

## Valleywise Health Administrative Policy & Procedure

**Effective Date:** 04/99

**Reviewed Dates:** 00/00

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**Policy #: 77506 S**

**Policy Title: Human Resources/Employee Health and Wellness: Drug and Alcohol Testing Policy for Valleywise Health Employees**

**Scope:** ☐ **District Governance (G)**  
☒ **System-Wide (S)**  
☐ **Division (D)**  
☐ **Multi-Division (MD)**  
☐ **Department (T)**  
☐ **Multi-Department (MT)**

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### **Purpose:**

It is the intention Valleywise Health (Valleywise Health) to provide a drug-free, healthy, safe and secure environment for employees, volunteers, patients and the public.

### **Definitions:**

GC-MS: Gas Chromatography-Mass Spectrometry is the laboratory methodology that combines the features of gas-liquid chromatography and mass spectrometry used according to Substance Abuse and Mental Health Services Administration (SAMSHA) recommendations to confirm the presence of certain chemical substances. It is used if the initial specimen screening indicates that the selected drugs may be present in the sample. GC-MS has been widely heralded as a "gold standard" for forensic substance identification because it is used to perform a specific test that positively identifies the actual presence of a particular substance in a given sample.

Illegal Drugs: Any controlled substance considered unlawful under the federal Controlled Substances Act (21 U.S.C. § 812) or Title 13 of the Arizona Revised Statutes Chapter 34, or the metabolite of the substance that (1) is not legally obtainable; or (2) is legally obtainable, but is not legally obtained, is not being used legally, or is not being used for the purpose(s) for which it was prescribed. "Illegal drugs" specifically include, but are not limited to, amphetamines, barbiturates, benzodiazepines, cannabinoids/marijuana, cocaine, methadone, opiates, phencyclidine and propoxyphene. "Illegal drugs" do not include cannabinoids/marijuana to the extent permitted under Title 36 of the Arizona Revised Statutes Chapter 28.1, the Arizona Medical Marijuana Act ("AMMA").

"Illegal drugs" also specifically includes prescription drugs and medication, not prescribed by a licensed health care provider for the person in possession of the drug, not taken as prescribed and/or not filled by a registered/licensed pharmacist within the last twelve months. Valleywise Health reserves the right to add additional drugs to this list or test for other drugs as circumstances may necessitate verifying illegal drug use.

Impairment or Impaired: means symptoms that a prospective employee or employee may be under the influence of drugs or alcohol that may decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including, but not limited to, symptoms of the employee's speech, walking, standing, physical dexterity, agility, coordination, actions, movement, demeanor, appearance, clothing, odor, irrational, or unusual behavior, negligence or carelessness in operating equipment, machinery or production or manufacturing processes, disregard for the safety of the employee or others, involvement in an accident that results in serious damage to equipment, machinery or property, disruption of a production or manufacturing process, any injury to the employee or others or other symptoms causing a reasonable suspicion of the use of drugs or alcohol.

Legal Drugs: prescribed drugs or over-the-counter drugs that are legally obtained by the employee and used for the purpose(s) for which they were prescribed, or in the case of over-the-counter medications, intended by the manufacturer.

Medical Review Officer (MRO): a licensed doctor of medicine or osteopathy responsible for receiving laboratory results generated by a drug-testing program, who has both the knowledge of substance abuse disorders and the appropriate medical training required to interpret and evaluate the donor's positive test result based on the donor's medical history and other relevant biomedical information.

Valleywise Health Employee: an individual employed by Valleywise Health.

Positive alcohol test result: a specimen provided by an employee in which the alcohol level is greater than 0 mg/dl.

Positive drug test result: a specimen provided by an employee that confirms positive through GC-MS testing and after review by an MRO is determined to be positive for use of illegally accessed substances or represents abuse of a legally accessed drug.

Post-offer evaluation: evaluation by EHW of a candidate for employment, which includes a drug test.

Reasonable Suspicion: a suspicion supported by documented, observed deficiencies in the employee's performance, erratic/inappropriate behavior, or other signs of impairment.

Safety Sensitive: "Safety-sensitive position" means any job designated by Valleywise Health as a safety-sensitive position or any job that includes tasks or

duties that Valleywise Health in good faith believes could affect the safety or health of the employee performing the task or others.

Specimen: a biological sample provided by an employee for use in a drug and/or alcohol testing.

**Policy:**

1. This policy applies only to employees of Valleywise Health; it does not apply to volunteers, agency employees, travelers, consultants, or independent contractors. Non-employees are covered under a separate policy.
2. Consumption, use, possession, sale, manufacture and /or transportation of illegal drugs or alcohol on Valleywise Health premises or during the hours of employment is strictly prohibited and, if appropriate, will be reported to the appropriate law enforcement authorities. This provision does not apply to the authorized use of alcohol at Valleywise Health-sponsored functions or activities.
3. Employees are prohibited from reporting to work or working while impaired by the use of illegal drugs, legal drugs, or alcohol.
4. Valleywise Health will require a drug test for all newly hired and rehired employees during the post offer evaluation, with the employment offer contingent upon negative test results.
5. Valleywise Health reserves the right to require a drug and/or alcohol test of any employee based on "reasonable suspicion" that the employee has used or is impaired by alcohol or drugs and may be unfit for duty. See "Reasonable Suspicion" within the "Definitions" and "Procedures" section of this policy.
6. All drug testing and confirmation of positive results will be done by a laboratory that meets the Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines using the gas chromatography/mass spectrum (GC-MS) method. The laboratory shall be approved or certified by the United States Department of Health and Human Services, the College of American Pathologists or the Department of Health Services.
7. All current employees with positive drug and/or alcohol tests, exempting those on initial probation, will be assisted by Employee Health and Wellness (EHW) in obtaining a behavioral health evaluation and may be able to return to work under a performance agreement following recommended treatment. This will also apply to employees, exempting those on initial probation, who self-report drug use.
8. Any violation of this policy may result in disciplinary action, up to and including dismissal.
9. EHW will report test results to the employee and a member of the employee's management team. In addition, EHW will report positive test results to Human Resources, Employee Relations and any appropriate licensing or certifying board. Licensed/certified employees will be encouraged and given

an opportunity to self-report to their licensing Board.

10. Employee confidentiality will be employed throughout all employee interviews, specimen collection and record management and all documentation pertaining to this policy will be maintained by EHW. Records will be released outside Valleywise Health only upon the written authorization of the employee or applicant to the extent permitted by state and federal law. Information regarding test results or supervisor counseling may be reviewed by medical review officers, legal counsel, and management personnel as needed or released per subpoena where such review is deemed necessary for the purpose of ensuring the health, welfare, and safety of the employee and others.
11. Employees will report to their manager (following Valleywise Health Chain of Command procedure) any observation of behaviors in co-workers that may be potential indicators of impairment or substance abuse. Identification of the reporting employee will remain confidential.
12. Upon request, any employee or applicant who is subject to drug and/or alcohol testing shall be provided with a copy of his/her own written test result.

#### **Procedure:**

##### **Permissible Use of Legal Drugs**

1. The AMMA recognizes marijuana, if obtained in certain limited amounts and used for authorized medical purposes, is a legal drug. This policy is intended to follow the requirements of the AMMA. However, even if an employee's use of marijuana may be otherwise permissible under the AMMA, the possession, smoking or consumption of marijuana in the workplace or while on duty is strictly prohibited. Also, notwithstanding otherwise permissible use of marijuana under the AMMA, being impaired by marijuana while on or in Valleywise Health property, equipment, machinery, and vehicles or while on duty is strictly prohibited. Notwithstanding the AMMA, employees working in federally regulated positions will remain subject to any federal drug testing requirements applicable to their positions.
2. Valleywise Health may exclude an employee from performing any position if the use of a legal drug could cause impairment or otherwise lessen the employee's job performance or ability to perform the employee's job duties.

#### **Drug Testing**

1. Scheduling of Tests: Drug and/or alcohol impairment testing will occur during, or immediately before or after, a regular work period. The testing will be deemed working time for purposes of compensation and benefits for employees of Valleywise Health.

2. Testing Costs: Valleywise Health will pay the actual costs for drug and alcohol impairment testing of employees. Valleywise Health retains sole discretion to pay (or not pay) the actual costs for drug testing of candidates for employment.
3. Testing Conditions: All specimen collection and testing for drugs and alcohol impairment will be performed according to the following conditions:
  - The collection of specimens will be performed under reasonable and sanitary conditions.
  - Specimen testing will comply with scientifically accepted analytical methods and procedures.
  - Specimen collections will be documented and subject to the following procedures:
    - The person being tested must present reliable individual identification to the person collecting the specimen, and has the right to provide notification of any information that may be considered relevant to the test, including identification of currently or recently used prescription drugs or over-the-counter drugs or other relevant medical information.
    - Specimens will be labeled in order to reasonably preclude the possibility of misidentification of the person tested in relation to the test result provided.
    - Specimen collection, storage and transportation will be performed in a manner reasonably designed to preclude the possibility of specimen contamination, adulteration or misidentification.
4. Confirmation: Any positive drug test results for employees will be confirmed by use of a different chemical process than was used during the initial drug test. The second or confirmatory drug test will use a chromatographic technique such a GC-MS or another comparably reliable analytical method

### **Pre-placement Drug Testing**

1. Recruitment/Human Resources will notify candidates, at the time employment is offered, that the position is contingent upon passing the post-offer evaluation, which includes a drug test.
2. Consent for testing will be obtained. Within three (3) hours of arrival at EHW or before close of business on the day of the post-offer evaluation (whichever comes sooner), the candidate shall provide a specimen. If the candidate fails to provide a specimen during this time frame, or attempts to alter or invalidate a test, the job offer will be rescinded, and the candidate will not be eligible for employment with Valleywise Health for a period of one (1) year.
3. Strict chain of custody procedure will be maintained during the specimen collection.
4. Negative test results will not require any further testing.

5. If preliminary test results are positive, the specimen will be sent to a laboratory that meets the SAMHSA guidelines for GC/MS testing, following chain of custody procedure.
6. A positive drug test result does not automatically identify a donor as an illegal drug user, nor does a non-negative or invalid test result automatically indicate that a donor has tampered with the specimen. The review of a non-negative test result shall be performed by the MRO. The candidate will be given the opportunity to submit additional information to the MRO, in a confidential setting, to provide an explanation for the confirmed positive test. If the MRO determines there is a legitimate medical explanation for the non-negative drug test result, he/she shall report the test result as negative.
7. If the MRO report states that prescription use of a drug may affect safety-sensitive duty, Employee Health and Wellness will perform an additional review of the candidate or Valleywise Health employee job description. The candidate or Valleywise Health employee will be provided the EHW Prescription Medication form and copy of the job description to provide to their prescribing health care provider. The prescribing health care provider will review the job description, the MRO report, the patient's current medications, then complete the form, and fax the form to Employee Health and Wellness. Forms will not be accepted directly from the candidate or employee.
8. If the candidate is under the age of eighteen (18), a parent or legal guardian must be present to provide consent. Consent will include information that positive results will be provided to the parent or legal guardian. This will be signed by both the candidate and parent/legal guardian. EHW will notify the candidate and parent/legal guardian of positive results and that he/she is ineligible for work at Valleywise Health for a period of one (1) year.
9. EHW will report positive drug test results regarding licensed/certified personnel to his/her respective board.
10. EHW will report positive drug test results to the appropriate Human Resources recruiter and the recruiter will notify the hiring manager that the job offer is rescinded. If the candidate does not pass the drug screen evaluation, this will prevent the candidate from being eligible for employment at Valleywise Health for a period of one (1) year. EHW will notify the candidate and parent/legal guardian of positive results and that he/she is ineligible for work at Valleywise Health for a period of one (1) year.

### **Reasonable Suspicion Drug and Alcohol Testing**

1. Any employee, patient, or visitor may report concerns regarding an employee's behavior that lead them to suspect substance abuse. Concerns must be documented on Attachment A. Possible employment indicators of substance abuse or dependence include, but are not limited to:
  - Changes in time and attendance (or failure to adhere to the established

standard) both in arriving to duty as well as accountability for their time while on duty.

- Unusual behavior, behavior not appropriate in the work setting, aggressive behavior, or frequent and inappropriate mood changes.
  - Changes in relationships with others.
  - Drowsiness, slurred or incoherent speech, uncoordinated gait.
  - Unexplained work-related injury, accident, or error.
  - Declining performance as indicated by failure to follow through with assignments, difficulty with decision-making and poor judgment.
  - Failure to appropriately account for and document controlled drugs.
  - Unexplained decreased productivity.
  - Presence of odor of alcohol or drugs while at work.
  - Symptoms of impairment as defined herein.
2. The identity of the reporting employee shall remain confidential.
  3. When an employee demonstrates behavioral indicators of potential impairment, the manager will review the indicators of concern with the EHW nurse and Human Resources, Employee Relations to determine whether there is reasonable suspicion for a drug and/or alcohol test. If the concern occurs when EHW is closed, the manager will contact the nursing house supervisor.
  4. The manager will present the concerns to the employee in a confidential setting. During this meeting, the employee will be given the opportunity to explain the behavior and/or to acknowledge the desire for help with substance abuse.
  5. The employee will be requested to submit to a reasonable suspicion drug and/or alcohol test. Failure to consent to drug and/or alcohol testing, or attempting to alter or invalidate a test, is considered insubordination, and is grounds for termination of employment.
  6. Drug and/or alcohol testing can be performed in EHW Monday through Friday (except holidays), 0730- 1600 hrs. (602-344-5210) or by the nursing house supervisor when EHW is closed.
  7. The employee shall provide a specimen within three (3) hours after arrival at EHW or by close of business on same day, whichever comes sooner. If collection is completed by the nursing house supervisor, the employee shall provide specimen within 3 hours of the nursing house supervisor initiating contact with the employee. If the employee fails to provide a specimen during this time frame, the employee will be subject to disciplinary action, up to and including termination.
  8. The EHW nurse or the nursing house supervisor shall assist the employee in arranging transportation home, which does not involve the employee driving. If the employee leaves as a driver of a motor vehicle, local law enforcement will be notified.



9. Subsequent to completion of testing the employee shall be relieved of duty and placed on administrative leave until results are received. EHW will notify the employee and Human Resources, Employee Relations when the administration leave begins. The employee must clear through EHW before returning to duty. When testing is conducted by the Nursing House Supervisor, outside of EHW business hours, the Nursing House Supervisor will contact Human Resources, Human Resources, Employee Relations the next business day.
10. If drug and/or alcohol results are negative, EHW will notify the employee, the employee's manager and the employee will be cleared by EHW to return to work. If diversion is suspected, the manager will consult with Human Resources, Employee Relations.
11. If the results are positive, the employee will be given the opportunity to submit additional information to the MRO, in a confidential setting, to provide an explanation for the confirmed positive test.
12. If the results are positive, EHW will notify the employee, the employee's manager and a Human Resources, Employee Relations. The EHW nurse will arrange a meeting with the employee to discuss test results and what happens next. Failure to cooperate with EHW, including failure to return phone calls in a timely manner or failure to attend this required meeting will result in disciplinary action, up to and including dismissal. At the meeting with EHW, the employee will be notified at this meeting that he/she is required to attend a chemical dependency assessment by a certified therapist and complete any recommended treatment requirements and that failure or refusal to comply, will result in disciplinary action, up to and including dismissal. Notwithstanding the foregoing, Valleywise Health retains sole discretion to discipline any employee who tests positive for drugs and/or alcohol impairment, up to and including termination the employee's employment, in accordance with this policy and applicable law.
13. The manager shall report the incident to his/her chain of command.
14. EHW shall report positive results of licensed or certified personnel to their respective board.
15. Employees may use accrued benefit hours as allowed under the Employee Leave Plan if attending chemical dependency treatment

### **Return to Work When Treatment is Recommended**

1. The treating therapist, in conjunction with the employee's licensing/certifying board, if applicable, shall determine the employee's readiness to return to work.
2. If work limitations are indicated, the manager in conjunction with EHW and Human Resources, Employee Relations shall determine if accommodations can be made.



3. Prior to returning to work, the employee will meet with the EHW nurse to review any licensing board contracts. For licensed and non-licensed employees, a performance agreement will be implemented.
4. The performance agreement shall include the following:
  - Consent for EHW nurse to consult with the employee's treatment provider.
  - Acknowledgment of the employee's responsibility to advise EHW of any medications the employee is taking.
  - Acknowledgement of the employee's responsibility to provide documentation to EHW of attendance at any required groups/meetings.
  - Acknowledgement of the employee's responsibility to provide documentation of completion of treatment to EHW.
  - Maintenance of satisfactory work performance.
  - An agreement to adhere to Valleywise Health policies.

### **Return to Work After Evaluation That Does Not Recommend Treatment**

If a therapist certified in assessing and treating chemical dependency evaluates any employee with a confirmed positive drug and/or alcohol test and determines no treatment is necessary, the employee's behavior will be reviewed by his/her management team and the employee may be subject to disciplinary action up to and including termination.

### **Search of Personal Property**

At any time during the hours of employment, Valleywise Health may search employee personal property located on Valleywise Health's premises including, but not limited to, work areas, desks, purses, backpacks, briefcases, file cabinets, lockers, tool boxes, vehicles, and any other item or location where drugs and/or alcohol may be present. The unauthorized presence of drugs or alcohol, or the refusal to consent to a search, may result in discipline, up to and including termination.

### **References:**

Valleywise Health Admin. P/P: 77504 S – Human Resources/Employee Health: Drug Testing Guidelines for Volunteers; 77505 S – Human Resources/Employee Health: Drug Testing Guidelines for Travelers and Agency Staff

**Valleywise Health Policy & Procedure - Approval Sheet**  
(Before submitting, fill out COMPLETELY.)

**POLICY RESPONSIBLE PARTY:** Cathy Agostino, Director Employee Health and Wellness

**DEVELOPMENT TEAM(S):**

**Policy #:** 77506 S

**Policy Title:** Human Resources/Employee Health and Wellness: Drug and Alcohol Testing Policy for Valleywise Health Employees

**e-Signers:** Cathy Agostino, Director Employee Health and Wellness

Justina Sanchez Cox, SVP and Chief Human Resources Officer

**Place an X on the right side of applicable description:**

**New -**

**Retire -**

**Reviewed -**

**Revised with Minor Changes -** X

**Revised with Major Changes -**

**Please list revisions made below:**

**Reviewed and Approved by in Addition to Responsible Party and E-Signer(s):**

Committee: System-wide P&P	00/00
Committee: MEC	00/00
Committee:	00/00
Reviewed for EPIC:	00/00
Other: Legal	02/2020
Other:	00/00
Other:	00/00