

SECTION L

DRUG-FREE WORKPLACE PROGRAM

## **I. Purpose**

As a part of its commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug-free working environment, the Okeechobee Utility Authority of Okeechobee, Florida, (the "Authority") has established this program relating to the use or abuse of alcohol and drugs by its employees. This program is intended to conform to the requirements of the Drug-Free Workplace Program under Florida's Workers' Compensation Law, Florida Statutes § 440.101-.102 and Florida Drug-Free Workplace § 112.0455 , and rules promulgated pursuant thereto. This program is established in part to detect users and remove abusers of drugs and alcohol from the workplace, to prevent the use and/or presence of these substances in the workplace, and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

Florida Statute § 440.101 provides in part that an employee who is injured in the course and scope of his employment and tests positive on a drug or alcohol test may be terminated and shall forfeit his eligibility for medical and indemnity benefits under Florida's Workers' Compensation Law. Refusal to take a drug (urine) or alcohol (blood) test will result in the employee forfeiting his eligibility for medical and indemnity benefits under Florida's Workers' Compensation Law and the employee being subject to dismissal. The Authority group medical plan excludes benefits for job related injuries. Therefore, if Worker's Compensation benefits are forfeited pursuant to the drug-free workplace program, the employee injured on the job will be without any Authority provided medical benefits. Certain components of this program involve utilization of additional techniques and procedures. These additional techniques and procedures as well as the determination of the employee groups who will be covered by such, are both justified by, and based upon, federal and state statutes, case law, and regulatory findings related to various public sector and private sector employees working in safety-sensitive and "special risk" positions throughout inter- and intrastate commerce. At such time as the regulations implemented pursuant to the Omnibus Transportation Employee Testing Act of 1991 or other regulatory requirements become applicable to Authority employees, this program will be altered as and if necessary to conform to the specific requirements of the final regulations. Until such time, any additional techniques and procedures shall utilize mechanisms already in use and/or proposed for use by state or federal law and regulation. As determined by management, based upon additional information or experience, such additional techniques and procedures (those which are not required by §440.101-.102 and addenda hereto) may be unilaterally, and without notice, altered, or eliminated from the remainder of this program, and shall not impact this program's continuing compliance with § 440.101-.102, Florida Statutes (1993). Except as provided for in this Section I, modifications to the Program authorizing the use of additional testing techniques, testing for additional drugs or creating additional situations for testing (Section VII) the Authority will follow any stated requirements for notice to, or discussion with, employees.

To the extent that § 440.101-.102, or the implementing rules issued by the Department of Labor and Employment Security (38F-9, F.A.C.) or those issued by the Department of Health and Rehabilitative Services (10E-18, F.A.C.) are amended, or other statutes and rules requiring drug testing are determined to be applicable to Authority employees, the Authority's program will be amended to the extent required by such, without the necessity of further general notice.

The Authority's Drug-Free Workplace Program has been prepared so as not to conflict with public policy and, further, not to be discriminatory or abusive.

## **II. Scope**

All employees are covered by this program and, as a condition of employment, are required to abide by the terms of this program. Any employee in doubt as to the requirements or procedures applicable to their situations may contact the Authority's Executive Director or designee for information.

## **III. Drug-Free Workplace Dissemination**

A. A notice of drug testing will be included with all job vacancy announcements for Okeechobee Utility Authority. A notice of the Authority's drug testing program will also be posted in appropriate and conspicuous locations on the Authority's premises and copies of the program will be made available for inspection during regular business hours in the Administration Offices.

## **IV. Definitions**

The definitions of words and terms as set forth in § 440.02(1) and § 440.102(1), Florida Statutes (1993), the Florida Workers' Compensation Drug Testing Rules (38F-9, F.A.C.), and the Florida Department of Health and Rehabilitative Services (HRS), Drug-Free Workplace Standards (10E-18, F.A.C.) shall apply to the words and phrases used in this program unless the context clearly indicates otherwise. When the phrase "drug and alcohol" testing, use, etc., is used in connection with different testing mechanisms, prohibitions or causes for testing "drug" includes all of the below listed substances except alcohol. "Drug" otherwise has the same meaning as in Section 440.102(1)(a), Florida Statutes, which defines "drug" as follows:

(a) "Drug" means alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids (marijuana); cocaine; phencyclidine (PCP); methadone; propoxyphene; hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein.

(b) Controlled Substances - means any substance, including its metabolites, as defined in Section 893.02(3), Florida Statutes or as defined by federal law.

(c) Drug Test - means any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites listed in this paragraph. An employer may test an individual for any or all of such drugs.

(d) Reasonable Suspicion – means a belief based on objective facts and the rational inferences which may be drawn from such facts, or based on direct or reported observations from a verifiable source that the particular employee is using or is impaired by drugs or alcohol.



(e) Safety-Sensitive Position - means, with respect to a public employer, a position in which drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to perform life-threatening procedures, or a position in which a momentary lapse in attention could result in injury or death to another person.

(f) Employee Assistance Program (EAP) - means an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work. In addition to the above activities, an Employee Assistance Program provides diagnostic and treatment services.

(g) Medical Review Officer (MRO) - means a licensed physician, employed with or contracted with an employer, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures. MROs also verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.

(h) Chain of Custody - refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.

## **V. Alcohol Use Prohibitions**

A. The consumption of alcohol on Authority property or while on duty (during working hours, while at work, while on call, etc.) is prohibited and will result in disciplinary action, up to and including dismissal.

B. Off-duty use of alcohol may adversely affect an employee's job performance or adversely affect or threaten to adversely affect other interests of the Authority, including but not limited to the employee's relationship to his/her job, fellow workers' reputations, or goodwill in the community. Disciplinary action up to and including dismissal may be imposed on this basis.

C. Except as provided herein, the personal possession (i.e., on the person, or in a desk, or in a vehicle) of alcohol on Authority property or during working hours will result in disciplinary action, up to and including dismissal.

D. It is against the Authority's program and a violation of Authority policy to report to work or to work under the influence of alcohol.

E. For purposes of implementing § 44.101-.102, an employee is presumed to be under the influence of alcohol if a blood test shows a forensically acceptable positive quantum of proof of alcohol usage as set forth in the Florida Workers' Compensation Testing Rules, Chapter 38F-9, F.A.C.

F. An employee who Management has reason to suspect is under the influence of alcohol will be removed immediately from the workplace and will be tested and evaluated by authorized personnel selected by Management, if reasonably available. The Authority will take further action (i.e., further testing, referral to counseling, and/or disciplinary action) based on medical information, work history, and other relevant factors. The determination of appropriate action in each case rests solely with the Authority.

G. Failure to pass an alcohol test will result in further testing or disciplinary action, up to and including dismissal.

H. Efforts to tamper with, or refusal to submit to an alcohol test will subject the employee to dismissal.

I. Employees arrested for an alcohol-related incident, as indicated on the arrest report, shall notify, as soon as feasible, but in any event no later than 24 hours after the arrest, the Authority management representative having direct administrative responsibility for the arrested employee of the arrest if the incident occurs:

1. During working hours, or
2. While operating a Authority vehicle, or
3. While operating a personal vehicle on Authority business, or
4. While an employee is on call.

Failure to comply with this subsection will result in disciplinary action up to and including dismissal.

J. Violations of alcohol use prohibitions can subject an employee to disciplinary action up to and including dismissal. Dismissal for a first offense will be considered an appropriate penalty absent mitigating circumstances.

## **VI. Drug Use Prohibitions**

A. The use, sale, purchase, possession, manufacture, distribution, or dispensation of nonprescription drugs or their metabolites on Authority property or while at work (while on duty, during working hours, etc.) is a violation of the Authority's Program and is just cause for immediate dismissal.

B. Reporting to work, or working, under the influence of nonprescription drugs is a violation of the Authority's Program and is just cause for immediate dismissal unless the violation is identified solely by the failure of a random drug test as set for in VI. C. below.

C. Voluntary participation in a treatment program, be it entirely voluntary or pursuant to this section, will not excuse additional violations of this policy, work rule violations, improper conduct, or poor performance and an employee may be disciplined or dismissed for such offenses or failure to perform. As to certain Departments or jobs, OUA Administration may approve further limits on, or elimination of, the rehabilitation opportunity described above.



D. For purposes of this program, an employee is presumed to be under the influence of drugs if a urine test or other authorized testing procedure shows a forensically acceptable positive quantum of proof of drug usage as set forth in the Florida Workers' Compensation Testing Rules, Chapter 38F-9, F.A.C.

E. Legal medication (over the counter) or prescription drugs may also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is taking any over-the-counter medications or prescription drug which might impair safety, performance, or an motor functions shall advise his direct management representative of the possible impairment before reporting to work under the influence of such medication or drug. A failure to do so may result in disciplinary action.

If Management determines that the impairment does not pose a safety risk, the employee will be permitted to work. Otherwise, management may temporarily reassign the employee or place the employee in an appropriate leave status during the period of impairment. Improper use of "prescription drugs" is prohibited and may result in disciplinary action. Improper use of prescription drugs includes, but is not limited to use of multiple prescriptions of identical or interchangeable drugs, and/or consumption of excessive quantities of and individual or therapeutically interchangeable drugs, and/or inappropriately prolonged duration of consumption of drugs, and/or consumption of prohibited drugs for other than valid medical purposes.

For the purpose of this Program, consumption of any drug by the employee of more than the manufacturer's maximum recommended daily dosage, or for a longer period of time than recommended, or of any prohibited drug prescribed for or intended for another individual, or for other than a valid medical purpose shall be construed to constitute improper use. Excessive or inappropriate prescribing by the prescriber or prescribers shall NOT constitute a defense for the employee. Prescription medication shall be kept in its original container if such medication is taken during working hours or on Authority property.

F. Refusal to submit to or efforts to tamper with a drug test will subject the employee to dismissal.

G. Except as provided herein, failure to pass a drug test will result in disciplinary action, up to and including dismissal.

H. Violations of drug prohibitions can subject an employee to disciplinary action up to and including dismissal. Dismissal for a first offense will be considered an appropriate penalty absent mitigating circumstances.

## **VII. Procedures**

### **A. General Administration**

1. All Okeechobee Utility Authority employees are prohibited from using, selling, dispensing, distributing, possessing or manufacturing illegal drugs and narcotics or alcoholic beverages on Authority premises, work sites or in Authority vehicles. In addition, an employee is prohibited from off-premise use of alcohol and possession, use or sale of drugs when such activities adversely affect job performance or job safety or interfere with the Authority's ability to carry out its mission. Such violations include, but are not limited to, possessing illegal and non prescribed drugs and narcotics or alcoholic beverages at work; being under the influence of such substances while working; using them while working; dispensing, distributing or illegally manufacturing or selling them on Authority premises or work sites or in Authority vehicles.
2. As a term and condition of employment, employees must refrain from taking drugs/alcohol that impair performance or are illegal on or off the job.
3. All Authority employees are strictly prohibited from reporting for work or performing work while impaired by drugs and/or alcohol.
4. Okeechobee Utility Authority conducts the following types of drug tests: reasonable suspicion, post accident, routine fitness for duty, and follow-up.
5. Safety sensitive and high-risk positions are also subjected to a pre-employment physical and drug and/or alcohol test. If an employee's job classification requires an annual physical, the employee will be required to submit to a drug and/or alcohol test if applicable as part of the physical.
6. An employee may be required to take a drug test at any time to determine the presence of drugs in accordance with the reasonable suspicion alcohol and/or drug testing provisions of this procedure.
7. An employee who is arrested for or charged with any criminal drug and/or alcohol violation must report such arrest or charge to their supervisor and/or the Executive Director or designee within 24 hours. Failure to report this information may result in corrective action up to and including termination.
8. An employee's supervisor should report immediately (during that working shift) to the Executive Director or designee any action by any employee who demonstrates an unusual behavior pattern. An employee believed to be under the influence of drugs and/or alcohol will be required to submit to a drug and/or alcohol test. The supervisor will arrange safe transit to the approved Authority testing site. The Sheriff's Office may be notified to arrange safe transit, if necessary.



9. An employee who uses legal and/or prescribed drugs during working hours or has any reason to expect such use may affect their ability to perform their work, must report this fact to their supervisor. A determination will then be made as to whether the employee will be able to perform the essential functions of the job safely and properly. Failure to report this information may result in corrective action up to and including termination.

10. An employee who is required to submit to a drug and/or alcohol test, who then states they have a problem with drugs and/or alcohol abuse is not exempt from corrective action, up to and including termination.

11. An employee who is experiencing work-related or personal problems resulting from a drug and/or alcohol abuse or dependency may request to seek counseling under the Employee Assistance Program (EAP). Authority sponsored or required counseling will be kept as confidential as possible. Failure to cooperate with an agreed upon treatment plan may result in corrective action, up to and including termination. An employee will not be permitted to return to work until certification is presented to their supervisor that the employee is capable of performing their job. Participation in a treatment program does not protect an employee from the imposition of corrective action for violations of this or other Authority policies.

12. An employee will be subject to corrective action, up to and including termination, for violation of the Drug Free Workplace policy and this procedure, a positive drug and/or alcohol tests, and/or refusal to submit to a drug and/ or alcohol test.

13. An employee who refuses to test or who receives a positive confirmed test, forfeit all rights to Workers Compensation medical and indemnity benefits.

## B. Testing

### 1. Pre-Employment (Pre-Duty) Testing

a. For purposes of this section, the term "applicant" may include Authority employees who have been selected for internal promotions to vacant positions or those that have been reassigned or transferred to a safety sensitive position.

b. Job offers made to applicants (post-offer) are contingent upon the applicant successfully passing a drug and/or alcohol test.

c. If the applicant fails to pass the pre-employment drug and/or alcohol screening, he or she will be disqualified from consideration for employment and shall remain ineligible for employment with Okeechobee Utility Authority for twelve (12) months from the date of the initial positive test results. An applicant who fails to submit to the required pre-employment drug and/or alcohol test shall be denied further consideration for the position for which he/she applied.



## 2. Reasonable Suspicion Drug Testing

If required, all Authority employees, will submit to a drug and/or alcohol test for reasonable suspicion of drug and/or alcohol use.

Reasonable-suspicion drug testing means drug testing based on a belief that an employee is using or has used drugs in violation of the Okeechobee Utility Authority Drug Free Workplace policy and this procedure. An employee may be drug tested for reasonable suspicion based upon the following:

- 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, which may include a significant deterioration in work performance.
- c. A report of drug use, provided by a reliable and credible source (e.g. law enforcement).
- d. Evidence that an employee has tampered with a drug test during their employment with the current employer.
- e. 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.
- f. For a reasonable suspicion drug test on an employee, the supervisor must complete the following steps:
  - (1) Complete a Reasonable Suspicion Observation Form, detailing specific observations as described above. The form requires the name and signature of two supervisors observing the questionable behavior.
  - (2) Report the incident to the Department Director and the Office of Employee Services.
  - (3) Remove the employee from the worksite immediately, and escort the employee to the designated specimen collection site (Okeechobee Utility Authority's authorized Healthcare Provider) for a drug test.
  - (4) Present a completed Reasonable Suspicion Drug Test Form to the designated specimen collection site at the time of the test and forward a copy to the Executive Director or designee.
  - (5) Place the employee on administration leave with pay status, until the confirmed test results are obtained.

### 3. Post Vehicle Accident Drug Testing

All employees involved will be drug and alcohol tested immediately following a vehicle accident in which the appropriate law enforcement authority's accident report indicates that the Authority vehicle driver was at fault.

- a. The supervisor will escort the employee to the Okeechobee Utility Authority authorized Healthcare Provider immediately following the local authorities' completed investigation.
- b. If an employee receives emergency medical treatment at a hospital following a vehicle accident, the following time frames apply for post vehicle drug and alcohol tests:

- (1) A post vehicle accident alcohol test needs to be administered as soon as practicable, but within four (4) hours following the vehicle accident. If the alcohol test is not administered within the four (4) hours, the supervisor will include information why the testing was unsuccessful within the four (4) hour period on the Okeechobee Utility Authority Property Damage Report – Supervisor Investigation.

- (2) A post vehicle accident drug test needs to be administered as soon as practicable, but within thirty-two (32) hours following the vehicle accident. If the drug test is not administered within the thirty-two (32) hours following the accident, the supervisor will include information why the testing was unsuccessful within the thirty-two (32) hour period on the Okeechobee Utility Authority Property Damage Report – Supervisor Investigation.

### 4. Return to Duty/Follow-up Drug Testing

All employees who are afforded an opportunity to receive rehabilitation and completed a treatment program as a result of violating this policy will be required to successfully pass a re-test for drug and/or alcohol before returning to their job duties. Follow-up testing will be randomly conducted once every six (6) months for a two (2) year period after completion of the program. Advance notice of a follow-up testing date will not be provided to the employee.

### 5. Safety-Sensitive and High-Risk Drug Testing

Safety-sensitive and high-risk describe positions in which drug impairment constitutes an immediate and direct threat to public health or safety, such as a position in which a momentary lapse in attention could result in injury or death to another person. Okeechobee Utility Authority's safety sensitive and high-risk positions require a pre-employment physical, and if applicable drug test. The employee as a part of pre-employment will proceed to the designated specimen collection site (Okeechobee Utility Authority's authorized Healthcare Provider) for a physical and if applicable drug test. Employment with Okeechobee Utility Authority is contingent upon successfully passing the pre-employment physical and/or drug test.



- a. Safety-sensitive positions are required to be subject to a random drug and/or alcohol test annually after pre-employment (e.g., CDL position).
- b. High-risk positions are required to have a physical and if applicable a drug test annually after pre-employment (e.g., firefighter position).

If an employee in a safety-sensitive or high-risk position enters an employee assistance program or drug rehabilitation program on their own free will and not a result of an accident or reasonable suspicion screening the employee will be assigned a position other than a safety-sensitive or high-risk position or, if such position is not available, the employee will be placed on leave while the employee is participating in the program. The employee shall be permitted to use their accumulated annual and sick leave credits before leave may be ordered without pay.

#### 6. Random Drug Testing

All employees shall comply with the random drug and/or alcohol testing policy implemented by The Okeechobee Utility Authority.

- a. The selection of employees for random alcohol and/or drug testing shall be made by a purely random method, such as a computer-generated random number table. Each employee shall have an equal chance of being tested each time selections are made.
- b. The random pull is done on a monthly basis for drug and alcohol testing. It is designed so that at the end of a year 100% of all employees will have been tested at least once.
- c. Management will provide a notice to the Supervisor of the employee(s) to be tested from their department by e-mail or telephone. After employee has been contacted by the supervisor and presented a copy of the Notification for Random Drug and/or Alcohol Testing Form (e-mailed to the supervisor by Executive Director or designee), the employee will report to the Executive Director or designee to receive the Chain of Custody Form then proceed unescorted to the designated specimen collection site immediately for the drug test.
- d. The employee must arrive at the designated specimen collection site within forty-five (45) minutes of receiving the random drug test notification. The employee will present the Chain of Custody Form, their Authority I.D. or driver's license to the Drug Screen Coordinator upon arrival at the designated specimen collection site.

- e. Employees will not be given advance notice with regard to the random drug and/or alcohol test.

### C. Designated Collection Site

All pre-employment physicals and alcohol and/or drug tests are conducted by the Authority's authorized Healthcare Provider which acts as the collection site. Technicians are trained in the appropriate chain of custody procedures and can provide documentation if required.

All test results are reviewed and verified by a Medical Review Officer (MRO) (Licensed Physician). Employees and job applicants should report the use of prescription or non-prescription medications to the Medical Review Officer. Every reasonable effort will be made to obtain the most accurate test results while affording the employee privacy during the collection process. Testing will be done in accordance with provisions of applicable law.

The Medical Review Officer is designated by the Healthcare Provider and functions independently of the Authority. The MRO's qualifications include a demonstrated knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate a combination of an individual's positive drug and/or alcohol test results and his/her medical history and other relevant biomedical information in order to make an accurate review and/or analysis of the drug test results.

1. If the designated specimen collection site is not open and after hours testing is required as a result of reasonable suspicion or post accident, the supervisor will follow the established protocol:

- a. Supervisor will complete the Reasonable Suspicion Observation Form and appropriate Property and Liability report(s) for post accident testing, if applicable.
- b. The supervisor is required to call the designated specimen collection sites after hour phone number and then immediately escort the employee to the designated specimen collection site's location.
- c. Supervisor will inform the Department Director and the Office of Employee Services as soon as possible during normal business hours.

### D. Over the Counter or Prescription Drugs

The employee must notify their supervisor if they have been prescribed a drug for a medical or other condition which could impair their ability to perform their job. If it is determined that the employee is unable to perform their job due to impairment caused by the medication, the employee should apply for appropriate leave or discuss alternative job duties that would not cause a safety concern with their supervisor.



An employee and job applicant should confidentially report the use of prescription or non-prescription medications to the Authority's Medical Review Officer (MRO) when contacted by the MRO. This information will be interpreted in order to determine test results.

#### E. Positive Test Results

If the drug test of an Okeechobee Utility Authority employee is confirmed as positive, the employer's Medical Review Officer (MRO) shall provide technical assistance to the employee for the purpose of interpreting the test result to determine whether the result could have been influenced by prescription or nonprescription medication taken by the employee.

##### 1. Challenge Test Results

- a. An employee or job applicants who wish to challenge test results is responsible for notifying the Authority's designated specimen collection site of an administrative challenge or civil action brought pursuant to Florida Statute, Section 440.102.
- b. An employee or job applicant may contest test results pursuant to the rules adopted by the Department of Labor and Employment Security.
- c. Any additional laboratory testing resulting from a challenge to the test shall be at the employee's or job applicant's expense.

#### F. Confidentiality and Record Maintenance

The results of drug and/or alcohol tests shall not be included in an applicant's or an employee's personnel file but shall be retained by the Office of Employee Services in a separate medical file, exempt from public inspection.

#### G. Searches

Everyone is concerned about personal security and the security of the workplace. Workplace security is a responsibility shared by the Authority and all employees. The Authority may request the cooperation of an employee in agreeing to a search of personal property such as packages, briefcases, purses and similar containers as well as private vehicles parked on Authority property. Authority supervisory and managerial employees have the right to enter or search Authority property with or without notice, including desks, lockers, computers, phones and e-mail. Generally, there shall be no expectation of privacy while on any Authority property or of any property brought onto Authority premises. This delicate balance between privacy and security is something important to everyone and cooperation is needed from all employees.

#### H. Communication of this Procedure

All employees will receive a copy of this procedure. All employees shall sign an Acknowledgment and Consent Form stating that they have received a copy of this procedure. The form will be placed in the employee's personnel file. (*Attachment 2*)

The Executive Director or designee will be responsible for coordinating drug and/or alcohol awareness programs and shall be responsible for answering employee questions regarding the Authority's Drug Free Workplace Policy and Procedure. Employees are encouraged to discuss this policy with their supervisors and/or managers.

The Okeechobee Utility Authority Drug Free Workplace Policy poster will be posted on all work location bulletin boards.

#### I. Amendment and Severability

This policy may be amended in any and all respects at any time by the employer. If any provision of this policy or the application thereof to any party or circumstance is held invalid or unenforceable, the remainder of the terms of this policy and the application of any invalid or unenforceable provisions to other parties or circumstances will not be affected thereby, and to this end the provisions of this policy are severable.

### **VIII. Employee Assistance Program**

Okeechobee Utility Authority maintains an Employee Assistance Program (EAP) that consists of referring employees and their families who suffer from alcohol or drug use problems to local drug and alcohol rehabilitation centers. The telephone directory yellow pages, under "Drug Abuse and Addiction – Information and Treatment", list the names and locations of treatment centers. Also, the United Way, listed in the telephone directory white pages, offers many confidential services at no charge. Any costs of outside services are, however, the employee's responsibility.

Any employee who has not previously tested positive for drug or alcohol use and has not yet entered a drug and/or alcohol abuse rehabilitation program, may seek assistance for drug and alcohol problems before they lead to disciplinary actions.

No employee will be discharged, disciplined or discriminated against solely upon the employee's voluntarily seeking treatment for a drug/alcohol related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug related problems, or entered an alcohol and drug rehabilitation program.

If an employee wishes to pursue help through the EAP, please contact the Executive Director or designee for appropriate referral. In addition, Attachment 1 lists national hotline numbers for drug and alcohol problems.



### **Attachment 1 – National Hotline Numbers**

Alcohol and Drug Referral Hot Line	1-800-252-6465
Alcoholics Anonymous	1-800-344-2666
Child Help's – National Child Abuse Hot Line	1-800-422-4453
Food and Drug Administration	1-800-443-1240
M.A.D.D.	1-800-438-6233
Narcotics Anonymous	1-818-780-3951
National A.I.D.S. Hot Line	1-800-342-2437
National Association for Children of Alcoholics	1-714-499-3889
National Association of Anorexia Nervosa & Associated Disorders	1-312-831-3438
National Cocaine Hot Line	1-800-262-2463
National Council of Child Abuse and Family Violence	1-800-222-2000
National Federation of State High School Associations (Target Programs)	1-800-366-6667
National Hepatitis Hot Line	1-800-223-0179
National Institute of Drug Abuses, Drug Information Treatment	1-800-662-4357
National Runaway Switchboard and Suicide Hot Line	1-800-621-4000
National Sexually Transmitted Disease Hot Line	1-800-227-8922
Parents Anonymous National Office	1-800-421-0353
S.A.D.D.	1-508-481-3568
Suicide and Rape 24-Hour Emergency Services	1-800-333-4444
Tough Love	1-800-333-1069

## Attachment 2 – Drug Free Workplace Program Receipt

I hereby acknowledge that I have received a copy of OUA's Drug Free Workplace Program. I also acknowledge that I have received a full and complete explanation of the Program, including all policies and the availability of an Employee Assistance Program.

I further state that I have read or will read, or have had or will have read to me, all sections of this Drug Free Workplace Program. I understand that violation of any provisions of this policy may lead to disciplinary action up to and including termination of employment, and that I may forfeit my workers' compensation benefits.

Finally, I agree that neither the issuance of these policies, nor the acknowledgement of its receipt, constitutes or implies a contract of employment or a guaranteed right to recall.

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Print Name

\_\_\_\_\_  
Date Witnessed

\_\_\_\_\_  
Witness Signature



### **Attachment 3 – Pre-Employment Drug Testing Policy**

All job applicants at Okeechobee Utility Authority (OUA) will undergo screening for the presence of illegal drugs as a condition for employment. Applicants will be required to voluntarily submit to a urinalysis test at a laboratory chosen by OUA, and by signing consent agreement, will release OUA from liability. Any applicant with positive test results will be denied employment at that time. Okeechobee Utility Authority will not discriminate against applicants for employment because of past abuse of drugs or alcohol. It is the current abuse of drugs or alcohol, which prevents employees from properly performing their jobs that the Authority will not tolerate.

#### **PRE-EMPLOYMENT AGREEMENT & CONSENT TO TEST FORM**

##### **PLEASE READ CAREFULLY**

I freely and voluntarily agree to submit to a urinalysis (drug screen) as part of my application for employment. I understand that either refusal to submit to the urinalysis screen or failure to qualify according to the minimum standards established by the Authority for this screen might disqualify me from further consideration for employment.

I further understand that upon commencement of employment with OUA, I may again be required to submit to a urinalysis screen. I understand that refusal to take a requested urinalysis screen or failure to meet the minimum standards set for the screen may result in immediate suspension or discharge.

I understand that employment may not commence with the Authority until the Authority has received the drug test results. I understand that I will not be employed if the result comes back positive.

I have read in full and understand the above statements and conditions of employment.

\_\_\_\_\_  
Applicant's SignatureDate

##### **Driver License Information**

State: \_\_\_\_\_ DL# \_\_\_\_\_

#### Attachment 4 – Documentation of Basis for Reasonable Suspicion Testing

Employee Name \_\_\_\_\_

Employee Supervisor \_\_\_\_\_

Prepare within seven (7) days after all testing for reasonable suspicion, give to employee upon request, and keep confidential for at least one year.

Date of testing for reasonable suspicion \_\_\_\_\_.

Circumstances, which existed to warrant the testing done for reasonable suspicion, were as follows:

\_\_\_\_\_ A report of drug use, provided by a reliable and credible source, which has been independently corroborated.

\_\_\_\_\_ Evidence that an individual has tampered with a drug test during his employment with the current employer.

\_\_\_\_\_ Information that an employee has caused, contributed to, or been involved in an accident while at work.

\_\_\_\_\_ 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 or while on call.

\_\_\_\_\_ 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 or alcohol.

\_\_\_\_\_ Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.

Additional Comments:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employer Signature