

**REASONABLE SUSPICION OF
DRUG AND/OR ALCOHOL USE AT WORK
Manager's Guide**

1. Who is covered by these guidelines?

All employees of the VCU Health System.

2. When should these guidelines be used?

Recognizing the need to protect the patient and to provide a safe and productive work environment, it is the responsibility of all VCUHS employees to report concerns of reasonable suspicion of the use of drugs and/or alcohol to his/her own manager. The reporting employee's manager will contact a suspected employee's manager. The reporting employee may also contact the manager of the suspected employee directly.

3. How do I recognize "reasonable suspicion" in order to implement these guidelines?

To determine "Reasonable Suspicion," the following factors are possible but not exclusive indicators to consider in conjunction with other relevant information, including the employee's explanation:

- a. The physical symptoms or manifestations of drugs or alcohol use such as altered or slurred speech or repeated incoherent statements; dilated or constricted pupils, flushed skin, excessive sweating; excessive drowsiness or loss of consciousness without reasonable explanation.
- b. Unexplained, abrupt or radical changes in behavior such as violent outbursts, hyperactivity, extreme suspiciousness, frequent and/or extreme fluctuations of mood swings without reasonable explanation.
- c. Inability to walk steadily or in a straight line, or perform normal manual functions essential to an employee's position without reasonable explanation.
- d. Unexplained, prolonged or frequent disappearances from the work area.
- e. Accidents or near-accidents on the job that appear related to unexplained sensory or motor skill malfunctions.
- f. Smell of alcoholic beverage on the employee when employee is expected to be performing job duties.
- g. The direct observation of drugs or alcohol use while at work or on duty.
- h. A report of reasonable suspicion provided by a reliable and credible source.

4. What do I do first when I have a reasonable suspicion?

When a manager has a reasonable suspicion that an employee is in violation of this policy or has received a report of such, he/she shall contact Human Resources (or the clinical administrator after hours) to discuss the appropriate course of action.

5. When I've decided that reasonable suspicion exists, can I require drug or alcohol testing? If so, can the employee refuse to be tested?

Testing of an employee for alcohol and/or drugs use will be required if reasonable suspicion of alcohol or drug use exists. In the event an employee refuses to submit to testing and/or to the release of test results, the employee will be subject to disciplinary action up to and including termination of employment.

6. How do I get the testing done?

- a. The manager will inform the employee that he/she suspects the employee of being in violation of this policy and will give the employee the opportunity to respond. After considering the employee's response, the manager will determine if testing is warranted and will notify the employee that testing is required.
- b. The manager will contact Employee Health Services (EHS) to arrange for appropriate testing. After hours, the manager should contact the Clinical Administrator to arrange for testing in the Emergency Department (see question 7 below for more details).
- c. The employee will be accompanied to EHS by the manager/designee. A VCUHS Security Officer may assist if the employee is perceived to be a threat to self or others.
- d. Prior to testing, the employee will be asked to sign a consent form for testing and release of information and will be informed that refusal to consent to testing or release of results is grounds for disciplinary action, up to and including termination of employment. The manager is required to give this notification prior to the employee reporting for testing.
- e. EHS will collect the sample or arrange for testing according to EHS procedure.
- f. The manager will place the employee on administrative leave with pay pending investigation and receipt of test results. An employee who is placed on administrative leave due to reasonable suspicion of alcohol or drug use should be assisted in making arrangements for transportation to leave the workplace.

7. What do I do if Employee Health is closed?

When EHS is closed, the procedure will be modified as follows:

- a. The Manager will contact the Clinical Administrator who will contact the Emergency Department Clinical Coordinator (Beeper # 4152) to make arrangements for testing according to Emergency Department (ED) procedure.
- b. The manager or Clinical Administrator will furnish the ED Clinical Coordinator with information necessary to facilitate the testing process. The employee will be informed by the manager that testing has been arranged in the ED and will be accompanied to the appropriate location by his/her manager.

8. What happens next?

The Employee Health Physician is the Medical Review Officer (MRO) for VCUHS. He will evaluate test results, including evaluating whether employee medications could account for test results. The MRO will make the final determination regarding whether the test results will be reported as positive and in violation of the *Reasonable suspicion* policy.

9. What happens if the employee is determined to be in violation of the *Reasonable suspicion* policy that prohibits reporting to work under the influence of alcohol/drugs or using at work?

In the event of a violation of this policy, disciplinary action for non-Housestaff employees will occur according to *Standards of Conduct and Performance* in consultation with Human Resources. Prior to making a final determination regarding discipline, managers will take into consideration the employee's work record, job responsibilities and willingness to participate in an evaluation and/or referral for treatment after the evaluation. Employees of the Graduate Medical and Dental Education department will abide by the policy for that department.

- 10. Are there any treatment options we can offer?**
Any employee who believes that he/she has developed an addiction to, dependence upon, or problem with alcohol or any drug, is encouraged to seek assistance. Resources include Employee Health Services, Human Resources, the Employee Assistance Program, Health Practitioners Intervention Program, professional organizations, and/or community organizations.
- 11. If an employee participates in one of these programs, will he/she be allowed to return to work?**
- a. Upon successful completion of a substance abuse evaluation or rehabilitation program, the employee may be considered for return to work or rehire subject to the employee's work record and any restrictions on activities designated as part of rehabilitation. Satisfactory participation in a substance abuse program/evaluation shall be determined by the Medical Review Officer (EHS) after consultation with the individual or organization providing the evaluation/rehabilitation program.
 - b. Prior to returning to work after completing a substance abuse rehabilitation program, an employee must contact his/her manager to discuss whether he/she will be eligible to return to work. This will be required both in the case of employees who were found to be in violation of this policy prior to treatment and those who self-identified their problem and self-admitted to a rehabilitation program.
 - c. Should the employee be eligible to return to work, the employee must sign a written Return-to-Work (RTW) agreement made between the employee and VCUHS. The RTW agreement will specify the terms and conditions of returning to work to include job performance expectations and alcohol/drug testing requirements. Non-compliance with this agreement or refusal to sign the RTW agreement will be grounds for termination of employment or ineligibility for rehire.
- 12. Who pays for the drug or alcohol testing if it is "for reasonable suspicion"?**
The cost of required testing will be paid by VCUHS except when an employee requests a re-analysis of a sample by an approved laboratory following a positive test. In this case, the cost of the test is the responsibility of the employee making the request. Occasionally, an employee in monitoring, may request testing be done by VCUHS. In that case, cost is the responsibility of the employee.
- 13. When the employee is sent home pending the test results, will it be with pay?**
During the testing process, an employee is considered to be at work and will be compensated for his/her regular work time while involved in the testing process according to compensation policies for his/her position.
- 14. What is our obligation regarding transportation if we send an employee home while waiting for test results?**
We have an ethical and an organizational responsibility to assist the person in obtaining transportation home rather than driving him/herself. Someone we consider to be under the influence of alcohol or drugs should not be allowed to drive themselves home.
- 15. Do we have to report positive alcohol and/or drug tests to the Department of Health Professions if the test was conducted due to reasonable suspicion?**

Yes, under law, all such positive results must be reported to DHP. Reports are submitted on behalf of VCUHS by the Office of Employee Relations.

16. What do you do if you suspect a member of the Medical Staff of being impaired?

- a. If the individual seems to be currently impaired, the Department Chair should be contacted immediately. If impairment is determined to be present, the individual will be asked to consent to alcohol/drug testing as appropriate to the circumstances. The individual will not be allowed to continue to work until the results of the testing are complete and evaluated.
- b. If someone suspects a member of the Medical Staff to possibly have a medical, mental, or substance abuse problem that could affect job performance, the concern should be called into the Medical Staff Impairment **hotline at 828-2200** or reported to the Department Chair.

17. Who do I contact if I have questions regarding possible Medical Staff impairment?

Referrals may be made to the Medical Staff Health Committee by addressing written correspondence to: Medical Staff Health Committee, Box 980510, Richmond, Virginia, 23298-0510 or by calling the MSHC **hotline at 828-2200**.