

Substance Abuse

THIS POLICY

Policy Number: 602

Effective Date: 03/01/07

REPLACES POLICY

Policy Number: 602

Effective Date: 01/01/91

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Statement:

Wesley Woods Senior Living, Inc., is committed to the health, well-being, safety and productivity of their employees. In addition, Wesley Woods Senior Living holds an expectation that each employee will comply with all applicable federal, state or local laws pertaining to the use, possession, manufacture or distribution of alcohol, drugs, or other non-prescribed intoxicants.

Purpose:

Wesley Wood's policy on the use or abuse of alcohol, drugs or other non-prescribed intoxicants by their employees is part of our commitment to safeguarding the health of employees, providing a safe place for employees to work, supplying residents and patients with the highest quality care possible, and ensuring compliance with applicable laws. Because substance use/abuse can seriously endanger the health and safety of employees and impede their productive job performance, Wesley Woods Senior Living has established a program to detect and remove substance abusers from the workplace. Wesley Woods Senior Living is committed to the strict enforcement of the following Substance Use/Abuse Policy and its testing procedures.

The proper use of medication prescribed by a physician is not prohibited; however, the misuse of prescribed medication is prohibited. All employees using drugs at the direction of a physician should notify Employee Health Services if these drugs may affect their job performance.

In support of Wesley Woods Senior Living's firm commitment to a drug and alcohol free work environment, the following policy regarding substance use/abuse shall apply:

- It is a violation of WWSL policy for any employee to sell, buy, manufacture, distribute, possess, consume or use illegal drugs, alcoholic beverages or other non-prescribed intoxicants (or paraphernalia associated with such prohibited substances) while working, while on break during working hours, while on company property, while traveling in WWSL vehicles, while on WWSL business at any job site, or while on the job in any capacity.
- It is a violation of WWSL policy for any employee to report to work or perform work under the influence of or while impaired by illegal drugs, alcoholic beverages or other non-prescribed intoxicants or while possessing in the employee's body, blood or urine, any detectable amount of such substances.
- Employees who test at or above a breath alcohol concentration (BAC) of .04 will be presumed to be under the influence and subject to immediate termination. Employees who test positive for alcohol below .04 will be placed on investigative suspension for at least 24 hours and will be subject to an evaluation by an outside substance abuse professional or the Faculty/Staff

Assistance Program, at WWSL's discretion. If additional factors and/or performance problems justify further action, these employees may also be subject to discipline up to and including immediate termination.

- It is a violation of policy for any employee to use prescription or over the counter drugs illegally or in a manner inconsistent with the physician's prescribed dosage. It is also a violation of policy for an employee to report to work or perform work when the taking of a prescription drug impairs the ability to perform job duties in a safe and acceptable manner. (However, nothing in this policy precludes the appropriate use of legally prescribed or over the counter medications that do not cause unsafe or unacceptable job performance).
- It is a violation of policy for any employee to sell, buy, distribute, consume or inappropriately possess any medication or controlled substance which has been prescribed for anyone other than that employee.

There may be occasions when alcoholic beverages are served at social events sponsored by Wesley Woods Senior Living, or Wesley Woods Senior Living -related entities. However, any employee who has consumed alcoholic beverages served at social events may not then return to the performance of WWSL-related work while under the influence of, or impaired by, such beverages.

Rehabilitation Options:

Any employee who believes that he or she may have a substance abuse problem is encouraged to seek rehabilitation treatment immediately. The Faculty/Staff Assistance Program can confidentially provide information on available rehabilitation services and programs and assist employees in obtaining appropriate treatment for substance abuse. The Human Resources Department can also assist employees with information regarding rehabilitation programs. Some rehabilitation services may be covered by employee benefit plans and employees may qualify for time off from work for rehabilitation treatment under WWSL's various leave of absence policies. The Human Resources Department can assist employees with insurance and leave of absence questions.

Any employee who voluntarily requests or enters a rehabilitation program approved by Human Resources or by the Faculty/Staff Assistance Program before being asked to submit to testing or before an investigation of a violation of the Substance Abuse Policy is initiated will not be disciplined for violating the Policy. However, any employee who violates the Policy, who is selected for testing, or who is being investigated for a Policy violation will not avoid the disciplinary consequences of a Policy violation, a positive test or a refusal to submit to testing by requesting or entering a substance abuse rehabilitation program.

Types of Testing:

POST-OFFER APPLICANT TESTING

All applicants selected for employment by Wesley Woods Senior Living will be given an offer of employment conditioned on a negative drug testing result. Applicants will not be tested for alcohol. An applicant's job offer will be automatically withdrawn in the event that the applicant refuses to consent or submit to testing; the test reveals a confirmed positive drug test result; or, in the opinion of Administration or testing laboratory, that the testing sample has been tampered with, substituted or altered in any way. Applicants who test positive may re-apply for employment and retest after one year.

Current employees will be tested for drugs, alcohol or other non-prescribed intoxicants under the following circumstances:

REASONABLE SUSPICION:

Where there is reason to believe, in the opinion of Wesley Woods Senior Living, that an employee has violated the Substance Use/Abuse Policy. Reasonable suspicion is based on specific, objective, identifiable and articulate evidence or inferences such as, but not limited to, the following:

- a. Observed violation of the Policy or physical symptoms or manifestations of impairment;
- b. Abnormal or erratic behavior or noticeable, uncharacteristic deterioration in performance, behavior, attendance or disregard of policy and procedure;
- c. A report of violation of the Policy from a reliable and credible source, with some confirmation by a manager;
- d. Reason to believe that the employee caused or contributed to an accident, injury or damage to property;
- e. Any other reliable evidence or suspicious event that indicates, in the opinion of Wesley Woods Senior Living, that the employee has violated the Policy.

Managers utilizing reasonable suspicion testing must first obtain approval from the designated Administrator-On-Call or the Human Resources Director or her designee and then complete an Evaluation of Impairment Form.

POST-ACCIDENT AND POST-INJURY TESTING:

When an employee has caused or contributed to an injury to a nonemployee, damage to Wesley Woods Senior Living property, or an on-the-job injury.

NOTE: Testing may be waived following an accident or minor injury when, in the opinion of Wesley Woods, it is clear that there has been no violation of the Policy.

POST-REHABILITATION TESTING:

Any employee who desires to return to work following rehabilitation treatment must present adequate and accurate documentation to confirm successful treatment outcome and continuing rehabilitation. While Wesley Woods Senior Living cannot guarantee the availability of an employee's position upon returning from successful rehabilitation, such employees will be considered for any available position for which they apply and are qualified. Any employee who returns to work following successful rehabilitation must submit to regular, periodic, unannounced follow-up testing whenever requested by Wesley Woods Senior Living.

ROUTINE FITNESS-FOR-DUTY TESTING:

Those employees required by Wesley Woods Senior Living to undergo routinely scheduled fitness-for-duty medical examinations or physicals will be tested for prohibited substances as part of those routine examinations or physicals.

Searches:

Wesley Woods Senior Living reserves the right to conduct unannounced searches for prohibited substances held on any employee's person or property (including an employee's personal property) located on Emory University or Wesley Woods Senior Living' property, in EHC facilities, in EHC vehicles and on job sites, when Wesley Woods Senior Living have a reasonable suspicion that an employee has violated this Policy. As part of the Policy, Wesley Woods Senior Living has the right to inspect desks, work areas, lockers, and other containers and objects (including bags, purses, briefcases or personal automobiles) brought onto Wesley Woods Senior Living's, EHC or Emory University's property by an employee. All employees are required to sign an acknowledgment and consent form indicating that they have read and understood this Policy and consent to reasonable searches of their person and personal property. Managers initiating searches pursuant to this Policy must first obtain approval from the designated Administrator-On-Call, the Human Resources Director or designee, or the Director of Security or his designee.

Disciplinary Consequences of Violations:

While Wesley Woods Senior Living reserve the right to impose any disciplinary measure, an employee will ordinarily be terminated after consultation with the Human Resources Director or designee and the President/CEO of Wesley Woods Senior Living under the following circumstances:

- a) The employee's test results in a confirmed positive;
- b) The employee refuses to submit to testing when requested by Wesley Woods Senior Living or otherwise refuses to cooperate in a Wesley Woods Senior Living investigation of a possible violation of the Policy;
- c) There is evidence which indicates, in the opinion of Wesley Woods Senior Living or of the testing laboratory, that the testing sample was tampered with, substituted or altered in any way;
- d) The employee fails to consent to or cooperate with a reasonable search of his or her person or property;
- e) The employee is found to inappropriately possess on his person or property any prohibited substances, including, but not limited to any medication or controlled substance prescribed for anyone other than that employee.

Reporting of Violations:

It is the responsibility of every employee to report any suspected violation of this Substance Use/Abuse Policy to any Manager, Supervisor, Administrator-On-Call, or to the Human Resources Department.

Testing Procedures:

Wesley Woods Senior Living will arrange for testing to be conducted in a manner that is consistent with the guidelines, procedures and standards of the Substance Use/Abuse and Mental Health Services Administration "SAMHSA" which regulates SAMHSA-certified laboratories in sample collection privacy, sample chain of custody and sample integrity procedures.

Federal Laws

Wesley Woods Senior Living adheres to the provisions of the United States Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendment of 1988. Additionally, as an administrator of certain state-funded financial aid programs for students, Wesley Woods Senior Living adheres to Georgia Drug-Free Post-Secondary Educational Act of 1990.

On projects covered by the United States Drug-Free Workplace Act of 1988, employees must notify Wesley Woods Senior Living in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction. Wesley Woods Senior Living also require employees to notify EHC in writing of ANY conviction of a violation of any criminal drug-statute no later than five (5) calendar days after such conviction.

Contesting Results:

Employees or job applicants who have a confirmed positive test result may explain or contest the result to Emory Healthcare, in writing, within five (5) working days after Wesley Woods Senior Living notify the employee or applicant of the positive result. Employees with a confirmed positive test result may, at their option and expense, have a second confirmation test made on the original testing sample or specimen when a sufficient amount of the original sample exists to be tested. An employee will not be allowed to submit another sample or specimen for testing. Wesley Woods Senior Living's decision with respect to any explanation or contest by an applicant or employee will be final and binding.

Confidentiality:

The confidentiality of any information received by Wesley Woods Senior Living through drug or alcohol testing or through an investigation of a possible violation of the Policy shall be maintained, except as otherwise provided or required by law.

Employees of Other Organizations:

It is a violation of this Policy for any employee, agent, or representative of any other organization, including but not limited to any employee of any other Wesley Woods Senior Living-related entity and any employee, any independent contractor of the Wesley Woods Senior Living, to take the following actions:

- a) To sell, buy, manufacture, distribute, possess, consume or use illegal drugs, alcoholic beverages or other non-prescribed intoxicants (or paraphernalia associated with such prohibited substances) while working on WWSL or EHC property, while traveling in WWSL Vehicles or while on WWSL business at any job site;
- b) To report to work at the Wesley Woods Senior Living or perform work at the Wesley Woods Senior Living under the influence of or while impaired by illegal drugs, alcoholic beverages or other non-prescribed intoxicants or while possessing in his/her body, blood or urine, any detectable amount of such substances;
- c) To use prescription drugs illegally or in a manner inconsistent with the physician's prescribed dosage or to report to work or perform work at the Wesley Woods Senior Living when taking of a prescription drug impairs the ability to perform job duties in a safe and acceptable manner. (However, nothing in this policy precludes appropriate use of legally prescribed medications that do not cause unsafe or unacceptable job performance);
- d) To sell, buy, distribute, consume or inappropriately possess any medication or controlled substance on WWSL or EHC property which has been prescribed for anyone other than that person.

If an employee, agent or other representative of any other organization violates this Policy, Wesley Woods Senior Living's Administration will work with officials of such organization to ensure that appropriate steps are taken to protect the safety of the residents, patients and employees.

This Substance Use/Abuse Policy will become effective immediately upon distribution and will replace all pre-existing substance abuse policies, effective January 2000.

Procedure for Evaluation of Impairment:

1. The reporting supervisor and other responsible individuals make an initial observation that indicates that an employee is impaired. An "Indicators of Possible Impairment" form (available in Human Resources) is completed as documentation by the reporting supervisor and forwarded via fax (6-4938) to Human Resources and/or Employee Health Services.
2. To initiate the procedure, the reporting supervisor or other responsible person, must have approval of a Human Resources representative or the Administrator On Call. A witness must be present during the proceedings. In a confidential setting, the reporting supervisor informs the employee of the need for further assessment based on observed behavior and/or objective signs as indicated on the "Indicators of Possible Impairment" form.
3. The employee is required to submit to the drug/alcohol screen even if they admit to being under the influence of drugs or alcohol. The employee must be notified by the reporting supervisor that refusal to consent to a drug/alcohol screen or failure to cooperate fully will result in investigative suspension or termination of employment.

4. If the employee refuses to proceed with testing the supervisor must contact local security and arrange transportation home. In the event the employee insists on driving impaired. The supervisor notifies law enforcement officials.
5. The reporting supervisor notifies Employee Health Services (PIC #50464) of the need for drug/alcohol testing.
6. An employee health nurse (EHN) assesses the situation and coordinates the employee evaluation based on the information provided by the reporting supervisor. The EHN obtains call back information from the supervisor and arranges local testing as possible.
7. The EHN notifies the testing facility and coordinates an arrival time for drug and/or alcohol testing
8. The EHN advised the supervisor to call local security and coordinate transportation to the testing facility.
9. Location information of the employee and supervisor is provided. Directions to the testing facility are provided.
10. Local security arrives at designated location and transports the employee and the designated supervisory representative to testing facility.
11. The employee, supervisory representative, and local security arrive at the testing facility and stay at the facility until testing is complete.
12. The employee must sign in at the clinic and present a picture ID. A chart will be created or pulled.
13. Drug screen and alcohol protocols will be followed in the collection process and chain of custody is followed.
14. At discharge, the chart is checked for the MRO copy and copy of BAT. If testing is completed, chart is discharged.
15. The supervisor or local security will arrange for transportation home. In the event the employee insists on driving impaired, the supervisor or local security notifies local law enforcement.
16. When results are available, the testing facility will notify the referring EHN. Final copies of all results are faxed to Employee Health Services at the referring facility - ECLH 404-686-4938; EUH 404-727-5405; WWC 404-728-6870 - and placed into employee's health file.
17. The EHN communicates and provides written documentation of the "negative or positive" results to the Department Director and HR representative.
18. Based on test results, final disposition is determined by Human Resources with Department Director input.

Procedure of Investigation of Drug Diversion:

1. When leadership gets information about the possibility of drug diversion from staff complaints, or resident/patient chart review/audit, a preliminary investigation will be implemented and Human Resources consulted.
2. If the preliminary investigation causes reasonable suspicion to exist, an investigative suspension will be implemented after consult with Human Resources.
3. After implementing an investigative suspension a complete investigation will take place, utilizing pharmacy, state regulators, Human Resources and any other agencies or departments that can help or is involved with the investigation.
4. If a drug screen is required based on the investigation process, refer to the Evaluation of Impairment Procedure.
5. After compiling information, an employment decision will be made by the Department Director with input/approval from Human Resources, Legal and Administration.

Approved By: Kenneth Weber, President/CEO, Wesley Woods Inc.
Margaret Bloomquist, Associate Administrator, Wesley Woods Human Resources
Date Reviewed: 11/01/02 Last Reviewed: 09/01/2007 Adair Maller, Director Human Resources