



NKYHEALTH
NORTHERN KENTUCKY HEALTH DEPARTMENT



Drug-Free Workplace

Excerpt from Guide to Personnel Policies

POLICY: PP-6.10.01

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6.10 Drug-Free Workplace

NKY Health is committed to providing quality client care, to a safe work environment, and to the promotion of the health and well being of employees and visitors. Therefore, NKY Health's policy is to maintain a workplace free from alcohol, illegal substances (including medical marijuana), and inappropriate use of prescription and over-the-counter medications.

NKY Health will not tolerate the use of alcohol, illegal use of substances, and/or inappropriate use of prescription or over-the-counter medications on the job.

6.10.1 Examples of Violations of Drug-Free Workplace Policy

The following is a list of some, but not all, examples of violations of this policy and actions necessary to assure a drug-free workplace. An employee must not:

- A. Manufacture, use, possess, sell, trade, or offer for sale illegal substances at any NKY Health work locations, including sites that NKY Health owns, leases, or staffs, parking lots of said sites, vehicles that NKY Health owns or leases, and offsite meetings during work or non-work hours.
- B. Divert medications for personal use, gain, or distribution.
- C. Use, possess, sell, or distribute alcohol at any NKY Health work locations, including sites that NKY Health owns or staffs, vehicles that NKY Health owns, and offsite meetings without the prior approval of the District Director of Health or her/his designee.
- D. Report to work with testable levels of illegal substances or alcohol, including returning to work after drinking alcohol during a break.
- E. Report to work under the influence of any substance that impairs her/his ability to work safely and productively as determined by NKY Health or their representatives and to produce a work product meeting NKY Health's standards and expectations.
- F. Use prescription or over-the-counter drugs illegally or inappropriately.

6.10.2 Prescription Drugs

Nothing in this policy prevents the appropriate use of legally prescribed or over-the-counter medications that do not impair the ability to work safely

If an employee is taking a prescription or over-the-counter medication and there is reason to believe the medication may impair the ability to work safely, the employee is responsible for consulting with the prescribing physician or the pharmacist before reporting to work. Additionally, the employee must notify her/his supervisor in writing if s/he is prescribed a medication or is using an over-the-counter medication that may impair her/his ability to perform her/his job duties in a safe manner.

6.10.3 Drug Free Awareness Program

NKY Health has established a drug-free awareness program to educate employees about:

- A. The danger of drug abuse in the workplace.
- B. NKY Health's policy on maintaining a drug-free workplace.
- C. Drug counseling and rehabilitation available to all employees in merit system positions through the Employee Assistance Program (EAP) and group health insurance available to eligible employees.
- D. The penalties that may be imposed upon employees for violations of this policy.

6.10.4 Circumstances for Drug/Alcohol Testing

The following is a list of some, but not all, examples of circumstances when drug and/or alcohol tests and/or evaluations may be required:

- A. **Candidates for employment into safety-sensitive positions** – A negative drug and/or alcohol test is a condition for employment in a safety-sensitive position. An offer of employment will be withdrawn if the candidate refuses or fails drug and/or alcohol testing after accepting an offer of employment.
- B. **Reasonable suspicion** – Alcohol and/or drug testing and evaluation is required when an employee demonstrates a change in performance or personality, or exhibits other signs indicating the influence of alcohol or drugs, such that there is a reasonable suspicion that the employee may be under the influence of drugs or alcohol.
- C. **Post-incident** – Drug and/or alcohol testing and evaluation may be required when an employee is involved in a work-related incident or injury requiring medical attention and/or involving property damage, and where there is reasonable suspicion that the employee was under the influence of drugs or alcohol at the time of the incident. Testing and evaluation may also be required after a series of unexplained minor incidents/accidents or a series of incidents/accidents not requiring medical attention or involving property damage. Drug and/or alcohol testing and evaluation of some or all employees whose actions or omissions contributed to an incident may also be required in order to evaluate the root cause of a work-related incident that harmed or could have harmed clients, employees or other persons in the vicinity of the incident.
- D. **Other Laws Requiring Testing** – Drug and/or alcohol testing is required when tests and evaluations are required by other Federal, State, or local laws or Administrative Regulations.
- E. **Return to Work Agreement** – An employee who accepts a Return to Work Agreement ([see section 6.10.11](#)) will be subject to random drug and/or alcohol testing following treatment and return to work for the duration of her/his employment.
- F. **At Random** – When an employee is working under a Return to Work Agreement ([see section 6.10.11](#)).

6.10.5 Drug/Alcohol Testing Environment

Tests will screen for commonly abused drugs and alcohol. State, federal, and local laws apply and all tests will be performed according to accepted laboratory procedures. A positive drug and/or alcohol test will be reviewed by a Medical Review Officer (MRO) following standard guidelines of MROs before being reported to NKY Health.

6.10.6 Suspension Pending Test Results

An employee who is directed to submit to a drug and/or alcohol test due to reasonable suspicion, for cause, or post-incident will be placed on Administrative Suspension pending NKY Health's receipt and evaluation of test results. ([see section 7.5](#) of the Guide to Personnel Policies.)

Upon receipt of negative test results, the employee will receive full pay for the time s/he was on Administrative Suspension.

6.10.7 Drug/Alcohol Testing Results

Results of drug and alcohol tests will be reported directly to the head of Human Resources at NKY Health.

An employee who tests positive for drugs and/or alcohol after review by an MRO will be subject to appropriate disciplinary action up to and including termination of employment ([see section 7.4](#)) and may be denied Workers' Compensation benefits.

6.10.7.1 Positive Test Results

The offer of employment will be withdrawn from a candidate who tests positive for drugs and/or alcohol after review by an MRO. The candidates will be notified in writing of the withdrawal and the reason for the withdrawal.

An employee who tests positive for drugs and/or alcohol after review by an MRO will be subject to disciplinary action up to and including termination of employment.

6.10.7.2 Confidentiality of Drug/Alcohol Testing Results

All information and records obtained by NKY Health regarding drug and/or alcohol test results and treatment will be kept confidential by Human Resources and management, except in the following circumstances:

- A. Those with a business need-to know will be notified when an employee fails to comply with a Return to Work Agreement.
- B. NKY Health will report employee involvement with drug use or controlled substances to licensing/certification/registration agencies, federal grant agencies and/or law enforcement agencies in accordance with the professional guidelines established by the appropriate regulatory and controlling authorities.
- C. NKY Health will comply with professional licensing requirements to report a resignation or termination when violation of this policy exists.

6.10.8 Refusal to Submit to Drug/Alcohol Test

An employee who refuses to submit to a drug/alcohol test as directed will be immediately dismissed from employment for insubordination and may be denied Workers' Compensation benefits. Refusing to submit includes but is not limited to:

- A. Failure to report to the testing facility immediately, without stopping, and as directed.
- B. Failure to produce a valid specimen.
- C. Failure to provide requested information and/or documentation to the MRO.

6.10.9 Requirement to Report Drug/Alcohol Violation/Conviction

An employee who has violated or been convicted of, pleads guilty to, or enters a plea of *nolo contendere* (no contest) must notify her/his supervisor in writing of any conviction of a violation of a criminal drug or alcohol related statute prior to her/his next work shift or within five (5) work days of such conviction/plea, whichever comes first.

Random drug and/or alcohol testing may be run on an employee in a safety-sensitive position, who has violated state or federal drug or alcohol laws, or who has been convicted of criminal drug and/or alcohol offenses.

While it is not NKY Health's intention to intrude on the privacy of its employees we recognize that repeated or abusive involvement with these substances off the job eventually impacts job performance.

6.10.10 Resources for Drug/Alcohol Assistance

NKY Health is willing to commit resources to early diagnosis and treatment. Some of the resources include, but are not limited to:

- A. Access to an Employee Assistance Program (EAP) at no cost to the employee.
- B. Approval of use of accrued annual leave for treatment and recovery.
- C. Availability of group health insurance.
- D. Information about community resources.
- E. Return to Work Agreement for eligible employees