

Policy. The following rules represent the University of Mississippi Medical Center's policy concerning substance abuse. They are enforced uniformly with respect to all employees, as indicated:

1. All employees are prohibited from being under the influence of alcohol or illegal drugs during working hours.
2. The sale, possession, transfer or purchase of illegal drugs on Medical Center property or while performing Medical Center business is strictly prohibited. Such action will be reported to law enforcement officials and licensing and credentialing agencies when appropriate. Such referrals will be done only after consultation with the director of human resources.
3. The use, sale or possession of an illegal drug or controlled substance while on duty is cause for immediate termination.
4. Any employee who commits an unlawful act on or off Medical Center premises or whose conduct discredits the Medical Center in any way, will be subject to disciplinary action, up to and including termination.
5. No alcoholic beverage will be brought onto or consumed on Medical Center premises.
6. Prescription drugs may be brought onto Medical Center premises. Such drugs will be used only in the manner, combination and quantity prescribed, as long as they do not impair the employee's ability to perform job functions.
7. Any employee whose off-duty abuse of alcohol or illegal or prescription drugs results in excessive absenteeism or tardiness or is the cause of accidents or poor work performance will be referred to Employee/Student Health Services for evaluation or will face termination depending upon the circumstances.
8. For purposes of this rule, an alcoholic beverage is any beverage, including beer, that may be legally sold and consumed and has an alcoholic content in excess of three percent by volume.
9. Drug means any substance other than alcohol capable of altering an individual's mood, perception, pain level or judgement. A prescribed drug is any substance prescribed for individual consumption by a licensed medical practitioner. An illegal drug is any drug or controlled substance of which the sale or consumption is illegal.

Purpose. The purposes of the policy set forth above are:

1. To establish and maintain a safe, healthy working environment for all employees;
2. To ensure the reputation of the Medical Center and its employees within the community and industry at large;
3. To reduce the number of accidental injuries to persons or property;
4. To reduce absenteeism and tardiness and improve productivity; and
5. To provide rehabilitation assistance for any employee who may seek such help.

The Medical Center regrets any inconvenience or problems that the policy may cause but believes that the overall benefit to the institution and its employees makes it both necessary and helpful.

Rehabilitation. Any full-time regular employee who feels that he/she has developed an addiction or dependence on alcohol or drugs is encouraged to seek assistance. Requests for assistance will be confidential. Requests for assistance may be directed to the individual's department head, supervisor, director of Human Resources or the director of employee/ student health services. Rehabilitation itself is the responsibility of the employee. A full-time regular employee seeking medical attention for alcohol or drug addiction is entitled to benefits under the Medical Center's group medical insurance plan. Any regular full-time employee who has successfully completed the initial employment period may be granted a temporary disability leave for a reasonable time. Normally, the leave will not extend beyond a six-month period to accompany the combined accrued major medical and personal leave. It is the intention of this policy and its entitlements to provide leave for rehabilitation that will encompass a reasonably predictable period of time. The Medical Center reserves the right to require certified medical statements in support of the University's need to determine that employees be permitted to work. Failure to provide the requested necessary documentation may result in a "nonpay" status for the period of time in question, and/or dismissal (although accrued personal leave and major medical leave exist).

Employees who are under treatment at approved rehabilitation programs may protect their employment status at the University of Mississippi Medical Center as follows:

1. The Medical Center has a temporary disability leave policy whereby, among other things, an employee, by his/her own volition, may request a temporary disability leave (TDL) to confidentially correct a drug/alcohol abuse problem before job performance is affected and noticed by management. Employees may keep their substance abuse problem and treatment confidential from the Medical Center if they wish to pursue this option. Because of the confidential nature of the ESAP, administered by Employee Health Services, the ESAP may still be used by the employee.

2. Employees who have been determined by the Medical Center to have a substance abuse problem and desire to go through a drug and/or alcohol rehabilitation program will be reinstated to their job or an equivalent job provided they:

- a. Take a temporary disability leave to correct their problem;
- b. Successfully complete an approved substance abuse rehabilitation program and maintain the preventive course of conduct prescribed by the employee's drug or alcohol program. Employees will be required to supply ongoing documentation to their respective department heads which indicates they are remaining substance free; and
- c. The leave that the employee is required to take under this option, shall commence on his/her last day of actual work. An employee may be paid if the individual has accrued leave time.

3. Any physician found to be impaired will be dealt with as specified in the Medical Staff Bylaws, Rules and Regulations of the University Hospital, University of Mississippi Medical Center. Upon returning from temporary disability leave, the employee must process through Human Resources and Employee/Student Health Services when notified by Human Resources. Employees will continue to accrue personal and major medical leave while on a paid leave status. Should the employee have a period of leave without pay, no leave time will accrue and insurance benefits can only be continued if payments are made by the employee through the Payroll office.

PRE-EMPLOYMENT DRUG SCREENING

As previously stated, it is the policy of the Medical Center to maintain a safe, healthy, and secure environment for its students, faculty, staff and patients. In addition, UMC attempts to employ only those applicants who are “materially free” of faulty personal history and behavior through the utilization of background investigations. Medical Center policy prohibits the unlawful use, manufacture, possession, distribution, or dispensing of drugs as defined in the “Policies For a Drug-Free Campus,” or alcohol or other drugs of abuse on UMC property or during UMC activities, so it is imperative that individuals who use illegal drugs be screened out during the initial employment process. Drug testing is required of all prospective employees, staff and faculty.

BACKGROUND INVESTIGATIONS

Investigations are conducted on each prospective employee to include previous employment, licensing, certifications, criminal, credit, and personal references. The degree of investigation will be determined by the position for which the individual applies.

Procedures to be Followed Before Request for Drug and Alcohol Screening

1. The supervisor who observes or to whom it is reported that an employee is under the influence of a drug and/or alcohol, must confirm the observations or report by establishing that there is reasonable cause for action which is manifest in the employee’s behavior and job performance.
2. Prior to initiating questioning on use or possession, the supervisor is to first consult with Human Resources personnel, if they are available. The supervisor is to have another supervisor present and limit questioning to that which will determine the employee’s general condition.
3. The supervisor is to follow the procedures outlined in the attached Attachment A and the Observation Checklist (Appendix G) must be fully completed and signed by both the supervisor and witness prior to requesting employee to be sent to Employee Health Services or emergency room for medical assessment and obtaining of specimens.
4. If the employee refuses to be tested after the supervisor has determined the need by the process outlined in No. 3 above, the employee should be suspended and told that, after further investigation, appropriate disciplinary action may be taken, up to and including termination.

5. Pending return of any test results, the employee should be suspended and told that appropriate disciplinary action may be taken once the test results are available, up to and including termination.
6. At the point that the employee has been suspended to await the results of the tests or because the employee has refused testing, the director of human resources will assume responsibility for the further direction of the incident.
7. Management and supervisors are to restrict conversations concerning possible violations of this policy to those persons who are participating in any questioning, evaluation, investigation or disciplinary action and who have a need to know about the details of the drug/alcohol investigation. This restriction includes not mentioning the name of the employee or employees suspected of violating this policy. Management, supervisors and investigators are to instruct other employees, except as stated above, not to talk about such possible violations.

Relationship to Employee Assistance Program. The Medical Center maintains an Employee/ Student Assistance Program (ESAP) which is administered by Employee/Student Health Services which provides completely confidential help to employees who suffer from alcohol or drug abuse and other personal / emotional problems. However, it is the responsibility of each employee to seek assistance from Employee/Student Health Services which provides completely confidential help to employees who suffer from alcohol or drug abuse and other personal/emotional problems.

Involvement of Law Enforcement Agencies/Licensing Agencies. The use, sale, purchase, transfer, theft or possession of an illegal drug is a violation of the law. The Medical Center will refer such illegal drug activities to law enforcement, licensing and credentialing agencies when appropriate. All such referrals will be done only after the vice chancellor for health affairs for health affairs is informed of all circumstances.

Responsibility. The administration of this policy is the responsibility of each department head and supervisor working in conjunction with the director of the Department of Human Resources.

EMPLOYEE ALCOHOL AND CONTROLLED SUBSTANCE TESTING RULES

The University of Mississippi Medical Center is required, as mandated by the Omnibus Transportation Employee Testing Act of 1991, by the Department of Transportation, to require each employee or applicant for employment who is required to possess a commercial drivers' license (CDL) to be tested for drugs, alcohol, or controlled substances. On February 15, 1994, the Department of Transportation (DOT) published final rules implementing the Omnibus Transportation Employee Testing Act of 1991. Every college and university will be required to conduct pre-employment/pre-duty, reasonable suspicion, random, and post-accident alcohol and controlled substances testing of each applicant for employment or employee who is required to obtain a commercial drivers' license. An employee covered by the rules will be prohibited from refusing to take a

required test. Colleges and universities also are required to impose penalties on covered employees whose test results confirm prohibited alcohol concentration levels or the presence of a controlled substance; comply with extensive new reporting and record keeping requirements; adopt an employee alcohol and controlled substances misuse program; and provide for alcohol and controlled substances misuse information for employees, supervisor training, and referral of employees to employee assistance programs. The following rules represent the Medical Center's policy concerning each employee or applicant for employment at UMC who is required to possess a commercial drivers' license (CDL) to be tested for drugs, alcohol, or controlled substances. This policy is enforced uniformly with respect to all employees, as indicated.

Employee Alcohol Testing

A. Program Requirements

The rules prohibit alcohol misuse that could affect performance of a safety related function. This prohibition extends to 1) use of alcohol on the job; 2) use of alcohol during the four hours (in most cases) before performance of a safety-sensitive function; 3) having prohibited concentrations of alcohol in the system while performing safety-sensitive functions; 4) exhibiting behavior and/or appearance characteristic of alcohol misuse or an adverse effect on the employee's ability to perform due to alcohol misuse while performing safety-sensitive functions, and 5) use of alcohol following an accident.

Following a determination that a covered employee has engaged in misuse of alcohol, UMC will follow the Medical Center's Drug Awareness Program Policy. Preemployment, random, post accident, reasonable suspicion, rehabilitation and follow-up controlled substance testing will be performed by Employee/Student Health or emergency room.

Employee Controlled Substance Testing Requirements

A. Program Requirements

A covered employee may not report for duty or remain on duty requiring the performance of a sensitivity-safety function when the individual uses any controlled substance. An exception to this rule applies in the case of an employee whose use of a controlled substance is pursuant to the instructions of a physician who has advised the employee that the substance will not adversely affect his or her ability to safely operate a commercial motor vehicle. UMC may require covered employees to notify Employee/Student Health Services of any therapeutic drug use. Following a determination that a covered employee had engaged in prohibited use of a controlled substance, UMC will follow the University of Mississippi Medical Center Drug Awareness Program Policy. Pre-employment, random, post accident, reasonable suspicion, rehabilitation and follow-up controlled substance testing will be performed by Employee/Student Health or emergency room.

Excerpted from UMMC Faculty and Staff Handbook and Personnel Procedures