

## George Ade Memorial Health Care Center

# Pre-Employment Drug Testing Policy

### 1. General:

GAMHCC conducts pre-employment screening to prevent hiring individuals who use illegal drugs or whose use of legal drugs indicate a potential for impairment or unsafe job performance.

GAMHCC has a vital interest in maintaining safe, healthful and efficient working conditions for its employees. Being under the influence of a drug on the job may pose serious safety and health risks to the user and his or her colleagues, as well as to the public we serve. The possession, use or sale of illegal drugs in the workplace may also pose unacceptable risks for a safe, healthful and efficient operation.

Job applicants, as defined in this policy, at GAMHCC will undergo screening for the presence of illegal drugs as a condition for employment. Applicants will be required to submit to a urinalysis test at a laboratory GAMHCC chooses.

GAMHCC does not discriminate against applicants for employment because of past drug abuse. It is current abuse of drugs which prevents employees from properly performing their jobs that GAMHCC will not tolerate.

This policy supersedes and revokes all previous practices, procedures, policies and other statements of GAMHCC whether written or oral, that modify, supplement or conflict with this policy. This policy may be amended at any time.

### 2. Policy:

GAMHCC is committed to a drug-free workplace. The purpose of this policy is to establish policies and procedures for pre-employment drug testing. GAMHCC will conduct pre-employment drug tests for all applicants for all positions who have received a conditional offer of employment.

### 3. Definitions:

**Applicant.** "Applicant" means a candidate who has been provided with a conditional offer of regular or temporary employment with GAMHCC. Applicants include former GAMHCC employees. (All PRN employees who have not worked in 30 days, will need to take a drug screening before reporting to active employment.) All applicants (regular or temporary) who have received conditional offers of employment with GAMHCC will be required to read this policy before undergoing testing and will be required to sign an appropriate acknowledgement and receipt.

All applicants who have been provided with a conditional offer of employment in any position shall, prior to commencing employment, submit to an established test for illegal drugs.

**Position.** "Position" means a set of duties and responsibilities assigned or delegated by competent authority for performance by one person.

**Illegal Drug.** "Illegal Drug" means any controlled substance listed in schedules I through V of the federal Controlled Substances Act (21 U.S.C. 812), medication or other chemical substance that (1) is not legally obtainable; or (2) is legally obtainable, but is not legally obtained, is not being used legally or is not being used for the purpose(s) for which it was prescribed or intended by the manufacturer. Thus, illegal drugs may include over-the-counter medications, if they are not being used for the purpose(s) for which they were intended by the manufacturer.

**Legal Drug.** "Legal drugs" means prescribed or over-the-counter drugs that are legally obtained by the applicant and used for the purpose(s) for which they were not intended by the manufacturer.

**Adulterated Sample.** "Adulterated Samples" are urine collections that are contaminated, impure, mixed or polluted.

**On Duty.** "On duty" means all working hours, as well as meal periods and break periods, regardless of whether on GAMHCC property, and all hours when an employee represents GAMHCC in any capacity.

**Medical Director.** "Medical Director" means a properly licensed physician who reviews and interprets results of drug testing and evaluates those results together with medical history or any other relevant biomedical information to confirm positive and negative results. (Contracted by GAMHCC.)

### 4. Specimen Testing Procedures:

Urine specimens will be tested only by appropriate professional personnel at the laboratories that are properly approved to conduct drug testing by the U.S. Department of Health and Human Services (SAMISHA, formerly NIDA), the College of American pathologists or the Department of Health Services. The testing facility and the Medical Director will take appropriate steps to preserve the chain of custody of specimens to ensure testing accuracy.

Specimens will be tested only for the presence of illegal drugs and their metabolites. (See "Illegal Drug" definitions.)

Positive initial screening test results for applicants also will be confirmed by gas chromatography/mass spectrometry or other appropriate methods of confirmatory analysis.

### 5. Consequences of Refusal:

Applicants who refuse pre-employment drug testing will not be hired and are disqualified from employment. However, after a twelve (12) month period from the date of refusal from the original test, an applicant may re-apply for a position at GAMHCC.

#### Examples of refusal of pre-employment drug testing.

Any applicant who declines an offer of employment for reasons not related to drug testing shall not be deemed to have refused drug testing.

Any applicant who expressly declines drug testing or engages in conduct that clearly obstructs the testing process shall be deemed to have refused drug testing.

Any applicant who fails to appear for drug testing after proper notification shall be deemed to have refused drug testing.

Any applicant who fails to provide adequate urine for testing without a valid medical reason shall be deemed to have refused testing.

**Adulterated Sample.** If the testing laboratory and the Medical Director determines that the sample of an applicant has been adulterated, the applicant shall be deemed to have refused drug testing.

### 6. Screening Process and Results:

**Rejected Sample.** An applicant whose sample is rejected by the testing laboratory may, at the discretion of HR/Office be directed to appear for retesting.

## **Pre-Employment Drug Testing Policy**

**Unsuitable Sample.** If the testing laboratory and the Medical Director determine that the sample of an applicant is unsuitable for testing without legitimate medical explanation, the applicant may, at the discretion of the HR/Office, be directed to appear for retesting.

**Negative Results.** An applicant whose results of drug testing do not indicate illegal drug usage may be considered as eligible for employment. Such negative results may be utilized for a period of ninety (90) calendar days, after the date the test was administered.

**Positive Results.** An applicant whose results of drug testing indicate that an illegal drug(s) has been used shall be disqualified from employment. However, after a twelve (12) month period from the date of the original test, an applicant may re-apply for a position at GAMHCC.

**Non-Disclosure.** Results of pre-employment drug testing shall remain confidential to HR/Office on a business need-to-know basis and shall be confidential and shall not be disclosed, unless necessary for the administration of this rule or otherwise mandated by other state or federal law.

**Laboratory Reports.** The testing laboratory shall forward the results of all pre-employment drug tests to the Medical Director, who shall assure the security of such results.

**Reporting Negative Results.** The Medical Director shall forward negative results of pre-employment drug tests to HR/Office as soon as practicable. HR/Office shall notify the appropriate Department Supervisor that the applicant is eligible for employment.

**Reporting Positive Results.** Laboratory reports indicating the presence of an illegal drug(s) shall be retained by the Medical Director, until a final determination is reached. Such information shall be confidential and shall only be available to the Medical Director and the affected applicant. Positive laboratory reports shall be reviewed and determinations of legal or illegal usage shall be made in accordance with procedures established by the Medical Director.

### **7. Process and Applicant Contact Procedure:**

#### **A. Drug Testing Process:**

After the Department Supervisor interviews and selects an applicant, the appropriate forms will be returned to the HR/Office. The HR/Office will refer the candidate applicant to the drug-testing facility. Applicants must read and sign the "*Acknowledgement, Consent and Information Form*" indicating he/she has received and read the "GAMHCC Pre-Employment Drug Testing Policy." The Medical Director, upon completing the test, will notify the HR/Office of the test results.

**If the results are positive:** The HR/Office will notify the hiring Department Supervisor that the applicant is disqualified for employment. The applicant will be notified by the HR/Office.

**If the results are negative:** The HR/Office will notify the hiring Department Supervisor to continue the hiring process with the applicant.

#### **B. Medical Director Responsibilities:**

The Medical Director shall, upon receipt of a positive laboratory report, attempt to contact the applicant at the daytime or home phone number indicated on the drug testing form. The Medical Director shall attempt

to determine if there is an alternative medical explanation for the positive report. If the applicant expressly refuses to discuss the results of the pre-employment drug testing with the Medical Director, or declines the opportunity to provide an explanation of the results or admits to the usage of an illegal drug(s), the Medical Director, without further action or review, shall report to HR/Office the applicant's positive test results. HR/Office shall report to the Dept. Supervisor that the applicant is disqualified from employment for a period of twelve (12) months from the original test. The applicant may re-apply for a position twelve (12) months from the date of the original test.

If the Medical Director is unable to directly contact the applicant within two (2) business days of the initial attempt, the Medical Director shall contact the HR/Office. The HR/Office shall attempt to contact the applicant and shall inform the applicant that the applicant must contact the Medical Director by the end of the next business day, or the applicant shall be considered to have tested positive for the use of illegal drugs, and shall be considered to have been disqualified from employment with GAMHCC for a period of twelve (12) months from the date of the original test.

If the HR/Office is unable to contact the applicant within two (2) business days of the initial attempt, the HR/Office Mgr. shall notify the Medical Director, who will then deem the applicant to have positive results.

### **8. Copy of Test Results:**

The Applicant may request a copy of his/her test result report. To obtain a copy, please contact the HR/Office Manager.

### **9. Confirmatory Test:**

Any test which indicates the presence of illegal drugs shall be followed by a confirmatory test using gas chromatography/mass spectrometry analysis. If results of the confirmatory test indicate the presence of illegal drugs, such results shall be reviewed and interpreted by the Medical Director to determine if there is an alternative medical explanation. The testing facility will contact the individual applicant directly if confirmatory test and medical review is necessary. If the applicant provides appropriated documentation and the Medical Director determines that it is a legitimate usage of the substance, the results shall be reported as negative.

### **10. Hiring Process:**

#### **Job Positions and Advertising:**

All positions will require a pre-employment drug test for external applicants. All external postings and advertisements and internal Notices for "Position Available" will include this statement: "GAMHCC is committed to a drug-free workplace. This position requires a pre-employment drug test for external applicants."

#### **Recruiting, Prescreening and Interviewing:**

All applicants will be advised of GAMHCC's commitment to a drug-free workplace and that the position for which they are applying requires a pre-employment drug test.

### **11. Disqualification from Employment:**

An applicant who refuses to submit to or fails to appear for an established test for illegal drugs or who has positive test results shall be disqualified from employment by GAMHCC. Such disqualification shall be in effect for a period of twelve (12) months from the date that such test was administered or offered, whichever is later.