

**APPENDIX A
DRUG-FREE WORKPLACE POLICY
SUMMARY**

In a commitment to safeguard the health of our employees and to provide a safe working environment for everyone, the Fort Pierce Utilities Authority (FPUA) has established a Drug-free Workplace Policy. This Policy is implemented pursuant to the Drug-free workplace program requirements under F.S. §440.102 and the rules of the Department of Labor and Employment Security, Division of Workers' Compensation and the Florida Public Service Commission Regulations 25-12.005.

The essential conditions in Part I of this Policy are:

1. Fort Pierce Utilities Authority prohibits the illegal use, possession, sale, manufacture, or distribution of drugs, alcohol, or other controlled substances on its property. It is also against FPUA policy to report to work or to work under the influence of drugs or alcohol.
2. Drug Testing of Applicants:
 - a. All applicants offered employment will be tested for the presence of illegal drugs.
 - b. Applicants will be asked to sign the Consent form agreeing to be tested pursuant to the Florida Drug Free Workplace Act. If an applicant refuses, he or she will not be considered for employment and the employment application process will be terminated.
 - c. If an applicant's test is confirmed positive, the applicant will not be considered for employment at that time and will be informed that he or she has failed to meet employment standards.
3. Testing of Employees:
 - a. Reasonable Suspicion Testing: employees will be tested when there is a reasonable suspicion that an employee is using or has used drugs.
 - b. Post Accident Testing: employees who may have caused or contributed to an accident will be tested.
 - c. Follow-up Testing: all employees who have voluntarily entered a drug/alcohol rehabilitation program before being tested under this Policy, and who have been determined to have used drugs or alcohol will be subject to periodic, unannounced follow-up drug tests.
 - d. Additional Testing: additional testing including random testing, may also be conducted as required by applicable federal laws, rules, or regulations. See Paragraph Number 21, below.
4. Disciplinary Action:
 - a. In the case of a first-time violation of this Policy, including a positive drug or alcohol test result (without evidence of sale, manufacturing, distribution, dispensation, or purchase of drugs or alcohol on FPUA property or while on duty, including lunch periods, breaks or standby), the employee will be discharged.
 - b. FPUA may suspend employees with pay under this Policy pending the results of a drug test or investigation.
 - c. Any employee using, selling, purchasing, possessing, distributing, or dispensing drugs or alcohol on duty or on FPUA property may be discharged.

5. All information, interviews, reports, statement memoranda and drug test results, written or otherwise, received by FPUA as part of this Policy are confidential communications within the limits of the law. Unless authorized by state laws, rules or regulations, FPUA will not release such information without a written consent form signed voluntarily by the person tested.
6. Included in this Summary is a list of the most common medications by brand name or common name and chemical name which may alter or affect a drug test.
7. Any applicant who refuses to submit to the pre-employment drug test will be ineligible for hire.
8. **Any employee who refuses to submit to a drug test will be terminated from employment. An injured employee who refuses to submit to a drug test, or has a positive confirmation test, in addition to the above, may forfeit his/her eligibility for all workers' compensation medical and indemnity benefits.**
9. A list of names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs available to employees will be provided upon request.
10. The Medical Review Officer (MRO) will notify the employee or job applicant of a confirmed positive test result. The MRO will notify the Human Resources Department if the employee or job applicant has tested positive immediately after consultation with the employee.

After receiving notice from the MRO, the Human Resources Department will notify the employee or job applicant that FPUA has received from the MRO a positive confirmed drug test result. The employee shall be terminated from employment with FPUA. Within five (5) working days after receiving the termination notice from FPUA, an employee or applicant may submit information to FPUA explaining or contesting the test results. If an employee's explanation or challenge of the positive test results is unsatisfactory to FPUA, within fifteen (15) days of the receipt of the explanation or challenge, a written explanation as to why the employee's explanation is unsatisfactory, along with the report of the positive results, will be provided by FPUA to the employee.

An employee or job applicant may undertake an administrative challenge by filing a claim for benefits with the judge of compensation pursuant to Chapter 440, Florida Statutes, or if no workplace injury has occurred, the person may challenge the test result in a court of competent jurisdiction.

11. A job applicant or employee has the responsibility of notifying the drug testing laboratory of any administrative or civil action brought pursuant to Chapter 440, Florida Statutes. The lab will maintain the specimen until the case or administrative appeal is settled.
12. The following is a list of all drugs (described by brand name, common name and/or chemical name) for which FPUA may test:

Alcohol (booze, wine, liquor, drink)
Amphetamines (Binhetamine, Desoxyn, Dexedrine)
Cannabinoids (marijuana, hashish, hash, hash oil, pot, joint, roach, spleaf, grass, weed, reefer)
Cocaine (coke, blow, nose candy, snow, flake, crack)
Phencyclidine (PCP, angel dust, hog)
Methaqualone (714s, quaaludes, ludes, sporos)
Opiates (opium, dover's powder, paregoric, parepectolin)
Barbiturates (Phenobarbital, Tuinal, Amytal)

Benzodiazophines (Ativan, Azene, Clonopin, Dalmane, Diazepam, Halcion, Librium, Poxipam, Restoril, Serax, Tranxene, Valium, Vertron, Xanax)
Methadone (Dolophine, Methadose)
Propoxyphene (Darvocet, Darvon N, Dolene)

- 13. Job applicants and employees have the right to consult the testing laboratory or the MRO for technical information regarding prescription and non-prescription medication that could affect a drug test.
- 14. To ensure that drugs and alcohol do not enter or affect the workplace, FPUA reserves the right to search all FPUA vehicles, containers, lockers, or other items on FPUA property in furtherance of this Policy upon reasonable belief that this Policy has been violated. Individuals may be requested to display personal property for visual inspection upon FPUA request.
- 15. Failure to consent to search or display for visual inspection will be grounds for termination or reason for denial of access to FPUA premises by any others.
- 16. Searches of employee's personal property will take place only in the employee's presence. All searches under this Policy will occur with the utmost discretion and consideration for the employees involved.
- 17. Details of this Policy may be obtained from the Human Resources Department or your Department Head.
- 18. The contents of this Drug-Free Workplace Policy are presented as statements of FPUA's current Policy and may be changed and updated by FPUA. This Policy is not intended to create a contract between FPUA and any employee.

Nothing in this Policy binds FPUA to a specific or definite period of employment or to any specific policies, procedures, actions, rules, or terms and conditions of employment.

- 19. Employees, as a condition of employment, are required to abide by this Policy.
- 20. FEDERAL DOT RULES AND REGULATIONS ARE SET FORTH IN PARTS II AND III OF THE FPUA DRUG-FREE WORKPLACE POLICY. THESE REGULATIONS REQUIRE DRUG AND ALCOHOL TESTS FOR EMPLOYEES IN CERTAIN CLASSIFICATIONS AND UNDER CERTAIN CIRCUMSTANCES AND CREATE RIGHTS AND RESPONSIBILITIES IN ADDITION TO AND DIFFERENT FROM THOSE DETAILED IN THIS APPENDIX. EMPLOYEES IN THOSE CLASSIFICATIONS AFFECTED BY THE DOT RULES AND REGULATIONS WILL BE GIVEN A COPY OF PART II OR III AND SHOULD CONSULT HUMAN RESOURCES IF THEY HAVE ANY QUESTIONS REGARDING SUCH TESTS.

By receiving a copy of and by reviewing this Policy and accepting or continuing my employment with FPUA, I understand that I must comply in all respects with Part I and also with Parts II or III, if my job position is encompassed by either or both of these two Parts.

My signature indicates I have been given a copy of the above Summary of Fort Pierce Utilities Authority's Drug-free Workplace Policy and have had an opportunity to ask questions of any parts of this Policy that may be unclear to me.

Name (Print) _____

Signature _____ Date _____

Witness _____ Date _____