

	Human Resource Policy Employment & Hiring Practices	No. HR.EHP.18
	Title: DRUG AND ALCOHOL FREE WORKPLACE AND DRUG AND/OR ALCOHOL TESTING	Page: 1 of 8
		Effective Date: 11-30-18
		Retires Policy Dated: 06-30-18;
		Previous Versions Dated: 05-01-15; 09-27-11;08-01-09; 06-19-08; 06-01-01; 01-01-93

I. SCOPE:

This policy applies to (1) Tenet Healthcare Corporation and its wholly-owned subsidiaries and affiliates (each, an “Affiliate”); (2) any other entity or organization in which Tenet Healthcare Corporation or an Affiliate owns a direct or indirect equity interest greater than 50%; and (3) any hospital or healthcare entity in which an Affiliate either manages or controls the day-to-day operations of the entity (each, a “Tenet Entity”) (collectively, “Tenet”).

II. PURPOSE:

At Tenet, we are committed and obligated to ensure the safety of our colleagues, patients, and families through a drug and alcohol free work environment. This policy outlines Tenet’s standards and procedures for employee voluntary assistance, drug or alcohol testing, drug or alcohol use, reporting, and treatment.

III. DEFINITIONS:

- A. A Medical Review Officer (MRO) is a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate drug or alcohol test results.
- B. An adulterated result means that the specimen was tampered with (*i.e.*, added chemicals, water, etc.)
- C. Theft of assets is any act involving the theft, misappropriation, misuse or diversion of company funds or property and includes the personal belongings of others (*i.e.*, patients, visitors and employees) who are engaged in legitimate business on company property. (Refer to Corporate Security policy 2.42 Reporting of Theft of Assets and Property.)
- D. Diversion is the redirection of drugs from the intended medical use on a specific patient without proper authorization.

IV. POLICY:

Tenet is committed to ensuring the care and safety of our patients, employees and visitors by providing a healthy, safe and drug- and alcohol-free workplace. Employees are required to report to work in appropriate mental and physical condition to perform their jobs in a safe and satisfactory manner.

¹Prior to June 3, 2013, the policy number was HR-404.

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testing. Designated vendor information can be obtained through the eTenet Human Resources page.

A. Types of Drug and/or Alcohol Testing

Drug and/or alcohol tests may be conducted in any of the following situations:

1. Pre-Placement Testing - As a pre-qualification to assuming any position, prospective pre-placement employees are required to provide a body substance sample for an 8-Panel (Amphetamines, Barbiturates, Benzodiazepines, Cocaine, Marijuana, Methadone, Opiates: Codeine, Morphine, Heroin, Hydromorphone, Oxycodone, Hydrocodone, and Phencyclidine) drug test. This occurs in connection with the pre-placement medical examination.
2. Post-Accident Testing - Any current employee who is involved in a serious incident or accident while on duty, whether on or off the employer's premises, may be asked to provide a body substance sample.
3. Fitness-for-Duty or Reasonable Suspicion Testing² - This test may be required if an employee displays significant and observable changes in work performance, appearance, behavior, and speech, or provides reasonable suspicion of being under the influence of drugs and/or alcohol. A fitness-for duty evaluation may include the testing of a body substance sample.
4. Random Testing - An employee who tests positive and who successfully completes a rehabilitation program may be subject to unscheduled testing for a 12 month period following reinstatement.
5. Transferred Employees – An employee transferring from one Tenet Entity to another does not require a new drug screen unless a copy of the original drug screen does not exist in the employee's file.

B. Testing Procedures

1. Whenever an employee is suspected of being under the influence of drugs and/or alcohol and is unfit for duty, the supervisor should contact a Human Resources representative for further guidance. In the event a Human Resources representative is not available, the supervisor should document the surrounding circumstances and specific observable behaviors and

²Fitness-for-Duty or Reasonable Suspicion Testing – If there is an instance of drug theft or diversion and criteria for reasonable suspicion testing as set forth above is not met and there are concerns, then contact your Corporate HR Attorney or VP, Labor Relations.

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characteristics of the employee. The supervisor must obtain a second opinion from another supervisor regarding the employee’s outwardly observable behavior/performance. All levels of supervision making this decision should use the “Supervisory Checklist” to document specific observations and behaviors that create a reasonable suspicion that the person is under the influence of drugs and/or alcohol.

2. A supervisor should immediately tell the employee that he/she is exhibiting behavior that is affecting or is interfering with the safety of the employee or coworkers. The supervisor should safely and immediately escort any employee believed to be under the influence of drugs and/or alcohol away from the work area and arrange for the employee to wait in a non-work area until a determination can be made as to whether the employee is fit for duty or whether the employee should be required to submit to a drug and/or alcohol test according to the procedures set forth below.
3. The employee should be allowed to explain his/her behavior.
4. If both supervisors concur that a drug and/or alcohol test is appropriate, the sample should be collected on-site when feasible. If the collection must be made off-site, arrangements should be made to safely escort the employee to a Tenet-designated collection site. Following the test, arrangements should be made to transport the employee safely home.
5. Alcohol or drug tests administered because there is reasonable suspicion of drug use or alcohol abuse will be performed at a Tenet-designated collection site at Tenet’s expense.
6. An employee who is tested for reasonable suspicion may be withheld from service until test results are received by Tenet. Such time away from work will be paid by Tenet, unless the employee’s tests are confirmed positive.
7. All positive and adulterated negative results must be confirmed by a Tenet Entity-designated, Tenet-approved MRO not employed by Tenet.

C. Refusal to Submit to Drug and/or Alcohol Test

Subject to any limitations imposed by law, a refusal to provide a body substance sample under the conditions described above is considered insubordination and may result in corrective action, up to and including termination of employment. The employee will be escorted home and will be suspended until a corrective action decision is made.

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D. Consequences of a Positive Drug and/or Alcohol Test or a Policy Violation

1. Consequences of a Positive Drug and/or Alcohol Test

- a. Pre-Placement: In the event of a confirmed positive test result for prohibited drug use during a pre-placement drug test, the applicant will not be considered further for employment at any Tenet Entity for a minimum of one (1) year following a positive result.
- b. Current Employees: Before corrective action is imposed, employees will be given the opportunity to explain positive test results.
 - (1) An employee's statement regarding drug or alcohol use should, whenever practical, be documented prior to initial testing.
 - (2) Tenet's EAP provides confidential counseling and referral services to employees. The first time an employee tests positive for drugs and/or alcohol, he/she automatically will be referred to the EAP. Employees who test positive for drugs and/or alcohol who are permitted to return to work will be required to sign a Last Chance Agreement and provide proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program such as those offered by the EAP before being considered for return to work.
 - (3) An employee's participation in the EAP will not affect appropriate corrective action for a violation of policy, performance that is below Tenet's expectations, misconduct, safety violations or other infractions.
 - (4) An employee who has been allowed to return to work after a test is confirmed positive will be discharged immediately for a confirmed positive result on any subsequent drug and/or alcohol test.
 - (5) An employee who tests positive and who successfully completes rehabilitation will be subject to unscheduled testing for a 12 month period following reinstatement.
 - (6) Employees with drug and/or alcohol problems that have not resulted in corrective action may request approval to take

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unpaid time off to participate in a rehabilitation or treatment program. Such unpaid leave may be granted if the employee agrees to abstain from use of illegal substances, abides by all Tenet Entity policies, rules, and prohibitions relating to conduct in the workplace and if granting the leave will not cause the Tenet Entity any undue hardship.

2. Consequences of a Policy Violation

Violations of this policy may lead to corrective action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program pursuant to this policy. Theft or diversion of drugs by an employee is a serious violation of work rules and will lead to termination of employment. Such violations may also have legal consequences.

An employee who has been terminated under this policy for personal use of drugs and/or alcohol may apply for rehire or reinstatement. The re-application must be approved by the Corporate Office VP of Patient Care Services and Corporate Office VP, Labor Relations, or their designees. Those who re-apply must meet the following minimum standards to be eligible for rehire or reinstatement:

- a. If diversion – the position required handling or provided access to the drug which was diverted
- b. Good conduct during the investigation, *e.g.*, are truthful, honest and cooperative
- c. Active, voluntary compliance with and documented completion of a treatment program
- d. Good service record, *i.e.*, exhibits Tenet’s values of Integrity, Quality, and Transparency
- e. If diversion - agree to restitution for value of diverted drugs
- f. Individual self-reported to law enforcement, Drug Enforcement Administration, individual’s occupational/professional licensing board, or other regulatory bodies as required by law

E. Reporting Drug and/or Alcohol Use and/or Drug Diversion to Third Parties

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1. Tenet will cooperate with outside enforcement agencies by reporting the matter to the applicable state occupational/professional licensing board (for employees whose work at Tenet requires a state license, certificate, or registration, etc.), local Police Department and the Drug Enforcement Administration. The degree of criminal conduct is a police matter.
2. The Director of Pharmacy will report to the Board of Pharmacy any significant loss of controlled substance and follow all federal, state and local laws, rules, regulations, ordinances, and orders pertaining to the practice of pharmacy.
3. The Human Resources Representative will notify Security, and Risk Management, Clinical Quality and Compliance departments. These departments will report to third parties in accordance with federal and state laws and regulations, and the Medical Staff Bylaws, Rules and Regulations, and Polices.

F. Facility Human Resource Department

1. Supervisors should receive training and/or guidelines to help them recognize symptoms of and behavior indicating drug and/or alcohol use.
2. Review the situational facts and determine if the employee should be examined by a physician or clinic and/or tested for drugs and/or alcohol.
3. If there is an instance of drug theft or diversion and criteria for reasonable suspicion testing as set forth in this policy is not met and there are concerns, then contact your Corporate HR Attorney or the VP, Labor Relations. 4. Consult with appropriate Tenet Entity medical personnel to determine if prescribed drug use will impact employee's ability to perform work safely and properly.
5. Arrange transportation for employees believed to be under the influence of drugs, narcotics, and/or alcohol. Arrangements should be made with the emergency contact on file or with a taxi service. If the employee cannot pay for a taxi, the Tenet Entity will assume the cost.
6. Maintain confidentiality of all test results and retain records in a separate file.
7. Work in conjunction with Occupational/Employee health.

G. Supervisor/Manager

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1. Contact the Human Resource Department for further guidance when there is a reasonable suspicion that an employee is under the influence of drugs and/or alcohol and is unfit for duty.
2. If a Human Resources representative is not available, determine whether the employee should be required to submit to a drug and/or alcohol test according to the procedures set forth above.

H. Employee

1. Notify the Human Resource Department of prescribed drugs or narcotics which may affect work related job performance or behavior. Provide acceptable medical documentation as required.
2. Notify appropriate supervisor of any suspicion that a co-worker is under the influence of drugs and/or alcohol and is unfit for duty.

I. Enforcement

All employees whose responsibilities are affected by this policy are expected to be familiar with the basic procedures and responsibilities created by this policy. Failure to comply with this policy will be subject to appropriate performance management pursuant to all applicable policies and procedures, up to and including termination. Such performance management may also include modification of compensation, including any merit or discretionary compensation awards, as allowed by applicable law.

VI. REFERENCES:

- .edu Training: “Module B Signs of Drug and Alcohol Impairment-rcd10481”
- Corporate Security policy 2.42 Reporting of Theft of Assets and Property