

Olive Baptist Church, Inc.
Drug Free Workplace Policy

DEFINITIONS

The definitions used in this Drug-Free Workplace Policy are those stated in the State of Florida Department of Labor and Employment Security Worker's Compensation Drug Testing Rule Chapter 59A-24.

Alcohol means ethyl alcohol (ethanol). References to use of alcohol include use of any beverage mixture or preparation containing ethyl alcohol.

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, storing and reporting of test results.

Collection Site Means a place where individuals present themselves for the purpose of providing a specimen to be analyzed for the presence of drugs.

Collection Site Person means a person provided by an approved laboratory who instructs and assists individuals at a collection site and who receives and makes an initial examination of the specimen provided by those individuals.

Confirmation Test, Confirmed Test, or Confirmed Drug Test means a second analytical procedure run on a sample that was positive on the initial screening test. The confirmation test must be different in scientific principle from that of the initial test procedure. The confirmation method must be capable of providing requisite specificity, sensitivity and quantitative accuracy. The confirmation test for alcohol will be gas chromatography and the confirmation test for all drugs will be gas chromatography/mass spectrometry.

Controlled Substance is any substance which is not legally obtainable or which can only be legally obtained by prescription from a licensed medical practitioner.

CG/MS means gas chromatography/mass spectrometry.

Division means the Division of Worker's Compensation of the Department of Labor and Employment Security of the State of Florida.

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

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 absence of a drug or its metabolites.

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Employee means a person who performs services for salary, wages or other remuneration for an employer and is covered by the Worker's Compensation Act.

Employee Assistance Program 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 monitoring after returning to work. If, in addition to the above activities, and Employee Assistance Program provides diagnostic and treatment service, these services shall in all cases be provided by service providers pursuant to S. 397.311(28).

Employer means a person or entity that employs individuals in Florida and is covered by the Florida Workers' Compensation Act.

Fitness-for-Duty Testing If you are required to have a fitness-for-duty physical on an annual or bi-annual basis because of federal, state or other requirements, a drug test will be included as a part of the physical.

Illegal Substances means any substance which is not legally obtainable or which is legally obtainable, but has not been legally obtained. This includes the following drugs: amphetamines, barbiturates, benzodiazepines, cannabinoids (marijuana), cocaine, methaqualone, methadone, opiates, propoxyphene and PCP which are used unlawfully or abused.

Unlawful Usage refers to the illegal obtaining, possessing and/or using of a drug as defined by the *Controlled Substance Act* or state or local regulations. This term also includes prescribed drugs not legally obtained, prescribed drugs not being used for prescribed purposes and over-the-counter drugs not being used according to the manufacturer's directions.

Impairment This policy is primarily concerned with the effects of alcohol/drug use in performance, regardless of when the substances were ingested. This concern, therefore, considers impairment as not only being under the influence of a substance, but also the after-effects of usage, e.g., hangover, withdrawal symptoms, fatigue, etc.

Initial Drug Test means a sensitive, rapid and reliable procedure to identify negative and presumptive positive specimens. All initial tests shall use an immunoassay procedure or an equivalent, or shall use a more accurate scientifically accepted method approved by the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.

Job Applicant means a person who has applied for a position with the church and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test.

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Laboratory means a facility, inside or outside the State of Florida, licensed by the Agency for Healthcare Administration or in certain cases, a facility certified by the National Institute of Drug Abuse (NIDA) to analyze specimens for the detection of drugs.

Legal Substance Includes any prescribed substance or over-the-counter medication that has been legally obtained and is being used for the purpose of which it was prescribed or manufactured. Employees who lawfully take over-the-counter or prescribed medications are responsible for understanding how their job performance may be affected and are responsible for reporting to their supervisor any potential impairment in their ability to perform their duties.

Medical Review Officer or MRO means a licensed physician, employed with or contracted with by an employer, who is responsible for receiving and reviewing all confirmation results from the laboratory. The MRO is responsible for contacting all positively tested individuals to inquire about possible prescriptive or over-the-counter medications which could have caused a positive test result. The MRO must have knowledge of substance abuse disorders and have the appropriate medical training to interpret and evaluate a positive test result with prescriptive or other relevant medical information.

Non Prescription Medication means a medication that is authorized pursuant to state or federal law for general distribution and use without a prescription in the treatment of human disease, ailments or injuries.

Positive Screening Result is a screening result from a urinalysis, blood test or other controlled substance or alcohol test indicating that controlled substances or alcohol are present in the employee/applicant's system. A NIDA-certified impairment in their ability to perform their duties.

Post-Injury Testing If you are injured on the job and require medical attention beyond first-aid, you must submit to a drug and alcohol test. If you could have caused or contributed to the cause of an injury requiring medical attention beyond first-aid, you must submit to a drug and alcohol test.

Post-Accident Testing If you caused, could have caused, or contributed to the cause of an accident where total property damage exceeds \$100, you must submit to a drug and alcohol test.

Post Treatment Testing (Follow-up Testing) If you enter the Employee Assistance Program for drug or alcohol related problems or enter an alcohol or drug rehabilitation program, you must submit to drug or alcohol testing as a follow-up to such a program on a quarterly, semi-annual, or annual basis for a period up to two years.

Prescription Medication means a drug or medication obtained pursuant to a prescription as defined by S.893.02(17).

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Reasonable Suspicion drug testing means drug testing based on a belief that an employee is using or has used drugs in violation of the employers policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

Observable phenomena while at work, such as direct observation of drug use or the physical symptoms or manifestations of being under the influence of a drug.

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

A report of drug use, provided by a reliable and credible source.

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

Information that an employee has cause, 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.

Reason to Suspect means an articulable belief that an employee possesses or uses drugs or alcohol at the workplace, is intoxicated or impaired by drugs or alcohol, based on specific and particularized facts and reasonable inferences drawn from these facts in light of experience.

Safety Sensitive Position means 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.

Specimen means a tissue or product of the human body capable of revealing the presence of alcohol and/or drugs or their metabolites.

Threshold Detection Level means the level at which the presence of a drug or alcohol can be reasonably expected to be detected by an initial and confirmatory test performed by a laboratory that meets standards established herein. The threshold detection level indicates the level at which valid conclusion can be drawn that the drug or alcohol is present in the employee's sample.

Under The Influence means that the employee is affected by drugs or alcohol or the combination of drugs and alcohol in a detectable manner. A determination of such influence can be established by professional opinion, a scientifically valid test, or in some cases, by a lay person's opinion.

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**Over-the-Counter and Prescription Drugs
That Could Alter or Affect the Outcome of a Drug Test**

Alcohol:

All liquid medications containing ethyl alcohol (ethanol). Read the label for alcohol content.

Amphetamines:

Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex

Cannabinoids (marijuana):

Marinol (Dronabinol, THC)

Cocaine:

Cocaine HCl topical solution (Roxanne)

Opiate:

Paregoric, Parepectolin, Donnagel PG, Tylenol with Codeine, Empirin with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (hydromorphone), M S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.

Barbiturates:

Phenobarbital, Tuinal, Amthal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbitual, Phrenilin, Triad, etc.

Benzodiazepines:

Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Poxipam, Restoril, Centrax.

Methadone:

Dolophine, Methadose.

Propoxyphene:

Darvocet, Darvon N, Dolene, etc.

If you are being given this list as preparation for a drug or alcohol test, it is imperative for you to bring a picture ID with you to the collection site, a Release of Confidential Information form, and to report to the testing technician any prescribed or over-the-counter medications you have taken during the past thirty days.

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This is your official notification that Olive Baptist Church has implemented a “Drug-Free Workplace” as authorized by F.S. 440. 102 and Chapter 59A-24 of the Florida Administrative Code. All employees are absolutely prohibited from unlawfully manufacturing, distributing, possessing or using controlled or illegal substance in the workplace, it is a condition of employment to refrain from taking illegal drugs on or off the job.

The church has established this drug-free workplace policy to deter use of drugs and alcohol in the workplace by establishing standards and procedures for the drug testing of certain employees and job applicants. We hope this policy will result in a safe working environment for all of the church employees. Drug testing will begin on January 11, 1999, which is sixty (60) days from the date you received your Notice to Employees. Prior to that time, we urge those of you who believe you may have a drug/or alcohol problem to voluntarily seek treatment. Workers’ Compensation Drug Testing Rule 59A-24 (6) states:

No employer shall discharge, discipline or discriminate against an employee solely upon the employee’s voluntarily seeking treatment while under the employment of the employer for a drug 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.

Employees will be subjected to the following drug tests:

Job Applicant Testing: All applicants for a position with this church will be tested and a refusal to submit or a positive confirmed test result will be used as a basis to reject the applicant for employment at that time.

Reasonable Suspicion Testing: An employee may be required to submit for testing when the employer has a reasonable suspicion, as defined in the act, that an employee is using or has used drugs in violation of the employer’s policy. The church has a reason to suspect an employee when it has an articulable belief that the employee possesses or uses drugs or alcohol at the workplace; is observed intoxicated or impaired by drugs, or alcohol has been reported by a reliable and credible source as using drugs; has tampered with a drug test; has caused or contributed to or been involved in an accident while at work, or is engaged in abnormal conduct or erratic behavior while at work, or shows significant deterioration in work performance. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working. The reason to suspect shall be based on specific and particular facts and the reasonable inferences drawn from those facts in light of experience.

Routine Fitness for Duty Testing: An employee may be asked to submit to a drug test as part of a routinely scheduled fitness for duty medical examination that is either part of the employer’s established policy or that is scheduled routinely for all members of an employment classification or group.

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The church initially establishes two employment classifications that require routine fitness for duty testing. Those classifications are (1) operators of hazardous equipment or machinery and (2) church drivers. All employees so classified must submit to annual testing.

Follow-Up Testing: An employee who in the course of employment, enters an employee assistance program for drug related problems, or an alcohol and drug rehabilitation program, may be tested as a follow-up measure and thereafter on a quarterly, semiannually or annual basis for two (2) years thereafter.

Drugs Tested: You may be tested for any or all of the following:

Alcohol	Amphetamines	Barbiturates	Benzodiazepines
Cannabinoids	Cocaine	Methadone	Methaqualone
Opiates	Phencyclidine	Propoxyphene	

Reporting Use of Prescription or Non-Prescription Medication: An employee or job applicant will be able to confidentially report the use of prescription or non-prescription medications, both before and after being tested, as presence of those medications in the body may affect the outcome of the test. A list of the most common medications by brand name, common name and by chemical name, which may alter or affect a drug test is attached.

Confidentiality: All information, interviews, reports, statements, memoranda, and drug and alcohol test results, written or otherwise received by the church through this policy are confidential communications and will be maintained in a separate file. The church, any laboratory, Employee Assistance Program, drug or alcohol treatment program or their agents who receive or have access to this information concerning drug test results shall keep it confidential. Release of such information under any other circumstances shall be solely pursuant to a signed written informed consent form, unless such release is compelled by a hearing officer or court of competent jurisdiction or if deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. Additionally, the church, its agent, the laboratory or treatment program shall not be prohibited from releasing this information when consulting legal counsel in actions brought under or related to Section 440.102 Florida Statutes, or when such information is relevant to its defense in civil or administrative matter.

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Consequences of Testing Positive or Refusal to Allow Test

Job Applicants: An applicant who refuses a drug test will not be hired. An applicant who submits to a drug test that is both positive and confirmed as positive will not be hired. Applicants may consult with Medical Review Officer for technical information regarding prescription and nonprescription medication.

After you return to work, follow-up testing for drugs or alcohol will occur on a quarterly, semi-annual or annual basis for a period up to two years. If you test positive for drugs or alcohol following the completion of the primary phase of your treatment program or do not comply with the terms of your treatment program, you will be terminated.

After a Positive Test Result: If you have a confirmed positive test result, we will send you a letter within five days of our receipt of notification from the Medical Review Officer notifying us of your positive test result. You may consult with Medical Review Officer for technical information regarding prescription and nonprescription medication.

The letter will outline your rights and the manner in which you may challenge a positive test result. You are responsible for any costs associated with the challenge.

Challenges to Test Results: You have the right to challenge any confirmed positive test result. All challenges must be filled within 5 working days of receiving notification of such results. The first stage requires that you explain or contest the result in writing to the Church Administrator. If your explanation is unsatisfactory, you will be notified of such in writing within 15 days of the date your challenge was received. At that time, you will be provided with a copy of your positive test result and the name and address of the laboratory. If you were involved in an accident and denied medical and/or indemnity benefits, you may file an administrative challenge by filing a Claim for Benefits with a Judge of Compensation Claims. If no workplace injury occurred, you may challenge the test result, it is your responsibility to notify the laboratory that you are challenging the test result. You will be solely responsible for all costs associated with such a challenge.

Within 180 days after written notification of a positive test result, the applicant/employee shall be permitted by the church to have a portion of the specimen re-tested, at the expense of the applicant/employee. This should be explained in detail in the initial letter of notification to the applicant/employee.

If the applicant/employee desires to have the specimen tested at another laboratory, have the first laboratory transfer the specimen to the second laboratory. The church will not make the transfer.

The employee/applicant can administratively challenge the results of a drug test by filing a claim with a Judge of Compensation Claims within (30) days after receipt of the employer's response to his explanation

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Grounds for Termination or Discipline: The actions that Olive Baptist Church may take against an employee or job applicant on the basis of a positive confirmed drug test result are the following:

- i. Positive Test—Denial of Florida workers' compensation benefits. Upon a positive confirmed drug test result, Olive Baptist Church will deny an employee workers' compensation medical or indemnity benefits under Florida Chapter 440.
- ii. Refusal of Test-- Denial of Florida workers' compensation benefits. If an injured employee refuses to submit to a drug test, the employee forfeits eligibility for Florida workers' compensation medical or indemnity benefits.
- iii. Positive Test—Termination of employment. Upon a positive confirmed drug test result, Olive Baptist Church may terminate the employee's employment.

Cost of Testing: The church shall pay the cost of initial and confirmation drug tests that it requires of employees. An employee shall pay the cost of any additional drug tests not required by the employer.

Miscellaneous

A notice of drug testing in vacancy announcements shall be included for those positions where drug testing is required.

A notice of the church's drug testing policy shall be posted in an appropriate and conspicuous location on the church's premises. Copies of the policy are made available for inspection during regular business hours by the general public.

All drug testing will be conducted by a church designated laboratory, which is licensed and approved by the Agency for Health Care Administration. The testing will be conducted with appropriate chain of custody procedures in place to ensure accuracy and continuity in specimen collection, handling and transfer and storage.

A current resource file of providers of Employee Assistance Programs including alcohol and drug abuse programs, mental health providers and various other persons, entities, or organizations designed to assist employees with personal or behavioral problems shall be maintained. This includes, but is not limited to, those referenced in "The Florida Comprehensive Directory, Drug Abuse and Mental Services" published by the Department of Health and Rehabilitative Services.

The church will provide an annual education course to assist employees and/or supervisors in identifying personal and emotional problems which may result in the misuse of alcohol or drugs. This course will also include presentation on the legal, social, physical and emotional consequences of the misuse of alcohol or drugs.

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All applicants for employment and employees of the church's drug program and testing procedures shall be informed of the drug policy. An applicant is defined as a person who has applied for a position with the church and who has been offered a job contingent upon successfully passing a drug test. Two copies of the policy's consent form shall be given to applicant; one signed, dated and returned to the church and one kept by the employee.

If the initial test is negative, the church may request a confirmation test, at the expense of the church. If the initial test is positive, a confirmation test with the laboratory must be obtained, at the church's cost.

The church shall provide the employee or applicant, upon request in writing a copy of the test results. An employee or job applicant whose drug test result is confirmed as positive in accordance with this program shall not, by virtue of the result alone, be deemed to have a "handicap" or "disability" as defined under federal, state or local handicap and disability discrimination laws.

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EMPLOYEE STATEMENT OF ACKNOWLEDGMENT

This statement is to acknowledge that I have received a copy of the church's personnel policies and procedures handbook. I understand that it provides guidelines and summary information about the church's personnel policies, procedures, benefits, and rules of conduct. I also understand that it is my responsibility to read, understand, become familiar with, and comply with the standards that have been established. I further understand that the church reserves the right to modify, supplement, rescind, or revise any provision, benefit, or policy from time to time, with or without notice, as it deems necessary or appropriate.

I also acknowledge that both the church and I have the right to terminate the employment relationship at any time, with or without cause or advance notice, and that this employment at will relationship will remain in effect throughout my employment with the church.

I further acknowledge that this employment at will relationship may not be modified by any oral or implied agreement.

Employee's Name (Please Print)

Employee's Signature

Date