

NUMBER: 3.1.14**DATE: 12/10/1998****REVISION: 11/16/2005; 10/05/2011; 07/16/2014; 10/03/2016; 11/21/2019****PAGE: 1 of 7****SECTION: ADMINISTRATION****AREA: GENERAL ADMINISTRATION****SUBJECT: DRUG AND ALCOHOL TESTING**

PURPOSE

To promote the health, safety and productivity of our employees by providing a drug-free workplace.

SCOPE

This policy applies to all UAMS employees, applicants for safety sensitive position, and volunteers and visiting faculty where the position/duty requires a drug test prior to start date.

DEFINITIONS

Pre-employment Drug Testing – A drug test is required for all applicants selected for employment in designated safety sensitive positions.

For-Cause Drug Testing – A drug test is required when there is **reasonable suspicion** and an employee's behavior is characteristic of being under the influence of alcohol or other substances, while on duty. Such behavior may include, but is not limited to:

1. Observed impairment of job performance;
2. Abnormal conduct or erratic behavior;
3. Carelessness or disregard for safety;
4. A serious workplace accident or number of minor workplace accidents;
5. Evidence of drug tampering in the employee's workplace;
6. Physical signs that are inconsistent with the employee's usual appearance or behavior such as:
 - a. Slurred speech;
 - b. Difficulty walking or standing;
 - c. Unusual appearance or odors;
 - d. Lethargy, drowsiness, confusion, or unusual behavior;
 - e. Impaired coordination, dexterity, or balance.

Self-disclosure – when an employee voluntarily (without coercion) reveals information about a substance use disorder to his/her supervisor or designee.

Random Drug Screening – Drug testing of employees in safety sensitive positions using a random sampling methodology.

Safety Sensitive Positions – Any position in which momentary lapse of attention may result in grave and immediate danger to the employee, co-workers or members of the public. An illustrative list of Safety Sensitive positions is identified on the UAMS website <http://hr.uams.edu/> under

Manager's Information.

Medical Marijuana – Using the whole or unprocessed marijuana plant or its basic extracts to treat symptoms of illness and other conditions in compliance with the Arkansas Medical Marijuana Amendment.

POLICY

The University is subject to and will continue to comply with the Drug Free Workplace Act of 1988 and the Drug Free Schools and Communities Act Amendments of 1989. The University will also comply with applicable state laws and regulations. As part of our commitment to providing a drug-free workplace, UAMS has established a drug testing program that consists of (1) pre-employment drug testing, (2) for-cause drug testing, and (3) random drug testing.

Pre-employment and random drug tests will be performed on employees who are employed in positions that have been designated as safety sensitive positions. For-cause drug tests will be performed on any employee who is suspected of being in an impaired state while on duty. Refusal to submit to drug screening or screening results that indicate misuse of drugs or alcohol is sufficient cause for termination or withdrawal of an application for employment. Additional information about UAMS's commitment to providing a drug-free workplace can be found in the Drug Free Workplace Policy, *UAMS Administrative Guide 4.4.05*.

PROCEDURES

I. Pre-Employment Drug Testing

Drug testing must be completed prior to beginning work. When an offer of employment is extended, the potential employee must agree to submit to drug testing at a designated location within **48 hours** of the electronic offer being submitted. The drug test must be completed no more than 60 days prior to the planned start date.

Employment will be finalized only upon receipt of a negative drug test. Refusal to submit to the drug test or a test result that indicates misuse of drugs or alcohol will be interpreted as a withdrawal of the application for employment. **Applicants cannot reapply for employment for 90 days in instances when *positive* results are reported that cause the job offer to be rescinded.**

Managers shall not allow an employee to begin work prior to receiving confirmation of a negative drug test from the Office of Human Resources (OHR). Non-compliance may subject the manager to disciplinary action.

II. For-Cause Drug Testing

Whenever an employee's behavior is characteristic of alcohol or drug misuse, a supervisor is responsible for assessing the situation and ordering a for-cause drug test when appropriate. If the employee is a member of the UAMS Medical Staff, a member of the

Medical Staff Health Committee should be consulted. The observed behavior must be documented on the form appended to this policy ([Attachment I](#)), and the form submitted to Employee Relations along with the *Drug Screen Authorization Form*. When Medical Staff at Arkansas Children's Hospital (ACH) are sent for testing, **Attachment II** must also be completed.

The employee shall be relieved of his/her duties and escorted to the testing facility by a supervisor or designee in the department. This must occur within two hours of notifying the employee. The employee's refusal or failure to go to the testing facility, without pre-approval of the supervisor, is sufficient cause for immediate termination.

If the testing facility is not on the UAMS campus, the supervisor or designee can ride with UAMS Police to transport the *impaired employee* for a test. UAMS Police will only transport in impaired instances. Employees outside of the Central Arkansas area must call (501) 526-5372 or email uamsrandomandforcausedrugtest@uams.edu for guidance on an alternate collection facility.

The employee will be placed on *administrative leave* without pay until the test results are received and evaluated. If the test results do not indicate misuse of drugs or alcohol, the employee will be paid his or her regular salary for the administrative leave time. If the test results indicate misuse of drugs or alcohol, the employee will not be paid for the administrative leave time however, the employee may utilize accrued paid leave time, if any, to compensate for these hours. The *drug screen authorization form* and the *administrative leave form* accessible at www.hr.uams.edu/forms/manager must be completed in this process.

III. Random Drug Testing

The Office of Human Resources works with a third party company, which will provide a list of employees who have been randomly selected for drug testing each test month. Appropriate supervisors or a designee will be notified and will inform the selected employees. Employees must report to a designated location for testing within two hours of notification or be subject to termination. Employees who are not located on the main UAMS campus will report to a designated drug testing collection site as designated by their location. Email Employee Relations at uamsrandomandforcausedrugtest@uams.edu with any questions.

IV. Types of Tests

Pre-employment, random and for-cause (reasonable suspicion) drug testing will consist of a urine drug screen. Some instances may require a different testing method. The two test types used are *10-panel* or *Health Professional* test. *For-cause* drug testing may also consist of a blood alcohol or breathalyzer test if misuse of alcohol is suspected.

V. Medical Marijuana

UAMS will not take action against an employee or applicant who tests positive for marijuana (THC) in any **drug screen** if the employee has appropriate medical documentation. However, employees working in **safety sensitive positions** should not be impaired while on duty. OHR will consult the Office of General Counsel prior to taking adverse action against any employee or applicant who tests positive for marijuana and is a qualifying patient under the Arkansas Medical Marijuana Amendment. (This applies to *volunteers* or *visiting faculty* where position/duty requires a drug testing, prior to start date.)

VI. Screening Results

Any attempt to alter or substitute a specimen will be considered withdrawal of the application for employment or cause for immediate termination of employment; even if the attempt is discovered at a later date. Individuals may be asked to provide personal medical information necessary to interpret drug test results. Such information will be maintained as confidential.

All tests for **employees and applicants** are reviewed and interpreted by a Medical Review Officer (MRO), who works for the third party drug testing company. If the laboratory reports a *positive* test to the MRO, the **employee or applicant** is contacted by the MRO to discuss possible reasons for a positive result. If the MRO determines the result is due to a legitimate medical use, the test will be reported as negative. A positive result for marijuana (THC) will be reported as positive by the MRO, with or without appropriate medical documentation.

The department head or designee will work with Employee Relations to determine the action to be taken when an **employee's** test results are *positive*. Options available include termination or possible consultation with the Employee Assistance Program (EAP) or treatment with other appropriate program/professional. The employment decision is final. **Termination due to misuse of drugs or alcohol is considered termination *for-cause*.** Employees terminated *for-cause* are ineligible for rehire to the *UofA System per Board Policy 405.6*.

When termination is the result of a ***positive random drug test***, the employee will also be designated as ineligible for rehire to the UofA System.

The department head or designee will work with Talent Management in instances of positive results for applicants, visiting faculty and volunteers. **Applicants cannot reapply for employment for 90 days in instances when *positive* results are reported that cause the job offer to be rescinded.**

VII. Confidentiality and Mandatory Reporting

Test results will remain confidential in accordance with all Federal and State laws and regulations and UAMS policy. Tests will be paid for by UAMS unless the tests are performed in accordance with an employment contract that provides otherwise. Licensing boards shall be notified of positive drug screens by the appropriate department as required by law. Any questions about mandatory reporting should be directed to the Office of General Counsel.

REFERENCES

Administrative Guide Policy 4.4.05, Drug Free Workplace
Administrative Guide Policy 4.5.18, Employment Medical Screening
Board Policy 405.6, Termination of Employment
Arkansas Medical Marijuana Amendment of 2016

Signature:  _____

Date: November 21, 2019

ATTACHMENT II

CONSENT TO RELEASE OF DRUG TEST RESULTS

I, the undersigned physician and member of the Medical Staff of Arkansas Children's Hospital ("Hospital") do hereby acknowledge and agree as follows:

- As a member of the Medical Staff of the Hospital, I am bound by the Bylaws of the Medical Staff ("Bylaws").
- The Bylaws require me to submit to periodic drug testing.
- I am an employee of the University of Arkansas for Medical Sciences ("UAMS").
- As an employee of UAMS, I am subject to periodic drug testing by UAMS.
- I hereby consent to and expressly authorize the release by Hospital of any of my drug test results to UAMS.
- I hereby forever release Hospital from any and all liability, claims or causes of action which might otherwise accrue against Hospital and which arise from or are related in any way to Hospital's release of my drug test results to UAMS.

IN WITNESS WHEREOF, I have executed this Consent to Release of Drug Test Results effective as of the date set forth below.

Signature SAP#

Print Physician Name

Date