

Big Bend Community Based Care Policy & Procedure

Series: 1100: Human Resources

Policy Name: Drug-Free Workplace

Policy Number: 1122

Origination Date: 02/17/2009

Revised: Board Meeting of 12/13/2018

Regulation: 112.0455, F.S.
CFOP 60-5

Referenced Document:

1100-1122 x 1, Consent for Drug Test and Background Screening

Policy

It is the policy of Big Bend Community Based Care, Inc. (BBCBC), to comply with the Drug-Free Workplace Program requirements to ensure a safe work environment within BBCBC, that is to strictly prohibit the manufacture, distribution, dispensation, possession or use of illegal drugs, non-prescribed controlled substances, or alcohol in our workplace, on BBCBC business or while operating a BBCBC or leased vehicle. BBCBC is committed to preventing drug and alcohol use in our workplace.

Procedure

A. [Generally].

1. Use of illegal drugs, controlled substances, or alcohol results in the presence of substances in the body can lower a person's productivity; affect coordination, and slow reflexes. Employees with illegal drugs, controlled substances, or alcohol in their system not only present a danger to our workplace and violate state and federal laws, but are also in violation of BBCBC's policy.
2. Employees who violate this Policy will be terminated.
3. Employees who report for work or are on the job having consumed alcoholic beverages will also be terminated.
4. BBCBC will require as a condition of hire or continued employment that an applicant or employees undergo laboratory testing to detect illegal drug or alcohol use ("drug test").
5. In order to detect the use of these substances, an employee may be directed to submit to urinalysis, drug testing, a blood test or a breath scan.
6. Any applicant who refuses to submit to the pre-employment drug test shall be ineligible for hire and any offer of hire is conditioned upon satisfactory drug test results.
7. Employees who refuse to be tested or who test positive for the illegal use of drugs or the use of alcohol will be terminated.
8. Any illegal drugs found on BBCBC's property will be turned over to appropriate law enforcement authorities.

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9. An employee injured on the job who refuses a drug test or whose test is confirmed positive will forfeit all workers' compensation medical and indemnity benefits, unless the employee can prove that the drugs did not contribute to the accident.
10. Full-time and part-time employees who have completed their probation period who voluntarily come forward to admit a drug or alcohol problem before being asked to be tested will be given one (1) opportunity to undergo rehabilitative treatment.
11. This employee is responsible to successfully complete at his/her own expense such a Rehabilitative Treatment Program and must agree to comply with the requirements of a Relapse Prevention Program as well as follow-up drug testing prior to returning to work on a probationary basis.
12. Refusal to submit to the Relapse Prevention Program or to follow all of the Rehabilitative Treatment Program's recommendations will result in immediate dismissal.

B. Applicants.

1. All applicants who have been selected for employment with BBCBC may be offered employment contingent upon satisfactory results of a drug test and any other medical inquiry and/or exam.
2. Positive confirmed test results or failure to submit to the required drug testing shall result in the denial of employment.

C. Current Employees.

1. BBCBC will require an injured employee to submit to a drug and/or alcohol test following an accident, or there exists information that the employee caused, contributed to, or was involved in the accident while at work.
2. **Reasonable Suspicion Testing.** Employees will be tested where there is a reasonable suspicion that an employee has violated this policy. Among other things, this may include:
 - 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/her employment with BBCBC;
 - e. Information that an employee has caused, contributed to, or been involved in an accident/injury while at work; or
 - f. 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.
3. **Follow-up Testing.** All employees who have been determined to have engaged in the illegal use of drugs or the abuse of alcohol, or have entered a drug rehabilitation program or an employee assistance program for drug-related problems shall be subject to follow-up drug testing.
 - a. Such follow-up testing shall be repeated at least once a year for a two-year period after the completion of the program.

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b. Advance notice of the follow-up testing date must NOT be given to the employee to be tested.

4. **Random Testing.** BBCBC reserves its right to engage in random testing of current employees in order to ensure a drug-free workplace.
5. **Additional Testing.** Additional testing may also be conducted as required by state or federal law, or pursuant to BBCBC's policy or management discretion. An employee who refuses to submit to a drug or alcohol test will be terminated immediately.

D. Panel of Drugs. BBCBC will test for the following drugs:

Chemical Name	Brand names	Cut-off levels ¹ Initial Confirmation
ALCOHOL	booze, drink, wine, liquor, medications containing ethyl alcohol (ethanol)	0.04 g/dL (initial) 0.04 g/dL (confirmation)
AMPHETAMINES	Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin	1000 ng/ml (initial) 500ng/ml (confirmation)
CANNABINOIDS	Marijuana, hashish, hash, hash oil, pot, joint, roach, leaf, grass, weed, reefer, hemp	50 ng/ml (initial) 15 ng/ml (confirmation)
COCAINE	Coke, blow, nose candy, snow, flake, crack	300 ng/ml (initial) 150 ng/ml (confirmation)
PHENCYCLIDINE	Not legal by prescription, PCP, angel dust, hog	25 ng/ml (initial) 25 ng/ml (confirmation)
METHAQUALONE	Not legal by prescription	300 ng/ml (initial) 150 ng/ml (confirmation)

¹These cut-off values are provided as information only and may change from time-to-time as determined by the Agency for Health Care Administration. BBCBC has no duty to notify employees of any changes to the cut-off values or to modify this Policy to reflect any revisions to the cut-off values.

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Chemical Name	Brand names	Cut-off levels ¹ Initial Confirmation
OPIATES	opium, dover's powder, paregoric, parepectolin, codeine, morphine, heroin, demoral	2000 ng/ml (initial) 2000ng/mlconfirmation)
BARBITURATES	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal	300 ng/ml (initial) 150 ng/ml (confirmation)
BENZODIAZEPINES	Ativan, Azene, Clonopin, Dalmane, Diazapan, Halcion, Librium, Xanax, Poxipam, Restoril, Serax, Traxene, Valium, Vertron	300 ng/ml (initial) 150 ng/ml (confirmation)
METHADONE	Dolophine, Methadose	300 ng/ml (initial) 150 ng/ml (confirmation)
PROPOXYPHENE	Darvocet, Darvon, Dolene	300 ng/ml (initial) 150 ng/ml (confirmation)

E. Prescription Drugs.

1. The proper use of legal drugs prescribed by a licensed physician for specific treatment purposes will not result in disciplinary action.
2. An employee who must use prescribed drugs during work, and whose health care provider or pharmacist advises that performance or behavior could be negatively affected by such use, shall report this fact to his/her supervisor and provide appropriate medical documentation that shall be maintained confidentially.

F. Explanation of Test Results.

1. BBCBC will initiate contact with the tested individual if the drug test result is positive to provide the individual an opportunity to explain the result.
 - a. If the tested individual does not return BBCBC's attempt at contact within five (5) working days, BBCBC will record the results as positive.
 - b. An applicant/employee who receives a positive confirmed drug test result may contest or explain the result to BBCBC within five (5) working days after receiving notification of the positive test result.

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2. If an employee/applicant provides an explanation or challenge that is unsatisfactory, BBCBC then has five (5) working days to contact the employee/applicant to advise him/her of the test result and the employee's/applicant's right to provide an explanation to BBCBC within five (5) working days.
 - a. If an explanation is unsatisfactory to BBCBC, BBCBC will explain to the employee/applicant in writing, why the employee's explanation is unsatisfactory and give the employee/applicant the report of positive results.
 - b. The employee/applicant may also contest the test result pursuant to law or to rules adopted by the Agency for Health Care Administration.
 - c. At the individual's own expense, the employee/applicant may, within one hundred eighty (180) days of receipt of the positive test results, request retesting at a state approved testing facility.
 - d. If the individual contests the test result, the employee or applicant must notify the laboratory.
 - e. The applicant or employee must also notify the laboratory of any administrative or civil action filed pursuant to Chapter 440, F.S. (Florida Worker's Compensation law).

G. Confidentiality.

1. Information about drug screening, including all records, forms, or test results, are confidential communications.
2. Unless authorized by law, BBCBC will not release such information without appropriate written consent from the applicant or employee.

H. Arrest or Conviction for Drug-Related Offenses.

1. Any employee who is arrested, indicted or convicted of a drug or alcohol-related violation must report this information to his/her supervisor no later than five (5) days after such arrest, indictment or conviction.
2. The supervisor shall immediately notify the Director of Human Resources. Any employee who is convicted of a drug-related charge will be terminated.
3. Any employee, who is arrested or indicted for a work-related drug or alcohol charge, is subject to discipline, up to and including termination of employment, depending on the overall circumstances and/or outcome.

I. Local Drug and Alcohol Rehabilitation Facilities.

1. Any applicants or employees who may be abusing alcohol and/or engaged in the illegal use of drugs are encouraged to obtain treatment.
2. A list of local treatment programs is available through BBCBC.
3. This is provided only as a potential source of information and does not constitute an endorsement by BBCBC of any facilities or programs listed.

J. Details of Policy.

1. Additional information concerning this policy or answers to your questions may be obtained from BBCBC.
2. Neither this notice nor any other documents associated with BBCBC's Drug-Free Workplace Program are to be construed as a contract or guarantee of initial or continued employment.

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3. BBCBC reserves the right to modify and update this policy without advance notice in order to serve the best interests of BBCBC and its employees.