



Policy: Florida Drug-Free Workplace Policy

ChildNet Number: CN 009.011

Original Approved Date: June 2, 2003

Policy Revised Date(s): July 25, 2005; May 22, 2007; October 2009; June 22, 2010

Policy Sunset Date:

COA Standard(s): HR 5.01 RPM 1.00

Statement of Policy:

In an effort to meet its commitment to our clients and to eliminate substance abuse related costs from its operations, ChildNet has established a policy to test employees for drugs (including alcohol). ChildNet is committed to a drug-free work place and a drug-free work force. This policy is not directed at employee conduct off the job, unless that conduct affects on-duty performance. As a condition of employment, all employees are required to fully comply with the provisions of this Drug Free Workplace Policy. All employees shall receive and be asked to read this Policy with regard to alcohol and drug usage and sign a statement indicating their understanding of the Policy.

Board Chair's Signature: _____

Date: _____

11/15/10



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Original Approved Date: June 2, 2003

**Procedure Revised Date(s): July 25, 2005; May 22, 2007; October 2009;
June 22, 2010; August 22, 2014, February 21, 2018**

Procedure Sunset Date:

COA Standard(s): HR 5.01 RPM 1.00

Definitions:

Medical Review Officer: A licensed physician who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Statement of Procedure:

A. Compliance with State and Federal Law: ChildNet's Drug Free Workplace Policy fully comports with Chapter 440, Florida Statutes as well as the Florida Administrative Code Chapter 59A-24. Questions concerning the application or interpretation of the Policy should be directed to Talent Management.

B. Notice of Implementation of ChildNet's Drug Free Workplace Policy:

1. The implementation of the Drug Free Workplace Policy, contained within the confines of this document, constitutes general notice to all employees of ChildNet that each individual is required, as a condition of continued employment with ChildNet, to fully comply with the provisions of the Drug Free Workplace Policy, and to fully cooperate with the implementation and enforcement of the Policy, including execution of necessary authorization forms.
2. The implementation of this Policy further constitutes general notice to all employees of ChildNet that it is a condition of employment for an employee to refrain from reporting to work or working with drug and alcohol levels in excess of Florida Administrative Code Chapter (59A-24).
3. State requirements for a drug-free work place have been posted at each ChildNet worksite.
4. No drug testing shall begin until after 60 days posting at each worksite in a general area where programs and notices are normally posted.



C. **Types of Testing:** ChildNet reserves the right to conduct employee drug testing. The scope and description of each particular category of testing is elicited in further detail below.

1. **Job Applicant Testing:** ChildNet requires all individuals hired to be free of alcohol and controlled substances. All job applicants offered a position with ChildNet will be required to submit to a drug screen. A job applicant's refusal to submit to a pre-employment drug test shall constitute a basis for the refusal to hire that individual. All prospective employment candidates will be provided notice of the test and assurance that highly reliable testing procedures will be used. Prior to and after testing, applicants are given an opportunity to confidentially report to a Medical Review Officer the use of any prescription or nonprescription medicines which may alter their test results by filling out a form. Additionally, applicants may consult with a Medical Review Officer for any further technical information regarding such medications.

All job applicants' prospects of employment with ChildNet will be conditioned upon their being qualified for work and any individual who tests positive for any drug described herein will not be considered qualified for employment.

The results of the laboratory test will be restricted to whether or not the applicant's specimen tested positive for drugs, the particular drug involved, and the amount found within the specimen tested.

Applicants testing positive will not be eligible for employment by ChildNet for one year from date of the test.

2. **Current Employee Testing:** In addition to requiring prospective employment candidates to submit to substance abuse screening, ChildNet will utilize the following categories of employment related testing for its employees.
3. **Reasonable Suspicion Testing:** ChildNet requires all of its employees to submit to a drug screening whenever there is reasonable suspicion to believe that an employee is under the influence of, or otherwise using a controlled substance. Reasonable suspicion requires a belief by trained personnel that an employee possesses or uses controlled substances at the workplace and is either intoxicated or impaired by such substances. Where ChildNet can reasonably conclude that there are objective facts indicative of the use of a prohibited substance, there is sufficient justification for testing. Among other things, such facts and inferences may be based upon:
 - a) 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.



- b) Abnormal conduct or erratic behavior while at work or a significant deterioration in 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 ChildNet.
 - 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, solicited, or transferred drugs while working or while on ChildNet's premises, in connection with ChildNet's business, or while operating the ChildNet vehicles or equipment.
4. **Post-Injury Testing:** ChildNet automatically requires substance abuse testing for any employee injured while on-duty. Our concern for this workforce is paramount; therefore, it may be necessary to administer the appropriate medical treatment prior to obtaining specimens for testing. If the required specimens can be obtained at a medical treatment facility which is not a designated collection site, a physician, physician's assistant, registered nurse, nurse practitioner, licensed practical nurse, certified paramedic or licensed collection site person qualified by training and skills may collect the specimens. If such an individual is not present, the injured employee, as soon as is medically permissible, shall be transported to a designated collection site to produce the required specimens.
5. **Follow-Up Testing:**
- a) If ChildNet, at its sole discretion, determines that an employee who has submitted confirmed test results which register positive for content of one or more controlled substances, should not be terminated, the employee may be granted leave of absence without pay, unless the employee has paid leave available, and be required to enroll in and successfully complete a drug and/or alcohol rehabilitation program at his or her own expense as a condition of his returning to work.
 - b) Should ChildNet elect such an option, ChildNet will endeavor to maintain a position for the employee for no more than six months. When the employee successfully completes a rehabilitation program, the employee, upon returning to work (if a position is available), shall be subject to follow-up substance abuse screens on an unannounced random basis for a period of two years following the employee's completion of his rehabilitation program. The employee must provide a statement from a medical doctor that the employee has successfully completed an approved rehabilitation program.



Follow-up testing under this section must be conducted at least once a year for the two-year period after completion of the program, not to exceed a total of eight tests.

- c) Both job applicant and current employee testing procedures shall provide for a second confirmation test of the remaining portion of an applicant/employee's initially tested specimen in the event that the results of that individual's initial substance abuse test registers a positive result. The confirmation test shall be based upon a different scientific principle than that of the initial test. ChildNet requires that a confirmation test be conducted upon all specimens registering a positive result prior to initiating any course of disciplinary action against the specimen provider relating to the results of said same initial screening test.

D. **Drugs to be Tested:** A list of drugs for which ChildNet will test job applicants and employees is as follows:

1. ALCOHOL: Distilled spirit, wine, malt beverage, and intoxicating liquor (Reasonable Suspicion Only)
2. AMPHETAMINES: Obetrol, Biphетamine, Desoxyn, Dexedrine, Didrex, Ionamine, and Fastin
3. CANNABINOID: Marijuana and THC
4. COCAINE
5. PHENCYCLIDINE (PCP)
6. OPIATES: Paregoric, Parepectolin, Donnegel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromophone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tuss-Organidin, etc.
7. BENZODIAZEPINES
8. PROPOXYPHANE
9. METHAQUALONE
10. METHADONE
11. BARBITURATES



Prohibited substances consists of the use of any illegal drug or substance as identified in Schedules I through V of section 202 of the Controlled Substance Act as further defined by 21 CFR 1300.11 through 1300.15.

E. Rules of Conduct:

1. ChildNet strictly prohibits its employees from being on duty and possessing, using, distributing or being under the influence of alcohol, marijuana or drug not prescribed for the employee. Further, ChildNet prohibits its employees from misusing alcohol or possessing, using or distributing drugs off the job to the extent that any off-duty possession, use or distribution impacts upon their effectiveness and ability to perform their employment duties, or adversely affects the interests of ChildNet.
2. The penalty for violation of ChildNet's Drug Free Workplace Policy may include termination of employment or some other form of discipline which ChildNet, in its discretion, deems appropriate, and loss of workers' compensation benefits.
3. An employee convicted of any criminal drug status violation occurring in the workplace shall notify ChildNet no later than five days after such a conviction.

F. Penalties and Consequences of an Employee's Refusal to Submit to or Positive Drug Test: Any injured employee who refuses to submit to testing under this policy automatically forfeits any medical and indemnity benefits they would otherwise be eligible for under Florida's Workers' Compensation Statute. Additionally, any employee, whether injured or uninjured, who refuses to submit to testing or tests positive under ChildNet's Drug Free Workplace Policy may be either discharged or otherwise disciplined by ChildNet. Individuals who refuse to submit to testing procedures shall be asked to sign a Refusal to Submit Blood/Urine Form.

G. Specimen Collection and Laboratory Procedures: ChildNet is committed to following strict specimen collection and laboratory testing procedures to ensure the quality, integrity and authenticity of the specimen. Employees and job applicants have a right to consult a Medical Review Officer for technical information regarding prescription and non-prescription medication. Further, employees and job applicants will be allowed to confidentially report the use of prescription or non-prescription medications to a Medical Review Officer before and after being tested on forms to be provided.

Collection site security and specimen collection are unequivocally the responsibility of the collection site and its personnel. ChildNet assumes no responsibility for specimen collection or transmittal errors incurred by the collection site, the laboratory, or their respective staffs. ChildNet will pay the cost of all initial and confirmation substance abuse screening it requires from either its applicants or



employees. However, all costs of additional, non-required testing and testing incurred during a rehabilitation period or program shall be borne by the employee.

H. Challenges to Test Results:

1. Within five working days after receiving written notice of a positive confirmed test result, the employee or applicant may contest or explain the result to a Medical Review Officer. If the explanation or challenge of the positive test result is unsatisfactory to the Medical Review Officer, the Medical Review Officer shall report a positive test result back to ChildNet.
2. Within five working days after receipt of a positive confirmed test from the Medical Review Officer, ChildNet will inform the 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. Within five working days after receiving notice of a positive confirmed test result, the employee or applicant may submit information to ChildNet explaining or contesting the test result, and explaining why the result does not constitute a violation of ChildNet's Drug Free Workplace Policy. If an employee or job applicant's explanation or challenge of the test result is unsatisfactory to ChildNet, then within 15 days of receipt of the explanation or challenge, a written explanation as to why the employee or applicant's explanation is unsatisfactory, along with the report of positive results, will be provided to the employee or applicant. All such documentation will be kept confidential by ChildNet.
3. If an employee was tested as a result of an on-the-job injury, that employee may undertake an administrative challenge to a positive test result by filing a claim for benefits with a Judge of Compensation Claims. If no workplace injury has occurred, the individual must challenge the test result in a court of competent jurisdiction. The doctrine of election of remedies shall apply to challenges filed pursuant to this Policy. Should an employee elect to pursue an alternative remedy available to him or her, including the filing of a proceeding allowed by law, the filing of any such proceeding shall operate as a waiver of the employee's rights to avail himself or herself of the proceedings available under this Policy. Should a proceeding be filed pursuant to an alternative remedy, before or after proceedings under this Policy have been completed, the filing of any such proceeding shall be considered a nullified and be terminated. When an employee or applicant undertakes a challenge to the results of a test it shall be the employee or applicant's responsibility to notify the laboratory and the sample shall be retained by the laboratory until the case is resolved. Applicants and employees are responsible for notifying the laboratory of any administrative or civil actions brought pursuant to the Workers' Compensation Act.



I. Confidentiality/Employee Safeguards:

1. All information, interviews, reports, statements memoranda, and drug test results, written or otherwise, received by ChildNet through the Drug Free Workplace Policy shall be treated in a confidential manner, unless otherwise required by law.
2. ChildNet, any collection sites, laboratories, drug and alcohol rehabilitation programs, and their agents who receive or have access to information concerning drug test results shall keep all information confidential, unless otherwise required by law.

J. Workforce Education Regarding Substance Abuse: ChildNet believes that education and understanding can be powerful weapons in the fight against drugs. Employees armed with knowledge are better prepared to resist substance abuse and intervene when necessary. As such, ChildNet maintains a current resource file of providers of employee assistance including alcohol and drug abuse programs, mental health providers, and various other persons, entities or organizations designed to assist employees with personal and behavioral problems including, but not limited to those referenced in the "Florida Comprehensive Directory, Substance Abuse and Mental Services," published by the Department of Health and Rehabilitative Services. Further, ChildNet may provide periodic education courses to help employees identify the signs of personal and emotional problems brought on by substance abuse. This course will include a presentation of the legal, social, physical and emotional consequences of the misuse of alcohol and drugs.

K. Employee Assistance Plan: Lists containing a sampling of the names, addresses, and telephone numbers of providers of assistance programs and local alcohol and drug rehabilitation programs available in our community may be obtained from Talent Management.

The head of the Talent Management Department or designee has been designated as the ChildNet official responsible for providing information and answering any questions concerning this Policy.

President's Signature: _____

Date: 02-27-18