

# VANDERBILT UNIVERSITY AND MEDICAL CENTER

## HUMAN RESOURCES POLICIES AND PROCEDURES

### SUBJECT: SUBSTANCE ABUSE POLICY

POLICY #: HR-035

EFFECTIVE DATE: August 1, 2002

## POLICY

Vanderbilt University is a drug free workplace and adheres to the Drug Free Workplace Act of 1988 and the Drug Free Schools and Communities Act Amendments of 1989. Substance abuse (both drug and alcohol abuse) has been proven to be detrimental to an individual's health and may jeopardize safety in the work place. Therefore, the unauthorized use or possession of alcohol, controlled substances or the use or possession of illegal drugs is prohibited on Vanderbilt premises or during Vanderbilt sponsored activities.<sup>1</sup> In addition, this policy prohibits the unlawful manufacture, dispensing or distribution of illicit drugs and alcohol by staff on University premises, while conducting University business off the premises, or as part of any University sponsored activities, including any activity with a federal grant. This policy delineates the appropriate action to take in the event that a staff member exhibits behavior consistent with alcohol or drug use in the workplace.

## PROCEDURE

When in the judgment of the supervisor, in consultation with Employee Relations, a determination is made that there is unauthorized use or possession of alcohol, controlled substances or the use or possession of illegal drugs, or if behavior or work performance of a staff member gives rise to performance related concerns that may indicate a need for drug and alcohol testing or some other action, the following procedure shall be used.<sup>2</sup> The procedure also applies to other violations of the policy as stated above.

### I. INTERVENTION GUIDELINES:

- A. The supervisor should notify Employee Relations for consultation prior to any action being taken. Employee Relations may recommend consultation with EAP (Employee Assistance Program). Based on the advice of Employee Relations or EAP the supervisor should immediately schedule an intervention meeting with the staff member.

The intervention meeting includes the following steps:

- Inform individual of the policy,
- Relieve the individual of assigned duties, and
- Advise the individual of the reason for the concern.

II. The impact of the problem on job performance, including interpersonal interactions

affecting the workplace should be documented. Examples include:

- Unusual or erratic behavior
- Unusual drug administration procedures or documentation in a clinical based environment
- Reports of unauthorized drugs and/or alcohol use on the job

B. After consultation with the Employee Relations Representative <sup>3</sup> the staff member is referred to Occupational Health Clinic (OHC) between the hours of 7:30 a.m. to 5:30 p.m., or the Emergency Department, evenings, weekends or holidays if testing is recommended. Examples of reasons for referral include the following:

- Behavior that is erratic or abnormal
- Knowledge or indication that staff member is currently involved in drug related activity
- Sleeping that is related to drug intake
- Disclosure by the staff member of use
- Other

Note: The immediate supervisor or manager must escort the individual to the screening site. Also, supervisor is required to arrange transportation for a staff member that is given Administrative Leave in these instances.

C. Pending the test results, the supervisor should place the staff member on paid administrative leave.

D. If the staff member refuses to be escorted or tested, the supervisor must first relieve the staff member of his/her duties by placing him/her on paid Administrative Leave and contact Employee Relations for the appropriate disciplinary action. Drug and alcohol testing is only one factor to be considered in making a determination regarding disciplinary action.

## II. FOLLOW-UP:

The Employee Relations representative will meet with the supervisor and staff member to discuss the test results and any disciplinary action taken. The Employee Relations Representative will also make a referral to the EAP when appropriate. Being unfit for work because of alcohol and/or illegal use or possession of a controlled substance or other violations of this policy may subject the staff member to disciplinary action up to and including termination.

## III. COUNSELING/EMPLOYMENT:

- C. Vanderbilt University Medical Center (VUMC) staff must also comply with OP #30-08 as well as any peer assistance program, licensing board or program or agency that requires disclosure. Requests for information from licensing boards, peer assistance groups or other referral sources must be referred to EAP.
- D. Vanderbilt staff may be referred or seek assistance for substance abuse counseling through the EAP. If the staff member discloses that they are in a treatment program, the supervisor should refer him/her to Employee Relations for possible consultation with the EAP. In addition, if a supervisor learns that a staff member has completed a treatment program, the supervisor should consult with Employee Relations to determine what action, if any, should be taken.
- E. Vanderbilt staff who enroll in and successfully complete a treatment program approved by the EAP and who agree to a written set of standards developed by EAP, may be eligible for continued employment or re-employment. Those who are required to enroll, but fail to enroll in such a program, who fail to follow the treatment prescribed, who fail to successfully complete the program, or who do not maintain the standards developed by EAP, may be discharged.
- F. Vanderbilt staff who are participating in EAP for alcohol or drug related problems will be required to submit to and be financially responsible for random drug and alcohol testing (blood or urine tests as appropriate). The specific guidelines for this testing are outlined in the agreement signed by the staff member with EAP. This agreement is viewed as a condition of continued employment and/or affiliation with Vanderbilt University. EAP will be responsible for scheduling urine/blood screens and notifying Employee

Relations of results. Staff who fail any random testing may be subject to discipline up to and including termination of employment.

#### IV. CONVICTION:

Vanderbilt staff convicted of any criminal drug statute are required to notify their supervisor in writing within five (5) calendar days of the conviction. Any individual so convicted or who fails to report the conviction may be subject to disciplinary action up to and including termination, and/or be required to enroll in and successfully complete an approved treatment program.

#### GENERAL

The University may impose disciplinary sanctions on staff, up to and including termination of employment and referral for prosecution, for violation of this policy. Additional information on the legal sanctions and health risks is available on the University website at [www.vanderbilt.edu/student\\_handbook/alcohol.htm](http://www.vanderbilt.edu/student_handbook/alcohol.htm).

#### Footnotes

**1** See See Drug Free Workplace statement: <http://www.vanderbilt.edu/HRS/hrs.htm>

**2** Please refer to HR-014, Performance Improvement Counseling (PIC) and HR-015, Discharge Policy

**3** Employee Relations Representatives are on-call 24 hours a day through the Central Paging System.

**4** See Medical Center Alcohol and Drug Use Policy at <http://mcapps02.mc.vanderbilt.edu/E-Manual/Hpolicy.nsf>

This policy is intended as a guideline to assist in the consistent application of University policies and programs for staff. The policy does not create a contract implied or expressed, with any Vanderbilt staff members, who are employees at will. Vanderbilt reserves the right to modify this policy in whole or in part, at any time, at the discretion of the University.

**Approved by Lauren J. Brisky, Vice Chancellor, Administration**

**Approved by Harry Jacobson, M.D. Vice Chancellor, Health Affairs**