



# HURON BEHAVIORAL HEALTH OPERATIONAL POLICY

Policy #: **HR.1.04**  
Issue Date: **07/20/10**  
Rev. Date: **07/05/22**  
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## Title: **Drug-Free Workplace and Employee Drug Screening Policy**

Prepared By: **Human Resource Manager**

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### **Purpose:**

The purpose of this policy is to ensure a safe and drug-free workplace.

### **Scope:**

This policy applies to all employees (including full-time and part-time employees), contract providers, volunteers, students, and/or interns of Huron Behavioral Health (HBH).

### **Information:**

1. This policy is intended to notify employees that it is unlawful and prohibited by policy to manufacture, distribute, dispense, or use controlled substances in the employee's workplace.
2. It is the policy of Huron Behavioral Health that a designated medical authority will conduct the following drug and/or alcohol tests to ensure a drug-free workplace:
  - All pre-placement applicants;
  - Any employee, post workplace accident or injury, and;
  - Any employee, for reasonable suspicion.

### **Policy:**

#### **A. General:**

3. HBH has a legal responsibility to provide a safe work environment. Use of illegal drugs, drug dependence, and drug and/or alcohol abuse can endanger consumers, and seriously impair an employee's work performance, general physical health, and mental health.
2. Public Act 41 Chapter 10, Section 701–702 (also known as the Federal Drug-free Workplace Act of 1988) sets forth requirements for federal contractors and federal grant recipients to comply with drug-free workplace requirements which include ensuring that employees are free from drug dependence, illegal drug use, and drug or alcohol abuse. This policy has been developed to ensure compliance with Public Act 41, to ensure an employee's fitness for duty as a condition of employment, and to ensure drug tests are ordered when there is reasonable and objective cause. By the issuance and ongoing support of this policy, HBH supports the purpose and goals of PA 41 and hereby states its intention to comply with this Act and to make continuing "good faith" efforts to maintain a drug-free workplace. All employees are expected to cooperate and give this policy their full support.
3. Illegal drugs in the workplace present a danger to employees as drugs impair safety and health, promote crime, lower productivity and work quality, and undermine public confidence. In accordance with the Federal Drug-free workplace Act of 1988, HBH has adopted the following:
  - All HBH premises, including work sites, agency-owned property surrounding the work sites, agency vehicles, and any area in which a HBH employee is conducting agency business (personal vehicle being used for work business, any community location including a consumers' residence) are declared to be drug-free work places.
  - All employees are strictly prohibited from unlawfully manufacturing, selling, distributing, dispensing, possessing, or using controlled substances or being under their influence of such substances in the workplace.
  - If HBH has reason to believe an employee may be under the influence of drugs, marijuana, or alcohol, HBH may request the employee to undergo drug and/or alcohol testing in accordance with the protocols described herein. Employees will be requested to sign a "[Consent to testing for illegal Controlled](#)

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[Substances and/or Alcohol Form" \(90-484\)](#). Should the employee refuse to undergo testing, he/she will be presumed to have violated this policy and shall be subject to immediate and automatic termination. If the employee agrees to testing, he/she must also agree to release the test results to HBH. HBH will arrange for the testing to be done immediately and will transport the employee to the testing location. This is not negotiable. The employee will be suspended with pay during the testing procedures and while awaiting the test results.

**B. Drug Testing Protocols:**

These protocols apply to HBH's requests for submission of either a urine or a blood specimen:

1. HBH shall be solely responsible for all costs incurred in conjunction with the securing of all of the required specimen(s) and the necessary laboratory analyses and report(s).
2. HBH shall have the responsibility for initially selecting a laboratory that will properly conduct the drug test and furnish reliable results. The laboratory selected must also provide the ancillary services needed, including specimen retention of "positive" samples for at least six (6) months. The laboratory shall have the capability of timely provision of hard-copy reports of specimen and analysis results within forty-eight (48) to seventy-two (72) hours after specimen collection.
3. HBH shall make the necessary advance arrangements for approved medical collection of the urine/blood sample by qualified medical personnel in an agency-approved setting in a medical office, clinic, or lab. Sample collection and testing shall take place upon the employee/applicant's receipt of notice from HBH of a drug test request. The notice to the employee/applicant shall be verbal with written confirmation.
4. The medical facility personnel's credentials and procedures shall be reviewed and approved by the Board in order to satisfy the Board's need for a proper chain of custody and to minimize the risk of adulterated samples.
5. HBH shall have the absolute right to approve or reject the selection of a laboratory to conduct the testing on urine or blood specimens collected.
6. The employee/applicant shall cooperate with the arrangements and procedure necessary to assure thorough 'chain of custody' documentation in order to positively link the employee/applicant's sample to the ultimate test result. Documentation shall be required to include signatures, dates, and times of all persons who handle the specimen from the time the specimen(s) are collected until results are reported and what actions were taken in each step of the specimen and testing process.
7. The employee/applicant shall sign any necessary forms to authorize the clinic, medical facility and/or doctor's office and the laboratory to disclose the test results immediately to HBH. The employee/applicant's refusal to sign the form and/or the employee/applicant's withdrawal or rescission of previously executed authorization shall constitute a violation of the Board's rules, regulations, and policies and is a basis for immediate termination of the employment relationship.
8. If the test results from a preliminary test are positive, the employee/applicant shall be asked to provide proof of prescription either from their prescribing physician or bring in the original medication container and/or over-the-counter medication the employee/applicant was taking at the time of testing. The purpose of requiring this list of medications shall be to identify possible causes of false positives due to cross-reactivity with the medications that the employee/applicant is taking. A copy of the results of the drug test shall be furnished to the employee/applicant immediately upon request. If it is determined that disciplinary action shall occur, the employee shall be given/offered a pre-termination hearing.
9. HBH shall treat the drug test results as highly confidential information and shall retain drug test results in the same manner in which it maintains other confidential medical data about employees and/or applicants. (See also "[Personnel Files and Record Retention Policy](#)" HR.1.03.)
10. HBH shall ensure the confidentiality of drug test results and shall protect against the unauthorized disclosure of test results both internally and outside of HBH. Within the agency, access to the test results shall be restricted to individuals with a "need to know" the results.

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11. HBH shall not divulge test results to third parties (such as other employees or prospective employers) without the express written consent of the employee/applicant.
12. A "positive" result shall not be released or relied upon until a confirmatory test has verified its accuracy. Confidential hard-copy results of testing shall be provided to HBH within forty-eight (48) to seventy-two (72) hours after specimen collection.
13. If termination results, HBH shall deduct the time paid while the employee was on suspension from the employee's final paycheck.
14. A drug awareness program for all employees on the dangers of drug abuse in the workplace is available (through on-line educational courses). To assist employees in overcoming drug abuse problems, HBH may offer drug/substance use disorder counseling, rehabilitation, or other assistance. (See the Human Resources Manager for additional information.)
15. HBH has also contracted with Espyr, an Employee Assistance Program (EAP) provider. The EAP program is confidential and offers assistance with a host of services including psychologists, social workers, family and individual counselors, alcohol and drug counselors, and other professionals at no cost to the employee. Employees may contact Espyr by calling (800) 869 - 0276.
16. Any employee convicted of violating a criminal drug statute for an incident that occurred at the workplace must inform the Chief Executive Officer (CEO) of such conviction (including plea of guilty and nolo contendere/no contest) within five (5) days of the conviction. Failure to so inform HBH subjects the employee to disciplinary action, up to and including termination for the first offense. By law, HBH must notify the Federal granting or contract agency within ten (10) days of receiving such notice from any employee or otherwise receiving notice of such a conviction.

## Definitions/Acronyms:

### Acronyms:

CEO – Chief Executive Officer  
EAP – Employee Assistance Program  
HBH – Huron Behavioral Health  
HR – Human Resources  
PA – Public Act

### Definitions:

*Chain of Custody* - refers to the chronological documentation or paper trail showing the seizure, custody, control, transfer, analysis, and disposition of evidence, physical or electronic.

*Nolo contendere* - is a legal term that comes from the Latin for "I do not wish to contend." It is also referred to as a plea of "no contest".

### Forms:

[90-483 Reasonable Suspicion Record Form](#)  
[90-484 Consent to Testing for Illegal Controlled Substances and/or Alcohol Form](#)

### Records:

The HR Manager retains all medical records including records of drug testing, consent forms, etc. in accordance with the "[Personnel Record Retention Policy](#)" (HR.1.03).

### Reference(s) and/or Legal Authority

Federal Drug-Free Workplace Act of 1988 (PA 41) @ [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse\\_usc&docid=Cite:+41USC701](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+41USC701)  
[HR.1.03 Personnel Files and Record Retention Policy](#)

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Change Letter	Date of Change(s)	Changes
None		New policy to document Federal requirements relative to drug-free workplace.
A	02/11/14	Reviewed and revised to comply with 8 <sup>th</sup> edition COA standards -
B	04/26/16	Routine review – made several small grammatical corrections/changes without changing sentence content, corrected hyperlinks.
C	01/23/18	Reviewed by HR Manager – made several minor wording/grammatical changes/corrections throughout document without changing sentence content.
D	12/11/18	In title added "Drug-Free Workplace and", in "Policy" section A.2 added "of 1988" in 1 <sup>st</sup> sentence, in A.2 changed "provide a drug-free workplace" to "maintain a drug-free workplace", in A.3 3 <sup>rd</sup> bullet added "marijuana"
E	08/24/20	Made several minor grammatical/wording changes/corrections throughout policy without changing sentence content.
F	07/05/22	In "Information" section added #1, in "Policy" section added # 15, in "Acronyms" section added EAP, made several minor grammatical/wording changes/corrections throughout policy without changing sentence content.