



Policy # Drug Free Workforce

Policy Title: Drug Free Workforce
Policy #
Policy Category: Human Resources

Policy Owner: Chief Compliance Officer
Approval Authority: CEO and Board of Trustees

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Related Policies:	
Additional Resources:	

Applicable Standards:	CAAS: CAAS:
Applicable Statues/Regulations/Law:	Federal Drug Free Workplace Act

1. Purpose

EMSA is a Federal Contractor and grantee and is required by Federal law to maintain a drug free workplace. EMSA is committed to providing a workplace that is free from drugs and alcohol to protect the health and safety of all Team Members and the public it serves. Drug and alcohol use and abuse have a detrimental effect upon high standards of performance and conduct, as well as, the safety of all team members, our patients, and the public we serve.

2. Scope

This policy applies to all EMSA Team Members, regardless of their position or assignment, whether temporary or otherwise.

3. General Policy Parameters

Under this policy, the following conduct is prohibited:

- A. Having a detectable trace of a prohibited substance in his/her system while on EMSA property, while conducting business for EMSA, or while taking care of patients. For purposes of this policy, a prohibited substance is any substance that has known effects which can alter or impair a function of the mind or body, specifically including, but not limited to:
 - 1. Illegal drugs
 - 2. Controlled substances
 - 3. Prescribed medication, which is not used as prescribed or which, even when used properly, can alter, or impair a function of the mind or body to the extent that the patient cannot safely perform the essential functions of his or her EMSA position or assignment, whether temporary or otherwise.
 - 4. Prescribed or non-prescribed medication not properly or adequately identified.
- B. **A Team Member found to have a detectable trace of a prohibited substance while on EMSA property while on-duty, during the performance of their duties at EMSA, or while taking care of**



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patients is in violation of this policy and is subject to discipline, including termination of employment, even for a first violation.

1. Use, possession, sale, purchase, or transfer of illegal drugs by Team Members while on duty or while on EMSA property.
2. Use or possession of alcohol or illegal drugs while on duty or while on EMSA property.
3. Consumption, possession, or transfer of alcoholic beverages while on duty or on EMSA property.
4. Being on duty or on EMSA premises while impaired by or under the influence of a legal drug if safety is compromised or if job performance is affected. No prescription drug will be brought on EMSA premises by any person other than the person for whom it is prescribed. Such prescription drug shall be used or consumed only in the frequency, manner, combination, and quantity prescribed. A prescription drug is any substance prescribed for individual consumption by a licensed medical practitioner. Any Team Member taking, or under the influence of, a prescription drug while on EMSA premises or while on duty shall notify his or her supervisor of any known effects or side effects of said prescription which has affected or may impact the team member's mental, emotional, or physical condition. If a Team Member is taking a prescribed medication that may impact performance, EMSA recommends that Team Member contact Human Resources to determine if there is a reasonable accommodation that would permit the Team Member to perform the essential functions of their position or assignment, whether temporary or otherwise.

C. Drug & Alcohol Testing

To enforce this policy against drugs and alcohol, EMSA will require a job-applicant or a Team Member to undergo a test for drugs and/or alcohol under the following circumstances:

1. **Testing for Applicants:** Applicants for all job positions, or for new positions or new assignments, including promotion or demotion, will be required to undergo testing for drugs and alcohol upon a conditional offer, or prior to or promptly upon a change of duties or new assignment. Job applicants will be provided a copy of this policy on or before acceptance of a conditional offer. A refusal or neglect to take the test or a positive test will result in the withdrawal of the conditional offer or, if the refusing person is a Team Member, the withdrawal (in EMSA's sole discretion) of the promotion or new assignment, and will also result in discipline, including termination of employment.
2. **Other Testing:** Current Team Members may be required to undergo testing for drugs and/or alcohol in the following circumstances, each of which constitutes cause for requiring a test:
 - a. **For Cause Testing:** Testing for drugs and alcohol at any time EMSA reasonably believes that a Team Member may be under the influence of or impaired by drugs or alcohol, including, but not limited to the following circumstances, each of which constitutes cause for requiring a test:



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- i. Drugs or alcohol on or about the person or in the apparel of a Team Member or in the vicinity of a Team Member.
 - ii. Physical symptoms of influence, impairment, or intoxication, observation of illegal drug use or attempted use or possession, a performance pattern of abnormal, unusual, or erratic behavior, or EMSA's receipt of other credible information of use or possession.
 - iii. A credible report of drug or alcohol use or possession by the Team Member.
 - iv. Credible Information that the Team Member has tampered or attempted to tamper with any aspect of drug and/or alcohol testing at any time.
 - v. Excessive or unexplained absence or tardiness of the Team Member.
- b. **Post-Accident Testing:** Testing for drugs or alcohol if the Team Member or another person has sustained an injury while on duty or on EMSA's premises, or if EMSA's real or personal property has been impaired or damaged, including damage to equipment, if the personal injury is of a type which could be the caused by or result from drug or alcohol use.
- c. **Random Testing:** Testing at random for drugs and alcohol of a Team Member or all members of an employment classification or group. Random testing may be limited to a particular employment classifications or groups. Team members who do not work in safety-sensitive positions or assignments will not be subject to random testing but will be required to undergo testing as otherwise provided in this policy or if there is reasonable suspicion that such Team Member has violated or is violating any requirement of this policy.
- d. **Scheduled, Periodic Testing:** Testing for drugs or alcohol if the test is conducted as part of a routinely scheduled Team Member fitness-for-duty medical examination or is scheduled routinely as part of EMSA's written policy. One example of routinely scheduled testing is the test required after a Team Member has been absent with approval for all or part of seven (7) consecutive shifts, each of which the Team Member would have been scheduled to work if leave had not been approved.
- e. **Post-Rehabilitation Testing:** Random testing for drugs and alcohol for a period of up to two (2) years commencing with the return to work of a Team Member following a positive test or following participation in a drug or alcohol treatment program or similar group, plan, or facility.

D. Substances That May be Tested

The substances which may be tested under this policy are drugs and their metabolites and alcohol. Drugs are considered "illegal drugs" under this policy if made illegal by law and, even if legal by law, are deemed to be "illegal" for a Team Member unless they have been legally prescribed to the Team Member or are over the counter medicines, which drugs are being used or consumed in the recommended dosage and with the prescribed frequency and for the purposes for which they are prescribed or manufactured. If the drug has been legally prescribed or is an over-the-counter medicine, and the drug is being used in the recommended dosage, in the recommended frequency, and for the purposes for which it was prescribed or manufactured, such drugs are not prohibited by this policy unless they impair or have the potential to impair the individual's ability to safely perform the essential function of their position or assignment, temporary or otherwise.



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E. Marijuana Use:

Many states have legalized the use of marijuana for either recreational or medical use. Team Members should be aware that marijuana is still illegal under federal law. EMSA is a Federal Contractor/Grantee and must maintain a Drug Free Workplace. "Marijuana" as used in this policy includes all parts of the plant Cannabis Sativa L., whether growing or not, in any form, whether usable or not, including plants, seeds, roots, stems, resin, salt, derivative, mixture, preparation, cakes, stalks, and leaves. "Marijuana" as used in this policy includes the definitions thereof found in federal law, and includes any cannabinoid, any metabolite of marijuana or of any of its constituents, any substance containing cannabis in any form or formula, and any compound that is an active chemical, principle, or component of marijuana. EMSA Team Members are not permitted to use or possess marijuana for any purpose. In addition, Team Members may not be under the influence of or test positive for any illegal substance, including marijuana, while on duty or while on EMSA premises.

F. Team Members Subject to Policy

All Operations' Team Members of EMSA are covered in this policy. The term "Team Member" means a person who is employed by EMSA on a regular or temporary basis in a full time or part time status.

G. Collection Procedures and Testing Methods

Testing of current Team Members currently providing services to EMSA will be treated as work time for purposes of compensation and, if applicable, benefits. EMSA will pay the cost of initial testing, but not of subsequent or confirmation testing requested by the Team Member.

Samples for testing for drugs or alcohol will be conducted on a Team Member's tissue, fluid, or body product capable of revealing the presence of drugs and alcohol. EMSA may have an outside entity obtain the sample and perform the test. The company may also utilize other methods which are reasonably calculated to detect the presence of drugs and alcohol, including, but not limited to, a breathalyzer test, or testing by use of a single-use test device, known as an on-site or quick testing device. However, a breathalyzer test will not be grounds for immediate termination of employment absent a confirmation test. Each Team Member consents to a follow-up test for that purpose.

H. Positive Test Result and Challenging Test Result

A positive test result is a violation of EMSA policies. The Team Member may explain the test results to Human Resources or a designated representative of EMSA. An applicant and/or Team Member may challenge the results of a positive test by requesting a confirmation test of a sample within twenty-four (24) hours of receiving notice of a positive test. The applicant or Team Member challenging the results of positive test must pay all costs of the confirmation test unless the confirmation test reverses the findings of the challenged positive test. In such cases, EMSA will reimburse the applicant or Team Member for the costs of the confirmation test.



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I. Information and Records

Team Members tested may inspect and request copies of records of all drug and alcohol test results and related information maintained by EMSA. EMSA will not release such records to anyone other than the person tested, or the review officer, unless (1) the individual tested, in writing following the receipt of the test results, has expressly granted permission for EMSA to release the records or (2) in order to comply with a valid judicial, or arbitral, or administrative order or subpoena, or (3) in response to a claim or lawsuit asserted or filed by the Team Member against EMSA or against any past or current Trustee or Team Member of EMSA.

J. Disciplinary Action

If a Team Member has a positive test result or has violated any other provision of this policy, EMSA may take any disciplinary action against the individual, up to and including termination of employment, even for a first violation. However, if the test was done utilizing a breathalyzer, the positive test must be confirmed by a subsequent test prior to termination of employment. EMSA may take disciplinary action, including termination, against a Team Member who acts intended to avoid or evade a test or valid test result or who refuses or neglects to undergo a required drug or alcohol test. The concealment, adulteration, or attempted adulteration of a specimen or of a drug or alcohol test sample or result is considered a refusal to test.

Refusal or neglect to submit to required testing will be deemed insubordination and may result in discipline, including termination of employment.

EMSA may terminate a Team Member who is placed on a deferred prosecution or deferred sentencing for or who is convicted of manufacturing, selling, using possessing, distributing and/or taking a controlled substance, or being under the influence thereof, even if the conviction is on appeal.