

## Policy & Procedure

**Company:** Embrace Families  
**Program:** Human Resources  
**Series:** 1100: Human Resources  
**Policy Name:** Substance Abuse Prevention/Drug Free Workplace  
**Policy Number:** 1121  
**Origination Date:** 2/17/09 **Revision Date:** 12/13/19  
**Regulation:** 112.0455 F.S.  
**Attachments:** Substance Abuse Prevention/Drug Free Workplace Consent Form  
**References:**

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### Policy

It is the policy of Embrace Families to comply with the Substance Abuse Prevention/Drug-Free Workplace Program requirements to ensure a safe work environment within Embrace Families, 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 Embrace Families business or while operating an Embrace Families or leased vehicle. Embrace Families is committed to preventing drug and alcohol use in our workplace.

Job applicants and employees are hereby notified of the existence of the Drug Free Workplace program rules set forth in the Florida Statutes, chapter 440.102, et seq. and the Florida Administrative Code, Chapter 59A-24, et seq. governing the Drug Free Workplace Standards. The company's policy complies with these requirements, and will be interpreted consistent with these guidelines. In the event that a provision of the policy conflicts with applicable law and regulations, such law and/or regulation will be deemed to control. The company does not have any collective bargaining agreements.

### Procedure:

#### A. POLICY GOALS

This policy is adopted by Embrace Families in recognition of the fact that the abuse of alcohol, drugs, and controlled substances by the organization's staff can touch all aspects of the organization's operations.

The goals of this policy are:

- To ensure a safe, productive work environment at all of the organization’s properties;
- To protect the health and safety of the general public;
- To promote positive relationships between the organization and its clients; and
- To set a positive example for the communities in which the organization does business.

It is the policy of the organization to maintain a drug and alcohol free workplace. For the purposes of this policy, “workplace” is defined as the organization’s properties, locations where Organization-sponsored and/or client-sponsored activities are held and any other site for performance of work for the organization. The organization’s vehicles, as well as private vehicles parked on the organization’s premises are locations within these prohibitions. For the purposes of this policy, “staff” includes any employees, interns or volunteers.

#### B. PROHIBITED ACTIVITY

The organization strictly prohibits the unlawful manufacture, use, sale, transfer, distribution, dispensation or possession of drugs, or controlled substances at its workplace. In addition, the organization strictly prohibits the unlawful manufacture, use, sale, transfer, distribution, or dispensation of alcohol at its workplace.

The term "drug" includes alcoholic beverages and prescription drugs, as well as illegal inhalants and illegal drugs.

In addition, the organization strictly prohibits any staff from being at work, performing work for the organization, representing the organization, and/or operating a motor vehicle while under the influence of alcohol, drugs, or controlled substances, as defined in scheduled I through V of the Controlled Substances Act, 21 U.S.C. 812. Sec. 812, 21 C.F.R. Sec 1308, and the state and local law of the jurisdiction where the workplace is located, including, but not by way of limitation, marijuana, opiates (e.g., heroin, morphine), cocaine, phencyclidine (PCP), and amphetamines. However, the use of prescription drugs, when taken as directed by a duly licensed physician, shall not be a violation of this policy.

“Under the influence” is defined as being unable to perform work in a safe and productive manner; being in a physical or mental condition which creates a risk to the safety and well-being of staff, co-workers, the public, or the workplace; or having a detectable level of alcohol, drugs, or controlled substances in the body that is over the threshold limits created and updated by the state and local law of the jurisdiction where the workplace is located.

When staff is attending a work-related activity where alcohol is being served, each individual is expected to use good judgement with regard to the amount of alcohol consumed and the legal requirements for safe driving. Under no circumstances may a staff member who is under the age of 21 hold or drink an alcoholic beverage at a work-related activity.

Activities prohibited by this policy shall be considered grounds for discipline, including but not limited to suspension or immediate termination of employment, if the activities occur in the workplace as defined above.

#### C. PRESCRIPTION AND OVER THE COUNTER MEDICATIONS

This policy does not prohibit the use or possession of prescription or over the counter medications provided the applicant or staff has a valid prescription for the medication and/or is taking the medication in compliance with the dosing directions (or state law). Anyone taking or using a prescription or over the counter medication should consult with a health care provider or review dosing directions for information about the medication's effect on the staff's ability to work safely. If a staff member is taking medication (prescription or nonprescription) which may affect their ability to perform their job in a safe and productive manner, they are responsible for notifying their supervisor of this fact prior to reporting to work or traveling to the workplace. Any staff who fails to disclose any substantial work restrictions will be subject to discipline, including immediate termination of employment.

The Organization reserves the right to transfer, reassign, place on a leave of absence, and/or take other appropriate action during the time the staff uses medication that may affect the staff's ability to perform safely.

#### D. EMPLOYEE AND APPLICANT COMPLIANCE

All staff shall be provided a copy of this policy and sign an acknowledgement of receipt of this policy and acceptance of its terms.

Any staff member who has been convicted under any criminal drug statute for a violation occurring in the workplace, as defined in this policy, or who is aware of the conviction of any other organizational staff of such a violation, must report that conviction to the HR Department within five days of being convicted or becoming aware of it. If the convicted staff was performing work pursuant to a federal grant or to a federal contract for the procurement of goods or services valued at \$100,000 or more, Embrace Families shall notify the federal contracting or granting agency of the conviction within ten days after receiving notice of the conviction from the staff or otherwise.

Within thirty days after receiving notice of the conviction, the on-site supervisor shall impose discipline on, or require satisfactory participation in a drug abuse assistance or rehabilitation program, by any staff who is convicted of a violation of a criminal drug statute if the violation occurred in the workplace.

#### E. CONTRACTOR AND VISITORS

The Organization strictly prohibits any visitors or contractor from being on the Organization's premises or work sites while under the influence of alcohol, drugs, or controlled substances. Any contractor or visitor found in violation of the above-stated policy will be refused entry onto or immediately removed from the Organization premises or worksites.

#### F. RIGHT TO SEARCH

The Organization reserves the right, on reasonable suspicion that this policy is being violated, to conduct examinations, searches, or inspections of staff's personal effects, lockers, lunch boxes, purses, baggage, and any other property located on the Organization premises or work sites, and their quarters, if furnished by the Organization. Searches will normally be conducted in the presence of the affected staff member; however, for compelling reasons Embrace Families has the discretion to conduct such searches without notifying the affected staff member.

Entry onto the Organization's premises or work sites constitutes consent to examinations, searches, or inspections. The purpose of such examinations, searches, or inspections, is to determine whether any staff is in violation of this policy. Further, staff may be required to sign written consent to such examinations, searches, and inspections at the time of and as a condition of their initial employment, or as a condition of continued employment.

Any staff who refuse to submit to search or inspection will be subject to discipline, including immediate termination from employment.

#### G. TESTING PROCEDURES

Urine samples may be taken from all Organization staff or applicants and tested by a laboratory for the presence of alcohol, drugs and controlled substances. Testing procedures and protocols under the Florida drug free workplace statute will be followed.

Refusing to cooperate with Embrace Families directions or collection site staff instructions, at the time requested, or altering or substituting a specimen is cause for refusal or termination of employment.

#### H. PRE-EMPLOYMENT TESTING

Individuals who apply for employment with the Organization will be given a controlled substances test as a condition of employment. A positive test result for the illegal use of controlled substances will be cause for rejecting the applicant or termination of employment. If a test comes back with any other result but “negative” or “positive” the applicant will be retested within 24 hours after Embrace Families gives them notice of the need to be retested.

#### I. REASONABLE CAUSE TESTING

The Organization will require staff to be tested for the use of alcohol and/or controlled substances when there is a reason to believe the staff has violated this policy. There may be cause if the staff’s observed behavior, involvement in a work-related accident, or other circumstances raise reasonable suspicion about the staff’s compliance with this policy. Staff should immediately report suspicious behavior to their supervisor and the HR department immediately. A supervisor must witness the conduct upon which the reasonable cause determination is based and report the conduct to HR immediately. Documentation of the staff’s conduct shall be prepared, signed by the witness and submitted to HR within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier. Documentation regarding reasonable suspicion will be maintained for at least one (1) year from the incident. The employee tested has up to 7 days after testing to request the written details of the suspicious behavior and the circumstances leading up to the determination of reasonable suspicion of drug and/or alcohol abuse to warrant the testing. The Organization will ensure the staff member is sent/transported immediately to the collection site for collection of the sample. A positive test result for the use of alcohol and/or illegal use of controlled substances will be cause for immediate termination of employment.

#### J. POST-ACCIDENT TESTING REQUIREMENTS

When an employee or paid intern is involved in a work-related accident in which there is a reasonable basis for concluding that drug or alcohol use could have contributed to the incident, the employee or paid intern will be required to submit to drug testing as soon as possible after the accident has occurred, but no later than 24 hours. Staff who refuse drug testing following a work-related accident will face disciplinary action up to and including termination and will forfeit workers’ compensation medical and indemnity benefits to the fullest extent of the law.



A positive test result for the use of alcohol and/or illegal use of controlled substances will be cause for immediate termination of employment.

K. RANDOM TESTING REQUIREMENTS

Subject to applicable law, the Organization reserves the right to use a random selection process to select and request staff to be tested for the use of alcohol, and/or controlled substances. Any random testing implemented by the Organization will be spread out at reasonable times through each year.

L. EMPLOYEE ASSISTANCE PLAN

Information regarding the availability of treatment programs, if any, such as assistance provided by the Organization's health care plan coverage or Employee Assistance Program may be requested by contacting the HR Department or referencing the Employee Handbook.

M. LABORATORY & MEDICAL REVIEW OFFICER

Only laboratories licensed and approved by the Florida Agency for Health Care Administration will be used for testing. Employees and applicants have the right to consult the Company's medical review officer (MRO) for technical information regarding prescription and nonprescription medication. Our organization uses the following as its MRO:

MRO Services provided by:

Dr. Paul Teynor  
Quest Diagnostics – Atlanta  
1777 Montreal Circle  
Tucker, GA 30084  
(866) 697-8378

N. OVER-THE-COUNTER AND PRESCRIPTION DRUGS AND TEST RESULTS

Embrace Families will normally test using a ten (10) panel drug and alcohol test, as allowed by the Agency for Health Care Administration in Rule Chapter 59A-24, Florida Administrative Code. A copy of Chapter 59A-24 may be obtained by calling the Agency for Health Care Administration at (850) 487-3109.

This information is to alert you of the possible influence that some over-the-counter and prescription drugs may have on the outcome of a drug test. To avoid potential problems created by a false test result, employees and candidates for employment may report the use of prescription and over-the-counter medications to personnel at the specimen collection site, or to the Medical Review Officer.

<b>Drug/Alcohol Being Tested</b>	<b>Prescription/Over-the counter Drug</b>
Alcohol	All liquid medication 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); Listerine is 26.9% (54 proof).
Amphetamines	Obetrol, Biphphetamine, Desoxyn, Didrex, Ionamine, Fastin.
Cannabinoids	Marinol (Dronabinol, THC).
Cocaine	Cocaine HCl topical solution (Roxzanne).
Phencyclidine	Not legal by prescription.
Methaqualone	Not legal by prescription.
Opiates/Opioids	Paregoric, Parapetolin, Donnagel PG, Morphine, Tylenol with Codeine, Emprin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan (Oxycodone), Vicodin, Tussi-organidin, etc.
Barbiturates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Florinal, 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	Dolophine, Metadose.
Propoxyphene	Darvocet, Darvon N, Dolene, etc.

#### O. CONFIDENTIALITY

All information, interviews, reports, statements, memos and drug and alcohol test results are confidential communications and will not be disclosed except as authorized by law, in a

proceeding to determine compensability of an injury under Florida statutes or if authorized by a written consent by the tested job applicant or employee. Agents of our company and the laboratory conducting the test will, however, have access to drug test information when consulting with legal counsel in connection with actions brought against them when the information is relevant to its defense in a civil or administrative matter. Information on drug test results will not be released or used in any criminal proceeding against the employee or job applicant. Information released contrary to this section shall be inadmissible as evidence in any such criminal proceeding. Be aware that Florida Statutes specifically authorizes the disclosure of drug test results by an employer in response to an employee filing for unemployment compensation after being terminated for a positive drug test, or other violation of an employer's drug free workplace.

Should an employee fail a drug test, their supervisor will only be told that the employee or applicant for employment did not successfully complete the drug and alcohol test; they will not be told the cause of the failure to pass the test.

Release of information under any other circumstances shall be solely pursuant to a written consent form signed voluntarily by the person tested. The consent form will contain, at a minimum: (1) the name of the person authorized to obtain the information; (2) the duration of the consent; (3) the signature of the person authorizing release; (4) the precise information to be disclosed; and (5) the purpose of the disclosure.

#### P. NOTICES

A job applicant or employee will receive notification of positive confirmed test results from the company within five (5) days of the company's receipt of a report of a positive confirmed test result from the Medical Review Officer. The applicant or employee will also be told the consequences for the positive test. Within five (5) days after receiving the notice of a positive test, the applicant or employee has the opportunity to challenge the results and provide an explanation on why the result does not constitute a violation of this policy. If the explanation or challenge is unsatisfactory by the company, the applicant or employee will be provided with the written response as to why the explanation is unsatisfactory, along with the report of positive result. If the test was for reasonable suspicion, the employee can also request a copy of the documentation establishing the reasonable suspicion. Confidentiality of these documents will be maintained in the Company's Human Resources Department, and retained for at least one year.

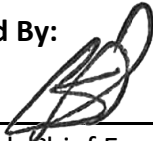
The employee or applicant may undertake an administrative challenge by filing a claim for benefits with the Judge of Compensation Claims pursuant to Florida Statutes, Chapter 440, or if no workplace injury has occurred, the person may challenge the drug test result in a court of



competent jurisdiction. If a legal challenge occurs, it is the employee's responsibility to notify the laboratory to retain the sample until the case is settled.

During the 180 day period after notification of a positive drug test result, the employee who provided the specimen may contact the laboratory to request that a portion of his/her **original specimen** be re-tested at the employee's expense. Such testing shall be done at another certified laboratory, as designated by the employee or applicant. Arrangements and cost will be the employee's or applicant's sole responsibility.

**Approved By:**



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Glen Casel, Chief Executive Officer

**10/27/2020**

Date