

Purpose

To establish a drug free workplace policy that will protect the safety and well-being of the Agency's clients and employees.

Policy

- A. The Agency's employees are prohibited from the unlawful or unauthorized manufacture, distribution, dispensing, possession, or use of an illegal drug or alcoholic beverages while in the workplace, including the client's home; on Agency business; or on the Agency's time.
- B. The Agency's employees, including those who have direct client contact, will be subject to drug testing, as applicable, on hire, random, random/reasonable suspicion, post-accident/incident, and/or rehabilitation/re-entry.
- C. Per §558.253 of the Licensing Standards for Home & Community Support Services Agencies, the Agency will provide a copy of this Policy to anyone applying for services from the Agency and any person who requests it, as well as to its employees.
- D. The Agency complies with applicable Federal conscience and anti-discrimination laws prohibiting exclusion, adverse treatment, coercion, or other discrimination against individuals or entities on the basis of their religious beliefs or moral convictions as found in the Department of Health and Human Services, Office for Civil Rights, Rule 45 CFR, Part 88, Protecting Statutory Conscience Rights in Health Care, effective May 2019.

Definitions

- A. Drug: This term includes alcoholic beverages; illegal drugs, including marijuana; and/or prescribed and over-the-counter medication, including controlled substances.
- B. On hire: The employee will be subject to drug testing within three (3) working days of being hired. Appropriate disciplinary action will be taken if the results are positive.
- C. Post-accident/incident: The employee(s) will be tested if they are involved in on-the-job accidents, engage in unsafe behavior or activities on the job, pose a threat to themselves or others, cause bodily injury, cause property damage, or pose a danger to the overall operation of the Agency. Appropriate disciplinary action will be taken if the results are positive.
- D. Random: The Agency reserves the right to drug test the employees as it chooses. Everyone has an equal chance of being selected so there is no chance for subjectivity, favoritism, or manipulation of the process. Appropriate disciplinary action will be taken if the results are positive. Additionally, employees may be required to submit to drug testing when required by State or Federal law, regulation, or contractual obligation not otherwise anticipated by this Policy.
- E. Random/Reasonable Suspicion: The employee will be subject to drug testing on the basis of direct observation of drug use or the physical symptoms of being under the influence of drugs or alcohol; abnormal conduct or erratic behavior while at work; or absenteeism, tardiness or deterioration in work performance that is continuous and repeated over time. Appropriate disciplinary action will be taken if the results are positive.

- F. Rehabilitation/Re-entry: Periodic retesting of employees who have acknowledged substance abuse problems and who have participated in, or completed, substance abuse treatment or rehabilitation programs may be mandated.

Procedure

- A. Upon admission, the Agency provides the clients with a copy of its Drug Free Workplace Policy.
1. The Agency's representative conducting the admission will explain the Policy and answer any questions the client might have related to the Policy.
 2. The client will sign an acknowledgment of receipt of the Policy that will be returned to the Agency and retained in the client's record.
- B. Upon hire, employees will be oriented to the Agency's Drug Free Workplace Policy and expectations including, but not limited to:
1. There are substantial dangers of drug and alcohol abuse in the workplace.
 2. It is the Agency's policy to maintain a workplace free of illegal drugs and alcohol.
 - a. Accordingly, the employee is subject to drug testing on hire, random, random/ reasonable suspicion, post-accident/incident, and rehabilitation/re-entry.
 3. Management will advise the employee of counseling and rehabilitation programs that are available.
 - a. The Agency may, at its sole discretion, require an employee to participate in an appropriate counseling and rehabilitation program as the result of substance abuse violations.
 - b. Refusal to participate in such a program and to submit to retesting during the course of treatment will be grounds for termination.
 4. Employees taking legally prescribed or over-the-counter medications that might impair mental or physical functions, must notify Management prior to reporting to work and/or prior to taking the medication after the start of work. A doctor's note may be required.
 5. Employees must notify Management of any drug convictions within five (5) days of such conviction.
 - a. If the employee is performing services under a government contract, the Agency will notify the government contracting officer within ten (10) days of the Agency's receipt of a notice of conviction.
 - b. Appropriate disciplinary action will be taken as soon as is practical; but, within ten (10) days after receipt of the notice of conviction.
 - c. The information and action(s) taken will be documented in the employee's personnel file, excluding written reports of the conviction.
 6. All employees are responsible to report instances of possible substance abuse, including prescribed and over-the-counter medication used in a manner other than as directed.
 - a. Reported instances of substance abuse will be thoroughly investigated.

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- b. If the results indicate illegal drug or alcohol use, Management will follow the Agency's Progressive Discipline Policy, up to and including termination.
- c. The investigation will be documented and retained in the employee's personnel file.
 - i. The investigation and documentation are confidential.
- 7. Any questions will be answered and/or clarifications will be provided during or following orientation.
- 8. The employee will sign an acknowledgment of receipt of the Policy that will be retained in the individual's personnel file.
 - a. The acknowledgment serves as written consent for drug testing per the Agency's policy.
- C. The Agency's location and method of substance abuse testing are: (Check all that apply.)
 - At a certified laboratory that will ensure using systematic and reliable testing with chain-of-custody for samples, proper documentation, and confidentiality.
 - At the office where the Agency's Administrator will ensure the use of systematic and reliable testing with chain-of-custody for samples, proper documentation, and confidentiality.
 - Blood Hair Saliva Urine
 - Other: _____

References:

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"Drug-Free Workplace Policy." Texas Workforce Commission. Online. April 18, 2018.
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"Drug-Free Workplace Resource Guide." Texas Department of Insurance. Online. April 18, 2018.
<http://www.tdi.texas.gov/pubs/videoresource/drugfree.pdf>

"Workplace Drug Testing." Drug & Alcohol Testing Industry Association. Online. January 15, 2019.
<http://www.datia.org/datia-resources/27-credentialing/cpc-and-cpct/931-workplace-drug-testing.html>