



HSC OP: 70.39, **Drug-Free Workplace Policy**

PURPOSE: The purpose of this policy is to establish and maintain a drug-free workplace at the Texas Tech University Health Sciences Center (TTUHSC), its regional campuses, and Health Care Systems operations. Methods to achieve this purpose include education, intervention, rehabilitation, and disciplinary action. TTUHSC intends to maintain a substance-free workplace. Individuals impaired by the use of alcohol and/or other drugs are potentially harmful to themselves, the University's mission, the treatment of patients, their job performance, and the well-being of co-workers, students, and visitors. TTUHSC adheres to the provisions of the Drug-Free Workplace Act of 1988. Individuals are expected and required to report for work and to perform assigned duties in a condition free from the effects of alcohol and/or other drugs.

REVIEW: This HSC OP will be reviewed on February 1 of each even-numbered year (ENY) by the Associate Vice President of Human Resources and the Senior Associate General Counsel, with recommendations for revisions forwarded to the Executive Vice President of Finance and Operations by March 1.

POLICY/PROCEDURE:

1. **General.** This policy shall apply to the following: faculty, staff, volunteers, residents, fellows, post-doctoral fellows

All outside contractors conducting business or providing services on a TTUHSC campus will be required to maintain and enforce a drug-free workplace policy for their employees. Contract employees with alleged violations of the TTUHSC policy will be referred to the contractor for appropriate action.

2. **Definitions.**

Faculty: Refers to all individuals, regardless of compensation or tenure status; holding full or part-time appointments; permanent or temporary; and will include adjunct, clinical, research, emeritus, or visiting faculty.

Staff: Refers to professional and administrative personnel, other than faculty, with duties and responsibilities that support the mission and administration of TTUHSC. Staff includes full-time and part-time employees, student assistants, and temporary and research grant employees.

Resident: Refers to individuals typically in a clinical post-doctoral training program, e.g., Medicine or Pharmacy, on any TTUHSC campus.

Illegal Drug: Refers to any drug, chemical, substance, or plant/animal material that is classified by the Drug Enforcement Administration (DEA) as a controlled substance with a classification of C-I, C-II, C-III, C-IV, or C-V. In the event the drug is a controlled substance, which is a prescribed drug in the United States, "illegal" shall mean that the drug was not prescribed to the individual under the influence of said drug or who was in possession of said drug.

suspicion may be asked to submit to a "for cause" screen. If the individual refuses, the individual will be subject to disciplinary action up to and including termination.

Managers and supervisors will receive an initial orientation on the Drug-Free Workplace Prevention Policy and Procedures. Instruction will be provided on identifying individuals with possible alcohol or drug abuse confrontations. If a referral to a rehabilitation program is appropriate, TTUHSC EAP will make that referral. Managers and supervisors are responsible for documenting incidents and efforts to confront and address the behavior.

TTUHSC respects the right to the confidentiality of recovering individuals and will assist them in continuing their education and employment. However, TTUHSC also respects the rights of patients, visitors, students, employees, etc., and seeks to protect them from the harm impaired individuals may cause.

TTUHSC encourages all individuals to seek help voluntarily and favors the earliest possible intervention. TTUHSC favors a treatment program that is separate from the disciplinary process and will make referrals for treatment services available. TTUHSC is not obligated to pay for rehabilitation services.

Financial responsibility will lie with the individual participating in a rehabilitation program.

A. Voluntary Intervention

TTUHSC encourages individuals having a substance abuse problem to obtain appropriate rehabilitation services to ensure TTUHSC is drug-free. Certain rehabilitation services are available at TTUHSC. These rehabilitation services include the Employee Assistance Program (EAP) and the Southwest Institute for Addictive Disease. Additionally, individuals can seek outside professional rehabilitation services and should refer to their health insurance carrier for approved sites.

For employees, outside rehabilitation programs must also be approved by an EAP therapist and/or the EAP Director to ensure the program meets appropriate treatment guidelines. If an individual's job performance is satisfactory, their position may not be jeopardized if they seek assistance with an approved program prior to any violation of policy or law and disciplinary action. All requests and/or actions are strictly confidential to the extent possible.

- 1) The following provisions are applicable and enforceable with the noted exceptions:
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- g) When appropriate, the EAP will recommend to licensed healthcare professionals that the individual self-report to the appropriate licensing board. (See Section II, Responsibilities of University.)
- 2) Any individual who voluntarily participates in a rehabilitation program must comply with the treatment and rehabilitation requirements below.
- a) The individual is responsible for paying for participation in a rehabilitation program. TTUHSC does not assume such responsibility.
 - b) The individual must satisfactorily participate in a rehabilitation program.
 - c) The Employee Assistance Program will help monitor the individual to ensure rehabilitation requirements are satisfactorily met.
 - d) TTUHSC reserves the right to periodically perform unannounced “for cause” screening of individuals participating in a local drug rehabilitation program. Such testing may include but is not limited to, breath-alcohol screening, blood-alcohol testing, bodily fluids analysis, hair follicle analysis, and urinalysis.
 - e) The individual must remain substance-free after completing a rehabilitation program. The individual will be subject to unannounced “for cause” screening for a minimum of two years following the completion of a chemical dependency rehabilitation program. The appropriate Dean, Vice President, or the President may extend the period for greater than two years for just cause. The decision to extend the unannounced “for cause” screening beyond two years must be communicated in writing to the individual and the AVP for Human Resources. Failure to comply with these requirements will result in disciplinary action up to and including termination.
 - f) Sick and annual leave may be granted following TTUHSC policy to participate in public or private treatment programs. For additional information, refer to HSC OP 70.01, Leaves of Absence.
 - g) Any individual who admits to having a substance abuse problem and elects not to enroll in a rehabilitation program will be subject to disciplinary action up to and including termination.

B. Mandatory Intervention

Should an individual demonstrate impairment on the job, or if there is evidence that an individual may be impaired, the observer of such an incident should immediately notify the individual’s supervisor and/or a Human Resources representative at that campus location. The supervisor should also be notified when there is evidence of an occurrence of a diversion. The supervisor and at least one other individual should witness and document the individual’s behavior.

- 1) The supervisor must contact the Texas Tech Police or other appropriate law enforcement authority for that campus upon suspicion of a drug diversion.
- 2) Supervisors must confront an individual who appears to be in an impaired condition on the job. Supervisors are reminded to inquire whether the individual in question could be taking prescribed medication, which could impair the individual’s ability to safely perform their job functions. Supervisors should also confront any individual upon the occurrence of a diversion. An individual may be asked by the supervisor to voluntarily submit to a “for cause” screen to determine whether the individual is under the influence of alcohol or drugs. These types of tests include but are not limited to, breath-alcohol screening, blood-alcohol testing, bodily fluids analysis, hair follicle analysis, and urinalysis. The following behaviors can be used as the basis of a “for cause” screen:
 - a) Observable phenomena, such as direct observation of alcohol or illegal drug use or possession;
 - b) Excessive tardiness or absenteeism;
 - c) Performance deviations;
 - d) Scent of alcohol, regardless of the source of odor;

- e) Physical symptoms of being under the influence of alcohol and/or other drugs, i.e., glazed expressions, dilated pupils, red eyes, or nosebleeds;
- f) A pattern of abnormal, erratic, or unusual behavior during working hours;
- g) Information provided either by reliable and credible sources or independently corroborated, which suggests on-duty impairment from alcohol and/or other drugs;
- h) Evidence indicating that the individual tampered with a previous drug or alcohol test; or
- i) Evidence indicating that a diversion of controlled substances may have occurred.

5. During regular working hours (8:00 a.m. - 5:00 p.m. Monday - Friday), the supervisor must notify

