
POLICY AREA: QUALITY MANAGEMENT AND RISK MANAGEMENT

POLICY 3708

SUBJECT: DRUG-FREE WORKPLACE

PAGE 1 OF 21

Effective Date: February 28, 2001

Revised: August 25, 2005

Approved By: Board of Directors

PURPOSE: In a commitment to safeguard the health of our employees/volunteers/ students and to provide a safe work environment for everyone, we have established a Drug-Free Workplace policy. We acknowledge problems associated with substance abuse, including alcohol, in the workplace and community. Furthermore, we view substance abuse as a threat to the persons we serve, our, staff and others associated with our operations. We will address substance abuse with a Drug-Free Workplace policy.

The ultimate goal of our policy is to balance our respect for employees/volunteers/students' privacy with our attempts to provide a safe, productive and drug-free workplace for everyone. Our intention is to prevent and treat substance abuse. This company encourages personnel who have drug and alcohol problems to seek assistance in overcoming their problems

POLICY: As a condition of employment at Life Management Center of Northwest Florida, an employee must not report to work or work with the presence of drugs or alcohol in his or her body. Life Management Center tests all job applicants after a conditional employment offer has been extended. In addition, drug testing may occur at any time there is cause to believe the employee is impaired or may have been involved with the misappropriation of drugs or if the employee has either caused injury or been injured in a workplace accident or injury and has received medical treatment whether it was avoidable or not in accordance with the criteria listed herein.

Life Management Center of Northwest Florida also prohibits the unauthorized possession, sale, theft, purchase, manufacture, or distribution of drugs, alcohol, or other controlled substances at any location where company business is conducted, on its property, or that of its clients and customers.

Employees will be notified as of May 1, 2004 that it is a condition of employment to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body. Active employees are subject to drug and alcohol testing under the standards of this policy beginning 60 days from the notification date. (See [Attachment A](#) Notice to Employees and Job Applicants.)

This policy is implemented pursuant to the drug free workplace requirements of Section 440.102, Florida Statutes and Florida Administrative Rules 59A-24, Drug-Free Workplace Standards.

The Florida Workers Compensation Act provides that an employee who is injured in the course and scope of his/her employment and tests positive on drug or alcohol tests or adulterates or tampers with a specimen, may forfeit his/her eligibility for medical and indemnity benefits and under Florida's Workers Compensation. An employee who tests positive on drug or alcohol tests or adulterates or tampers with a specimen, may also forfeit his/her eligibility for Unemployment Compensation benefits.

Refusal to take a drug or alcohol test will result in an automatic termination of an employee. A positively confirmed drug or alcohol test shall not create a "handicap" or "disability" as that term is defined by handicap and discrimination laws.

The essential parts of this policy including Definition of Terms, General Provisions, and Procedure Details are discussed below:

TERMS

Chain of Custody: refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.

Confirmation Test: a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. This test must be different in scientific principle from that of the initial test procedure and must be capable of providing valid test results. This test is required before a Medical Review Officer contacts the effected individual about test results.

Drug: alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phenylclidine (PCP); a hallucinogen, methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic, a designer drug; or a metabolite of any of the substances listed above. An employer may test an individual for any or all such drugs.

Drug Rehabilitation: a service provider that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse.

Drug test: any chemical, biological, or physical instrumental analysis administered by a laboratory licensed by the Agency for Health Care Administration or certified by the U.S. Department of Health and Human Services, for the purpose of determining the presence or absence of a drug.

Employee: any person who works for salary, wages, or other remuneration for an employer

Employee Assistance Program: an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work.

Employer: a person or entity that employs a person and that is covered by the Workers' Compensation Law.

Initial Drug test: a sensitive, rapid, and reliable procedure used to identify negative and positive specimens, usually using a chemical procedure or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

Job Applicant: a person who has applied for a position with an employer, and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test.

Medical Review Officer (MRO): a licensed physician, qualified under section 59A-24.008(1)(a)-(e), F.A.C., who evaluates a donor's test result, together with his or her medical history or any other biomedical information, and makes the final determination of the donor's test results.

Prescription or Non-prescription Medication: a drug or medication obtained pursuant to a prescription, or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

Reasonable Suspicion: drug testing based on a belief that an employee is using or has used drugs in violation of the employer's policy. The reasons for "reasonable suspicion" testing may include the following:

1. 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.
2. Abnormal conduct or unpredictable behavior while at work or a significant deterioration in work performance.
3. A report of drug use, provided by a reliable and credible source.
4. Evidence that an individual has tampered with a drug test during his employment with the current employer.
5. Information that an employee has caused, or contributed to, or been involved in an accident while at work.
6. 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.

Specimen: tissue, hair, or a product of the human body capable of revealing the presence of drug or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

GENERAL PROVISIONS

1. Drug Use Prohibitions

- A.** The unauthorized use, possession, sale, theft, purchase, manufacture, or distribution of drugs, alcohol, or other controlled substance at any location where Life Management Center business is conducted, on its property, or that of its customers is against Life Management Center policy and is cause for immediate discharge.
- B.** It is against Life Management Center policy to report to work or work under the influence of illegal or non-prescribed drugs. It shall also be a violation of this policy, should the employee report for work while taking prescription drugs, which induce an unsafe physical or mental state. Employees who willfully take prescription drugs that induce an altered mental or physical state prior to or during work time may be considered to violate this policy and may be subject to corrective action up to and including discharge.
- C.** For purpose of this policy, an employee is presumed to be under the influence of drugs if a urine test or other accepted testing procedure shows proof of a positive drug level as determined by the Medical Review Officer as outlined in this policy.
- D.** Prescription drugs may also affect the safety of the employee, fellow employees and members of the public. Therefore, any employee who is taking any prescription or non-prescription medication which might reasonably be determined to impair the employee's safety, performance, or any motor functions must advise his/her supervisor before reporting to work under such medication. A failure to do may result in corrective action. If Life Management Center determines that such use does not pose a safety risk, the employee will be permitted to work. If such use impairs the employee's ability to safely, or effectively perform his/her job, Life Management Center may temporarily reassign the employee, grant paid leave or grant an unpaid leave of absence during the period of treatment. Improper use of prescription drugs is prohibited and may result in corrective action. Prescription medication must be kept in its original container if such medication is taken during working hours or on Life Management Center property. Physician validation of prescription drugs may be required.
- E.** Refusal to submit to or efforts to tamper with or adulterate a drug test will result in termination of employment.
- F.** Life Management Center may suspend employees without pay under this policy, pending the results of a drug test or investigation relating to reasonable suspicion of testing.

2. Drug testing Applicants

- A.** All applicants considered final candidates for a position would be tested for the presence of drugs after a "conditional offer" of employment has been made.
- B.** All applicants considered final candidates will be required to sign the [Notice to Employees and Job Applicants](#) (Attachment A) and [Drug Screen Consent Form](#)

(Attachment B) prior to testing. Any job applicant who refuses to submit to drug testing, refuses to sign the consent form, fails to appear for testing, tampers with or adulterates a test, or fails to pass the pre-employment drug test will not be considered for employment and the application process will be terminated. In such instance, the applicant may initiate another employment inquiry with Life Management Center of Northwest Florida after six months.

3. Drug testing Employees

A. Reasonable Suspicion Testing. Employees must submit to a drug test if reasonable suspicion exists to indicate that their ability to perform work safely or effectively may be impaired. "Reasonable Suspicion Testing" means drug testing based on a belief that an employee is using or has used in violation of Life Management Center's policy. Employees tested, as a result of incidents, will be suspended without pay, pending test results. If test results are negative, the employee will be paid for his/her scheduled hours not worked.

1) Circumstances that could raise a reasonable suspicion that an employee is using or has used drugs may include:

- a.** Direct observation of drug or alcohol use, or the symptoms of being under the influence of a drug or alcohol.
- b.** Abnormal behavior while at work or a significant deterioration of work performance.
- c.** A report of drug use, provided by a reliable and credible source.
- d.** Evidence that an individual has tampered with a drug test during his employment with the Life Management Center.
- e.** Information that an employee has caused, contributed to, or been involved in an accident while at work.
- f.** Evidence that an employee has used, possessed, sold, or solicited drugs while working or while on the Life Management Center premises or while operating a Life Management Center vehicle, machinery or equipment.

B. Workers Compensation Injuries.

1) If an employee suffers an injury requiring medical attention during the course of and in the scope of his/he employment whether or not Life Management Center has reasonable suspicion that the employee has caused or contributed to the accident or injury, then Life Management Center will require a test for the presence of drugs in his/her system. No specimens will be taken which would jeopardize the employee's treatment prior to the administration of emergency medical care. Once this condition has been satisfied, a specimen will be obtained and transported to the

licensed and approved testing laboratory as set forth in this policy. If medical treatment is required, an injured employee must release to the employer the results of any test conducted for the purpose for showing the presence of drugs.

- 2) If the injury was caused by an employee who was not injured, the employee who caused the injury will be required to immediately report to his/her supervisor to arrange for drug testing.
- 3) Each employee and supervisor is responsible to insure that all injuries and accidents are reported in a timely manner and that appropriate drug tests are initiated by the end of the employee's shift of work.
- 4) Drug tests following an employee's injury may be conducted if any one of the following criteria are met:
 - a. Normal Life Management Center procedures were not adhered to by an employee.
 - b. A supervisor determined that the employee was not paying attention to his/her work, thus causing or contributing to an accident and/or injury.
 - c. Any accident or injury involving medical treatment for an employee.
 - d. An employee has current corrective action or a pattern of absenteeism or tardiness that would imply or be reason to suspect misuse of drugs.
 - e. There was harm or aggressive action towards clients or other employees or damage to property due to an incident caused by the employee.
- C. Confirmation Testing. The employer may in its sole discretion seek a confirmation test.
- D. Routine Fitness For Duty. Employees will be drug tested if the test is conducted as part of a routinely scheduled Employee Fitness-For-Duty Medical Examination that is part of Life Management Center of Northwest Florida's established policy or that is scheduled routinely for all members of a job or group classification.
- E. Follow Up Testing. If an employee in the course of employment enters an employee assistance program for drug related problems, or an alcohol and drug rehabilitation program, Life Management Center will require the employee to submit to a drug test as a follow-up to such programs, unless the employee voluntarily enters the program. In those cases, the Life Management Center has the option to not require follow-up testing. If follow-up testing is required, it must be conducted at least once a year for a 2-year period after completion of the program. Advanced notice of a follow-up testing date will not be given to the employee to be tested.
- F. At Other Times And Under Such Circumstances As Deemed Appropriate by Life Management Center of Northwest Florida management and current state and/or federal

standards, employees will be given adequate notice of any addition(s)/change(s)/deletion(s) in Life Management Center of Northwest Florida's drug testing requirements.

4. Employee Assistance Program

- A.** Life Management Center of Northwest Florida maintains an Employee Assistance Program (EAP). The purpose of an EAP is to provide help to employees and their family members who suffer from alcohol, drug abuse or other personal problems. Information about or assistance in using the Life Management Center may be obtained by contacting the Employee Assistance Director (850-769-9481, Ext. 1400) or an Employee Assistance Counselor, (850-522-4485, Ext. 1800).
- B.** Rather than or in addition to using the Life Management Center EAP, an employee may choose to seek assistance from another EAP or drug and alcohol rehabilitation program. A list of regional alcohol and drug rehabilitation programs that an employee might access without Life Management Center of Northwest Florida referral is included in Attachment A.
- C.** It is the employee's responsibility to seek assistance from an EAP or other source before alcohol and drug problems lead to disciplinary actions. Once a violation of this policy occurs, subsequent use of an EAP by an employee on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.
- D.** An EAP will provide assessment, evaluation, counseling and/or referral for treatment of drug or alcohol abuse. Employees in EAP counseling or treatment of drug or alcohol abuse may be granted leave with a conditional return to work, depending on successful completion of the agreed upon appropriate treatment regime, which may include follow-up testing.
- E.** The cost of seeking assistance from an EAP, other than Life Management Center of Northwest Florida EAP, or other provider will be the responsibility of the employee. The Life Management Center of Northwest Florida health insurance plan may be used in accordance with the provisions of that health insurance plan. The employee should consult the provider for specifics concerning payment of services.

5. Investigation

- A.** To ensure that illegal drugs do not enter or affect the workplace, Life Management Center reserves the right to search all vehicles, containers, lockers, or other items on Life Management Center property in furtherance of this policy. Individuals may be requested to display personal property for visual inspection upon Life Management Center's request.
- B.** Searches may be conducted where Life Management Center has reason to believe the employee has violated Life Management Center's substance abuse policy.

- C. Failure to consent to a search or display personal property for visual inspection could result in termination and denial of access to Life Management Center.
- D. Searches of an employee's personal property will take place in the employee's presence whenever possible or with a witness. All searches under this policy will occur with the utmost discretion and consideration for the employee involved.
- E. Individuals may be required to empty their pockets, but under no circumstance will any employee be required to remove articles of clothing or be physically searched by Life Management Center personnel.
- F. Because the primary concern is the safety of its employees, and their working environment, Life Management Center will not normally prosecute in matters involving illegal substance. However, Life Management Center will turn over all confiscated drugs to the proper law enforcement authorities when appropriate. Further, Life Management Center reserves the right to cooperate with or enlist the services of proper law enforcement authorities in the course of any investigation.

6. Confidentiality

- A. All information, interviews, reports, statement memoranda, and drug test results, written or otherwise, received by Life Management Center as part of this drug-testing program are confidential communications. Unless authorized by laws, rules or regulations, Life Management Center will not release such information without a written consent form signed by the person tested.
- B. This sub-section (Confidentiality) does not prohibit Life Management, an agent of Life Management Center, or laboratory conducting a drug test from having access to employee drug test information or using such information when consulting with legal counsel in connection with actions brought under or related to this section or when the information is relevant to its defense in a civil or administrative matter.

7. Medication Reporting Procedure

Employees or job applicants may confidentially report to the Life Management Center Medical Review Officer (MRO) the use of prescription or non-prescription medications both before and after being tested. Additionally, employees and job applicants shall receive notice of the most common drugs or medications – by brand name or common name, as applicable, as well as by chemical name (A listing of these is included with Attachment A).

8. Challenges to Test Result

- A. Within 5 working days after receipt of a positive confirmed test result from the medical review officer, an employer shall inform an employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant. The employer shall provide to the employee or job applicant, upon request, a copy of the test results.

- B.** Within 5 working days after receiving the notice of a positive confirmed test result, an employee or job applicant may submit information to the Medical Review Officer explaining or contesting the test result and why the result does not constitute a violation of the employer's policy.
- C.** If the employee's or job applicant's explanation or challenge of the positive test result is unsatisfactory to the Medical Review Officer, a written response as to why the employee's or job applicant's explanation is unsatisfactory, along with the report of the positive confirmed result, shall be provided by the employer to the employee or job applicant; and all such documentation shall be kept confidential by the employer pursuant to the confidentiality provisions outlined above, and shall be retained by the Designated Agency Authority for at least 1 year.
- D.** An employee or job applicant may undertake an administrative challenge to a denial of worker's compensation benefits by filing a claim for benefits with a judge of compensation claims pursuant to Chapter 440, Florida Statutes, or if no workplace injury has occurred, the person must challenge the test result in a court of competent jurisdiction. When an employee undertakes a challenge to the result of a test, it shall be the employee's responsibility to notify the laboratory.
- E.** Every specimen that produces a positive, confirmed test result shall be preserved by the licensed or certified laboratory that conducted the confirmation test for a period of at least 210 days after the result of the test was mailed or otherwise delivered to the medical review officer. However, if an employee or job applicant undertakes an administrative or legal challenge to the test result, the employee or job applicant shall notify the laboratory and the laboratory shall retain the sample until the case or administrative appeal is settled. During the 180-day period after written notification of a positive test result, the employee or job applicant who has provided the specimen shall be permitted by the employer to have a portion of the specimen retested, at the employee's or job applicant's expense, at another laboratory, licensed and approved by the Agency for Health Care Administration, chosen by the employee or job applicant. 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.

9. Drugs to Test For

Life Management Center of Northwest Florida reserves the right to test for any or all of the drugs listed by the Agency For Health Care Administration contained in Rule 59A-24 of the Florida Administrative Code. Employees and applicants will be notified regarding changes to the list. (A copy of chapter 59A-24 may be obtained by calling the Agency for Health Care Administration at (850) 487-3107 or the Workers Compensation Customer Service Center at (850) 921-6966. The following is a list of drugs by brand names or common names, as well as by chemical names for which applicants and employees may be tested:

Drugs Tested*	Trade Names	Common or Street Names
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).	Booze, Beer, Wine
Amphetamines	Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine.	Ice, Speed, Crank, Uppers,
Cannabinoids	Marinol (Dronabinol, THC)	Pot Grass Weed Smoke, Mary Jane, Reefer, Thai Stick, Dope
Cocaine	Cocaine HCl topical solution (Roxanne)	Coke, Rock, Crack, Snow, Blow, Toot
Phencyclidine	Not legal by prescription	PCP Angel Dust
Methaqualone	Not legal by prescription	
Opiates	Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Emprin 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.	Heroin, Horse, Smack,
Barbiturates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebral, Butabarbital, Butalbital, Phenrinin, Triad, etc.	
Benzodiazepines	Ativan, Azene, Clonopin, dalmine, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.	
Methadone	Dolphine, Metadose	
Propoxyphene	Darvocet, Darvon N, Dolene, etc.	

*Due to the large number of obscure brand names and constant marketing of new products, this list cannot and is not intended to be all-inclusive.

10. Collective Bargaining

Life Management Center of Northwest Florida has no collective bargaining agreement.

11. Consultation Rights

Job applicants and employees have the right to consult the Life Management Center Medical Review Officer (MRO) for technical information regarding prescription and non-prescription medications.

12. Medical Review Officer*

The Life Management Center Medical Review Officer (MRO) is:

Dr. Steven Saul
2306 Hwy 77
Panama City, Florida
850-763-9744

13. Designated Testing Agency*

The Designated Testing Agency is:

Bay Walk-in Clinic
2306 Hwy 77
Panama City, Florida
(850) 763-9744

14. Designated Laboratory*

The Designated Laboratory is:

Labcorp
5610 West LaSalle Street
Tampa Florida 33607
1-800-282-6613

*Temporary business or other circumstances may warrant the administrative designation of an alternate testing agency, certified laboratory, and/or certified Medical Review Officer to fulfill the duties and responsibilities listed under FS 440.102 and FAC. In the event that a permanent change is required to the above listed designations, the Policy will be amended by board action. Effected applicants and employees shall be notified of the changes as applicable.

15. Cost

Life Management Center shall pay the cost of initial and confirmation drug test, which it requires of employees. The employee shall pay the cost of any additional drug test not required by Life Management Center.

16. Employer at Will

Life Management Center of Northwest Florida, Inc. is an employer at will. The contents of this drug and alcohol policy and procedures are presented as statements of Life Management Center's current policy and may be changed and updated by Life Management Center. These guidelines are not intended to create a contract between Life Management Center of Northwest Florida, Inc. and any employee. Nothing in these guidelines binds Life Management to a specific or definite period of employment or to any specific policies, procedures, actions, rules, or terms and conditions of employment.

PROCEDURE DETAILS

Responsibility

Procedure Details

Employee and Recruitment Notices

Program Director

1. Position availability notices or other job recruitment solicitations should

specify that the Life Management Center is a drug-free workplace

Program Director

2. Notice of Life Management Center's Drug-Free Workplace Policy should be posted in plain view in an area readily accessible to all applicants and employees on Center premises.

Director of Administrative Services

3. Copies of the Life Management Center Drug-Free Policy must be made available for job applicants or employees during regular business hours at each Life Management Center office, on the Life Management Center web site and from the Director of Administrative Services upon request.

Program Director/Supervisor/Designee

Drug Testing Job Applicants

4. All final candidates for jobs (persons who have been given a written conditional offer of employment) must be drug tested before they are hired, although they may begin work pending the results of the drug test. The applicant should not be asked what prescription drugs they may be taking before a conditional offer of employment is made.

Program Director/Supervisor/Designee

5. At the time a written offer of employment is made to the applicant, the applicant should be given provided with the Notice to Employees and Job Applicants (Attachment A). This must be done prior to drug testing. Applicant must sign the Notice and this should be forwarded to Director of Administrative Services. (Applicants issued conditional job offers will be asked to sign the acknowledgement as of the notification date of this policy.)

Executive Director

6. The Executive Director shall enter into an agreement with a Designated Testing Agency. The Designated Testing Agency will contract with Life Management Center to meet the requirements of Chapter 59A-24.

Program Director/Supervisor/Designee

7. At the time the applicant is informed of a conditional offer of employment the Supervisor making the offer of employment should identify the location of collection site and inform the candidate of the need to complete Pre-employment testing. (The designated testing agency will coordinate testing for out of area applicants.) This step must always be completed before moving on to the following steps.

The regular collection sites are located at:

2306 Highway 77
Panama City Florida
(850) 763-9744

8811 Front Beach Road
Panama City Beach Florida
(850) 234-8511

The regular hours of operation are:

Monday-Saturday 8 AM to 8 PM, Sun 10 AM to 6 PM.

When collection is not feasible at one of the regular collection sites, contact the designated testing agency 850-763-9744 to arrange for collection of the specimen.

Program
Director/Supervisor/
Designee

8. At the time that a conditional offer of employment is made to the applicant, the applicant will be given a form authorizing the Designated Collection agency to conduct the drug test and including instructions (including directions) to report with proper identification to a designated collection site. (See [Attachment C.](#))

Designated Testing
Agency

9. When the applicant reports to the designated testing agency, the designated testing agency will provide the applicant with information regarding the Life Management Center of Northwest Florida Drug-Free Workplace Policy and related procedure (including a current list of the drugs for which the specimen is to be tested) and answer any questions the applicant may have regarding the drug test.

10. The applicant for employment will also be given the opportunity to report the use of any legal prescription drugs to the MRO.

11. The Designated Agency will provide the applicant consent to drug testing form and request that the applicant sign the form and submit to the drug test.

12. If an applicant refuses to sign the drug test consent form, the applicant will be considered to have refused to submit to drug testing. The designated testing agency will notify the Designated Agency Authority whether the applicant has submitted to the test and shall inform the Designated Agency Authority. Refusal to report or submit to the drug testing is considered to be a refusal of the job offer.

13. The Designated Testing Agency shall inform the Designated Agency Authority when the applicant has reported to the collection site and submitted to the drug test. If the applicant refuses to submit to drug testing, the designated testing agency will notify the designated agency authority.

Designated Agency
Authority

14. The Designated Agency Authority shall advise the applicant in writing when he or she will not be considered further for employment because of failure to comply with the Life Management Center of Northwest Florida Drug-Free Workplace Policy.

Designated Testing
Agency

15. Once the specimen is collected, the designated testing agency will be responsible to transport the specimen to the designated laboratory and to

maintain documentation of the chain of custody set forth in Chapter 59A-24 of the Florida Administrative Code.

Designated Laboratory

16. Within three days the Designated Laboratory shall send all test results to the MRO for evaluation.

If the results of the drug test are negative:

MRO/Designated Agency Authority

- a. If upon review the MRO determines the test results are negative, the MRO shall notify the Designated Agency Authority, who shall in turn notify the Program Director verbally and in writing that the results are negative. The applicant's Program Director shall insure that the applicant is notified as soon as possible.

If the results of the drug test are positive:

MRO

- b. Within three days of receipt of the result from the Laboratory the MRO shall contact the applicant to inquire as to any prescriptions or over the counter medications the applicant may have taken that would cause a positive test result, and give the applicant an opportunity to produce valid documentation of lawful ingestion of the identified controlled substance. In addition the MRO may request consent to review the applicant's medical records.

MRO

- c. If the MRO is unable to contact the applicant within three days of receiving the test result from the Laboratory, the MRO shall request the Designated Agency Authority to instruct the applicant to contact the MRO as soon as possible, and shall inform the MRO of the date the applicant received this instruction. If the applicant has not contacted the MRO within two working days from the date the applicant received the direction to contact the MRO, the MRO shall certify the test results as positive.

MRO

- d. If the MRO determines the positive test result is a result of a legitimate prescription or over the counter medication, the MRO shall report a negative test result to the Designated Agency Authority.
- e. If the MRO determines the positive test result is a result of illegal use of drugs, the MRO shall report a positive test result to the Designated Agency Authority.

Designated Agency Authority

17. The Designated Agency Authority shall notify the applicant in writing of such positive test results, and the consequences of such result.

Employee or Applicant

18. Within 5 working days after receiving notice of a positive test result, an employee or job applicant may legally or administratively contest the result or explain the result to the Medical Review Officer.

SUBJECT: DRUG-FREE WORKPLACE

MRO/ Designated Agency Authority

19. If the employee's or job applicant's explanation or challenge of the positive test result is unsatisfactory to the Medical Review Officer, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory, along with the report of positive result, shall be provided by the Designated Agency Authority to the employee or job applicant.

Designated Agency Authority

a. Once the Designated Agency Authority has been notified by the MRO that the test result is confirmed positive, the Designated Agency Authority shall advise the Program Director and confirm the results of the drug test to the Program Director in writing. The Designated Agency Authority may notify the supervisor verbally.

Designated Agency Authority

b. If the test results are positive, the applicant will not be considered further for employment or employment will be terminated because of failure to adhere to the Life Management Center of Northwest Florida Drug-Free Workplace Policy.

Applicant/Employee

c. If an employee is terminated or an applicant is refused employment, the individual may still contest the drug test result pursuant to rules adopted by the Florida Department of Labor & Employment Security by filing a claim with a judge of Compensation Claims within 30 days of being advised that Life Management Center has rejected an explanation of the positive drug test if, in fact there has been such a rejection. The individual must notify the testing laboratory of any administrative or civil action brought pursuant to this policy & Florida laws and advise the laboratory of the need to retain any sample taken until the administrative appeal is settled. The individual has a right to have the specimen given retested at their own expense at a laboratory licensed and approved by the Agency for Health Care Administration. Retesting must be performed within 180 days.

Types of Drug tests for Employees

All Life Management Center staff

20. Reasonable Suspicion Testing.

a. Employees must submit to a drug test if reasonable suspicion exists to indicate that their ability to perform work safely or effectively may be impaired. "Reasonable Suspicion Testing" means drug testing based on a belief that an employee is using or has used in violation of Life Management Center's policy. Employees tested, as a result of incidents, will be suspended without pay, pending test results. If test results are negative the employee will be paid for his/her scheduled hours not worked.

b. Circumstances that could raise a reasonable suspicion that an employee is using or has used drugs include.

- 1.) Direct observation of drug use or other physical symptoms or manifestations of being under the influence of a drug.
 - 2.) Abnormal behavior while at work or a significant deterioration of work performance.
 - 3.) A report of drug use, provided by a reliable and credible source.
 - 4.) Evidence that an individual has tampered with a drug test during his employment with the Life Management Center.
 - 5.) Information that an employee has caused, contributed to or been involved in an accident while at work.
 - 6.) Evidence that an employee has used, possessed, sold, or solicited drugs while working or while on the Life Management Center premises or while operating a Life Management vehicle, machinery or equipment.
- c. The Supervisor or Component Director shall promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing using [LMC Form 613](#) (Documentation of Reasonable Suspicion) and [LMC Form 614](#) (Observation Checklist). This documentation shall be placed on file with the Director of Administrative Services, shall be kept confidential pursuant to the confidentiality provisions of this policy and shall be retained on file for a minimum of 1 year.
- d. Upon request, a copy of this documentation shall be given to the employee.

21. Workplace Accidents & Injuries.

- a. If an employee suffers an injury requiring medical attention during the course of and in the scope of his/her employment whether or not Life Management Center has reasonable suspicion that the employee has caused or contributed to the accident or injury, then Life Management Center may test for the presence of drugs, in his/her system. If medical treatment is required, a specimen will be obtained as set forth in this policy and transported to a licensed and approved testing laboratory by independent authorized personnel employed by the Designated Testing Agency. No specimens will be taken which would jeopardize the employee's treatment prior to the administration of emergency medical care. Once this condition has been satisfied, an injured employee must

All Life Management
Center staff/
Designated Testing
Agency

All Life Management
Center staff/Program
Director

release to the employer the results of any test conducted for the purpose for showing the presence of drugs.

b. If the injury does not require medical treatment, but the employee failed to follow Life Management Center procedures or caused the accident, then the employee will be required to immediately report to the Program Director (or his/her designee) for initiation of a drug test during, but no later than the end of his/her work shift.

c. If the accident or injury was caused by an employee who was not injured, the employee who caused the accident or injury will be required to immediately report to his/her supervisor to arrange for drug testing.

All Life Management
Center staff/ Supervisor

d. Each employee and supervisor is responsible to insure that all injuries and accidents are reported in a timely manner and that drug tests are initiated by the end of the employee's shift of work.

e. Drug tests following an accident or employee injury may be conducted if any of the following criteria are met:

All Life Management
Center staff/ Supervisor

1.) An employee did not adhere to Normal Life Management Center procedures.

2.) Any accident or injury involving medical treatment for an employee.

3.) An employee has current corrective action or pattern of absenteeism or tardiness that would imply or be reason to suspect misuse of drugs.

4.) There was harm or aggressive action towards patients or other employees or damage to property due to an incident caused by the employee.

Designated Agency
Authority/
Program Director

22. Confirmation Testing.

Life Management Center may, in its sole discretion, seek a confirmation test. A laboratory licensed or certified under chapter 59A-24 of the Florida Administrative Code, if ordered, must conduct the confirmation test.

SUBJECT: DRUG-FREE WORKPLACE

Designated Agency
Authority/
Program Director

23. Routine Fitness For Duty.

Employees will be drug tested if the test is conducted as part of a routinely scheduled Employee Fitness-For-Duty Medical Examination that is part of Life Management Center of Northwest Florida's established policy or that is scheduled routinely for all members of a job or group classification.

Designated Agency
Authority

24. Follow Up Testing.

If an employee in the course of employment enters an employee assistance program for drug related problems, or an alcohol and drug rehabilitation program, Life Management Center will require the employee to submit to a drug test as a follow-up to such programs, unless the employee voluntarily enters the program. In those cases, the Life Management Center has the option to not require follow-up testing. If follow-up testing is required, it must be conducted at least once a year for a 2-year period after completion of the program. Advanced notice of a follow-up testing date will not be given to the employee to be tested.

Executive Director/
Designated Agency
Authority/ Programs
Directors

25. Testing of employees may be conducted at other times and under such circumstances as deemed appropriate by Life Management Center of Northwest Florida Management and current state and/or federal standards.

26. Employees will be given adequate notice of any addition/change/deletion in Life Management Center of Northwest Florida's drug testing requirements.

Procedures for Drug testing Employees

Program Supervisor/
Executive Director,
Administrative Services
Director/Compliance
Officer/Program
Director

27. After consultation with the Executive Director, Administrative Services Director, the Compliance Officer or the appropriate Program Director, arrangements must be made for the employee to be transported to the collection site or for the specimen to be collected on site. Contact the Designated Collection Agency to make arrangements for the collection of the specimen. (It is essential the employee be not given more than one-hour notice when being tested for alcohol, so it is very important that the appointment with the collection site be scheduled with those time periods prior to the employee receiving notice.)

SUBJECT: DRUG-FREE WORKPLACE

Supervisor

28. Inform the employee that he or she is to be tested for drugs and/or alcohol. (The circumstances will dictate whether an individual should be tested using the drug test, the alcohol test or both. Use the Authorization form [[Attachment C](#)] to identify for the Designated Testing Agency, which test to conduct.)

29. When an employee is required to undergo testing for reasonable suspicion and is transported to the designated collection site, the employee shall be transported to and from the collection site by the employee's supervisor or other LMC employee with supervisory responsibility. The supervisor should advise the employee to refrain from driving if impaired. If the employee appears visibly impaired and insists on driving from work, the supervisor should consider notifying law enforcement.

Designated Testing Agency

30. Once the employee is presented for testing, the testing shall be conducted in accordance with items 9 - 19 above.

a. An exception to this procedure may occur when an employee requires testing outside of the normal operating hours of the designated testing agency.

b. In the event that the employee requires initial testing outside of the normal operating hours of the designated testing agency, the supervisor will transport the employee to an alternate testing site. In Bay County, the alternate testing site is located at CARE (the Chemical Addictions Recovery Effort) 4000 East Third Street, Springfield, Florida. For other after hour arrangements contact the Designated Agency Authority.

c. In the event that after hours initial testing is performed at an alternate site, confirmation testing may be required as soon as practicable.

Designated Testing Agency/
Designated Agency Authority

31. If an employee refuses to submit to drug testing, the program supervisor or designated testing agency shall immediately inform the Designated Agency Authority.

32. If an employee refuses to submit to initial drug or confirmation testing, the Designated Agency Authority shall advise the employee in writing that his or her employment is terminated.

If the results of the drug test are negative:

SUBJECT: DRUG-FREE WORKPLACE

MRO / Designated
Agency Authority/
Supervisor

33. If upon review the MRO determines the test results are negative, the MRO shall notify the Designated Agency Authority, who shall in turn notify the employee's supervisor that the results are negative, and the leave taken in conjunction with the drug test shall be changed to administrative leave. The employee's supervisor shall insure that the employee is notified as soon as possible.

If the results of the drug test are positive:

MRO / Designated
Agency Authority

34. If the MRO determines the positive test result is a result of illegal use of drugs, the MRO shall report positive test result is a result of illegal use of drugs, the MRO shall report a positive test result to the Designated Agency Authority. Once the Designated Agency Authority has been notified by the MRO that the test result is positive, the Designated Agency Authority shall notify the employee in writing of such positive test results, and the consequences of such result.

Designated Agency
Authority/Executive
Director/ Program
Director

a. If the test results are confirmed positive, including a positive drug or alcohol test result (without evidence of use, sale, possession, distribution, dispensation, or purchase of drugs or alcohol on Life Management Center of Northwest Florida property or while on duty), the employee will be subject to discipline up to and including discharge. If Life Management Center elects to continue the employee's employment, that employment will be subject to the following conditions:

- 1.) Enrolling in the Life Management Center or other Employee Assistance Program or other licensed drug or alcohol rehabilitation program and
- 2.) Submission to random testing up to 2 years from the date of the positive testing.

Designated Agency
Authority

- a.) The Designated Agency Authority will contact the Designated Testing Agency to arrange for random testing.
- b.) Random testing of retained employees will follow the procedures 9-13 listed above for applicant testing.

Employee Protection

Executive Director/
Program Director
/Designated Agency
Authority

35. Life Management Center will not request or receive from the testing facility or the MRO any information concerning the personal health, habit or condition of the employee including, but not limited to, the presence or absence of HIV antibodies in the employee's body fluids.

SUBJECT: DRUG-FREE WORKPLACE

- 36.** Life Management Center will not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test and by a medical review officer.

- 37.** Life Management Center will not discharge, discipline or discriminate against an employee solely upon the employee's voluntarily seeking treatment, while under the employ of Life Management Center, for a drug related problem, if the employee has not previously tested positive for drug use, entered an employee assistance program for drug related problems, or entered an alcohol and drug rehabilitation program.

- 38.** The Administrative Services Director shall maintain all written results and correspondence regarding drug tests in a separate confidential file.

- 39.** The Designated Agency Authority shall be responsible for reviewing invoices submitted by the Designated Testing Agency, alternate testing site, Laboratory, and/or Medical Review Officer and for resolving any problems with the invoices, and approving invoices for payment.

Administrative Services
Director

Designated Agency
Authority