For Cause Testing Procedures

1) For Cause Testing Categories:

a) Reasonable Suspicion Testing

The following criteria are examples, and other behavior or actions not listed may support reasonable suspicion testing in an appropriate situation:

i) Individual is involved in an unsafe act resulting in harm or injury to self, a patient, a visitor, or a coworker, or whose unsafe act results in damage to UMHS property which alone or in combination with other observations listed below might lead a reasonable observer to suspect impairment/intoxication of some kind.

ii) Individual's conduct, speech, content of speech, or slurring of words which, if not otherwise explained, justifies a reasonable concern about impairment/intoxication of some kind.

iii) Individual has otherwise unexplained difficulty with movements, balance, or coordination which alone or in combination with other observations, might lead a reasonable observer to suspect impairment/intoxication:
   a. Loss of balance
   b. Stumbling
   c. Staggering
   d. Leaning on objects for support
   e. Loss of manual dexterity

iv) Individual appears to have unexplained lapses in judgment, concentration, difficulty taking in and tracking information and ability to attend to current work tasks, if not otherwise explained, justifies a reasonable concern about impairment/intoxication.

v) Individual's physical appearance which, if not otherwise explained, justifies a reasonable concern about impairment/intoxication:
   a. Eyes red or glassy
   b. Pupillary changes (small- pinpoint or dilated)
   c. Deterioration in personal hygiene
   d. Tremors
   e. Excessive sweating
   f. Drowsiness/sleepiness

vi) Direct evidence/observation of an individual's use or possession of a prohibited or restricted substance while on duty or on UMHS business:
   a. Odor of alcohol
   b. Odor of marijuana
   c. Needle marks
   d. Individual observed or discovered to be in possession of intoxicants, narcotics, medications, or related paraphernalia outside clinical scope of practice
   e. Individual witnessed to be using alcohol or other intoxicants while on duty

vii) Unreconciled drug discrepancy determined by unit audit, unit report, pharmacy investigation, Hospital Security and/or University Police investigation.
   a. Overrides
   b. Inappropriate wasting
   c. Untimely withdrawal and administration of narcotics
   d. Untimely documentation
   e. Batching
viii) Individual appears compromised and presents a hazard to patients, a visitor, a coworker, and/or self, or exhibits any pattern of behavior which justifies a reasonable concern about impairment/intoxication while on duty.

2) For Cause Drug Testing Procedures
   a) The following procedures shall be followed in each instance of violation of this policy.

   The supervisor/manager or designee shall:

   • Call for a witness (preferably supervisor-level or above) to the incident.
   • Document problematic behavior by completing the For Cause Checklist.
   • Explain to the individual why his/her behavior necessitates the For Cause Drug Test and that testing for controlled substances/alcohol is a required part of the For Cause Drug Test.
   • Explain to the individual that s/he will be on unpaid suspension, in accordance with collective bargaining agreements as needed, until the test results are received by the Medical Review Officer (MRO) and a decision is made as to whether the employee can return to work.
   • If the situation appears to be a medical emergency, please refer to UMHS Policy 05-03-060 Non-Cardiac Medical Emergencies for medical assistance.

   • During regular business hours:
     o If situation is thought to be reasonable suspicion of impairment, contact appropriate manager/supervisor (chain of command) to advise that For Cause Drug Test is being initiated.
     o Consult (call) Business Unit’s Human Resource Manager and the Employee Assistance Program (734-763-5409) regarding the For Cause Drug Test being initiated.
     o Call Security Services for their assistance, at the manager’s discretion as needed.
     o Call Collection Site at Occupational Health Service by paging 5356 to notify them you are coming
     o Bring the For Cause Checklist and with Security’s assistance, escort the individual to OHS.
   • During non-business hours:
     o Contact appropriate manager/supervisor (chain of command) to advise that For Cause Drug Test is being initiated.
     o Consult (email or call next business day) Business Unit’s Human Resource Manager and the Employee Assistance Program (734-763-5409) regarding the For Cause Drug Test being initiated.
     o Call Security Services for their assistance, at the manager’s discretion as needed.
     o Call Collection Site at Emergency Department by paging 5356 to notify them you are coming
     o Bring the For Cause Checklist and with Security’s assistance, escort the individual to the Adult Emergency Department.

   A member of OHS/ED shall:

   • Explain to the individual that the Medical Review Officer (MRO) shall contact the individual at the telephone number on the consent form upon receipt of the test results.
   • Review the "Chain of Custody Form" with the individual and obtain the individual's signature for consent.
b) If the employee refuses to participate in the For Cause Drug Test

OHS/ED shall:

- Advise the supervisor/manager or designee that the individual refused to participate in the For Cause Drug Test.
- Ensure that the individual has satisfactory transportation to their destination. His/her manager or Security Services should arrange for transportation to assure safe transport of the individual.

The supervisor/manager or designee shall:

- Advise the employee that s/he is being placed on unpaid suspension due to failure to follow UMHS's For Cause policy.
- Share information with employee about the UMHS Employee Assistance Program.
- In consultation with the appropriate Business Unit’s Human Resource Manager, initiate the appropriate employment action up to and including discharge for UMHS employees.
- Ensure that the individual has satisfactory transportation to their destination. In partnership with Security Services, arrange for transportation to assure safe transport of the individual.

c) If the individual participates in the For Cause Drug Test:

OHS/ED shall:

- Administer the For Cause Drug Test, following Collection Site's internal protocol.
- Following screening, notify the appropriate manager/supervisor that the individual has participated in the drug/alcohol test.
- Ensure that the individual has satisfactory transportation to their destination. His/her manager or Security Services should arrange for transportation to assure safe transport of the individual.

The supervisor/manager or designee shall:

- Share information with employee about the UMHS Employee Assistance Program.
- Place the employee on unpaid suspension pending receipt of For Cause Drug Test and until results of evaluation and any pertinent follow-up are completed by the Medical Review Officer (MRO).
- Notify the appropriate Business Unit’s Human Resource Manager that the individual has participated in the For Cause Drug Test.
- Ensure that the individual has satisfactory transportation to their destination. In partnership with Security Services, arrange for transportation to assure safe transport of the individual.

The appropriate Business Unit’s Human Resource Manager or designee shall:

- Confirm with the manager/supervisor that the employee will be on an unpaid suspension until the results of the evaluation and any pertinent follow-up are completed.

d) Upon receipt of negative test results (i.e., no alcohol or controlled substances)

Duties of the Medical Review Officer (MRO):

- Advise the appropriate manager/supervisor of the results of the For Cause Drug Test and chemical test.
- Advise the individual of the results of the For Cause Drug Test. The MRO shall advise the individual to contact their supervisor/manager regarding next steps.
- If the MRO cannot reach the individual at the designated phone number, the MRO will make one more attempt the following work day. If the second attempt is unsuccessful, the MRO will so
advise the appropriate manager/supervisor.

- **Note:** If other information is identified that impacts the individual's ability to return to work, the MRO shall present such information to the appropriate manager/supervisor.

**Note:** No records surrounding this incident shall be placed in an employee’s personnel file; however, any paperwork received by the supervisor shall be retained in the supervisor’s separate medical (red) folder. Records for all testing done on anyone are kept in a confidential OHS file.

Duties of the supervisor/manager:

- Advise the appropriate Business Unit’s Human Resource Manager of the results of the For Cause drug test.
- Depending on situation, a fitness for duty assessment may be requested.
- Upon notification of the results, contact the individual and coordinate his/her return to work, if appropriate, pending results of any investigations.
- Take the UMHS employee off unpaid administrative leave, effective the date of the Medical Review Officer (MRO)’s successful contact with the employee and process appropriate submittal forms for pay of missed work time during unpaid suspension, pending any investigation results.

Duties of the appropriate Business Unit’s Human Resource Manager:

- If the MRO has successfully contacted the employee and the employee may return to work, confirm that the supervisor/manager has arranged with the employee for the return to work.
- If the MRO has been unable to contact the employee, confirm that the supervisor/manager will follow up with the individual.
- If the MRO has presented other information that impacts the employee’s ability to return to work, the appropriate Business Unit’s Human Resource Manager will identify with the manager/supervisor applicable actions and resources that are outside of this procedure.

**e) Upon receipt of positive test results (i.e., alcohol or controlled substances identified)**

Duties of the Medical Review Officer (MRO):

- Advise the individual of the results of the For Cause Drug Test, verifying any prescription use, if necessary.
  - An employee who tests positive for legally prescribed medications will need to provide documentation of prescription from physician or pharmacy to the MRO.
- Advise the appropriate manager/supervisor of the positive test results and whether a prescription was involved.
- If unable to reach the individual at the designated phone number, make one more attempt the following day. If the second attempt is unsuccessful, advise the appropriate manager/supervisor.
- If other information is identified that impacts the individual’s ability to return to work, present such information to the appropriate manager/supervisor.

Duties of the appropriate manager/supervisor:

- Confirm with the appropriate Business Unit’s Human Resource Manager of the results of the For Cause Drug Test, including positive test results.
- In consultation with the appropriate Business Unit’s Human Resource Manager, determine the appropriate employment action.
- Depending on situation, a fitness for duty assessment may be requested. If appropriate, advise the EAP Consultant of a pending Fitness-For-Duty referral.
- If the MRO has been unable to successfully contact the employee, the manager/supervisor will consult the appropriate Business Unit’s Human Resource Manager to determine the appropriate next steps, up to and including discharge.
• If other information is identified that impacts the employee's ability to return to work or participate in customary treatment, coordinate with the appropriate Business Unit's Human Resource Manager other actions/resources outside of this policy, such as an accommodation, leave of absence, extended sick, HPRP contract, etc.

Note: No records surrounding this incident shall be placed in an employee's personnel file; however, any paperwork received by the supervisor shall be retained in the supervisor's separate medical (red) folder. Records for all testing done on anyone are kept in a confidential OHS file.

C. Incapacity to Consent to Testing

If the individual, while on duty or on UMHS business, presents in the ED under circumstances raising reasonable suspicion of controlled substance or alcohol use and is incapable of consenting to testing under this policy, when the individual regains capacity to consent s/he shall consent to the Medical Review Officer (MRO) accessing their medical records and disclosing relevant results of any blood or urine screens obtained during treatment. Refusal to consent to disclosure will be treated in the same manner as refusal to consent to testing as described elsewhere in this policy.

D. Shy Bladder or Inability to Provide a Sufficient Quantity of Urine

If the individual is unable to provide a sufficient quantity of urine for testing, the collection site person shall instruct the donor to drink not more than 40 ounces of fluids and, after a period of no longer than two (2) hours, again attempt to provide a complete sample using a fresh collection container. Failure to provide a sample within two (2) hours will be considered a positive test result.

E. Access to Records and Confidentiality

The following requirements are intended to protect the rights of employees and to provide the federal government and others access as needed for oversight purposes.

• Except as required by law, UMHS will not externally release information contained in any of the records for controlled substances and alcohol testing.
• Upon written request, an employee can obtain copies of his/her testing records.
• UMHS must provide test results to the federal government, upon request, if required under the Drug Free Workplace Act or to any other state or federal officials with regulatory authority over UMHS who have a statutory right to such results.
• Testing records will be provided to an employee's future employer only upon written authorization of the employee.
• UMHS can disclose testing records to a decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee that arises from test results or the violation of either alcohol or controlled substances prohibitions.
• UMHS can disclose testing records to others not specifically listed above only upon written authorization of the employee, or as permitted under Michigan law.

F. All UMHS Property Subject to Search

Refer to current UMHS Search policy (http://www.med.umich.edu/i/policies/umh/05-03-047.html)

G. Related Forms

• Fit for Duty: Manager's Quick Reference Guide
• For Cause Drug Testing Checklist