


**CONFIDENTIAL & PROPRIETARY INFORMATION-TRADE SECRET**

**Human Resources Manual**

	<i>Policy</i>	<i>Section</i>	<i>Subject</i>
	330	Work Expectations	<b>Drug and Alcohol Policy</b>

**POLICY:**

The purpose of this Drug and Alcohol Policy is to outline Geisinger Health System standards and procedures for dealing with Alcohol and Drug use or abuse by employees, Applicants Conditionally Offered Employment and contractors.

**PURPOSE AND SCOPE:**

1. Alcohol and Drug use or abuse may adversely affect the quality of the services provided, pose safety and health risks to Geisinger Health System Employees, patients, and others, have a negative impact on work efficiency and result in injury or loss of life, equipment and/or property.
2. In order to serve our patients, and provide a safe, healthful and efficient work environment, Geisinger Health System requires its employees to report for work fit to perform their jobs. Therefore, all prospective employees, clinical or non-clinical, clinical contracted staff, residents, volunteers, locum tenens and students applying to Geisinger Health System must successfully complete a drug-screening test.
3. Geisinger Health System recognizes that it may contract independently with organizations or persons to provide services that may impact on patient care. In order to serve our patients, and provide a safe, healthful and efficient work environment, Geisinger Health System requires its contractors and their subcontractors or employees to be free from the influence or impairment of drugs and/or alcohol.
4. To this end Geisinger Health System has established the following policies and procedures dealing with Alcohol and Drug use or abuse by employees, Applicants Conditionally Offered Employment and contractors.

**DEFINITIONS:**

1. "**Alcohol**" means beer, wine and all forms of distilled liquor containing ethyl alcohol. References to use or possession of alcohol include use or possession of any beverage, mixture or preparation containing ethyl alcohol.
2. "**Applicant Conditionally Offered Employment**" means someone who has applied for a position with a Geisinger entity and who has received a conditional offer of employment contingent upon, among other things, successfully completing a drug-screening test (no presence of Drugs).

3. "**Designated Laboratory**" means an available laboratory operated by one of the separate legal entities of the Geisinger Health System Foundation, i.e. Geisinger Medical Center, Geisinger Wyoming Valley Medical Center, or if such utilization is not practicable, a laboratory that is certified and/or accredited to perform such testing.
4. "**Drug**" means any substance (other than Alcohol) that has known mind or function-altering effects on a human subject, specifically including psychoactive substances and including, but not limited to, substances prohibited or controlled by Commonwealth or federal controlled substance laws. Testing for a Drug may involve testing for a metabolite of a Drug.
5. "**Drug Paraphernalia**" means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing a Drug into the human body, including, but not limited to all equipment prohibited or controlled by Commonwealth or federal controlled substance laws.
6. "**Geisinger Health System**" refers to the system of health care comprised of the separate legal corporate parent, Geisinger Health System Foundation, and all of its separate legal corporate entities.
7. "**Geisinger Health System Authorized Party**" means the individual(s) in each Geisinger Health System region authorized to render final reasonable suspicion opinions and order Drug and Alcohol testing regarding employees who appear to be working under the influence of Drugs and/or Alcohol, as identified in Exhibit A of the Geisinger Health System Drug and Alcohol Policy Protocol.
8. "**Geisinger Health System Contractor**" means any individual or organization who contracts with Geisinger Health System to provide a service. For purposes of this policy, the term Geisinger Health System Contractor shall include all agents, subcontractors and employees of the Geisinger Health System Contractor who are designated to provide services to Geisinger Health System under the terms of the contract. The qualification for the applicability of this policy to a Geisinger Health System Contractor is that the Geisinger Health System Contractor is covered by this Policy only while on Geisinger Health System Premises.
9. "**Geisinger Health System Employee**" means any individual who uses Geisinger Health System facilities or resources to perform work, including but not limited to salary and wage earners, students, fellows, residents, staff physicians, consultants, and compensated researchers.
10. "**Geisinger Health System Premises**" means all Geisinger Health System owned or leased real estate, including but not limited to the Geisinger Health System Danville campus, including Geisinger Medical Center, Geisinger Clinic sites, Geisinger Health System Wyoming Valley Medical Center, Marworth, International Shared Services, Inc. corporate and business offices, and all Geisinger Health System owned or leased vehicles.
11. "**Policy**" means this Drug and Alcohol Policy.

12. "**Possess**" means to have on one's person or in one's personal effects or under one's control.
13. "**Successful completion**" of a drug-screening test means the test results of the Applicant Conditionally Offered Employment are negative (i.e. no presence of drugs) and the test was taken within four (4) calendar days after the receipt of the conditional offer of employment.
14. "**Under the influence**" or "**impaired**" means that an employee or contractor is affected by a Drug or Alcohol or the combination of a Drug and Alcohol. The symptoms of influence and/or impairment are not confined to those consistent with misbehavior, nor to obvious impairment or physical or mental ability such as slurred speech or difficulty in maintaining balance. A determination of use, influence and/or impairment can be established by a professional opinion, urine, blood or any other commonly used scientific valid tests, and in some cases by a lay person's opinion. A Geisinger Health System EMPLOYEE OR CONTRACTOR WILL BE PRESUMED TO BE IMPAIRED AND IN VIOLATION OF THIS POLICY WHENEVER THE PRESENCE OF DRUGS OR ALCOHOL IN ANY AMOUNT WHATSOEVER IS DETECTED IN A SUBSTANCE ABUSE TEST ADMINISTERED UNDER THE TERMS OF THIS POLICY.

#### **COVERAGE, CONSENT AND CONSEQUENCES:**

1. Any Geisinger Health System Employee or Geisinger Health System Contractor who performs services for Geisinger Health System shall be covered by this Policy and shall be deemed to have consented to testing as required by this Policy and consent is implied by the performance of such services.
2. Any Geisinger Health System Employee who refuses to cooperate in any aspect of the Drug and/or Alcohol testing process described in this Policy shall be subject to disciplinary action, including termination, for a first refusal or any subsequent refusal.
3. Any Geisinger Health System Employee who violates this Policy's prohibition concerning Drug and/or Alcohol possession and/or use, in any manner whatsoever, shall be subject to disciplinary action, including termination for a first offense or any subsequent offense.
4. Any Geisinger Health System Contractor who refuses to cooperate in any aspect of the Drug and/or Alcohol testing process described in this Policy or who violates this Policy's prohibition concerning Drug and/or Alcohol possession and/or use, in any manner whatsoever, shall be subject to contract termination.
5. Offers of employment shall be withdrawn for an Applicant Conditionally Offered Employment who does not successfully complete a drug-screening test (no presence of Drugs). This applies to all offers of employment where the employment begins after December 31, 2002.

#### **ALCOHOL AND DRUG POSSESSION AND USE PROHIBITED:**

1. *Prohibitions.*

1. No Geisinger Health System Employee may use, possess, transport, promote or sell Alcohol, or any Drug or Drug Paraphernalia while performing work for Geisinger Health System, while on Geisinger Health System Premises (which includes being in personal vehicles in Geisinger Health System parking lots), while representing Geisinger Health System on Geisinger Health System business off-site, or while operating their own personal vehicle while on Geisinger Health System business, unless specifically permitted under *Exceptions* Section (A)(1) *Alcohol* below.
2. No Geisinger Health System Contractor may use, possess, transport, promote or sell Alcohol, any Drug or Drug Paraphernalia while performing work for Geisinger Health System on Geisinger Health System Premises (which includes being in personal vehicles in Geisinger Health System parking lots).
3. No Geisinger Health System Employee may report for work, or go or remain on duty while:
  1. under the influence of or impaired by Alcohol; and/or
  2. under the influence of or impaired by any Drug.
4. No Geisinger Health System Contractor may provide services to Geisinger Health System while:
  1. under the influence of or impaired by Alcohol; and/or
  2. under the influence of or impaired by any Drug.
5. No Applicant Conditionally Offered Employment, who fails to successfully complete the drug-screening test will be employed.

2. *Exceptions*

A. *Alcohol*. The purchase of Alcohol with Geisinger Health System monies and the serving of alcohol at Geisinger Health System sponsored functions within or without the Geisinger Health System Premises after normal business hours or the consumption of alcohol at a Geisinger Health System sponsored activity or social event held within or without Geisinger Health System Premises after normal business hours is not prohibited by the Policy if:

1. specifically permitted under the guidelines set forth in the Geisinger Health System Drug and Alcohol Policy Protocol, such as, for example, recruitment or business meals, receptions or other similar business related events, or
2. specifically and expressly permitted by Geisinger Health System Executive Management in accordance with the guidelines set forth in the Geisinger Health System Drug and Alcohol Policy Protocol, and
3. the consumption of such alcohol is not inconsistent with the safe and efficient performance of the Geisinger Health System Employee's duties.

- B. *Prescribed and Over-the-Counter Drugs.* The use of prescribed or over-the-counter Drugs and/or Drug Paraphernalia, or possession incident to such use, is not prohibited by this Policy, if:
1. The Drug and/or Drug Paraphernalia has been legally obtained and is being used for the purpose for which it was prescribed or manufactured;  
*and*
  2. The Drug is being used at the dosage prescribed or authorized; *and*
  3. The use of the Drug and/or Drug Paraphernalia is not inconsistent with the safe and efficient performance of the Geisinger Health System Employee's duties or the safe and efficient provision of services by a Geisinger Health System Contractor. (See Section VII for information concerning a Geisinger Health System Employee's obligation to report the use of prescription and over-the-counter Drugs).
- C. *Transportation of Alcohol.* The transportation of Alcohol in an unopened untampered manufacturer's container is not prohibited by this Policy if:
1. The Alcohol container is placed in the individual Geisinger Health System Employee's or Geisinger Health System Contractor's personal vehicle upon receipt, or if not upon receipt, as soon as possible; and
  2. The Alcohol container is kept wrapped while on Geisinger Health System Premises.
  3. *Reasonable Judgment.* Geisinger Health System Employees are expected to use their discretion and exercise reasonable judgment in the consumption of Alcohol or use of prescribed or over-the-counter Drugs while traveling or during normal business hours when representing Geisinger Health System off-site at meetings or conferences for continuing education purposes. While not strictly on Geisinger Health System business, Geisinger Health System employees do represent Geisinger Health System and, in some cases, their presentation and demeanor may be the only experience outside individuals and entities may have with Geisinger Health System. Therefore, Geisinger Health System Employees may rely on the exceptions contained in subsection 2. above while traveling to and from and during normal business hours when attending such meetings provided the qualifications stated in the exceptions are met and the consumption of Alcohol or use of a prescribed or over-the-counter Drug is not inconsistent with the Geisinger Health System Employee's ability to travel in a safe and efficient manner.

**EMPLOYEE SUBSTANCE ABUSE TESTS:**

1. In order to assure compliance with Geisinger Health System's prohibitions concerning Alcohol and Drug use and as a condition of employment, Geisinger Health System Employees and Geisinger Health System Contractors are required to cooperate in Drug and/or Alcohol substance abuse testing procedures. Such tests may be administered upon reasonable suspicion of substance abuse, (this may include situations on a case by case basis where HR is made aware of alleged drug/alcohol use and deems it as reasonable cause to test the employee) or after serious on the job accidents which result in (i) injury to a patient, Geisinger Health System Employee, or other person, or (ii) property damage in excess of Five Hundred Dollars (\$500). Blanket testing of groups of Geisinger Health System Employees may be administered upon reasonable suspicion of a drug diversion where circumstances suggest that the Geisinger Health System Employees to be tested had access to the suspected diverted substance(s).
2. Tests shall be accomplished through the use of a breathalyzer, salivary test, analysis of urine and/or blood samples, or other clinically acceptable methods. A negative result on a breathalyzer or salivary test does not require further testing. A positive result must be confirmed by a blood alcohol test.
3. Prior to the testing or the collection of the urine and blood samples, the Geisinger Health System employee shall be notified in writing that the employee is being tested for the presence of Drugs and/or Alcohol. Where samples of blood or urine are used, Geisinger Health System will cause the samples to be identified by number to insure confidentiality.
4. If the test performed by the Designated Laboratory of the samples is positive for any Drug, (Drug metabolite(s) or Alcohol, the samples shall be tested a second time by other reliable methods.
5. Geisinger Health System will notify the Geisinger Health System Employee of the results of any test that is positive for any substance included in the procedure. In the case of a positive result, Geisinger Health System will provide the Geisinger Health System Employee with an opportunity to explain the presence of the identified substance prior to taking any disciplinary action. Test results will not be maintained in the Geisinger Health System Employee's personnel records, but rather in a separate file as designated by the individual Geisinger Health System entity.

#### **APPLICANT SUBSTANCE ABUSE TEST**

In offering a position to a successful applicant, management will make the offer contingent upon successful completion of a drug-screening test (no presence of Drugs). If an Applicant Conditionally Offered Employment does not successfully complete the drug-screening test, the employment offer will be withdrawn. The individual may apply, and may be considered for a subsequent position. If conditionally offered the subsequent position, a drug- screening test must be successfully completed.

#### **CONTRACTOR SUBSTANCE ABUSE TESTS:**

The provisions of Article V, Employee Substance Abuse Tests, shall be applicable to Geisinger Health System Contractors, provided, however, that the Geisinger Health System Department of Legal Services be consulted prior to initiating testing in the event that the Geisinger Health System Contractor has their own policy regarding Drug and/or Alcohol testing.

**REPORTING REQUIREMENTS - USE OF PRESCRIPTION AND/OR OVER-THE-COUNTER DRUGS:**

1. Any Geisinger Health System Employee who is using a prescribed legal or over-the-counter Drug and who has been informed, has reason to believe or feels that the use of any such Drug may affect his or her ability to perform his or her job duties safely and/or efficiently is required to report such Drug use to his or her supervisor.
2. Any supervisor who has been informed by a Geisinger Health System Employee, or has reason to believe that a Geisinger Health System Employee is using a prescribed legal or over-the-counter Drug that may affect the individual Geisinger Health System Employee's ability to perform his or her job duties safely and/or efficiently shall report such information to the Geisinger Health System Authorized Party, who in turn shall consult with appropriate Geisinger Health System management, including legal counsel, the treating medical practitioner or a physician designated by Geisinger Health System.
3. In those circumstances where the use of a prescribed legal or over-the-counter Drug is inconsistent with the safe and efficient performance of duties, a Geisinger Health System Employee may be suspended or may be required to take sick leave, a leave of absence, or other action determined to be appropriate by Geisinger Health System management.

**SUMMARY OF DRUG AND ALCOHOL TESTING PROCEDURE AND RESPONSIBILITY OF Geisinger Health System PERSONNEL:**

Responsibility	Action
<b>Geisinger Health System Employee</b>	Observes Geisinger Health System Drug and Alcohol Policy. Performs assigned Geisinger Health System work free from the influence and/or impairment of Drugs and/or Alcohol. Reports to supervisor or his/her designee observations of any Geisinger Health System Employee who reports to work or appears to be working while under the influence and/or impaired by Drugs and/or Alcohol, or observations of any Geisinger Health System Contractor who appears to be providing contract services on Geisinger Health System

	Premises while under the influence and/or impairment of Drugs and/or Alcohol.
<b>Geisinger Health System Contractor</b>	Observes Geisinger Health System Drug and Alcohol Policy. Provides service to Geisinger Health System while free from the influence and/or impairment of Drugs and/or Alcohol.
<b>Supervisor</b>	Monitors Geisinger Health System Employees' performance. Upon observation and development of a reasonable suspicion that a Geisinger Health System Employee who reports to work or appears to be working under the influence and/or impairment of Drugs and/or Alcohol, solicits observation and second opinion from a Witness, while at all times ensuring and stressing confidentiality. For purposes of this section, "Witness" means a Geisinger Health System Employee of supervisory grade, or if not available, such other individual as the Geisinger Health System Authorized Party deems appropriate. Monitors Geisinger Health System Contractor's performance in the same manner.
<b>Witness</b>	Observes Geisinger Health System Employee in question and based upon facts and circumstances determines whether he/she has a reasonable suspicion that the employee has reported to work or is working under the influence and/or impairment of Drugs and/or Alcohol. Communicates determination to supervisor. At all times ensures confidentiality regarding such Drug and Alcohol incidents. Documents incident. Observes Geisinger Health System Contractor in question in the same manner.
<b>Supervisor</b>	If Witness has a reasonable suspicion the Geisinger Health System Employee in question has reported to work or is working

	<p>under the influence and/or impairment of Drugs and/or Alcohol, solicits third opinion from Geisinger Health System Authorized Party or his/her designee, while at all times ensuring and stressing confidentiality. Brings similar issues regarding Geisinger Health System Contractors to the attention of the Geisinger Health System Authorized Party or his/her designee in the same manner.</p>
<b>Geisinger Health System Authorized Party</b>	
	<p>Through direct observations of Geisinger Health System Employee in question and/or discussion with Supervisor of behavior of Geisinger Health System Employee in question, based upon facts and circumstances determines whether he/she has a reasonable suspicion that the Geisinger Health System Employee has reported to work or is working under the influence and/or impairment of Drugs and/or Alcohol. Makes similar assessment with regard to a Geisinger Health System Contractor in question.</p> <p>Communicates determination to Supervisor. Assists Supervisor per step 7 below, as appropriate. At all times ensures confidentiality regarding such Drug and Alcohol incidents. Documents incident.</p> <p>With regard to Geisinger Health System Contractor, consults with Geisinger Health System Department of Legal Services prior to initiating testing.</p>
<b>Supervisor</b>	
	<p>If the Geisinger Health System Authorized Party has a reasonable suspicion the Geisinger Health System Employee in question has reported to work or is working under the influence and/or impairment of Drugs and/or Alcohol, the Supervisor advises employee (i) to submit to an Alcohol and/or Drug urine/blood test, per applicable Geisinger Health System Drug</p>

	and Alcohol protocol, and (ii) that failure to so submit will result in termination of employment and (iii) that his/her shift is over and the shift balance will be unpaid unless the Alcohol and/or Drug urine/blood test is negative. Documents incident.
	As applicable (i) complies or (ii) refuses to comply with Alcohol and/or Drug urine/blood test per applicable Geisinger Health System Drug and Alcohol Protocol.
<b>Supervisor</b>	
	As applicable, takes appropriate action up to and including termination.
<b>Geisinger Health System Management</b>	
	As applicable, terminates contract with Geisinger Health System Contractor.

**SUMMARY OF DRUG TESTING PROCEDURE OF APPLICANTS**

<b>Responsibility</b>	<b>Action</b>
<b>Management/Human Resources</b>	Makes any offer of employment contingent upon satisfactory completion of a drug-screening test as set forth herein.
<b>Applicant Conditionally Offered Employment</b>	Complies with drug-screening process within four (4) days of receipt of conditional offer of employment.
<b>Management</b>	If test is negative, informs applicant and confirms details of employment.
<b>Human Resources</b>	If test is positive, withdraws conditional offer of employment on behalf of Geisinger Health System and informs applicant of re-application policy.

## **EMPLOYEE-AT-WILL:**

Nothing in this policy is to be construed to create in any Geisinger Health System Employee any status other than as an employee-at-will.

## **GEISINGER HEALTH SYSTEM DRUG AND ALCOHOL TESTING PROTOCOL GUIDELINE:**

Each Geisinger Health System region shall have protocol for handling Geisinger Health System Employee Drug and Alcohol incidents, which shall have the following general guidelines.

Establishes a mechanism for approval consistent with this Policy of the serving of Alcohol at Geisinger Health System sponsored functions held within or without the Geisinger Health System Premises or where Alcohol is purchased with Geisinger Health System monies as contemplated in Section IV., B., 1 of this Policy.

Geisinger Health System Employees having Drug and/or Alcohol use or abuse problems are encouraged to voluntarily seek assistance.

When a Geisinger Health System Employee has taken an Alcohol and/or Drug urine/blood test or has been advised that he/she may not continue his/her shift, the Geisinger Health System Employee will be given the opportunity to call friends or family to secure a ride home, and, as applicable, a place to wait for that ride.

Geisinger Health System management will make a reasonable effort to maintain confidentiality in the administrative handling of matters relating to Geisinger Health System Employee Drug and Alcohol testing.

Geisinger Health System will encourage the use of its Employee Assistance Program for Geisinger Health System Employees having problems with Drug and/or Alcohol use or abuse.

All such protocols or changes to established protocols shall be submitted by the Geisinger Health System region to the Geisinger Health System Operations Committee for approval prior to implementation to ensure system-wide coordination and consistency.

## **VIOLATIONS:**

Geisinger Health System Employees who violate this policy will be subject to discipline up to and including termination.