

**TRAILER ESTATES PARK & RECREATION DISTRICT
2007 DRUG-FREE WORKPLACE PROGRAM**

PP 13

A. Purpose, Scope and Prohibitions

1. Trailer Estates Park & Recreation District has a compelling interest in maintaining a safe, healthy and productive work environment for all its employees; in providing professional services for residents in a safe, timely and efficient manner; in maintaining the security of the equipment and workplace; and in performing all these functions in a fashion consistent with the interests and concerns of the community.
2. Pursuant to these goals, Trailer Estates Park & Recreation District has established a Drug-Free Workplace Program. This program is intended to comply with: the Drug-Free Workplace Program requirements set forth in Chapter 440, Florida Statutes; implementing regulations, promulgated by the State of Florida, Department of Labor and Employment Security, Division of Workers' Compensation. The program is also intended to deter drug and alcohol abuse by employees in order to limit illness and injuries to themselves and to others.
3. To enforce Trailer Estates Park & Recreation District's drug and alcohol-free policies and programs, candidates for employment and current employees can be required to submit to substance abuse testing under certain circumstances as set forth herein, and are expected to cooperate fully in providing specimens and explanations which may be subsequently required by this policy.
4. This policy applies to candidates for employment and to employees in all job classifications at all locations, during their entire workday.
5. Trailer Estates Park & Recreation District employees are strictly prohibited from engaging in any of the following acts while on Trailer Estates Park & Recreation District premises or within Trailer Estates Park & Recreation District facilities or while operating Trailer Estates Park & Recreation District vehicles:
 - a. Unlawful possession, use, consumption, sale, purchase, distribution, dispensation or manufacture of any illegal drug; or
 - b. Use or consumption of alcoholic beverages; or
 - c. Misuse of legally obtained drugs.
- 6. Trailer Estates Park & Recreation District**
 - a. Will NOT permit any employee to report to work nor to perform duties with the presence of any illegal drug in his/her system; or with a blood-alcohol level of 0.08 percent or more; or if his/her senses are impaired due to misuse of legally obtained drugs or alcohol.

7. Will not permit any employee to report to work or to perform his/her duties while taking prescription or non-prescription medication, which adversely affects the person's ability to safely and effectively perform his or her job functions. Employees are required to notify their supervisors of prescription or over-the-counter medication, which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected. Medical advice will then be sought, as appropriate, before allowing the employee to return to performing work-related duties.
- 8. Will require any employee to report any criminal drug statute conviction, or a finding of guilt whether or not adjudication is withheld, or the entry into a diversionary program in lieu of prosecution to the Treasurer no later than five days after such conviction. Any employee who fails to notify the Treasurer will be subject to disciplinary action, up to and including termination.**
9. Abiding by the terms of this policy is a condition of employment.
10. Any employee who violates this policy is subject to disciplinary action, up to and/or including discharge.

B. Drug and Alcohol Testing Program

1. Types of Testing

a. Job Applicant Testing

- (1) Employment of every applicant who has received an offer of a job is contingent on successfully passing a drug test.
- (2) Trailer Estates Park & Recreation District reserves the right to allow a job applicant to start work pending the results of the drug test.

b. Reasonable Suspicion Testing and Post Accident/Cause

- (1) Supervisors may have reasonable suspicion to believe that an employee is using or has used drugs in violation of Trailer Estates Park & Recreation District's policy. Such evidence may consist of, but is not limited to:
 - (a) Observable phenomena while at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol.
 - (b) Abnormal conduct or erratic behavior while at work or significant deterioration in work performance.

**TRAILER ESTATES PARK & RECREATION DISTRICT
2007 DRUG-FREE WORKPLACE PROGRAM**

PP 13

- (c) A report of drug/alcohol use, provided by a reliable and credible source.
 - (d) Evidence that an individual has tampered with a required drug test.
 - (e) Information that an employee has caused, contributed to, or been involved in an accident while at work. An employee, who is unable to submit to testing at the time of an accident due to the seriousness of his/her injuries, is required to provide the necessary authorization for obtaining hospital reports and other documentation that would indicate whether there were any drugs or alcohol in his or her body.
 - (f) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or alcohol while working or while on Trailer Estates Park & Recreation District's premises or while operating a Trailer Estates Park & Recreation District's vehicle, machinery, or equipment.
- (2) The supervisor will report his/her suspicions to the Treasurer in accordance with internal policies developed by Trailer Estates Park & Recreation district. Only in the absence of the Treasurer, the Chairperson may direct an employee to submit to reasonable suspicion drug and alcohol testing under the following conditions:
- (a) If the supervisor believes the employee is impaired in any way by drugs or alcohol, the supervisor will personally drive or direct another responsible individual to drive the employee to the approved drug-testing site.
 - (b) An impaired employee shall never be permitted to drive a Trailer Estates Park & Recreation District vehicle.
 - (c) Travel to and from, and time spent at, the drug testing site will be on Trailer Estates Park & Recreation District time-not the employee's own time.
 - (d) After drug testing is completed, the employee should be transported to the supervisor's location. The supervisor, based on the facts and circumstances, may suspend the employee pending receipt of the results of the drug or alcohol testing.
 - (e) The supervisor should arrange to have an impaired employee taken home. The supervisor should tell an employee who refuses assistance that law enforcement authorities would be called if the employee attempts to drive home alone. If the employee persists in attempting to drive after such a warning, the must call the appropriate law enforcement agency.
- (3) Within seven days after testing based on reasonable suspicion, the supervisor

who recommended the testing shall retain in writing, the circumstances which formed the basis of his or her belief that reasonable suspicion existed to warrant the testing. The supervisor who directed the drug test will certify on the form that he/she was informed of the basis of suspicion and was satisfied reasonable suspicion existed. A copy of this report shall be provided to the employee being tested upon request. The original copy of the report shall be kept confidential and retained in the personnel file at least twelve months.

- (4) Any on-the-job injury, for which an employee requests or is required to seek Worker's Compensation medical treatment, amounts to sufficient reasonable suspicion to require drug testing. All employees reporting for such medical treatment will submit to a drug/alcohol test as part of the evaluation.

c. Follow-up Testing

- (1) **Alcohol retests, in accordance with 49 C.F.R. Part 655.42, are required before performing safety-sensitive functions.**
- (2) If, in the course of employment, an employee is required by Trailer Estates Park & Recreation District to enter an Employee Assistance Program (EAP) for drug-related problems or a drug/alcohol rehabilitation program, the employee must submit to drug or alcohol testing as a part of and as follow-up to such program.

d. Post-Absence Testing

- (1) Employees who are returning to the workplace after an absence of ninety (90) calendar days or more (i.e., sick, vacation, jury duty, military leave, leave of absence, worker compensation family sick, etc.), must, whether leave was FMLA- covered or not, submit to drug testing before returning.

2. Conditions of Testing

a. Confidentiality

- (1) All information including, but not limited to, interviews, reports, statements, memoranda and drug test results received by any Trailer Estates Park & Recreation District Trustee in conjunction with this Drug Testing Program, will be forwarded to the Treasurer and will be considered confidential communications. Such information will not be disclosed or released except as authorized pursuant to State law or regulations or written consent by the person tested.

- (2) The Treasurer's Office will establish and maintain a separate confidential file for Drug Testing Program information. All correspondence and documentation shall be retained for at least one year. The file is exempt from release except as provided in 440.102(8), Florida Statutes.

b. Consent Form

- (1) Employees and applicants must sign a "Testing Consent Form" stating they agree to be tested for drugs and alcohol as provided in this program and they release Trailer Estates Park & Recreation District and its employees from liability.
- (2) Refusal to sign the consent form may result in applicant disqualification for further employment consideration, or an employee's termination from Trailer Estates Park & Recreation District's employment.

c. Refusal to Submit to Testing

- a. Refusing to provide a specimen or report for drug and/or alcohol testing as required by Trailer Estates Park & Recreation District.
- b. Failing to provide adequate breath for alcohol testing without a valid medical explanation.
- c. Failing to provide an adequate urine sample for controlled substance testing without a medical explanation.
- d. Failure to permit direct observation of urination when required.
- e. Refusing to submit to a re-collection of a specimen when required, including negative-dilute result; or test-canceled results, will require an immediate non-observed recollection. Invalid result with no medical explanation will require an immediate observed recollection.
- f. Failure to undergo a medical examination or evaluation when directed by the Medical Review Officer as part of the test result verification process, or when required as part of the "Shy Bladder" evaluation.
- g. Refusing to comply with the Drug-Free Workplace Program policy or disciplinary consequences of this procedure.
- h. Refusing to comply with mandatory referrals to Trailer Estates Park & Recreation District's employee assistance program provider or failing to comply with any recommendations made by that provider.
- i. Engaging in conduct that clearly obstructs the testing process.
- j. Engaging in conduct that creates reason to believe that a urine specimen has been altered, substituted or adulterated for the purpose of affecting the validity or accuracy of a controlled substance test result.

- k. Failing to appear at the collection facility at time directed by supervisor without prior approval or valid explanation.
- l. Failure to sign the certification on Step 2 of the alcohol test form.

Employees in safety-sensitive positions will immediately be prohibited from safety-sensitive functions if they refuse any test.

- (3) An employee who is injured in the course and scope of his/her employment and who refuses to submit to a drug test, forfeits his/her eligibility for Florida Workers' Compensation medical and indemnity benefits. Any Trailer Estates Park & Recreation District group health/medical insurance in effect does not cover injuries sustained in the course and scope of employment.

3. Testing Procedures

a. Licensed/Certified Laboratory

- (1) A Trailer Estates Park & Recreation District designated laboratory licensed by the State of Florida Agency for Health Care Administration will conduct all drug testing.
- (2) The testing will be conducted with appropriate chain of custody procedures in place to ensure accuracy/continuity in specimen collection, handling, transfer and storage.

b. Drugs to be Tested

- (1) When testing is conducted in conjunction with this Program, Trailer Estates Park & Recreation District may test for any or all of the following drugs: **Amphetamines; cannabinoids; cocaine; opiates; phencyclidine;** barbiturates; benzodiazepines; methaqualone; hallucinogens; synthetic narcotics; designer drugs; **alcohol**, including distilled spirits, wine, malt beverages or an intoxicating liquor; or a metabolite of any of the substances listed in this paragraph.

c. Reporting Medication, Which May Alter, or Affect a Drug Test Result

- (1) Each applicant/employee shall be provided a form entitled "Report of Use Of Medication" on which to report, before and/or after being tested, the use of prescription or non-prescription medication which may alter or affect the outcome of a drug test as well as any other information relevant to the drug test result. The reverse side of the form shall contain a list of the most common medications, by brand name or common name, as well as by chemical name, which may alter or affect a drug test result. The

information provided by the employee or job applicant will be kept confidential and shall be reviewed only by a Medical Review Officer (MRO) interpreting any confirmed positive results.

- (2) Job applicants and employees have the right to consult with the MRO for technical information regarding prescription and non-prescription medication to determine whether the medication has affected a drug or alcohol test result. (Note: Neither hemp, hemp and/or “coca” products, nor “medical marijuana” will be accepted as a legitimate explanation for a THC positive test.)

d. Cost of Testing

- (1) Trailer Estates Park & Recreation District will pay the costs of initial and confirmation drug/alcohol testing which it requires of job applicants and employees.
- (2) Applicants and employees shall pay the cost of any additional drug and alcohol testing not required, including tests conducted for employees as part of an EAP or drug/alcohol rehabilitation program, or as a condition of returning to work.
- (3) Any drug/alcohol test requested by an employee, but not required by Trailer Estates Park & Recreation District, will be at the employee’s expense.

e. Collection Site and Laboratory Analysis Procedures

- (1) Security of the collection site, chain of custody procedures, privacy of the individual, collection control, integrity and identity of the specimen and transportation of the specimen to the laboratory, as well as laboratory security, laboratory chain of custody, transporting and receiving of specimen, specimen processing, retesting, storage of specimen, instrument calibration, and reporting of results, shall be in accordance with 112.0455 and 440.102 of the Florida Statutes. These procedures are intended to ensure that specimens are properly collected, identified and tested.

f. Specimen Type Testing

- (1) Drug testing will be by urinalysis.
- (2) Normally, alcohol testing will be by a breath alcohol device.

4. Release and Review of Test Results

a. Medical Review Officer (MRO)

Trailer Estates Park & Recreation District will contract with a private entity, which will employ licensed physicians to act as MROs. The MROs will be responsible for receiving and reviewing all confirmed test results from the testing laboratory. The MROs will contact each donor who tested positive to inquire about possible prescription or over-the-counter medications or other factors, which could have caused a positive test result, and to provide technical assistance for the purpose of interpreting the result.

b. Reporting Results

- (1) The testing laboratory will report all drug test results directly to the MRO as soon as possible. The laboratory must provide the MRO quantification of the test results upon request.
- (2) Only specimens which are confirmed as positive on the confirmation test shall be reported positive to an MRO for a specific drug.
- (3) The MRO will telephonically contact each donor whose test has been confirmed positive within three workdays of receipt of the test results from the laboratory. The MRO will ask the donor about prescription or over-the-counter medications or other factors, which could have caused the positive test result. The donor may submit documentation to the MRO on such factors.
- (4) If the MRO is unable to contact a donor who has tested positive, the MRO will notify the Treasurer, or designee, and request that Trailer Estates Park & Recreation District direct the donor to contact the MRO. If the donor does not contact the MRO within two days thereafter, the MRO will verify the test result as positive.
- (5) If the donor refuses to talk with the MRO regarding a positive test result, the MRO will validate the result as positive and annotate such refusal in the report.
- (6) The MRO will notify the Treasurer, in writing of the verified test result, negative, positive or inconclusive. If the MRO determines that there is a legitimate medical explanation for the positive test result, the MRO will report a negative test to Trailer Estates Park & Recreation District.
- (7) Should the MRO feel that the legal use of a medication would endanger the donor or others, the MRO will report the test negative due to a validated prescription, but will request that the individual be placed in a position, which would not threaten the safety of the donor or others. The Treasurer or designee will telephonically notify the employee's supervisor, or designee, immediately.

b. Notice to Donor of the Test Results

- (1) Within three workdays after the receipt of a confirmed positive test result from the MRO on a current employee, the Treasurer or designee will discuss disciplinary actions with the employee's supervisor or designee. Within two workdays thereafter, the supervisor will inform the employee,

in writing, of the positive test results, the consequences of the results, and the options available to the employee, including the right to file an administrative or legal challenge. The supervisor will also initiate appropriate disciplinary action.

- (2) Within three workdays after receipt of a confirmed positive test result from the MRO on a job applicant, the Treasurer will inform the applicant in writing of the positive test results, the consequences of the results, and the options available to the applicant, including the right to file an administrative or legal challenge.

4. Challenges to Test Results

a. Upon written request, a copy of the test results will be provided to the donor.

b. Intra-Trailer Estates Park & Recreation District Challenge

- (1) Within five working days after receiving notice from the Treasurer or the employee's supervisor of a confirmed positive test result, the donor may submit information, in writing, to the Treasurer explaining or contesting the test results.
- (2) If the donor's challenge of a positive test result is deemed unsatisfactory by the Treasurer, he/she shall, within ten workdays of receipt of the donor's challenge, provide the donor with a written explanation as to why his or her challenge is deemed unsatisfactory. In the case of a current employee, a copy of the explanation will also be filed in personnel file and may be used in any disciplinary action.
- (3) If the donor's challenge of a positive drug/alcohol test result is deemed as satisfactory by the Treasurer, all disciplinary actions with regard to the confirmed positive drug/alcohol test result will be reserved and the employee shall be reimbursed for all lost wages and benefits.

c. Administrative or Legal Challenge

- (1) An injured employee may administratively challenge test results by filing a petition for benefits with a Judge of Compensation Claims pursuant to Chapter 440, Florida Statutes.
- (2) Any donor may challenge the test result in a Court of competent jurisdiction.

- (3) A donor who challenges the results of a test is responsible for notifying the testing laboratory to retain the testing sample until the case is settled.

d. Independent Testing

- (1) The donor has 180 days to request independent testing of a portion of the tested specimen after receiving written notification of a positive test result. The Laboratory utilized must also be licensed by the State of Florida Agency for Health Care Administration or certified by the United States Department of Health and Human Services.
- (2) The independent testing is at the donor's expense.
- (3) Results of the testing may be used in any administrative or legal challenge.

C. Consequences of Positive Test Results

1. Non-Employee Applicants

- a. If the results of a pre-employment drug test are confirmed positive, or deemed as a refusal to submit to testing, a general public applicant will be disqualified from further employment consideration.
- b. Disqualified general public applicants are eligible to reapply for employment consideration after a thirty-six (36) month waiting period.
- c. Once the applicant has taken the pre-employment drug test, he/she must begin work within thirty (30) calendar days from the test date. If thirty (30) calendar days pass prior to the applicant beginning work, the hiring Trailer Estates Park & Recreation District must send the applicant for a re-test.

2. Employees

- a. An employee whose results are confirmed positive when tested for any reason, including random selection, reasonable suspicion, post-accident, or who refuses to submit to testing, will be discharged.
- b. Notwithstanding the foregoing, non-safety-sensitive employees with a confirmed alcohol concentration of .02 or greater but less than .08, or safety-sensitive employee with confirmed alcohol concentration of .02 but less than .04, will not constitute a "positive." However, such employee will be immediately removed from duties and suspended for a minimum period of three (3) days without pay for having alcohol in the system during work hours.
- c. Employees terminated from employment due to a positive drug/alcohol test, refusal to test, or violation of the Drug-Free

**TRAILER ESTATES PARK & RECREATION DISTRICT
2007 DRUG-FREE WORKPLACE PROGRAM**

PP 13

Policy shall be disqualified from re-employment for a period of thirty-six (36) months.

- d. Trailer Estates Park & Recreation District reserves the right to place an employee on administrative leave without pay pending receipt of the results of a drug test or the outcome of an investigation or appeal related to a violation of Trailer Estates Park & Recreation District's Drug-Free Workplace Policy.

D. Awareness and Education Program

1. The Trailer Estates Park & Recreation District Drug-Free Workplace Awareness and Education Program is designed to help achieve Trailer Estates Park & Recreation District's goal of maintaining a drug-free workplace.
2. The Treasurer will establish an awareness and education program, which will include the following elements:
 - a. Ongoing communications to Trailer Estates Park & Recreation District's employees through educational and informational materials advising about the dangers of drug and alcohol abuse.
 - b. Display and distribution to Trailer Estates Park & Recreation District employees of the park's Drug-Free Workplace Policy.
 - c. Maintaining a current resource file of EAP providers the Park may have available and providing a representative sampling of local drug/alcohol rehabilitation programs and employee assistance programs.
 - d. Notice of drug-testing requirements on all job vacancy announcements.
 - e. Copies of drug testing policy available for inspection by employees and job applicants.

E. Rehabilitation

1. Trailer Estates Park & Recreation District supports sound treatment efforts. No employee will be retaliated against for voluntarily seeking assistance for problems relating to drug or alcohol use or abuse. Individuals will be allowed to address and resolve any drug and alcohol related problems on a confidential basis.
2. An employee who realizes that he or she has developed a dependence on drugs, alcohol or any controlled substance should inform his/her supervisor, or the Treasurer, of that condition and seek trained, professional assistance immediately. Employees are encouraged to seek rehabilitation voluntarily (without disciplinary action)

**TRAILER ESTATES PARK & RECREATION DISTRICT
2007 DRUG-FREE WORKPLACE PROGRAM**

PP 13

prior to any management action, to address and resolve any drug and alcohol related problems on a confidential basis.

3. Trailer Estates Park & Recreation District reserves the right to require an employee to use an EAO or drug rehabilitation program. In all cases, the employee will pay the cost, unless it is covered by insurance.