

Post-Offer, Pre-Employment Substance Abuse Screening

UC Davis Medical Center

Hospital Policies and Procedures

Policy ID: 2177

Revised 03/05/2017

I. PURPOSE

To promote a drug-free work environment in accordance with the Drug-Free Workplace Act of 1988. In addition, a drug-free work environment supports patient safety and quality of care; as well as, the safety of employees and others in a health care workplace.

II. SETTING

Medical Center

III. DEFINITIONS

Substance Abuse Screen – A substance abuse screen is an assessment for evidence of the use of illegal drugs and the inappropriate use of legal drugs. A substance abuse screen occurs when a urine specimen is screened for the following nine (9) categories of drugs including amphetamine (amphetamines and methamphetamine), cocaine metabolite, marijuana metabolites, opiates (Codeine, Oxycodone, Hydromorphone, Hydrocodone, Morphine and Oxymorphone), phencyclidine (PCP), Barbiturates, Benzodiazepines, Methadone, Propoxyphene by an independent (non-UC) laboratory. All positive substance abuse screens are reviewed by an independent (non-UC) Medical Review Officer (MRO), properly trained in this area. The presence of any of the above substances constitutes a positive-pending-review substance abuse screen, at which point the prospective employee will be contacted. The presence of any legal substance for which there is no prescription and/or medical confirmation of need constitutes a positive screening result.

IV. POLICY

- A. UCDCM requires pre-employment substance abuse screenings for all new employees including GME trainees excluding academic staff and faculty. Prospective employees who have received offers of employment for career, limited appointment, per diem, and contract appointment positions are required to complete Consent to Substance Abuse Screening form and submit to a substance abuse screen as a condition of employment. The offers of employment will be contingent upon successful completion of this screening. Prospective employees who fail or refuse to participate in the pre-employment substance abuse screening will not be hired. This policy is intended to comply with all requirements of the Americans with Disabilities Act of 1990 and applicable state law.
- B. The substance abuse screen requirement is applicable to contracts executed after this policy's effective date for temporary staffing firms, travelers, registry, contract labor and independent consultants and contractors, unless a contract is exempted from this provision by the Associate Vice Chancellor Human Resources.

V. PROCEDURES

- A. All prospective employees will be notified that positions at UCDCM require pre-employment substance abuse screening following an employment offer.
- B. When an offer of employment is made, substance abuse screening must be scheduled as part of the pre-employment clearance process conducted by a third party vendor. Prospective employees will be given a deadline, typically seventy-two (72) hours, within which they must complete pre-employment substance abuse screening (prospective residents/fellows, see B.1. below). Failure to complete the substance abuse screen by the deadline may result in the conditional offer of employment being rescinded absent the prospective employee promptly providing to Talent Acquisition compelling information as to why s/he could not meet the substance abuse screening deadline. The University will consider such explanation and may, at its sole, non-grieve able discretion, determine whether the prospective employee should be granted an additional opportunity to complete the substance abuse screening.
 1. Prospective residents & fellows will be given a deadline, typically 72 hours of Resident & Fellow Human Resources (HR) initiating the hire process, within which time the prospective resident or fellow must complete the pre-employment substance abuse

screening. International residents and fellows with visa status will be given a deadline that may allow for additional time.

- C. Offers of employment will be contingent upon a negative substance abuse screening.
- D. The prospective employee will complete, either electronically, or on paper, Consent to Substance Abuse Screening form and proceed to a substance abuse screening at a location of their choosing among the vendor's facilities.
- E. When a prospective employee's substance abuse screen is positive, the laboratory will automatically perform a second test on the original specimen to review the positive results. Confirmed positive results are deemed "positive pending review." These results will be provided for review to the Medical Review Officer (MRO), who will contact the prospective employee to discuss the screening results and whether there is a reason for the positive result such as lawful drug use (excluding medical marijuana) or possible explanations other than the use of illegal substances. Based on this conversation, the MRO will make a final determination whether the test result is positive or negative.
- F. The third party vendor will communicate the substance abuse screen test results to Talent Acquisition.
- G. All information, interviews, reports, statements, memoranda and drug test results, written or otherwise, received by UCDCM as part of this substance abuse screening program are confidential records. Unless authorized by Human Resources, state laws, rules or regulations, UCDCM will not release such information without a written consent form signed voluntarily by the person screened. Information on substance abuse screening results will not be released in any criminal, civil, or administrative disciplinary proceeding unless such information or records are compelled by a court or a professional or occupational licensing board in a related disciplinary proceeding.
- H. A positive Pre-Employment Substance Abuse Screen as determined by the MRO will require the rescission of the conditional offer of employment. Talent Acquisition will inform the Department Manager, and notify the prospective employee that the conditional offer of employment has been rescinded.
 - 1. Talent Acquisition will inform Resident & Fellow HR & the Graduate Medical Education DIO of any resident or fellow positive Pre-Employment Substance Abuse screenings. Resident & Fellow HR will initiate the rescission of the conditional offer of employment. Residents who were matched through the National Residency Match Program (NRMP) are expected to abide by their matched institution's requirements; any violation of such requirements may nullify the NRMP binding contract.
- I. Prospective employees whose offer was rescinded due to a positive substance abuse screen will not be considered for employment with UCDCM for one year from the date the specimen was collected. At that time the prospective employee may reapply and, if offered a position, will be subject to the pre-employment substance abuse screening procedure.

VI. NEGATIVE DILUTE SPECIMENS

If the MRO informs Talent Acquisition that a test was negative dilute, the prospective employee will be required to submit to a second pre-employment substance abuse screen. Failure by the prospective employee to submit to the second pre-employment substance abuse screen may result in the offer of employment being rescinded unless the prospective employee promptly provides Talent Acquisition with compelling information as to why s/he could not meet the second substance abuse screen deadline. The University will consider such explanation and may, at its sole discretion determine whether the prospective employee should be granted an additional opportunity to complete the substance abuse screen. A prospective employee is not entitled to grieve the University's decision whether or not to grant him or her an additional opportunity to complete the substance abuse screen.

VII. RESPONSIBILITY

Questions about the implementation of this policy should be directed to Talent Acquisition.

VIII. REFERENCES

Federal Drug-Free Workplace Act of 1988
Americans with Disabilities Act of 1990
California Drug-Free Workplace Act of 1990
California Fair Employment and Housing Act
UC Davis Policy 380-18, Substance Abuse (<http://manuals.ucdavis.edu/PPM/380/380-18.pdf>)