



Drugs and Alcohol Policy

In compliance with the Drug-Free Workplace Act of 1988, Tanner Clinic has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse poses a threat to the health and safety of Tanner Clinic employees and patients. For these reasons, the clinic is committed to the elimination of drug and alcohol use and abuse in the workplace.

Employee Assistance

Tanner Clinic will assist and support employees who voluntarily seek help for drug or alcohol problems before becoming subject to discipline or termination under this or other clinic policies. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers, and otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests.

Once a drug test has been initiated under this policy, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and will face possible discipline, up to and including discharge.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.

Work Rules

Whenever employees are working, are present on Tanner Clinic premises, or are conducting company-related work offsite, they are prohibited from:

1. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
2. Being under the influence of alcohol or an illegal drug as defined in this policy.
3. Possessing or consuming alcohol.
4. Working while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties.

The presence of any detectable amount of any illegal drug, illegal controlled substance, or alcohol in an employee's body system, while performing company business or while in a company facility, is prohibited.

Testing

Pre-employment

Applicants being considered for hire must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable suspicion

Employees are subject to testing based on, but not limited to, observations by at least two members of clinic leadership (or one provider and one member of leadership) of apparent workplace use, possession, or impairment. Human Resources and/or the department director should be consulted before sending an employee for testing. Examples of behaviors and observations that create a reasonable suspicion that an employee is under the influence of drugs or alcohol may include:

- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).
- Odors (smell of alcohol, body odor, or urine).

When reasonable suspicion testing is warranted, management will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal by an employee will be treated as a positive drug test result and may result in immediate termination of employment.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee, or arrange for transportation, and arrange for the employee to be transported home.

Post-accident

Employees are subject to testing when they cause or contribute to accidents that:

1. Result in an injury to themselves or another employee requiring medical attention, or
2. Cause serious damage to company equipment or property.

In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. Refusal by an employee will be treated as a positive drug test result and may result in immediate termination of employment.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee, or arrange for transportation, and arrange for the employee to be transported home.

Collection and Testing Procedures

Employees subject to **alcohol** testing will be transported to a company-designated facility and directed to provide breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .04 or more, a second breath specimen will be tested approximately 20 minutes later. The results of the second test will be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the company's discretion. For purposes of this policy, test results generated by law enforcement may be considered by the company as work rule violations.

Applicants and employees subject to **drug** testing will be transported to a company-designated testing facility and directed to provide urine specimens. Employees may provide specimens in private unless they appear to be submitting altered, adulterated, or substitute specimens. Collected specimens will be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, and PCP use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

The laboratory will transmit all positive drug test results to a medical review officer (MRO) who will offer individuals with positive results a reasonable opportunity to rebut or explain the results. A positive test result will not be communicated to Tanner Clinic until such time that the MRO has confirmed the test to be positive.

Cost of Testing and Work Time

Any drug or alcohol testing by Tanner Clinic shall occur during or immediately after the regular work period of current employees and shall be deemed work time for purposes of compensation. Tanner Clinic shall pay all cost of testing for drugs or alcohol required by Tanner Clinic, including the cost of transportation, for current employees.

Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy may be terminated. If the

employee refuses to be tested, yet the company believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

Employees who test positive, or otherwise violate this policy, will be subject to discipline, up to and including termination. Disciplinary action may include any of the following:

1. Immediate termination of employment.
2. A requirement that the employee enroll in a company-approved rehabilitation, treatment, or counseling program, which may include additional drug or alcohol testing, as a condition of continued employment. An employee who does not participate in or complete a rehabilitation, treatment, or counseling program to the satisfaction of Tanner Clinic may be terminated.
3. A requirement that the employee submit to additional tests at any time, with or without cause, including any time after the employee has successfully completed a rehabilitation, treatment, or counseling program.
4. Other disciplinary measures in conformance with Tanner Clinic usual practices, policies, or procedures.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim, or other legal proceeding initiated by or on behalf of an employee or applicant.

Inspections

Tanner Clinic reserves the right to inspect all portions of its premises for drugs, alcohol, or other contraband. All employees, contract employees, and visitors may be asked to cooperate in inspections of their persons, work areas, and property that might conceal a drug, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

Crimes Involving Drugs

Tanner Clinic prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on company premises or while conducting company business. Tanner Clinic employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.

Tanner Clinic does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, Tanner Clinic reserves the right to take appropriate disciplinary action for illegal drug use, sale, or distribution while off company premises. All employees who are convicted of, plead guilty to, or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to Human Resources within five days. Employees who fail to comply are subject to discharge.

Definitions

“Company premises” includes all buildings, offices, facilities, grounds, parking lots, lockers, places, and vehicles owned, leased, or managed by Tanner Clinic or any site on which the company is conducting business.

“Illegal drug” means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

“Refuse to cooperate” means to obstruct the collection or testing process; to submit an altered, adulterated, or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

“Under the influence of alcohol” means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

“Under the influence of drugs” means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

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