


# East Lake Tarpon Special Fire Control District

	<b>SOP 126 Drug-Free Workplace Policy</b>	
	<b>Implementation Date: 11/2000</b>	<b>Revision Date(s): 05/2003</b>
		<b>Reviewed Date(s):</b>
	<b>Forms or Attachments: None</b>	

EAST LAKE TARPON SPECIAL FIRE CONTROL DISTRICT, (the “Company”), endeavors to provide a safe, healthful and productive work environment for its employees by supporting maintenance of a Drug Free Workplace as defined by the Florida Drug Free Workplace Act, 440.101-440,102., Florida Statutes, the Rules of the State of Florida, Agency for Health Care Administration, Chapter 59A-24, Florida Administrative Code, Drug-Free Workplace Standards, and the Florida Department of Labor and Employment Security pursuant to the Rules for Workers’ Compensation Drug Testing, 38F-9.

This Policy Prohibits the use, sale distribution, manufacture or possession of alcohol, drugs or related paraphernalia or being under the influence of alcohol and/or drugs to the extent of possible impairment, defined as having bodily concentrations exceeding the threshold levels of metabolites of any of the drugs or alcohol listed below, while on Company premises or worksites or anytime while operating Company vehicles, whether resulting from usage on or off the job, unless prescribed by a licensed physician.

Amphetamines	1,000 ng/mL	Methadone	300 ng/mL
Barbiturates	300 ng/mL	Methaqualone	300 ng/mL
Benzodiazepines	300 ng/mL	Opiates (Heroin, Morphine, Codeine)	300 ng/mL
Benzoyllecgonine (Cocaine)	300 ng/mL	Phencyclidine (PCP)	25 ng/mL
Cannabinoids (Marijuana)	50 ng/mL	Propoxyphene	300 ng/mL
Ethanol (alcohol)	0.04 g%		

To facilitate enforcement of this Policy, following an offer of employment by the Company, all job applicants are required to take and pass a drug test.

Current employees may be exempt from being tested for at least sixty (60) days following the initial implementation date of the Company's drug- workplace program. This delay is to provide adequate time for any illegal drugs, which may have been ingested by employees prior to notice of their prohibition, to be excreted before becoming subject for testing. This 60-day notice period does not apply if this Drug-Free Workplace Policy represents a continuation or replacement of a preexisting program also qualified under the Florida Drug-Free Workplace Act, or if the Company had a drug testing program in place prior to July 1, 1990.

Thereafter, present employees must be tested for drugs and/or alcohol under reasonable suspicion conditions, including post-accident. Florida Rules also require testing following completion of treatment or counseling for drug or alcohol abuse and with routinely scheduled fitness-for-duty exams. Refusal to submit to testing, upon request, for any of the reasons authorized by the rules, shall subject the employee to the same disciplinary consequences as a positive test result which may include termination for cause and denial of Unemployment and Workers' Comp medical and indemnity benefits.

Analysis of specimens must be performed only by laboratories licensed or certified by the State of Florida, Agency for Health Care Administration or the Substance Abuse and Mental Health Services Administration (SAMHSA-formerly NIDA), utilizing qualified sites and employing collectors trained to follow authorized collection protocols and properly maintain legal specimen chain-of-custody.

An experienced Medical Review Officer (MRO) will review all negative and confirmed positive lab reports. Positive results shall only be reported to the Company after the MRO has ascertained that personal prescriptions or other legal substances do not account for the lab findings. Investigations may include, as appropriate, telephone contact with the employee and any prescribing physicians or pharmacies identified.

Within five (5) working days of receiving written notice of a confirmed positive test result which has been verified, employees may submit any information to the Company and/or MRO explaining and/or contesting the test results. If the Company disagrees with the employee's position, within fifteen (15) days of receipt of a formal challenge of test results, the Company must respond. If the employee wishes to maintain a challenge, within thirty (30) days of receipt of the Company's written response, the employee may appeal to a Court of competent jurisdiction or a Judge of Compensation Claims (if a workplace injury has occurred). Upon initiating a challenge, it shall also be the employee's responsibility to notify the testing laboratory which must retain the specimen until the case is settled.

All information, including interviews, reports, statements, memoranda, and drug test results, written or otherwise received by the Company, laboratories, MRO, Employee Assistant Programs, (EAP), drug and alcohol rehabilitation providers, and their agents who receive or have access to information concerning drug test results originating from testing performed in conjunction with this Policy, is to be treated as confidential communications. Such information may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings unless release, including consultation with legal counsel, is required to defend related civil or administrative matters such as determining compensability under Chapter 400, Florida Statutes, or unless such release is compelled by a hearing officer or court of competent jurisdiction pursuant to an appeal taken under this section, unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. Release of such information under any circumstances other than as set forth herein above, shall be pursuant to a written consent form signed voluntarily by the person tested. Information on drug test results shall not be released for use in any criminal proceeding against the employee or job applicant and if released contrary to this section, the information shall be inadmissible as evidence in any such criminal proceeding.

Nothing in this Drug-Free Workplace Policy is intended to prohibit prescribed use of legally obtained medications, many containing otherwise illegal substances. Because of potentially impairing side effects which could endanger the employee, coworkers, or the public, upon being prescribed such medications all employees are encouraged to call the Company's Medical Review Officer, (813) 289-0445 or (800) 329-6334. If warranted, the MRO, without disclosing medication names or their specific purpose, will ask the Company to temporarily reassign the affected employee to less safety-sensitive duties until treatment is completed. If the contents or impairing effects of prescribed medications are not known, a current listing of narcotic-containing drugs detailed by brand or common names as well as chemical names will be posted by the Company for reference. In addition, employees may call the MRO or lab performing the drug testing for information.

To discourage use and/or distribution of illegal drugs or alcoholic beverages in the workplace, upon reasonable suspicion, searches for alcohol, drugs or paraphernalia may be conducted of Company property or worksites of area(s) accessible to employees, including, but not limited to Company-owned vehicles, equipment, tool boxes, lockers, desks, etc. Discovered illegal items will be referred to law enforcement for disposition.

Disciplinary consequences for violating this Drug-Free Workplace policy may include termination of employment for cause and denial of Unemployment Compensation. An employee injured and subsequently confirmed positive for drug or alcohol abuse based upon reasonable suspicion post-accident testing for having caused, contributed to, or been involved in an accident while at work may also lose medical and indemnity benefits under the Workers' Comp Act. Following

confirmed drug or alcohol abuse and exhaustion of appeal rights, an employee may be retained at the Company's discretion if all of the following criteria area satisfied:

1. The employee was employed by the Company for at least ninety (90) days prior to the infraction,
2. The employee was not engaged in the sale of drugs
3. It is the employee's first offense while in the employ of the Company.
4. Work is available to which the employee can be assigned at an appropriate pay scale, which in the sole judgment of management, does not, by virtue of the employee's confirmed drug and/or alcohol abuse, endanger the safety of coworkers or the general public, or pose an unreasonable security risk to Company products or property.

Or require additional supervision to assure required standards of productivity or work quality, at least

until such time as the employee is proven by subsequent testing to no longer be abusing drugs or alcohol, and

5. At the employee's own expense (unless employer-provided insurance, if any, covers costs), counseling and/or treatment satisfactory to the Company's EAP administrator must be completed. If indicated, the EAP administrator will also assist employees in securing appropriate service from area providers at competitive rates and terms and shall not receive additional compensation or otherwise benefit from the employee's referral for services.

After an employee has been employed by the Company for more than ninety (90) days, a one-time exemption from this Policy's disciplinary provisions may be granted if, prior to being notified of being selected for drug or alcohol testing, the employee has voluntarily sought and is progressing satisfactorily in treatment or counseling for drug or alcohol abuse through providers approved by the EAP administrator.

Alcohol and drug abuse are serious personal concerns for many individuals. Employees unable to cope with such problems are encouraged to get free, confidential, professional help by calling the EAP at:

**EAP ACCESS LINE**

**1-800-878-5470**

The EAP will also answer questions regarding the Drug-Free Workplace Policy.

By signing below, the employee acknowledges receipt and understanding this Company Drug-Free Workplace Policy together with the following appended documents which, by reference, are incorporated herein:

Common Drugs or Medications Which May Alter or Affect Drug Test Results

Employee Assistance Program and Local Drug Rehabilitation Programs

Letter of Notification (sample-includes specific appeal procedures)

This signature (or a facsimile thereof) also authorizes health care providers to release information requested by the Medical Review Officer to corroborate legal prescriptions following a positive drug or alcohol test result.

---

Print Employee Name	Date	Employee Signature
---------------------	------	--------------------