

DRUG-FREE WORKPLACE PROGRAM



**Approved at the January 15, 2009 Indian Trail Improvement District
Board of Supervisors Regular Meeting**

DRUG-FREE WORKPLACE POLICY

I. THE INDIAN TRAIL IMPROVEMENT DISTRICT'S POLICY STATEMENT

The Indian Trail Improvement District ("ITID" or "District") is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when an employee illegally uses drugs on the job, comes to work under the influence, or possesses, distributes or sells drugs in the workplace. The following policy is adopted as set forth by section 440.102 of the Florida Drug-free Workplace Program.

1. It is a violation of this policy for any employee to possess, sell, trade, or offer for sale or purchase illegal drugs or otherwise engage in the illegal use of drugs on the job.
2. It is a violation of this policy for anyone to report to work under the influence of illegal drugs or alcohol.
3. It is a violation of this policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications.)
4. It is a violation of this policy to unlawfully manufacture, distribute, dispense, possess, or use controlled substances in the workplace.
5. It is a condition of employment to abide by the Drug-Free Workplace Policy.
6. Violations of this policy subject all employees to disciplinary action up to and including immediate termination.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to a drug-free workplace, while sending a clear message that the illegal use of drugs or alcohol is incompatible with employment with the ITID.

II. OVERVIEW OF POLICY

All ITID employees are prohibited from:

1. Selling any drug, including alcohol or prescription drugs, whether on or off duty, unless the employee is legally entitled to sell the substance in question under the circumstances.

2. Possessing any alcoholic beverage or unlawful drug while on duty or on ITID's premises at any time.
3. Using any illegal drug, at any time. ("Illegal drugs" includes prescription drugs prescribed for someone else, or used contrary to prescribed dosages.)
4. Using any other substance (including legal drugs, prescription drugs, alcohol, or any other substance), which runs an unnecessary risk of adversely affecting job performance. This includes use while on duty and any actual effect on job performance, which occurs or can be demonstrated. It includes the use of any substance which use creates an unnecessary risk of absenteeism, tardiness, or safety hazards.

Employees taking prescribed drugs must ensure that such use does not pose an undue risk to safety or performance. If a drug is prescribed in connection with treatment of a disability, employees are urged to advise their manager of the use so that we can protect workplace safety and make accommodations, where appropriate.

III. DEFINITIONS

As used in this policy, the following definitions will apply:

"CONFIRMATION TEST," "CONFIRMED TEST," or "CONFIRMED DRUG TEST" - A second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test must be different in scientific principle from that of the initial test procedure. The confirmation method must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

"DRUG" - Alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); opiates; hallucinogens; methaqualone; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein.

"DRUG TEST" or "TEST" - Any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.

"EMPLOYEE" - Any full-time or part-time employee of the ITID.

"EMPLOYEE ASSISTANCE PROGRAM" - An established program for employee assessment, counseling, and referral to an alcohol and drug rehabilitation program.

"FOLLOW-UP DRUG TESTING" - Drug testing which occurs as a follow-up to an employee entering an employee assistance program for drug related problems, or an

alcohol and drug rehabilitation program. Follow-up testing must be conducted, without prior notice, on a quarterly, semi-annual, or annual basis for up to two years thereafter.

"INITIAL DRUG TEST" - A sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens. All initial tests will use an immunoassay procedure or an equivalent, or will use a more accurate scientifically accepted method approved by the United States Food and Drug Administration or ITID for Health Care Administration.

"JOB APPLICANT" – A person who has applied for a safety-sensitive or special risk position and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test.

"RANDOM DRUG TESTING" – Drug testing based upon a neutral selection process of those employees occupying safety-sensitive positions.

"REASONABLE SUSPICION DRUG TESTING" - Drug testing based on a belief that an employee is using or has used drugs in violation of the ITID's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience, or as otherwise defined in sec. 440.102 of the Florida Statutes. Reasonable suspicion drug testing shall not be required except upon the recommendation of a manager of the employee in question. Such facts and inferences may be based upon:

- Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- A report of drug use, provided by a reliable and credible source.
- Evidence that an individual has tampered with a drug test during his or her employment
- Information that an employee has caused, contributed to, or been involved in an accident while at work.
- Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

If the ITID tests an employee for reasonable suspicion of drug or alcohol use, a management employee will transport the employee immediately to a collection site

where a sample will be taken. Such employee may be placed on unpaid leave until the results of the drug test have been determined. The manager(s) who observed the employee must document the employee's actions, which raised suspicion within 24 hours of the incident or before the release of the test results, whichever is earlier. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept confidential by the ITID and shall be retained for at least 1 year.

"SAFETY-SENSITIVE POSITION" – A position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; or a position in which a momentary lapse in attention could result in injury or death to another person.

IV. CIRCUMSTANCES WHEN TESTING IS REQUIRED

The ITID requires employees to submit to tests for the presence of alcohol or illegal drugs under the following circumstances:

- A. **Job applicant testing.** Testing required of all job applicants. If an applicant refuses to submit to a drug test or a positive confirmed drug test results, the applicant may not be hired. Applicants will be required to submit to a urinalysis test at a laboratory chosen by the ITID, and by signing a consent agreement, will release the ITID from liability. The ITID may allow a job applicant to begin work pending the results of the drug test. Any applicant with positive test results will be denied employment at that time, but may initiate another inquiry with the ITID after six months. Any job applicant who refuses to submit to drug testing, refuses to sign a consent form, fails to appear for testing, tampers with the test, or fails to pass the pre-employment drug test will be ineligible for hire.
- B. **Reasonable-suspicion testing.** Testing based upon reasonable suspicion. Testing may be required after an accident if the ITID has reason to suspect the accident was caused primarily by intoxication or impairment. See circumstances that could be indicators of substance abuse problems and considered reasonable suspicion set forth in Section III above.
- C. **Follow-up testing.** If the employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the employee must submit to a drug test as a follow up to such program. Follow-up drug testing must be conducted on a quarterly, semi-annual, or annual basis for up to two years thereafter.
- D. **Routine fitness-for-duty drug testing.** If testing is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of

the ITID's established policy or that is scheduled routinely for all members of an employment classification group.

E. Random drug testing. Drug testing based upon a neutral selection process of those employees occupying safety-sensitive positions only. Selection for random testing will be conducted as follows:

1. Selection of employees for random testing will be a neutral selection process. An independent Drug Free Workplace Specialist whose selections are computer generated conducts selections.
2. When an employee is selected for random testing, both the employee and the employee's supervisor will be notified on the date the test is scheduled to occur.
3. Testing may be postponed only when an employee's supervisor agrees that there is a compelling need for deferral.
4. An employee whose random drug test is deferred will be subject to an unannounced test within sixty (60) days.
5. If an employee who is employed in a safety-sensitive position enters an employee assistance program or drug rehabilitation program, the employer must assign the employee to a position other than a safety-sensitive position or, if such position is not available, place the employee on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated annual leave credits before leave may be ordered without pay.

F. Post-accident. Post-accident drug and/or alcohol testing constitutes reasonable suspicion and will be undertaken on all employees if the employee is involved in an on the job accident. Tests must be done as immediately or as soon as possible after the accident.

V. DRUGS TO BE TESTED

The ITID will test for the following: ALCOHOL, AMPHETAMINES, CANNABINOIDS, COCAINE, PHENCYCLIDINE (PCP), METHAQUALONE, OPIATES, BARBITURATES, METHADONE, PROPOXYPHENE, and BENZODIAZEPINES.

VI. TESTING PROCEDURES

A. All specimen collection and testing for drugs will be performed in accordance with the procedure as set forth in Section 440.102(5) of the Florida Statutes. Any

positive test results that the ITID later determines have been refuted will have affixed thereto the subsequent refutation. Test results will be considered confidential medical records.

- B. An employee may confidentially report the legitimate use of prescription or non-prescription medications both before and after being tested to the testing laboratory and Medical Review Officer.
- C. Employees have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

VII. MEDICATIONS, WHICH MAY ALTER, OR AFFECT THE DRUG TEST

Some common medications may alter or affect a test result. They are listed below for your information. Due to the large number of obscure brand names and the marketing of new products, this list cannot and is not intended to be all-inclusive.

ALCOHOL	All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).
AMPHETAMINES	Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.
CANNABINOIDS	Marinol (Dronabinol, THC).
COCAINE	Cocaine HCl topical solution (Roxanne).
PHENCYCLIDINE:	Not legal by prescription.
METHAQUALONE	Not legal by prescription.
OPIATES	Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empinn with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
BARBITURATES	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral,

Butabarbital, Butalbital, Phrenilin, Triad, etc.

BENZODIAZEPINES Activan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

METHADONE Dolophine, Metadose.

PROPOXYPHENE Darvocet, Darvon N, Dolene, etc.

VIII. CONFIDENTIALITY

All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Chapter 440, F. S.

Employers, laboratories, medical review officers, employee assistance programs, drug and alcohol rehabilitation programs, and their agents who receive or have access to information concerning drug test results shall keep all information confidential. Release of such information under any other circumstances shall be solely pursuant to a written consent form signed voluntarily by the person tested, unless such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under this section, or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

According to the Florida Statutes, the ITID and the laboratory conducting a drug test are not prohibited from having access to employee drug test information when consulting with legal counsel in connection with actions brought under or related to this section or when the information is relevant to the ITID's defense in a civil or administrative matter.

IX. REFUSAL TO SUBMIT TO A DRUG TEST

Employees who are required by this policy to take a test for the presence of drugs and/or alcohol will sign authorizations releasing the results of such tests to the ITID. Failure to sign such authorization will subject an employee to immediate termination. Employees who refuse to submit to a drug test shall be discharged. Further, if an injured worker refuses to submit to a test for drugs or alcohol, he or she forfeits his or her eligibility for all medical and indemnity benefits and may be terminated from employment or otherwise disciplined by the employer.

X. DRUG TEST RESULTS

Within five (5) working days after receipt of a positive confirmed test result from the testing laboratory, the ITID will inform the employee in writing of such positive test results, the consequences of such results, and options available to the employee. The ITID shall provide to the employee, upon request, a copy of the test results. In the case of reasonable suspicion, the ITID will detail in writing the circumstances, which form the basis for such reasonable suspicion. A copy of this document will be given to the employee upon request and the original documentation will be kept confidential and retained for at least one year.

XI. EMPLOYEE RIGHTS

- A. Within 180 days after receiving written notification of a positive test result, an employee or job applicant may have a portion of the specimen retested, at the employee's expense, at another laboratory, licensed and approved by the ITID for Health Care Administration, chosen by the applicant or employee. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory that performed the test for the employer is responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody during such transfer.
- B. The ITID cannot discharge, discipline or otherwise discriminate against an employee solely because the employee voluntarily sought treatment where the employee had not previously tested positive for drug use, entered an EAP, or entered a drug or alcohol rehabilitation program.

XII. CHALLENGE TO TEST RESULTS

- A. Within five working days after receiving notice of a positive result, an employee or job applicant may submit an explanation or information to the Medical Review Officer explaining or contesting the test result, and explaining why the result does not constitute a violation of the ITID's policy.
- B. If the explanation is unsatisfactory to the Medical Review Officer, the Medical Review Officer shall report a positive result to ITID. Any employee may contest the drug test result pursuant to law or rules adopted by the Agency for Health Care Administration. All documentation will be kept confidential and will be retained for at least one year.
- C. All employees and job applicants must notify the laboratory of an administrative or civil action brought pursuant to Florida Statutes, section 440.102.

XIII. EMPLOYEE ASSISTANCE PROGRAM

The ITID maintains an Employee Assistance Program through The Center for Family Services, 471 Spencer Drive, West Palm Beach, Florida 561-616-1222, which provides help to employees who suffer from drug and alcohol abuse. However, it is the responsibility of each employee to seek assistance from the Employee Assistance Program before alcohol and drug problems lead to disciplinary actions. The employee's decision to seek prior assistance from the EAP program will not be used as the basis for disciplinary action and will not be used against the employee in a disciplinary proceeding. Once a violation of this policy occurs, subsequently using the EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action, including immediate termination.

XIV. CONSEQUENCES OF POLICY VIOLATIONS

Any violation of this policy may result in immediate termination of employment.

In the event of a conflict, between the provisions of this drug policy, and the provisions of the Code of Conduct of the Human Resource Manual, the provisions of this drug policy shall control.

XIV. TESTING LOCATION

Coach Comp America/Urgent Care Medical Center
11327 Okeechobee Boulevard
Royal Palm Beach, Florida 33411
(561) 795-4565

XV. MEDICAL REVIEW OFFICER

Dr. Seth Howard Portnoy
Total Compliance Network
5440 NW 33rd Avenue, Suite 106
Ft. Lauderdale, FL 33309
(954) 341-2131

XVI. EFFECTIVE DATE OF POLICY

This updated Drug-Free Workplace Policy was adopted by the Board of Supervisors on January 15, 2009 and shall become effective 60 days after the date of adoption on March 19, 2009.

ALL EMPLOYEES ARE ASKED TO ACKNOWLEDGE THAT THEY HAVE BEEN INFORMED OF THE ABOVE POLICY AND AGREE TO ABIDE BY IT IN ALL RESPECTS. BY LAW, THIS ACKNOWLEDGEMENT AND AGREEMENT ARE REQUIRED OF YOU AS A CONDITION OF CONTINUED EMPLOYMENT.

CERTIFICATE OF AGREEMENT

I do hereby certify that I received, read and understand the revised Indian Trail Improvement District's Drug Free Workplace Policy and Program, approved by the Indian Trail Improvement District Board of Supervisors on January 15, 2009, regarding Substance Abuse, and the Program was explained to me.

I understand that if my performance indicates it is necessary, I will submit to substance abuse screening. I also understand that failure to comply with a request or a positive result may lead to termination of employment.

Name (please print)

Signature

Date

PRE-EMPLOYMENT AGREEMENT

PLEASE READ CAREFULLY

I freely and voluntarily agree to submit to a urinalysis (drug screen) as part of my application for employment. I understand that either refusal to submit to the urinalysis screen or failure to qualify according to the minimum standards established by the ITID for this screen may disqualify me from further consideration for employment.

I further understand that upon commencement of employment with the ITID I may again be required to submit to a urinalysis screen, pursuant to the ITID's policy. I understand that refusal to take a requested urinalysis screen or failure to meet the minimum standards set for the screen, may result in immediate suspension or discharge.

I have read in full and understand the above statements and conditions of employment.

Applicant's Signature

Date

Driver License Information:

State: _____

Driver License # _____

It is the responsibility of the applicant to notify the testing laboratory of any administrative or civil actions brought under the Workers Compensation Law.