

## ATTACHMENT A

### ASSIGNMENT OF RESPONSIBILITIES AND PROCESS FOR IMPLEMENTING FOR-CAUSE DRUG TESTING

1. **Upon receipt of a report that there may be reasonable suspicion to justify for-cause drug testing:**
  - (a) The supervisor/manager or designee shall:
    - (i) Call for a witness (preferably supervisor-level or above) to the incident.
    - (ii) Document problematic behavior by completing the For-Cause Assessment.
    - (iii) Attempt to notify the UMPNC Chair by page and email, and provide an opportunity for the employee to speak with their representative before the test is performed. This can be done by phone or in person at the test site, and must occur within 60 minutes of the attempt to notify.
    - (iv) Explain to the Registered Nurse why his/her behavior necessitates the For-Cause Drug Test and that testing for controlled substances/alcohol is a part of the For Cause Drug Test MOU.
    - (v) Explain to the Registered Nurse that he/she will be on unpaid suspension, in accordance with the collective bargaining agreement, until the test results are received by the Medical Review Officer (MRO) and a decision is made as to whether the Registered Nurse 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.

- (vi) During regular business hours:
  - (1) Contact appropriate manager/supervisor (chain of command) to advise that For-Cause Drug Testing is being initiated.
  - (2) Advise (*call*) Business Unit's Human Resource Manager or designee and the Employee Assistance Program (734-763-5409; page 0721) that For-Cause Drug Testing is being initiated.
  - (3) Call Security Services to request their assistance as determined by the manager/supervisor in accordance with the MOU to ensure continuity in the For Cause Drug Testing Process. **(See Note below)**
  - (4) Call the collection site at Occupational Health Services (Please page 5356) to notify them you are coming.

- (5) Bring the For-Cause Assessment Form and escort the Registered Nurse to OHS. **(See Note below)**
  
- (vii) During non-business hours:
  - Contact appropriate manager/supervisor (chain of command) to advise that For-Cause Drug Testing is being initiated.
  - Advise (email or call next business day) Business Unit's Human Resource Manager or designee and the Employee Assistance Program (734-763-5409; page 0721) that For-Cause Drug Testing is being initiated.
  - Call Security Services to request their assistance as determined by the manager/supervisor in accordance with the MOU to ensure continuity in the For Cause Drug Testing Process. **(See Note below)**
  - Call the collection site at the Emergency Department (Please page 5356) to notify them you are coming.
  - Bring the For-Cause Assessment Form and escort the Registered Nurse to the ED. **(See Note below)**

**Note: Any Registered Nurse consenting to a For-Cause Drug Test shall be permitted to travel to the testing site accompanied by a nursing manager and/or Association representative, except in circumstances that require the presence of another appropriate University designee, if either the manager or Association representative is not available. Management designees may not be UMPNC members. Security personnel will not normally be involved except in circumstances requiring their presence.**

- (b) A member of OHS, ED, or applicable test site shall:
  - (i) Explain to the Registered Nurse that the MRO shall contact the Registered Nurse at the telephone number on the consent form upon receipt of the test results.
  - (ii) Review the "Chain of Custody Form" with the Registered Nurse and obtain the Registered Nurse's signature.

**2. If the Registered Nurse refuses to participate in the For-Cause Drug Test:**

- (a) OHS, ED, or applicable test site shall:
  - (i) Advise the supervisor/manager or designee that the Registered Nurse refused to participate in the For-Cause Drug Test.
  - (ii) Ensure that the Registered Nurse has safe transportation to his/her destination through applicable protocols.

- (b) The supervisor/manager or designee shall:
  - (i) Advise the Registered Nurse that he/she will be processed under the MOU in the same manner as if he/she had tested positive and may be impaired. (See MOU: Post-Testing Procedure)
  - (ii) Share information with Registered Nurse about the UMHS Employee Assistance Program.
  - (iii) Place the Registered Nurse on unpaid suspension until results of evaluation and any pertinent follow-up are completed.
  - (iv) Notify the appropriate Business Unit's Human Resource Manager or designee that the Registered Nurse has refused to participate in the For-Cause Drug Test.
  - (v) Ensure that the Registered Nurse has safe transportation to his/her destination through applicable protocols.

**3. If the Registered Nurse interferes or tampers with the testing process or sample:**

- (a) The supervisor/manager or designee shall:
  - (i) Place the Registered Nurse on unpaid suspension.
  - (ii) Consult with the Business Unit's Human Resource Manager or designee and initiate corrective action, up to and including discharge pending further review under the collective bargaining agreement.

**4. If the Registered Nurse participates in the For-Cause Drug Test:**

- (a) OHS, ED, or applicable test site shall:
  - (i) Administer the For-Cause Drug Test, following appropriate protocol.
  - (ii) Following screening, notify the appropriate manager/supervisor that the Registered Nurse has participated in the drug/alcohol test.
  - (iii) Ensure that the Registered Nurse has safe transportation to his/her destination through applicable protocols.
- (b) The supervisor/manager or designee shall:
  - (iii) Share information with Registered Nurse about the UMHS Employee Assistance Program.

- (iv) Place the Registered Nurse on unpaid suspension pending receipt of For-Cause Drug Test results and until results of evaluation and any pertinent follow-up are completed by the MRO.
  - (v) Notify the appropriate Business Unit's Human Resource Manager or designee that the Registered Nurse has participated in the For-Cause Drug Test.
  - (vi) Ensure that the Registered Nurse has safe transportation to his/her destination through applicable protocols.
- (c) The appropriate Business Unit's Human Resource Manager or designee shall:
- (i) Confirm with the manager/supervisor that the Registered Nurse will be on an unpaid suspension pending test results and any pertinent follow-up is completed by the MRO.

**4. Upon receipt of negative test results:**

- (a) The MRO shall:
- (i) Advise the appropriate manager/supervisor of the For-Cause Drug Test and chemical test results.
  - (ii) Advise the Registered Nurse of the For-Cause Drug Test results. The MRO shall advise the Registered Nurse to promptly contact their supervisor/manager regarding next steps.
  - (iii) If the MRO cannot reach the Registered Nurse at the designated phone number, the MRO will make one more attempt the following workday. If the second attempt is unsuccessful, the MRO will so advise the appropriate manager/supervisor.
  - (iv) Note: If other information is identified that impacts the Registered Nurse'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 a Registered Nurse's personnel file if a negative test result is returned; however, records for all testing done on anyone are kept in a confidential OHS file.**

- (b) The appropriate manager/supervisor shall:
- (i) Advise the appropriate Business Unit's Human Resource Manager or designee of the results of the For-Cause Drug Test.
  - (ii) Upon notification to do so by the MRO, contact the Registered Nurse and coordinate his/her return to work pending results of any investigations.

- (iii) Take the UMHS Registered Nurse off unpaid suspension, effective the date of the MRO's successful contact with the Registered Nurse, and process appropriate submittal forms for pay of missed work time during unpaid suspension, pending any investigation results. (See MOU: Post-Testing Procedure)
- (c) The appropriate Business Unit's Human Resource Manager or designee shall:
  - (i) If the MRO has successfully contacted the Registered Nurse and the Registered Nurse may return to work, confirm that the supervisor/manager has arranged with the Registered Nurse for the return to work.
  - (ii) If the MRO has been unable to contact the Registered Nurse, confirm that the supervisor/manager will follow up with the Registered Nurse.
  - (iii) If the MRO has presented other information that impacts the Registered Nurse's ability to return to work, the appropriate Business Unit's Human Resource Manager or designee will identify with the manager/supervisor applicable actions and resources that are outside of this procedure.

**5. Upon receipt of positive test results:**

- (a) The MRO shall:
  - (i) Advise the Registered Nurse of the results of the For-Cause Drug Test, verifying any prescription use, if necessary.
    - (1) A Registered Nurse who tests positive for legally prescribed medications may return to work when the Registered Nurse, physician, or pharmacy provides appropriate information to the MRO.
  - (ii) Advise the appropriate manager/supervisor and appropriate Business Unit's Human Resource Manager or designee of the positive test results and whether a prescription was involved.
  - (iii) If unable to reach the Registered Nurse at the designated phone number, make one more attempt the following day. If the second attempt is unsuccessful, advise the appropriate manager/supervisor.
  - (iv) If other information is identified that impacts the Registered Nurse's ability to return to work, present such information to the appropriate manager/supervisor.
- (b) The appropriate manager/supervisor shall:

- (i) Confirm with the appropriate Business Unit's Human Resource Manager or designee of the results of the For-Cause Drug Test, including positive test results.
- (ii) In consultation with the appropriate Business Unit's Human Resource Manager or designee, determine the appropriate response. (See MOU: Post-Testing Procedure)
- (iii) If the MRO has been unable to successfully contact the Registered Nurse, the manager/supervisor will consult the appropriate Business Unit's Human Resource Manager to determine the appropriate next steps, up to and including discharge.
- (iv) If other information is identified that impacts the Registered Nurse's ability to return to work or participate in customary treatment, coordinate with the appropriate Business Unit's Human Resource Manager or designee 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 the Registered Nurse's personnel file; however, any paperwork received by the supervisor shall be retained in the Registered Nurse's separate medical (red) folder. Records for all testing done on anyone are kept in a confidential OHS file.**

## **6. Incapacity to Consent to Testing**

If the Registered Nurse, 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 the MOU, when the Registered Nurse regains capacity to consent, he/she shall consent to the 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 the MOU.

## **7. Shy Bladder or Inability to Provide a Sufficient Quantity of Urine**

If the Registered Nurse 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.