

## Alcohol and Drugs

### POLICY STATEMENT

Kaiser Permanente (KP) prohibits the use and/or abuse of drugs, including alcohol, in the workplace. In acknowledgement that chemical dependency is a chronic disease and that rehabilitative treatment is available, KP supports the use of such treatment and will provide it when conditions and circumstances warrant. However, KP is committed to providing a workplace safe from the adverse effects of alcohol and drugs.

### PURPOSE

This policy is consistent with requirements of the federal Drug-Free Workplace Act of 1988 and with KP's obligation to provide safe, reliable and timely health care services and a safe work environment.

### COVERAGE

All KP employees including temporary employees; contract personnel; registry personnel; volunteers; and students/trainees; all of whom are herein referred to as employees.

All organizations who supply temporary or registry personnel, students or trainees to KP will be held accountable for providing personnel who meet the same drug-free standard imposed by KP on its own employees. Violation of applicable provisions or refusal to cooperate in the implementation of this Policy can result in contract personnel being barred from company premises or from working in its operations.

Employees whose jobs require commercial driver's licenses are subject to a drug and alcohol testing program in accordance with SCAL HR Policy #5.05.

### DEFINITIONS

Illegal drug -- means any drug (a) which is not legally obtainable; or (b) which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes or at prescribed dosages. It also includes any mind-altering drug and controlled substance.

Company premises -- includes company parking lots, vehicles and other facilities and property owned, leased or operated by KP.

Being under the influence – means an individual is affected by a drug or alcohol, or the combination of drugs and alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance, but may include symptoms such as the odor of alcohol. A determination of "under the influence" can be established by a

professional opinion, a medically accepted drug or alcohol screening test, or a lay person's opinion based upon observation of conduct and/or events.

### **Employees with Drug and Alcohol Problems**

Any employee covered by this policy who is experiencing alcohol or drug dependency is urged to make use of KP's confidential Employee Assistance Program (see California HR Policy #5.03) and/or such disability plans, rehabilitation programs and health coverage plans as are appropriate. Conscientious efforts to seek and use such help will not jeopardize an employee's job. They may, in fact, help to preserve an employee's job by leading to rehabilitation before serious absenteeism, performance problems, or misconduct occur.

Employees' voluntary participation in chemical dependency recovery programs or other rehabilitation services will be kept confidential and will not affect their employment. Both KP policy and existing laws protect the confidentiality of persons who seek treatment for chemical dependency.

### **Employees Taking Prescribed Medication**

The use of prescribed medication at prescribed dosages and for prescribed purposes under the direction of a physician or other appropriate licensed person on either a long-term or short-term basis may affect the safety of the employee, co-workers or members, the employee's job performance, or the safe or efficient delivery of services. Therefore, any employee who feels or has been informed that the use of such medication might impair his or her motor functions (e.g., drowsiness, dizziness, vision impairment, lack of balance) is urged to report such to his or her supervisor. If the use of such medication affects the safety of the employee, co-workers or members, the employee's job performance, or the safe or efficient delivery of services, the employee may be required to be away from work temporarily using sick leave, ETO, medical leave or personal leave.

### **Drug and Alcohol Related Offenses and Penalties**

Being under the influence of alcohol by any employee while on company premises is prohibited. The consumption, sale, or offer for sale of alcohol on company premises is prohibited. Violations of these prohibitions will subject the employee to disciplinary action, up to and including termination.

Being under the influence of an illegal drug by any employee on company premises is prohibited. The unlawful manufacture, distribution, dispensation, possession, use, sale, offer for sale, or purchase of an illegal drug on company premises is prohibited. Violations of these prohibitions will subject the employee to disciplinary action, up to and including termination and to possible criminal prosecution by law enforcement agencies.

The theft, diversion or unauthorized removal of drugs maintained or dispensed on KP premises will subject the employee to discipline, up to and including termination.

## Reasonable Suspicion

When there is reasonable suspicion that any employee covered by this policy is under the influence of alcohol or a drug, the employee will be required to report to a designated location on company time and at company expense, and blood and urine specimens will be obtained and tested for the presence of alcohol, drugs or drug metabolites. Reasonable suspicion will include, but not be limited to, supervisor's personal observations of an employee's appearance, behavior or speech. Employees suspected of being under the influence of such a substance as described above will be removed from the worksite. Refusal to submit to required testing will constitute insubordination and will subject the employee to disciplinary action, up to and including termination.

Where there is reasonable suspicion that employees possess or their personal effects (including vehicles, purses, briefcases, clothing, personal containers) contain an illegal drug or an open container of alcohol, KP may, with consent, search such individuals or their personal effects. Refusal to consent to such searches will constitute insubordination and will subject such employees to discipline, including termination. KP may search lockers, desks and other company property where justified by reasonable suspicion that such property contains an illegal drug or an open container of alcohol. Illegal drugs which are confiscated will be turned over to local law enforcement agencies.

KP is obligated to file a report on any employee who is convicted of a criminal offense for a drug violation that occurred in the workplace.

Employees who unlawfully manufacture, distribute, dispense, possess, sell, purchase, or use an illegal drug while off duty or off premises may be subject to disciplinary action, up to and including termination, where the conduct adversely affects the employment relationship or KP 's business interests.

## Confidentiality

KP recognizes the importance of maintaining confidentiality in any situation where current and former employees covered by this policy are suspected of alcohol or drug related infractions. Every effort will be made to assure the privacy of suspected employees throughout investigatory and disciplinary proceedings.

## X. *Additional Resources*

If there are concerns or questions about implementing this policy, managers should contact their local HR Consultant or the Security department. Additional resources include:

- Employee Assistance Program: [insidekp.kp.org/myhr/about\\_hr/departments/eap/](http://insidekp.kp.org/myhr/about_hr/departments/eap/)
- Supervisor's Guide to Handling Employee Alcohol or Drug Problems