the manner, combination, and quantity prescribed.
6. The use of tobacco products on PMHS property or while on shift is prohibited.
7. All employees are required to notify PMHS of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. It is PMHS' policy to report any such convictions to the appropriate governing and credentialing/certification bodies.
8. As a condition of employment, all employees are required to abide by the terms of this Drug-Free Workplace Policy. Any violation of Items 1 through 7 above is cause for disciplinary action up to and including termination of employment.

9. Any employee whose behavior suggests legal or illegal drug or alcohol influence or impairment will be compulsorily referred to PMHS' employee health services, Concentra, for alcohol/drug testing. Refusal to submit to testing will result in termination.
10. Any employee asked to submit to an alcohol or drug test will be compulsorily referred to the employee assistance program (EAP). Refusal to schedule an evaluation with the EAP and comply with EAP recommendations will result in termination.

## B. Referral and Assessment

1. PMHS recognizes chemical dependency (alcoholism and drug addiction) as an illness and a major health problem for which there may be effective treatment and rehabilitation.
2. PMHS strongly encourages employees with a drug or alcohol abuse problem to utilize the services of the PMHS employee assistance program (EAP). The EAP provides counseling and, when appropriate, referral to outside agencies or practitioners for treatment. Employees who self-refer to the EAP are assured complete privacy and confidentiality, except as required by law or for other circumstances deemed potentially life-threatening.
3. Voluntary Self Referral
  - a. Employees may avail themselves of the EAP services at any time they feel they need to seek help with a problem which is causing or may cause their job performance to decline.
  - b. Employees are encouraged to voluntarily seek assistance prior to there being cause for disciplinary action.
  - c. Referrals that are voluntary, and in lieu of disciplinary action, are considered to be in the best interests of PMHS and the employee.
4. Mandatory Manager/Supervisor Referral
  - a. A referral will be made for employees who are asked to submit to an alcohol or drug test based on the supervisor's observation and documentation of actual behavior that suggests drug or alcohol influence or impairment. This type of referral is documented on the electronic form entitled "Drug/Alcohol-Reasonable Suspicion/Just Cause" located on Sage Employee Self Service (ESS).
  - b. The manager/supervisor must contact the EAP to begin the process. In this call, they will provide all information concerning the incident triggering the referral, the current status of the employee, next steps as identified by HR or Concentra and

the time frame, if known, within which the employee is expected to call the EAP for the appointment.

1. The EAP is available 24/7 to provide consultation and to facilitate the referral and will coach the manager/supervisor through the process.
  2. The EAP will notify the manager/supervisor if the employee does not set up or keep the appointment.
- c. This referral requires the employee to come to the EAP and follow recommendations. Failure to do so will carry with it consequences and could result in termination of employment.
- d. With the exception of b2 above, all other information is confidential. With a signed release of information, the EAP will share the following with the manager/supervisor:
1. Attendance at EAP appointments.
  2. Agreement to follow the recommended plan.
  3. If the recommended plan of action requires scheduling accommodations or time off.
- e. Leave for rehabilitation will be granted under the provisions of the Paid Time Off Policy 5.02, Short-Term Disability Policy 4.05 and/or Family and Medical Leave of Absence Policy 5.08 contained in The Human Resources Policy Manual.

### C. Drug/Alcohol Testing Program

1. PMHS will utilize drug testing to help administer this policy. In addition to pre-employment drug testing, employees will be required to cooperate in drug and/or alcohol tests as follows:
  - a. Reasonable Suspicion/For Cause Testing – Employees may be asked to submit to a test if a supervisor has observed actual behavior that suggests drug or alcohol influence or impairment. A supervisor will document the behavior(s) using the Drug/ Alcohol-Reasonable Suspicion/Just Cause form on Sage ESS and make the referral according to procedures outlined on pages 5 and 6.
  - b. Post-Accident/Injury/Unsafe Practice Testing – Any employee who is involved in or contributes to an on-the-job accident requiring medical attention and/or resulting in damage to property or vehicles, or in which the employee receives a moving citation, may be tested.

Additionally, an employee may be tested if the employee is involved in or contributes to an injury or unsafe practice and there is reasonable suspicion that

the injury or unsafe practice may have resulted from or been contributed to by the employee's possible impairment.

- c. Return-to-Work Testing – Employees who return to work after an extended period of time away from the workplace, usually six months or greater, as in the case of re-hire or a military leave of absence, will be tested. Additionally, employees who have been referred to the EAP under a mandatory referral will be re-tested before they return to the job.

#### D. Disciplinary Action

1. Any employee who reports for duty under the effects of alcohol or drugs, tests positive for alcohol or drugs or who otherwise violates this policy will be removed from the workplace; required to undergo testing; mandatorily referred to the EAP for evaluation and possible referral; or disciplined, up to and including termination.

Employees who are compulsorily referred to the EAP are offered the opportunity to comply with EAP recommendations and enter into a Work Continuation or Return-to-Work Agreement with PMHS as an alternative to termination. This alternative is not available to employees with less than six (6) months of service or to employees who have previously violated this policy.

2. Employees are required to report to their supervisor and/or Human Resources any convictions(s) for driving under the influence and/or for violation of a criminal drug statute. If an employee is convicted for either, the Human Resources Director will thoroughly investigate all of the circumstances. After the investigation has been completed, the Human Resources Director in conjunction with the Senior Division Director will determine the best course of action to be undertaken for the benefit of PMHS and the individual. At a minimum, referral to EAP will be considered and the employee may be disciplined, up to and including termination, depending on the circumstances.
3. An employee whose position requires a driver's license as a qualification of the job and who loses his or her driver's license for a conviction of driving under the influence will be terminated. (Reference Administrative Driver Safety Policy)

## VI. **Procedures**

### A. Mandatory Referral for Reasonable Suspicion/For Cause

1. A supervisor or manager who has cause to question an employee's fitness for duty, has reasonable suspicion that an employee is impaired or the employee has demonstrated behavior suggesting chemical dependency, the supervisor or manager should follow these guidelines:

- a. Contact your Human Resources Manager or another member of the Human Resources Department by calling 412.323.4542 as soon as possible to discuss your observations and plan.
- b. Remove the employee from duty and into a private area and review with them their behavior and the observations that have been made. The employee should be asked to respond to the supervisor's concerns.
- c. Clearly document the circumstances of the incident and observations of the employee's behavior. The "Drug/Alcohol-Reasonable Suspicion/Just Cause" referral form on Sage ESS should be used for this purpose. Immediately notify your Human Resources Manager at 412.323.6985 that a form was completed on ESS.
- d. Contact Concentra for further assessment which may include drug or alcohol testing and, if so, take the above-mentioned form with you to Concentra. Under no circumstances should this form be given to the employee.
- e. Reasonable suspicion/just cause is handled cautiously as the person may be under the influence of drugs or alcohol. The supervisor or a designee must escort and transport the employee to Concentra. Under no circumstances should the employee be allowed to travel to or return from the medical office unescorted. Whenever possible, a PMHS vehicle or a taxi should be used to transport the employee and escort them to the medical office. The supervisor or his/her designee should avoid the use of a personal vehicle unless absolutely necessary.
- f. Concentra will order testing as deemed appropriate, with the consent of the employee. The employee is to be told he/she is suspended pending test results and EAP evaluation or until contacted by the supervisor.
- g. The supervisor or designee is to remain with the employee unless notified by Concentra that he/she may leave.
- h. An employee suspected of impairment will not be allowed to drive home. A taxi or a friend or relative will be summoned by Concentra.
- i. After Concentra's evaluation, EAP will be notified and an evaluation arranged the next working day.
- j. If the employee is found to be in need of treatment, the EAP will assist the employee in the identification of appropriate treatment resources.
- k. Depending on the assessed problem and recommended treatment, the employee may or may not be able to return to work immediately. If taken off work, the employee may return to work only upon successful completion of the EAP's recommended course of action/treatment, and when released to work by the Treatment Provider. The employee will be required to sign a

written "Work Continuation or Return-to-Work Agreement" with their supervisor and the Human Resources Manager, which will stipulate conditions for support and continuation of work or return to work. Compliance with the Return-to-Work or Work Continuation Agreement will be monitored by the EAP.

B. Post-Accident/Injury/Unsafe Practice Testing

1. If testing is being done as part of a regular accident investigation and there is no cause to believe the employee is under the influence of drugs or alcohol at the time of the accident, the employee may drive him or herself to the medical office. No escort is necessary.
2. Contact Concentra to advise and make arrangements for further assessment and referral to EAP.
3. If there is cause to believe the employee is under the influence of drugs or alcohol at the time of the accident/injury/unsafe practice, handle instead as a reasonable cause test as described above.

C. Return-to-Work Testing

1. Employees will be tested after an extended period of absence of more than 6 months (such as in the case of re-hire or military leave). Contact Human Resources at 412.323.4542 to coordinate testing arrangements.
2. Employees whose treatment recommendations require separation from work will be required to sign a written Return-to-Work Agreement, which includes drug testing. Testing will be arranged by the Human Resources Manager when notified by the treatment provider of the employee's compliance and readiness to return to work.

D. Work Continuation

1. Employees recommended to outpatient treatment programs (either day or evening) where separation from work is not necessary may continue to work.
2. The employee will sign a written "Work Continuation Agreement" with the employee's supervisor and the Human Resources Manager. The agreement will stipulate conditions for support and for continued work. Compliance with this agreement will be monitored by the EAP.