

Subject: **Drug Testing Policy**

Applies to: Unless otherwise stated below, all Faculty, Staff, Medical Residents & Fellows, Student Employees, and Volunteers

I. Policy: It is the policy of the University of Rochester to maintain a drug-free workplace (Policy 171) and to thereby establish, promote, and maintain a safe, healthy, working and learning environment for employees, students and volunteers, and a safe and healthy environment for patients. Unauthorized use or possession of alcohol or controlled substances at work, including being under the influence or impaired by alcohol or controlled substances at work or while engaged in university business, on or off campus, is prohibited. This policy establishes the grounds for testing and testing process for purposes of determining whether covered individuals are engaged in substance abuse in violation of University policy.

II. Definitions:

Controlled Substance: any controlled substance in schedules I through V of Section 202 of the Controlled Substance Act (21 U.D.V. 812).

Drug Test: urine testing, oral swab, or other similarly minimally invasive test for the presence of a controlled substance or their metabolites. Breath testing for alcohol.

Medical Review Officer (MRO): a licensed physician with knowledge of substance abuse disorders employed or utilized to interpret drug test results.

Patient Sensitive Position: a position involving patient contact, patient diagnostic or therapeutic functions, or a position in which the individual works in or has job-related access to patient care areas.

III. Grounds for Testing:

A. Applicant Testing: In accordance with University Policy, a health assessment, including a drug test, will be administered to covered individuals. See Policy 168.

B. Reasonable Suspicion: A health assessment, including a drug test, may be administered to a covered individual when a supervisor and/or designee, after consulting with Human Resources, concludes, after reviewing the facts and circumstances, that it is more likely than not the covered individual has engaged in conduct that violates this policy. Reasonable suspicion of drug and/or alcohol use may be based on: (1) observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug or alcohol; (2) a pattern of abnormal conduct or erratic behavior in the workplace; (3) information provided by reliable and credible sources regarding the covered individual's violation of this policy; or (4) newly discovered evidence that an individual tampered with a previous drug test. All employees tested under this provision shall be placed on administrative leave pending the results and review of the drug test by the designated management official. Tested volunteers and students will be temporarily relieved from service.

- C. Drug Loss or Diversion Event: For A drug test may be administered when a drug loss and/or diversion event occurs (identified and/or unexplained controlled substances and/or alcohol missing or diverted from the work place). A supervisor may, in consultation with Human Resources, require any covered individual who had reasonable access to the controlled substances or alcohol during the time of the drug loss or diversion event to submit to a test.
- D. Return to Work Agreements: A drug and/or alcohol test may be required before a covered individual returns to work after engaging in conduct prohibited by this policy. Individuals in patient or safety sensitive positions may be tested at random as part of a return to work agreement.
- E. Agency Directives: Individuals may be tested as required or requested by state or federal agencies.
- F. Where otherwise required by law (e.g., DOT, etc.).

IV. Testing Process:

- A. Once the covered individual is scheduled for a drug test, the individual must report to a designated collection site at the scheduled time. Current employees who fail to report to the collection site at the designated time or who fail to provide a specimen suitable for testing shall be deemed to have failed the test and may be placed on administrative leave pending an investigation.
- B. Upon arriving at the collection site, the covered individual will be asked to sign a waiver consenting to the test. Refusing to consent to a test will be grounds for discipline, up to and including termination. The procedure for sample collection shall allow privacy for the subject of the test. Storage and transportation shall be performed so as to reasonably preclude sample contamination or adulteration. Reasonable efforts will be made with respect of dignity of the individual tested.
 - i. The University of Rochester shall designate a certified laboratory to perform the testing. Testing will conform to scientifically acceptable collection, identification, handling and analytical methods, including confirmation of any positive test by a method consistent with industry standards.
 - ii. Once the sample has been analyzed, the MRO will review and interpret each confirmed positive test or non-negative test to determine if there is an alternative medical explanation for the result. The MRO may conduct any investigation he or she deems necessary, including but not limited to interviewing the individual testing positive; reviewing the individuals medical history and medical records to determine if the positive result was caused by a legally prescribed medication, requiring proof of a legal prescription; requiring a re-test of the original specimen; and/or verifying that the laboratory report and the specimen are correct. The MRO will be required to conduct him or herself in accordance with guidelines published in the Medical Review Officer's Manual published by the Department of Health and Human Services.

V. Drug Test Results:

- A. A test is positive and the individual has therefore failed the test if the sample contains drugs and/or metabolites for which the MRO concludes there is no legitimate explanation other than the use of a prohibited drug or alcohol. In addition, refusing to take a test, failing to report to the designated area for testing, failing to provide a sample suitable for testing and attempting to alter or tamper with the specimen will be interpreted as a failed test. Drug test results, except in cases involving faculty, residents or fellows, will be reported to the Associate Vice President of Human Resources or his or her designee and to the student's Academic Dean as negative, positive, dilute, invalid, or canceled. For faculty, residents, and fellows working in patient care areas in Strong Memorial Hospital or within the Medical Center, and for faculty in general, test results will be reported to the Hospital's Medical Director. For positive confirmed drug test results, the substance identified in the sample also will be reported.
- B. All information relating to the MRO's investigation, test results and subsequent substance abuse treatment shall be treated confidentially and will be placed in a file maintained by the MRO and physically separate from the employee's personnel file or the student's academic file.
- C. Within 72 hours after the covered individual has received notice of a failed test, the covered individual may request, in writing a re-analysis of the original sample at a certified laboratory of his or her choosing. The re-analysis of the original sample will be at the limits of detection rather than established cut-off values. The University shall pay half of the cost of the retest. The results of the retest shall be sent directly to and interpreted by the MRO.

VI. Disciplinary Action:

- A. The employment of probationary and other at-will employees who fail a drug test may be terminated immediately, at the discretion of the supervisor, in consultation with Human Resources.
- B. Faculty and staff employees who are not at-will employees who fail a drug test shall be placed on paid administrative leave pending an investigation. Further action will be based on the results of the investigation and existing University Policy and Procedures. A failed test may result in termination of staff employees in accordance with Policy 154. When applicable, the University also will comply with the Americans with Disabilities Act and the Rehabilitation Act of 1973.
- C. Volunteers failing a drug test pursuant to this policy will be immediately relieved from service pending an investigation by the manager of the department to which the volunteer reports and to the Friends of Strong office. A failed test may result in disqualification of service for a period of 12 months from the date of the test.

- D. Students failing a drug test pursuant to this policy shall be directed to the Academic Dean of the student's program of study. A failed test may result in expulsion from the academic program.

See also: #166 Health Assessment
 #168 Pre-Placement Drug Testing (see also #13.12 SMH Policy)
 #171 Drug Free Workplace