

**HR-KH**  
**DRUG AND ALCOHOL-FREE WORKPLACE**  
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**PURPOSE:**

The purpose of this policy is to outline Kettering Health's (KH's) approach to maintaining a drug and alcohol-free workplace.

**DEFINITIONS:**

Employee Assistance Program: KH's EAP is a program that can provide help to employees dealing with alcohol and substance abuse problems. EAP maintains confidentiality of the employee's records according to federal and state laws.

Positive Result: A Positive Result shall mean a confirmed test of the presence of alcohol or an Unauthorized Substance in any detectable amount.

Refusal to Test: A Refusal to Test is a failure to promptly take an alcohol /Unauthorized Substance test and/or sign the Alcohol and/or Unauthorized Substance Testing Consent form, an unexcused failure to provide an appropriate sample for testing, and/or any effort or test result that indicates tampering with the testing process or results.

Unauthorized Substance: For the purpose of this policy, Unauthorized Substance is defined as the following: 1) all forms of narcotics, depressants, stimulants, hallucinogens or other drugs, including marijuana (even if the employee possesses a medical marijuana card or prescription), whose use, possession or transfer is restricted by and/or illegal under federal, state and/or local law; 2) prescription drugs or over-the-counter medications not used in accordance with product and/or physician instructions or pursuant to a valid prescription; and/or 3) prescription drugs or over-the-counter medications that impair an employee's ability to perform his/her work safely.

**POLICY:**

Kettering Health (KH) maintains a strong commitment to providing a safe and healthy drug-free workplace. Each employee has a responsibility to deliver patient services in a conscientious manner. An employee must be able to work in an environment that is free from the effects of job-impairing substances. The use, sale, or possession (which includes being under the influence/obtaining a Positive Result) of an Unauthorized Substance or alcohol is strictly prohibited in the workplace, including any KH owned or leased vehicle or location, as well as parking lots. In addition, this policy prohibits the use, sale or possession (which includes being under the influence) of illegal drugs regardless of whether such use, sale or possession (which includes being under the influence) of such illegal drugs occurs on KH's premises. Any such behavior will result in discipline, up to and including termination.

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**Kettering Health (KH) Organization-Wide Policy**

KH adopts this policy for Kettering Health Main Campus, Kettering Health Miamisburg, Kettering Health Dayton/Kettering Health Washington Township, Kettering Health Greene Memorial, Soin Medical Center, Kettering Health Hamilton, Kettering Health Troy, all hospital off-sites, and KH Support Services.

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Off-the-job use of alcohol and/or Unauthorized Substances can affect job performance and result in a positive alcohol or Unauthorized Substance screen/test in violation of this Policy. Employees are strictly prohibited from reporting to work under the influence of any amount of alcohol and/or any Unauthorized Substance and will be subject to discipline, up to and including termination, if such a finding is confirmed by KH.

Alcohol and/or Unauthorized Substance testing and/or a search for alcohol and/or Unauthorized Substances may be required when there is reasonable suspicion, observed possible impaired behavior and/or involvement in a work-related incident or injury for which KH determines there is a reasonable basis to conduct testing. KH has the right to suspend/immediately remove from the workforce an employee suspected of using and/or being under the influence of alcohol and/or an Unauthorized Substance pending test results.

This policy applies to applicants for employment, employees, contractors, volunteers, interns, residents, members of the medical staff, as well as medical and college students performing work or participating in clinicals or residency programs on behalf of/in conjunction with KH.

Employee Assistance Program (EAP):

An employee who suspects he/she may have a problem is encouraged to utilize the EAP benefits available to KH employees by making a self-referral for an EAP assessment before the problem (i.e. Alcohol, Drug Abuse, Drug Diversion, mental or physical illness) impairs his/her job performance and affects employment status. EAP can be reached by calling 1-800-227-6007.

Reporting Medically Authorized Drugs/Substances:

An employee is required to report to Employee Health (EH) the use of medically prescribed drugs or other substances that can impair job performance and provide a written statement from the employee's physician authorizing the employee to work while taking the medication. An employee's physician will determine whether the prescribed drug would impair the employee's job performance. Failure to report personal use of such drugs or other substances, or the failure to provide proper evidence of medical authorization, may result in corrective action, up to and including termination. Marijuana, even if prescribed by a physician, is prohibited. Furthermore, each employee who observes, or has knowledge of, another employee in a condition that impairs his or her ability to perform job duties or that poses a hazard to the safety and welfare of others should promptly report the incident to his or her immediate supervisor.

Employees working in positions covered by Department of Transportation Regulations will undergo Unauthorized Substance Testing as required by federal law.

Physician Impairment:

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Concerns of impairment with employed physicians will be referred to Kettering Physician's Network (KPN) Human Resource Director. Medical Bylaws will be followed as well as the State Medical Board, Ohio Administrative Code number 4731-16 (reference located at: <http://codes.ohio.gov/oac/4731-16>).

Testing Procedure/Agreement to Test:

If a leader receives a report that an individual covered by this Policy may be under the influence of alcohol and/or an Unauthorized Substance and/or observes such individual showing signs of possible impairment, that leader must initiate a Fitness for Duty examination and complete the required forms and required process located in myHR. Both the Impaired Behavior Checklist and Voluntary Disclosure Consent Form must be completed. If, during normal business hours, the HR Leadership Partner or Campus HR in conjunction with Employee Health should be notified so they can assist with the process. If during non-normal HR/EH hours, the initiating leader should notify the Nursing Supervisor or Administrator on-call. The Administrator will need to contact either Citran (937-776-1103) or ODACS (513-236-2102).

Exception: The only exception is if medication abuse is suspected and immediate harm to patients is not a concern (i.e. use of diverted drugs from internal or external sources). If suspected medication abuse is involved Police/Pharmacy/Compliance/HR should be immediately contacted to then initiate the Drug Diversion Response Team for consultation on next steps.

Refusal of Exam/test:

A Refusal to Test will result in termination.

Exam/Test Results:

EH will notify the employee's department leader and HR Leadership Partner of the exam/test results. The employee may obtain exam/test results from EH.

1. Positive Results: A Positive Result and/or refusal of treatment by the employee will result in discipline, up to and including termination. The Leader must consult with the HR Leadership Partner in accordance with the HR-KH Conduct and Discipline policy prior to proceeding with disciplinary action, including termination.
2. Negative Results: HR and the employee's Leader will determine whether the employee should be returned to his/her regular work assignment or referred for further medical evaluation after consultation with EH. Pay for the suspension period will be dependent upon the outcome of the investigation in accordance with the HR-KH Conduct and Discipline policy. If the employee is referred for further medical evaluation, the employee will remain off duty until EH receives a physician's statement

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releasing the employee to return to work. The employee should contact third party leave administrator to initiate a leave of absence in accordance with the HR-KH Leave of Absence policy.

Transportation for employees who test positive for alcohol and/or an Unauthorized Substance or who refuse to test and are suspected of being under the influence of alcohol and/or an Unauthorized Substance:

If KH suspects (and the employee refuses to test) or confirms through testing that an employee is under the influence of alcohol and/or an Unauthorized Substance, HR, the Leader and/or EH will make appropriate arrangements for the employee to be safely transported home. KH will first attempt to contact a family member and, if a family member is not available, KH will contact a taxi/ride service that is nearest to the campus to transport the employee home. Transportation costs should be billed to the facility that the employee is being transported from. If an employee insists on leaving/driving a vehicle home, security and/or the police should be notified immediately.

Reinstatement and Return to Work Agreement:

If KH does not terminate an employee for violating this Policy, the employee will be required to sign a Return to Work Agreement that includes monitoring and testing for one year as a condition of continued employment, and/or undergo testing and/or monitoring as required by the applicable state governing board (e.g. Ohio Board of Nursing). Refusal to consent to testing will result in immediate termination.

1. Monitoring and testing guidelines are as follows:
  - a. Unauthorized Substance and/or alcohol testing will be conducted by a third party that shall administer the testing and provide MRO services on all specimens according to current Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines.
  - b. Testing will be conducted in a manner whereby individuals are unable to predict the time periods during which specimens will be collected.
  - c. Testing will be performed in a private setting on the employee's campus whenever possible and on a scheduled day of work.
  - d. Testing will be ordered by EH and test results will be sent to the EH Department and will then be reported to the HR Leader Partner. EH will contact the employee to discuss test results.

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- e. If test results are positive as defined by this Policy, a meeting with employee's supervisor, EH, EAP and/or the HR Leader Partner will be scheduled to discuss next steps, which will include discipline up to and including termination.

**OWNERSHIP AND IMPORTANT DATES:**

SPONSORING DEPT:	Human Resources
DEPARTMENTS AFFECTED:	All KH Departments
DATE OF ORIGIN:	7/1/88

EFFECTIVE DATE 06/22/2021

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