WE WORK FREE

FCCI INSURANCE COMPANY
PROTECTING BUSINESS, PROPERTY AND PEOPLE

FCCI Insurance Company's Drug-Free Workplace Program

Substance abuse is a real concern for businesses. By establishing a certified drug-free workplace, you have taken positive action against this behavior, which puts all employees at risk. Setting up a drug-free workplace isn't difficult or expensive, and your FCCI loss control counselor will help you out when needed. Thousands of companies have found that a drug-free workplace program is an effective way to help control the cost of workers' compensation insurance. We hope you will, too.

We Work Free provides you with turn-key tools for implementing a drug-free program and policies at your company. The program was developed to be user friendly, but it is important that you examine this material thoroughly and have your own firm's legal counsel review and approve the program prior to actual implementation.

FCCI is a strong supporter of We Work Free and believes it is good for business and employee relations. In this kit you'll find prepared policy statements, checklists, and other helpful program aids. If you have any questions about the material in this kit, please contact your loss control counselor, or call FCCI at (800) 226-3224. Don't forget to hang the enclosed drug-free poster in an area where employees can see it.

Disclaimer of Liability

This information in this kit is advisory only and does not attempt to list or address all of the potential hazards or identify all possible remedial actions. The carrier is not responsible for the safety of your premises, operations, or products. The carrier assumes no liability whatsoever for any loss, injury, death, damage, or expense arising out of the use of this kit. You acknowledge that the carrier has no supervisory or inspection duties or safety obligations regarding your business operations or premises.

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K3411 Rev. 5/02

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*An employee education program is not required for certification as a drug-free workplace; however, we urge you to consider the contribution it may make to the overall success of your program.

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Rev. 5/02

Introduction

Here are some considerations to keep in mind as you begin the process of becoming a drug-free workplace:

- It is extremely important for your legal counsel to review the drug-free workplace policy so he/she can advise you regarding its application to your specific business. This program is provided to you as a general service by FCCI. There is no warranty or guarantee that this program will provide you with any financial or other benefits.

- Implementing a drug-free workplace program has potential benefits and potential risks, such as the increased likelihood of legal action against your company by employees. Your own legal counsel can best advise you about these risks and benefits, so you can make an informed decision about this program.

- The drug-free workplace policy permits you, as the employer, to take a strict stand against the use of alcohol and drugs. The program that we are providing to you takes this approach (policy A). If you wish to use a more moderate strategy, there is an optional version (Policy B) included in this kit. Examine the policy statements in this kit and choose your position, keeping in mind the needs of your particular business.

- When you implement your program, it is necessary that all employees read and understand the Notice to Employees. If any employee cannot read due to illiteracy, physical disability, or some other cause, you need to have the notice and policy read to the employee.

- Once your drug-free workplace policy is in effect, do not depart from the policy as adopted. If you make an exception to the policy for any individual(s), this could expose you to the risk of a lawsuit by other employees who are not provided the same treatment.

- Any hiring announcements or advertisements for positions in your company must state that you are a drug-free workplace.

As a certified drug-free workplace, you are entitled to a five (5) percent credit on your FCCI premium after you implement the program. Mail the enclosed premium credit application to FCCI, Attention: Loss Control, 6300 University Parkway, Sarasota, FL 34240-8424.

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Employer Checklist

There are ten easy steps to set up a drug-free workplace at your company:

1) ____Review this drug-free workplace kit thoroughly.

2) ____Review this program with your own legal counsel so you understand the potential benefits and risks of applying this program to your business.

3) ____Establish an Employee Assistance Program (EAP).

4) ____Arrange for drug-testing services.

5) ____Develop an Employee Education Program. (An employee education program is not required for certification as a drug-free workplace. However, we urge you to consider the contribution it may make to the overall success of your program.)

6) ____Undertake necessary written notices and documentation including:
   - 60-day advance notice provided before testing current employees
   - notice to employees posted in a prominent location on your premises
   - drug-free policy distributed to all employees
   - policy acknowledgment statement signed by management and all employees
   - drug-free workplace application for premium credit mailed to FCCI

7) ____Post the Notice to Applicants in a prominent location in your personnel office. Include the notice in all applications for employment and in any internal vacancy announcements or advertisements for available positions.

8) ____Begin drug testing of current employees 60 days after posting the Notice to Employees. Begin testing applicants immediately upon implementation of your drug-free program.

9) ____Begin operating under the drug-free workplace policy. A copy of your program should be included in your employee handbook and/or posted in a prominent place in your office.

10) ____Review the contents of your drug-free workplace program regularly to ensure familiarity and consistent implementation of the program.

Definitions

Drug-Testing Terms

(A) A positive result means that the presence of alcohol or a drug was detected, and the person *failed* the test.
(B) A negative result means the threshold levels for alcohol or a drug were not met, and the person *passed* the test.
(C) An invalid test is one in which the Medical Review Officer determines that the test results cannot be used for some reason such as improper documentation.

Chain of Custody: the process of control established by the drug-testing laboratory to ensure that drug-testing samples remain tamper-free and properly identified, including ensuring that at all times a designated individual has responsibility for the samples and tests. The laboratory may create forms for tracking and proving the chain of custody.

Conditional Offer of Employment: means the offer given to a job applicant pending a drug test. An applicant cannot be required to take a physical examination or drug test prior to getting a conditional offer of employment. If the applicant passes every stage of the hiring process, an offer may be made conditional upon the applicant passing the drug test. If the drug test is passed, the applicant may begin his employment. If the drug test is failed, the offer must be withdrawn, and the applicant may not work for your company.

Employee: any person employed by your company in any capacity, including managerial and supervisory personnel.

Illegal Drug: any drug which (a) is not legally obtainable; (b) may be legally obtainable but which has not been legally obtained; or (c) is being used in a manner or for purposes other than as prescribed or intended.

Legal Drug: prescribed drugs and over-the-counter drugs which have been legally obtained or are being used solely for the purpose for which they were prescribed or manufactured.

Medical Review Officer (MRO): a licensed physician employed or retained by the company who has knowledge of substance abuse disorders and shall be knowledgeable in the medical use of prescription drugs and in the pharmacology and toxicology of illegal drugs.

Reasonable Suspicion: a belief that an employee is using or has used drugs or alcohol in violation of the company's policy. A reasonable suspicion will be based on specific, objective, and easily stated facts and reasonable inferences drawn from those facts in light of the company's experience. Among other things, such facts and inferences may be based upon: observable phenomenon while at work, including a workplace accident; abnormal conduct or erratic behavior while at work or significant deterioration of work performance; or report of drug use, provided by a reliable and credible source which has been confirmed by another person.

Definitions *(continued)*

Safety Sensitive Position: any position, including a supervisory or management position, in which drug or alcohol impairment would constitute an immediate and direct threat to public health and safety. Examples include positions that require the employee to carry a firearm, to perform life-threatening procedures, work with confidential information or documents, work with controlled substances, or where a momentary lapse of attention could result in injury or death to another person.

Special Risk Position: employees who are required as a condition of employment to be certified under Chapter 633 (fire prevention and control) or Chapter 943 (Department of Law Enforcement Act of 1974), Florida Statutes.

Drug-Free Policy A (Strict)

Because _____ (the Company) is committed to a safe and healthy workplace, we hereby announce our intention to establish a drug-free workplace program and adopt the following policy on drug and alcohol abuse. The Company is doing this because it recognizes that drug and alcohol abuse in the workplace increases the risk of accidents to all employees and is a significant factor leading to decreased productivity, high turnover, and decreased morale. This policy conforms with F.A.C. 38 F. 9.005 (2)(a).

Policy A – General Statement

The Company will not tolerate the use of illegal drugs by its employees, either on or off the job, or the use of alcohol on the job.

Therefore, the Company will test, at the Company's expense, all job applicants for drug or alcohol use as outlined in this policy. Further, if a reasonable suspicion exists that a current employee is in violation of this policy, the Company will test, at the Company's expense, any such employee for drug or alcohol use. Such testing may take place as a regular part of fitness for duty examinations, after a work-related injury, and/or as a follow-up procedure to any drug or alcohol treatment program.

A positive drug test can lead to withdrawal of an offer of employment to an applicant or termination of an employee. All drug testing will conform to the requirements of this policy and to state and federal laws.

Possession of Drugs and Alcohol on Premises

Employees who bring drugs or alcohol to work are subject to immediate dismissal.

Drugs and alcohol will not be permitted in the workplace. Any employee in possession of or using alcohol or illegal drugs on Company premises during working hours will be subject to immediate dismissal and will be reported, as appropriate, to law enforcement agencies. Company premises include parking lots and other outlying areas. Use or possession of alcohol or illegal drugs on Company premises will be reported to a supervisor who will verify and report the incident to the person responsible for terminating employees.

Visible Impairment

Employees will not be allowed to work while under the influence of drugs or alcohol.

Any employee who reports to work visibly impaired or becomes visibly impaired while at work will not be allowed to continue work. An employee or other supervisor who observes another employee who appears to be visibly impaired should seek the opinion of a supervisor or competent co-worker regarding the nature and degree of the employee's impairment. The supervisor of the visibly impaired employee should consult privately with that employee to determine the reason for the impairment. If, in the opinion of two supervisors or a supervisor and an additional competent co-worker, the employee's visible impairment is the result of alcohol or illegal drugs, the affected employee will be required to submit to drug testing as outlined in the reasonable suspicion portion of the Active Employee Drug Testing section of this policy. On the occasion when the visible impairment is observed, the employee will be sent home immediately by taxi or other safe transportation, including transportation by another employee, if necessary. Further, the employee will be subject to penalty that may include termination of employment.

Pre-Employment Drug Testing

Job offers are conditional pending pre-employment, drug-test results.

If the Company extends an offer of employment to a job applicant who otherwise satisfactorily meets company standards for employment, the offer will be conditional upon the job applicant submitting to a drug

test to determine the presence of illegal drugs or alcohol abuse. This test will be administered in compliance with both state and federal laws and will be conducted only by a testing laboratory approved by the Florida Agency for Health Care Administration.

Job applicants shall receive a list of common medications which may alter or affect a drug test. This list will include the index of such medications as developed and updated periodically by the Florida Agency for Health Care Administration or the Department of Labor and Employment Security. In addition, job applicants will be given the names, addresses, and telephone numbers of approved, local alcohol and drug rehabilitation programs.

Persons receiving a conditional job offer will have an opportunity to confidentially report to the Medical Review Officer (MRO) concerning the use of any prescription or non-prescription medications both before and after being tested.

A drug test indicating the use of illegal drugs or alcohol abuse will result in revocation of an offer of employment. Job applicants will have the right to challenge any drug test or request a retest at the job applicant's expense. The procedures for challenging a drug test or requesting a retest are outlined under the Review of Test Results section of this Policy.

Active Employee Drug Testing

The Company reserves the right to ask any employee to submit to drug testing under the following conditions:

(A) When an employee is involved in an accident which causes injury to himself or to any other person or damage to any property. If, because of the accident, an employee is unable to submit to drug testing immediately, the employee will authorize the release of any medical reports or documentation to the MRO regarding the presence of illegal drugs or alcohol in the employee's body at the time of the accident. Refusal to agree to this release of information will result in termination of the employee.

(B) When, in the opinion of two supervisors or a supervisor and an additional competent co-worker, a reasonable suspicion exists that an employee may be abusing or under the influence of illegal drugs or alcohol. In such circumstances, the supervisory personnel will document, in writing, the basis for their reasonable suspicion. If the reasonable suspicion is based on a report by another person, this report must be confirmed by a supervisor.

(C) When an employee has sold or otherwise solicited any other person to obtain, use, or purchase illegal drugs or alcohol during working hours or there is a reasonable suspicion by a supervisor that such activities have taken place. In such circumstances, the supervisory personnel will document, in writing, the basis for the reasonable suspicion. If the reasonable suspicion is based on a report by another person, this report must be confirmed by a supervisor. Nothing herein shall prevent the Company from immediately terminating any employee who sells or otherwise solicits illegal drugs or provides or sells alcohol to any other person during working hours upon a report by the supervisor to the person in charge of terminating employees.

(D) When an employee returns from any extended absence. An extended absence is defined as a continuous absence of three or more months.

(E) When it is a routine part of any required employee fitness for duty examination.

(F) When it is a follow-up procedure that is part of a referral to the Employee Assistance Program or enrollment in a drug or alcohol abuse program. This follow-up testing will continue at random for two years after referral to an Employee Assistance Program or enrollment in a drug or alcohol abuse program. The Company reserves the right to waive follow-up testing in the event an employee voluntarily submits to an Employee Assistance Program or substance abuse program.

Loss of Workers' Compensation Benefits

Employees who are injured on the job will be drug tested. Results may cause loss of workers' compensation benefits.

If an employee is injured in the scope of his or her employment and drug tests or other medical evidence indicates the presence of drugs or alcohol in the employee's body at the time of the accident, the employee may be required to forfeit any medical or indemnity benefits available under the Florida Workers' Compensation Statute (F.S. 440.101(2)). This penalty is in addition to any others that might apply either under this policy or under applicable law.

Confidentiality Statement

All drug-test results are strictly confidential.

All test results of active employees will be strictly confidential, except in the following circumstances:

When the employee has given consent to make test results known; or

When placed at issue by the employee in any legal, administrative, or other proceeding to determine compensability of a workers' compensation claim or as otherwise provided by law.

Any test result that indicates the use of illegal drugs or alcohol abuse will result in termination as provided herein.

Medication Disclosure Procedure

Disclosure of the use of medications to the MRO is confidential.

An employee will have an opportunity to confidentially report the use of prescription or non-prescription medications to the medical review officer (MRO) at the drug-testing laboratory both before and after being tested. Such reports by an employee will not become a part of the employee's personnel file. Each employee will also receive a list of common medications which may alter or affect a drug test. This list will include the index of such medications as developed and updated periodically by the Florida Agency for Health Care Administration or the Department of Labor and Employment Security. In addition, an employee will be given the names, addresses, and telephone numbers of approved, local alcohol and drug rehabilitation programs and will be given access to an Employee Assistance Program.

Further, an employee has the right to challenge any drug test or request a retest at the employee's expense. The procedures for challenging a drug test or requesting a retest are outlined under the Review of Test Results section of this Policy.

Consequences of Refusing a Drug Test or Treatment

Refusal to cooperate will result in termination.

1.) Refusal to Cooperate

Job Applicants

Any person receiving a conditional offer of employment who refuses to submit to drug and alcohol testing or who alters, changes in any way, or otherwise interferes with drug-testing collection, samples, or analysis, is immediately disqualified from employment by the Company.

Employees

Any employee who refuses to submit to drug and alcohol testing when required or who alters, changes in any way, or otherwise interferes with drug-testing collection, samples, or analysis, will be immediately terminated and may forfeit any medical or indemnity benefits available under the workers' compensation regulations (F.S. 440.101 (2)).

2.) Refusal To Accept Treatment Or Failure to Rehabilitate

Any employee who rejects a treatment program offered through the Employee Assistance Program or who leaves a treatment program prior to being properly discharged will be immediately terminated from employment with the Company. This sanction applies regardless of whether the Company referred the employee to the treatment program or Employee Assistance Program or whether the employee voluntarily sought treatment.

3.) Limitations On Referral to Employee Assistance Program

The Company wishes to make every effort to rehabilitate an employee who may be experiencing drug or alcohol problems. Therefore, the Company will not retaliate in any manner against an employee who is referred to an Employee Assistance Program or treatment program or who voluntarily refers himself/herself to the Employee Assistance Program or submits to treatment in a drug or alcohol abuse program. However, should an employee be referred to an Employee Assistance Program for drug or alcohol treatment or enroll in a drug or alcohol treatment program two times within a three-year period, that employee will be immediately terminated.

EAP Program

Name of provider: _____

Phone number: _____

Address: _____

Review of Drug-Test Results and Employee Right to Contest or Explain Drug-Test Results

An employee has the right to contest results.

Review of Test Results

All test results of either job applicants or employees will be reviewed by the Medical Review Officer (MRO).

Verification of Test Results

The MRO shall evaluate the drug test results of an employee or job applicant and verify that the specimens were collected, transported, and analyzed under proper procedures. The MRO shall make this determination by checking any chain of custody forms for required signatures, procedures, and information. If an employee or job applicant fails a drug test, the MRO shall also determine if any alternative medical explanation caused the employee or job applicant to fail. The MRO shall maintain the confidentiality of any information received from drug tests, except: as authorized by the employee or job applicant; as otherwise provided by law; or, if placed at issue by the employee or job applicant in any legal, administrative, or other proceeding.

Contact with Employee or Job Applicant

In the event a job applicant or employee fails a drug test, the MRO will inform the employee or job applicant of the result within three days after the MRO receives the test result from the testing laboratory or clinic. The employee or job applicant will have five days after notification from the MRO to discuss the test results with the MRO, submit documentation of any prescription drugs relevant to the test result to the MRO, or request a retest at the employee or job applicant's expense.

MRO Inability to Contact Employee/Job Applicant

MRO contact with employee/job applicant.

If the MRO is unable to contact an employee or job applicant within three days, the MRO shall contact the Company and request that the Company direct the employee or job applicant to contact the MRO as soon as possible. If the employee or job applicant does not contact the MRO within two days from the date of the Company request, the MRO shall verify that the job applicant or employee failed the drug test. Should the job applicant or employee present satisfactory documentation that serious illness, injury, or other circumstances unavoidably prevented contact with the MRO within the specified time limit and provide legitimate explanations for the failure of the drug test, the MRO may change the test result. If, however, the job applicant or employee refuses to talk with the MRO regarding a drug-test failure, the MRO shall validate the failure and record the refusal to discuss the failure in the remarks section of the verification form.

Explanations for Drug Test Results

The MRO will review all results carefully.

After contacting an employee or job applicant, the MRO will inquire whether prescription or over-the-counter medications were taken that could cause a positive test result. If the MRO determines that the employee's information is not a legitimate medical explanation for the positive test result, the MRO will, within 15 days, give a written explanation of the test findings to the employer.

If the MRO determines that a legitimate medical explanation exists for the test result, the MRO shall report to the Company that the employee or job applicant passed the drug test. If, however, the legitimate medical explanation is caused by legal use of a prescription or over-the-counter medication and the MRO feels that the legal use of the drug would endanger the employee or job applicant, or if the employee or job applicant is in a safety-sensitive or special-risk position, the MRO may recommend that the employee or job applicant passed the drug test; however, the MRO shall request that the Company place the employee or job applicant in a position which would not threaten the safety of the employee or job applicant.

Retest Requests

Retesting conducted after written test results received.

Retest Request by an Employee or Job Applicant

Should an employee or job applicant request a retest of an original specimen, the MRO will process this request within 180 days after the original test. The retest will conform to all the same requirements and procedures applicable to the original test. The retest will occur at another laboratory approved by the Florida Agency for the Health Care Administration and be selected by the employee or job applicant. The employee or job applicant shall bear the cost of this retest. Any retest must be done on the original specimen because the original test results cannot be verified using a new specimen.

Retest Requests by the MRO

Should the MRO question the validity of the testing procedure, the MRO may, at his or her sole discretion, (1) order a re-analysis of the original sample at any laboratory or clinic approved by the Florida Agency for Health Care Administration; or (2) request additional samples from the employee or job applicant for retesting.

Types of Tests Conducted

The types of drug tests required by law.

Initial tests for all drugs other than alcohol shall use an immunoassay method. Initial tests for alcohol shall use an enzyme oxidation method. All tests to confirm an initial positive result for drugs other than alcohol

shall use a gas chromatography/mass spectrometry method. All tests to confirm positive results for alcohol shall use a gas chromatography method.

Notification of the Company

How and when the company is notified of results.

After contacting the employee or job applicant, as outlined in this section, and conducting any retests, the MRO will notify the Company, in writing, of the verified test results, whether negative, positive, or invalid. If the MRO, employee, or job applicant request a retest, the MRO will report only the verified results of the retest to the Company. The MRO will file any required chain of custody forms under confidential procedures. The MRO will maintain these forms for five years from the date of the test.

How Employer Notifies Employee of Positive Test Results

Within five working days after the receipt of the positive confirmed test results from the MRO, the employer shall inform the employee in writing of such positive test results, the consequences of such results, and the options available to the employee including the right to file an administrative or legal challenge. (F.A.C. 38F-9.008(3)). (A sample letter is enclosed.)

Employee's Duty to Notify Laboratory of Legal Action Concerning Test Results

Employee must notify 30 days in advance of legal action.

An employee is required to notify the Company and the drug-testing laboratory 30 days prior to bringing any legal action concerning the results of a drug test. Such notification shall be a condition precedent to any such legal action. (38F-9.005 (2)(h)).

Complete List of Drugs Tested

The Company may test for the following drugs:

Alcohol (beer, wine, booze, liquor, etc.)

Amphetamines (speed, eve, Biphetamine, Desoxyn, Dexedrine, etc.)

Cannabinoids (marijuana, hashish, hash, hash oil, pot, joint, reefer, roach, spleaf, grass, weed, etc.)

Cocaine (coke, blow, snow, flake, crack, etc.)

Phencyclidine (PCP, angel dust, hog, etc.)

Hallucinogens (LSD, acid, mushrooms, shrooms, etc.)

Methaqualone (Quaaludes, ludes, etc.)

Opiates (heroin, codeine, morphine, opium, Dover's powder, paregoric, parepectolin, etc.)

Barbiturates (phenobarbital, butabarbital, secobarbital, tuinal, amytal, etc.)

Benzodiazepine (Librium, Valium, Ativan, Azene, Clonopin, Dalmone, Diozepam, Halcion, Poxipam, Restoril, Serax, Transene, Vertron, Xanax, etc.)

Synthetic narcotics, including methadone (dolophine, methadose, etc.)

Designer drugs (ecstasy, etc.)

The Company reserves the right to expand or otherwise modify the number or types of drugs tested at any time.

The Company will provide employees with 60 days written notice of any expansion or modification of the drugs tested under the Company's Policy.

Collective Bargaining Statement

Nothing in this Policy is intended to affect those rights provided for by any collective bargaining agreement between the Company and its employees.

Employee's Right to Consult Laboratory

Employee legal rights.

All employees may consult with the testing laboratory or MRO for technical information regarding the effects of prescription and non-prescription medications on drug testing. Any consultation by an employee with the testing laboratory or MRO for the purpose of gaining technical information shall be confidential. An MRO must supply technical information to any employee who fails a drug test.

Report of Drug Convictions

Employees shall report any drug conviction to the Company within five days from the date of conviction. The Company will report the conviction to any Federal agency with which the Company has a contract, or if otherwise required by Federal law, within ten days from the notification of the conviction by the employee. The employee will be referred to the Employee Assistance Program immediately upon notification of the conviction. A failure to report a drug conviction to the Company within the applicable time periods will result in immediate termination of the employee, unless good cause exists for the employee's failure to report the conviction to the Company. Arrest for a drug or alcohol offense shall be considered reasonable suspicion, allowing the Company to test the arrested employee for the presence of alcohol or illegal drugs.

Sample Letter

Dear Employee:

This letter is to inform you that we have received a positive confirmed test result on your recent drug test. In accordance with our drug-free policy, your employment has been terminated. A copy of the test results will be provided to you upon request.

Within five (5) days after your receipt of this notice, you may submit information to the Company explaining or contesting the test result and explaining why the result does not constitute a violation of the drug-free workplace policy. If your explanation or challenge of the positive test result is unsatisfactory to the Company, you will be provided with a written response as to why your explanation is unsatisfactory, along with the report of the positive test result pursuant to rules adopted by the Department of Labor and Employment Security.

During the 180-day period following this notice, you have the right to have a portion of the specimen retested, at your expense, at another laboratory that is licensed and approved by the Florida Agency for Health Care Administration chosen by you.

Sincerely,

Name
Title

Note to Employers

Drug-Free Policy A (Strict) and Drug-Free Policy B (Moderate) differ in the degree of penalty. Policy B offers employees a "second chance." If employees are found to be in possession of drugs or alcohol on company premises, they will be referred to an EAP program. The employee will be terminated after a second incident. All other elements of the policy are the same as in Policy A.

Drug-Free Policy B (Moderate)

Because _____ (the Company) is committed to a safe and healthy workplace, we hereby announce our intention to establish a drug-free workplace Program and adopt the following policy on drug and alcohol abuse. The Company is doing this because it recognizes that drug and alcohol abuse in the workplace increases the risk of accidents to all employees and is a significant factor leading to decreased productivity, high turnover, and decreased morale. This policy conforms with F.A.C. 38 F. 9.005 (2)(a).

Policy B – General Statement

The Company will not tolerate the use of illegal drugs by its employees, either on or off the job, or the use of alcohol on the job.

Therefore, the Company will test, at the Company's expense, all job applicants for drug or alcohol use as outlined in this Policy. Further, if a reasonable suspicion exists that a current employee is in violation of this Policy, the Company will test, at the Company's expense, any such employee for drug or alcohol use. Such testing may take place as a regular part of fitness for duty examinations, after a work-related injury, and/or as a follow-up procedure to any drug or alcohol treatment program.

A positive drug test can lead to withdrawal of an offer of employment to an applicant or termination of an employee. Any current employee who tests positive for illegal drugs or alcohol will be referred to the Employee Assistance Program (EAP). All drug testing will conform to the requirements of this Policy and to State and Federal law.

Possession of Drugs and Alcohol on Premises

Employees who bring drugs or alcohol to work are subject to immediate EAP referral.

Drugs and alcohol will not be permitted in the workplace. Any employee in possession of or using alcohol or illegal drugs on Company premises during working hours will be subject to immediate referral to the Employee Assistance Program (EAP), a program to help employees overcome drug and/or alcohol addiction. Company premises include parking lots and other outlying areas.

A second incident involving possession of drugs or alcohol on Company premises during working hours shall result in immediate termination. A second incident of use of alcohol or illegal drugs on Company premises during working hours shall result in immediate termination. Such use or possession of alcohol or illegal drugs for a second time on Company premises will be reported to a supervisor who will verify and report the incident to the person responsible for terminating employees.

Visible Impairment

Employees will not be allowed to work while under the influence of drugs or alcohol.

Any employee who reports to work visibly impaired or becomes visibly impaired while at work will not be allowed to continue work. An employee or other supervisor who observes another employee who appears to be visibly impaired should seek the opinion of a supervisor or competent co-worker regarding the nature and degree of the employee's impairment. The supervisor of the visibly impaired employee should consult privately with that employee to determine the reason for the impairment. If, in the opinion of two supervisors or a supervisor and an additional competent co-worker, the employee's visible impairment is the result of alcohol or illegal drugs, the affected employee will be required to submit to drug testing as outlined in the reasonable suspicion portion of the Active Employee Drug Testing section of this policy. On the occasion when the visible impairment is observed, the employee will be sent home immediately by taxi or other safe transportation including transportation by another employee, if necessary.

Pre-Employment Drug Testing

Job offers are conditional pending pre-employment drug-test results.

If the Company extends an offer of employment to a job applicant who otherwise satisfactorily meets Company's standards for employment, the offer will be conditional upon the job applicant submitting to a drug test to determine the presence of illegal drugs or alcohol abuse. This test will be administered in compliance with both state and federal laws and will be conducted only by a testing laboratory approved by the Florida Agency for Health Care Administration.

Job applicants shall receive a list of common medications which may alter or affect a drug test. This list will include the index of such medications as developed and updated periodically by the Florida Agency for Health Care Administration or the Department of Labor and Employment Security. In addition, job applicants will be given the names, addresses, and telephone numbers of approved, local alcohol and drug rehabilitation programs.

Persons receiving a conditional job offer will have an opportunity to confidentially report to the Medical Review Officer (MRO) concerning the use of any prescription or non-prescription medications both before and after being tested.

A drug test indicating the use of illegal drugs or alcohol abuse will result in revocation of an offer of employment. Job applicants will have the right to challenge any drug test or request a retest at the job applicant's expense. The procedures for challenging a drug test or requesting a retest are outlined under the Review of Test Results section of this Policy.

Active Employee Drug Testing

The Company reserves the right to ask any employee to submit to drug testing under the following conditions:

(A) When an employee is involved in an accident which causes injury to himself or to any other person or damage to any property. If, because of the accident, an employee is unable to submit to drug testing immediately, the employee will authorize the release of any medical reports or documentation to the MRO regarding the presence of illegal drugs or alcohol in the employee's body at the time of the accident. Refusal to agree to this release of information will result in termination of the employee.

(B) When, in the opinion of two supervisors or a supervisor and an additional competent co-worker, a reasonable suspicion exists that an employee may be abusing or under the influence of illegal drugs or alcohol. In such circumstances, the supervisory personnel will document, in writing, the basis for their reasonable suspicion. If the reasonable suspicion is based on a report by another person, this report must be confirmed by a supervisor.

(C) When an employee has sold or otherwise solicited any other person to obtain, use, or purchase illegal drugs or alcohol during working hours, or there is a reasonable suspicion by a supervisor that such activities have taken place. In such circumstances, the supervisory personnel will document, in writing, the basis for the reasonable suspicion. If the reasonable suspicion is based on a report by another person, this report must be confirmed by a supervisor. Nothing herein shall prevent the Company from immediately terminating any employee who sells or otherwise solicits illegal drugs or provides or sells alcohol to any other person during working hours upon a report by the supervisor to the person in charge of terminating employees.

(D) When an employee returns from any extended absence. An extended absence is defined as a continuous absence of three or more months.

(E) When it is a routine part of any required employee fitness for duty examination.
(F) When it is a follow-up procedure that is part of a referral to the Employee Assistance Program or enrollment in a drug or alcohol abuse program. This follow-up testing will continue at random for two years after referral to an Employee Assistance Program or enrollment in a drug or alcohol abuse program. The Company reserves the right to waive follow-up testing in the event an employee voluntarily submits to an Employee Assistance Program or substance abuse program.

Loss of Workers' Compensation Benefits – Drug Rule Statement

Employees who are injured on the job will be drug tested. Results that indicate the use of illegal drugs or alcohol may cause loss of workers' compensation benefits.

If an employee is injured in the scope of his or her employment and drug tests or other medical evidence indicates the presence of drugs or alcohol in the employee's body at the time of the accident, the employee may be required to forfeit any medical or indemnity benefits available under the Florida Workers' Compensation Statute (F.S. 440.101(2)). This penalty is in addition to any others that might apply either under this policy or under applicable law.

Confidentiality Statement

All drug test results are strictly confidential.

All test results of active employees will be strictly confidential, except in the following circumstances:

When the employee has given consent to make test results known; or

When placed at issue by the employee in any legal, administrative, or other proceeding to determine compensability of a workers' compensation claim or as otherwise provided by law.

Any test result that indicates the use of illegal drugs or alcohol abuse will result in termination as provided herein.

Medication Disclosure Procedure

Disclosure of the use of medications to the MRO is confidential.

An employee will have an opportunity to confidentially report the use of prescription or non-prescription medications to the medical review officer (MRO) at the drug-testing laboratory both before and after being tested. Such reports by an employee will not become a part of the employee's personnel file. Each employee will also receive a list of common medications which may alter or affect a drug test. This list will include the index of such medications as developed and updated periodically by the Florida Agency for Health Care Administration or the Department of Labor and Employment Security. In addition, an employee will be given the names, addresses, and telephone numbers of approved, local alcohol and drug rehabilitation programs and will be given access to an Employee Assistance Program.

Further, an employee has the right to challenge any drug test or request a retest at the employee's expense. The procedures for challenging a drug test or requesting a retest are outlined under the Review of Test Results section of this Policy.

Consequences of Refusing a Drug Test or Treatment

Refusal to cooperate will result in termination.

1.) Refusal to Cooperate

Job Applicants

Any person receiving a conditional offer of employment who refuses to submit to drug and alcohol testing, or who alters, changes in any way, or otherwise interferes with drug-testing collection, samples, or analysis, is immediately disqualified from employment by the Company.

Employees
Any employee who refuses to submit to drug and alcohol testing when required will be referred to an EAP. An employee who alters, changes in any way, or otherwise interferes with drug-testing collection, samples, or analysis, will be immediately terminated and may forfeit any medical or indemnity benefits available under the workers' compensation regulations (F.S. 440.101 (2)).

An employee referred to EAP for refusal to submit to drug testing will be required to submit to follow-up drug testing sixty days after the first refusal to submit to drug testing as outlined in the follow-up provisions of the Active Employee Drug Testing section of this policy. A second refusal to submit to drug testing or a refusal to submit to testing after any previous positive test or treatment for alcohol or illegal drugs will result in termination of employment.

2.) Refusal To Accept Treatment Or Failure to Rehabilitate

Any employee who rejects a treatment program offered through the Employee Assistance Program or who leaves a treatment program prior to being properly discharged will be immediately terminated from employment with the Company. This sanction applies regardless of whether the Company referred the employee to the treatment program or Employee Assistance Program or whether the employee voluntarily sought treatment.

3.) Limitations On Referral to Employee Assistance Program

The Company wishes to make every effort to rehabilitate an employee who may be experiencing drug or alcohol problems. Therefore, the Company will not retaliate in any manner against an employee who is referred to an Employee Assistance Program or treatment program or who voluntarily refers himself/herself to the Employee Assistance Program or submits to treatment in a drug or alcohol abuse program. However, should an employee be referred to an Employee Assistance Program for drug or alcohol treatment or enroll in a drug or alcohol treatment program two times within a three-year period, that employee will be immediately terminated.

EAP Program

Name of provider: _____

Phone number: _____

Address: _____

Review of Drug-Test Results and Employee Right to Contest or Explain Drug-Test Results

An employee has the right to contest results.

Review of Test Results

All test results of either job applicants or employees will be reviewed by the Medical Review Officer (MRO).

Verification of Test Results

The MRO shall evaluate the drug test results of an employee or job applicant and verify that the specimens were collected, transported, and analyzed under proper procedures. The MRO shall make this determination by checking any chain of custody forms for required signatures, procedures, and information. If an employee or job applicant fails a drug test, the MRO shall also determine if any alternative medical explanation caused the employee or job applicant to fail. The MRO shall maintain the confidentiality of any information received from drug tests, except: as authorized by the employee or job applicant; as otherwise provided by law; or, if placed at issue by the employee or job applicant in any legal, administrative or other proceeding.

Contact with Employee or Job Applicant

In the event a job applicant or employee fails a drug test, the MRO will inform the employee or job applicant of the result within three days after the MRO receives the test result from the testing laboratory or clinic. The employee or job applicant will have five days after notification from the MRO to discuss the test results with the MRO, submit documentation of any prescription drugs relevant to the test result to the MRO, or request a retest at the employee or job applicant's expense.

MRO Inability to Contact Employee/Job Applicant

MRO contact with employee/job applicant.

If the MRO is unable to contact an employee or job applicant within three days, the MRO shall contact the Company and request that the Company direct the employee or job applicant to contact the MRO as soon as possible. If the employee or job applicant does not contact the MRO within two days from the date of request by the Company, the MRO shall verify that the job applicant or employee failed the drug test. Should the job applicant or employee present satisfactory documentation that serious illness, injury, or other circumstances unavoidably prevented contact with the MRO within the specified time limit and provide legitimate explanations for the failure of the drug test, the MRO may change the test result. If, however, the job applicant or employee refuses to talk with the MRO regarding a drug-test failure, the MRO shall validate the failure and record the refusal to discuss the failure in the remarks section of the verification form.

Explanations for Drug Test Results

The MRO will review all results carefully.

After contacting an employee or job applicant, the MRO will inquire whether prescription or over-the-counter medications were taken that could cause a positive test result. If the MRO determines that the employee's information is not a legitimate medical explanation for the positive test result, the MRO will, within 15 days, give a written explanation of the test findings to the employer.

If the MRO determines that a legitimate medical explanation exists for the test result, the MRO shall report to the Company that the employee or job applicant passed the drug test. If, however, the legitimate medical explanation is caused by legal use of a prescription or over-the-counter medication and the MRO feels that the legal use of the drug would endanger the employee or job applicant, or if the employee or job applicant is in a safety-sensitive or special-risk position, the MRO may recommend that the employee or job applicant passed the drug test; however, the MRO shall request that the Company place the employee or job applicant in a position which would not threaten the safety of the employee or job applicant.

Retest Requests

Retesting conducted after written test results received.

Retest Requests by an Employee or Job Applicant

Should an employee or job applicant request a retest of an original specimen, the MRO will process this request within 180 days after the original test. The retest will conform to all the same requirements and procedures applicable to the original test. The retest will occur at another laboratory approved by the Florida Agency for Health Care Administration and be selected by the employee or job applicant. The employee or job applicant shall bear the cost of this retest. Any retest must be done on the original specimen because the original test results cannot be verified using a new specimen.

Retest Requests by the MRO

Should the MRO question the validity of the testing procedure, the MRO may, at his or her sole discretion, (1) order a re-analysis of the original sample at any laboratory or clinic approved by the Florida Agency for

Health Care Administration; or (2) request additional samples from the employee or job applicant for testing.

Types of Tests Conducted

The types of drug tests required by law.

Initial tests for all drugs other than alcohol shall use an immunoassay method. Initial tests for alcohol shall use an enzyme oxidation method. All tests to confirm an initial positive result for drugs other than alcohol shall use a gas chromatography/mass spectrometry method. All tests to confirm positive results for alcohol shall use a gas chromatography method.

Notification of the Company

How and when the company is notified of results.

After contacting the employee or job applicant, as outlined in this section, and conducting any retests, the MRO will notify the Company, in writing, of the verified test results, whether negative, positive, or invalid. If the MRO, employee, or job applicant request a retest, the MRO will report only the verified results of the retest to the Company. The MRO will file any required chain of custody forms under confidential procedures. The MRO will maintain these forms for five years from the date of the test.

How Employer Notifies Employee of Positive Test Results

Within five working days after the receipt of the positive confirmed test results from the MRO, the employer shall inform the employee in writing of such positive test results, the consequences of such results, and the options available to the employee including the right to file an administrative or legal challenge. (F.A.C. 38F-9.008(3)). (A sample letter is enclosed.)

Employee's Duty to Notify Laboratory of Legal Action Concerning Test Results

Employee must notify 30 days in advance of legal action.

An employee is required to notify the Company and the drug-testing laboratory thirty days prior to bringing any legal action concerning the results of a drug test. Such notification shall be a condition precedent to any such legal action. (38F-9.005 (2)(h)).

Complete List of Drugs Tested

The Company may test for the following drugs:

Alcohol (beer, wine, booze, liquor, etc.)

Amphetamines (speed, eve, Biphetamine, Desoxyn, Dexedrine, etc.)

Cannabinoids (marijuana, hashish, hash, hash oil, pot, joint, reefer, roach, spleaf, grass, weed, etc.)

Cocaine (coke, blow, snow, flake, crack, etc.)

Phencyclidine (PCP, angel dust, hog, etc.)

Hallucinogens (LSD, acid, mushrooms, shrooms, etc.)

Methaqualone (Quaaludes, ludes, etc.)

Opiates (heroin, codeine, morphine, opium, Dover's powder, paregoric, parepectolin, etc.)

Barbiturates (phenobarbital, butabarbital, secobarbital, tuinal, amytal, etc.)

Benzodiazepine (Librium, Valium, Ativan, Azene, Clonopin, Dalmone, Diozepam, Halcion, Poxipam, Restoril, Serax, Transene, Vertron, Xanax, etc.)

Synthetic narcotics, including methadone (dolophine, methadose, etc.)

Designer drugs (ecstasy, etc.)

The Company reserves the right to expand or otherwise modify the number or types of drugs tested at any time.

The Company will provide employees with sixty days written notice of any expansion or modification of the drugs tested under the Company's Policy.

Collective Bargaining Statement

Nothing in this Policy is intended to affect those rights provided for by any collective bargaining agreement between the Company and its employees.

Employee's Right to Consult Laboratory

Employee legal rights.

All employees may consult with the testing laboratory or MRO for technical information regarding the effects of prescription and non-prescription medications on drug testing. Any consultation by an employee with the testing laboratory or MRO for the purpose of gaining technical information shall be confidential. An MRO must supply technical information to any employee who fails a drug test.

Report of Drug Convictions

Employees shall report any drug conviction to the Company within five days from the date of conviction. The Company will report the conviction to any Federal agency with which the Company has a contract, or if otherwise required by Federal law, within ten days from the notification of the conviction by the employee. The employee will be referred to the Employee Assistance Program immediately upon notification of the conviction. A failure to report a drug conviction to the Company within the applicable time periods will result in immediate termination of the employee, unless good cause exists for the employee's failure to report the conviction to the Company. Arrest for a drug or alcohol offense shall be considered reasonable suspicion, allowing the Company to test the arrested employee for the presence of alcohol or illegal drugs.

Sample Letter

Dear Employee:

This letter is to inform you that we have received a positive confirmed test result on your recent drug test. In accordance with our drug-free policy, your employment is conditioned on satisfactory completion of a rehabilitation program. A copy of the test results will be provided to you upon request.

Within five (5) days after your receipt of this notice, you may submit information to the Company explaining or contesting the test result and explaining why the result does not constitute a violation of the drug-free workplace policy. If your explanation or challenge of the positive test result is unsatisfactory to the Company, you will be provided with a written response as to why your explanation is unsatisfactory, along with the report of the positive test result pursuant to rules adopted by the Department of Labor and Employment Security.

During the 180-day period following this notice, you have the right to have a portion of the specimen retested, at your expense, at another laboratory that is licensed and approved by the Florida Agency for Health Care Administration chosen by you.

Sincerely,

Name
Title

Employee Assistance Program

Setting Up an Employee Assistance Program

An Employee Assistance Program (EAP) is a mandatory component of a drug-free workplace and can be beneficial for both employer and employee. When your company loses a valuable worker due to lack of assistance for a short-term problem, this can be damaging to the individual, the employer, and overall staff morale.

An EAP is a structured way to help an employee overcome drug and/or alcohol addiction and dependency as well as other personal problems. Keep in mind that an employer can choose to financially support an EAP but is not required to pay for such a program.

Established EAP services are available in most major metropolitan areas and offer the skills of trained counselors, doctors specializing in dependency treatment, and other support programs. You can get more information on setting up an EAP from mental health counselors, agencies, and organizations listed in your local yellow pages or your local Chamber of Commerce.

Education Program Policy Statement

The following are typical components of a substance abuse education program in the workplace. After you select those items you plan to include in your program, you can adapt all or part of this document as your customized policy statement.

As part of its effort to implement a drug-free workplace Program, _____ (the Company) will conduct an Employee Education Program for the benefit of all of its employees. This Program will contain the following elements:

- An annual education session for all employees to inform them about personal and emotional factors which may lead to alcohol or drug dependency.
- A presentation on the legal, social, physical, and emotional consequences of alcohol/drug abuse.
- A list of services that can be accessed by employees, including alcohol and drug abuse counseling programs, mental health providers, and other agencies and organizations that can assist with personal or behavioral problems that might trigger drug or alcohol abuse. This information may be reviewed by any employee on a confidential basis.
- A resource file of pamphlets, brochures, and other information designed to educate employees about the known effects of drug and alcohol abuse. This file may be reviewed by any employee on a confidential basis.

The Company believes that with proper treatment and personal motivation, an employee with a drug or alcohol problem can overcome substance abuse and return to a productive and healthy lifestyle. Any information about an employee referral to a counselor or other provider in conjunction with this Employee Education Program will be strictly confidential unless released by the employee or otherwise provided by law. Participation in the Employee Education Program will not protect an employee from disciplinary action due to substandard job performance.

(Signature of Owner/Officer)_____

Employee Education Program

Setting Up an Employee Education Program

It is strongly recommended that you undertake an educational program even though it is an optional component for certification of your drug-free workplace program. FCCI recommends that you obtain materials which you can present to your employees regarding drug awareness and education.

According to a recent government study, **more than 65 percent of drug users 18 or older are employed full or part-time**. An education program may help an employee avoid substance abuse altogether. It also helps make the problem visible so identification of employees with this problem becomes an easier task.

A variety of free information that can be used in your education efforts is available from the National Clearinghouse for Alcohol and Drug Information, a federal agency. You can reach this agency at (800) 729-6686 or (301) 468-2600 on Monday through Friday from 8 a.m. to 7 p.m. EST.

This agency also offers a telephone hot line called the Workplace Help Line, which provides strategies for setting up a drug-free workplace for small business owners. Call the help line at (800) WORKPLACE.

Printed literature from this agency includes Prevention Pipeline, a free magazine published every two months; Working Partners, tips and strategies for making your workplace drug-free; and the Community Action Prevention Resource Guide, a general packet for leadership of community-based efforts.

The Clearinghouse also has an Internet website where you can retrieve news and resource information around the clock. Log on at **www.health.org**.

A drug education program doesn't need to be complicated or costly. Select a reasonable time for sessions that is convenient for both employer and employee. Give participants an opportunity to discreetly review the drug information you are providing.

A structured presentation, repeated annually, is an effective way to reinforce the policy you have established. A free speaker or audiovisual segment for your presentation may be available through resources right in your community. This could include county health officials, Chamber of Commerce and medical society members, or health organizations that treat substance abuse. Contact your FCCI loss control representative for assistance in setting up your education program.

Notice to Applicants

This Notice should be included in any application for employment. It should also be posted in an appropriate and conspicuous location on your premises and be available in your personnel office for inspection by the general public during regular business hours.

This form should be provided and completed by an applicant at the time of the employment application.

_____(The Company) has established and maintains a drug-free workplace Program. This drug-free workplace Program is in conformity with chapter 440.102, Florida Statutes, its implementing regulations, and Federal law.

As part of this Program, offers of employment are expressly conditioned upon passing a drug test. In addition, employees of the Company may be subject to drug testing under those conditions outlined in the Company's Drug and Alcohol Policy Statement.

For a person receiving a conditional offer of employment, failure of a drug test or refusal to submit to drug testing when required by the Company shall cancel or terminate any job offer. For an employee, failing a drug test or refusing to submit to a drug test will result in action against an employee up to and including termination of employment.

A person who receives a conditional offer of employment will have an opportunity to confidentially report to the Medical Review Officer (MRO) both before and after being tested regarding the use of prescription or non-prescription medications. Additionally, a job applicant shall receive a list of common medications which may alter or affect a drug test. A job applicant will also be given names, addresses, and telephone numbers of local alcohol and drug rehabilitation programs.

Any person receiving a conditional offer of employment who fails a drug test may challenge or explain the result within five working days after written notification of the test result. A job applicant will also have an opportunity to request a retest at the job applicant's expense. If a job applicant's explanation or challenge is unsatisfactory, the job applicant may contest the drug test results pursuant to rules adopted by the Department of Labor and Employment Security or the Florida Agency for Health Care Administration.

The job applicant also has the responsibility to notify the laboratory or clinic conducting the drug test of any administrative or civil action brought involving the drug test conducted by that laboratory or clinic.

The job applicant also has a right to consult the testing laboratory or clinic for technical information regarding prescription and non-prescription medication. In addition, each job applicant will be given a list prior to administration of the drug tests of the substances to be tested . All test results will remain confidential except as allowed by law. The Company will provide each job applicant with a copy of the Company's Drug and Alcohol Abuse Policy Statement prior to the administration of a drug test.

Nothing in this Notice will affect these rights provided in any collective bargaining agreement between the Company and its employees. Refusal to complete or sign this document will result in a withdrawal of any offer of employment.

Name of Company _____

Applicant Name: _____

Applicant Signature: _____ Date: _____

Witness: _____

Applicant Drug Testing Consent and Release

This form must be completed when the employee is given a conditional job offer.

As part of my application for employment, I understand that all job offers are expressly conditioned upon submitting to and passing a drug test to detect the presence of illegal drugs or alcohol use.

I hereby consent to submit to a urinalysis or other tests as required by _____ (the Company) for the purposes of testing for the presence of illegal drugs or alcohol abuse. I agree that a clinic or laboratory approved by the Florida Agency for Health Care Administration may collect and test any specimens I provide for these tests. I further agree to authorize the release of the results of these tests to the Medical Review Officer employed or retained by the Company, to the _____ of the Company, and to such other management personnel as may require this information on a need-to-know basis. My understanding is that any information derived from these tests will be confidential between the laboratory, the _____ of the Company, and the Medical Review Officer, except as otherwise provided by law, or if I place the test or its results in issue in any administrative, legal, or other proceeding.

I have carefully read this Consent and Release form and understand it completely. I also understand that execution of this Consent and Release is a condition of employment with the Company and my refusal to sign will result in withdrawal of any offer of employment I may receive. I am signing this form voluntarily and have not been coerced or placed under duress by any person.

Applicant

Date: _____

Applicant Name: _____

Applicant Signature:_____

Social Security #: _____

Witness 1

Print Name: _____

Signature:_____

Witness 2

Print Name: _____

Signature:_____

Notice to Employees - Drug-Free Workplace

The notice should be posted in one or more prominent locations around the workplace. This form should also be distributed to all employees and signed on an individual basis. It is required for review by current and future employees.

_____(Name of Company) intends to promote and establish a drug-free workplace program to support a safe and productive environment for each employee. In addition, this program will contribute to the overall productivity of the Company, enhance our competitive position in the marketplace, and help all of us achieve more personal success without the tragic consequences, costs, and delays associated with work-related accidents resulting from employee drug or alcohol abuse. A drug-free workplace means that all employees must remain drug-free both on and off the job and refrain from using alcohol on the job. The Company discourages alcohol abuse or the use of illegal drugs. An employee who engages in the use of illegal drugs or alcohol on the job faces the risk of termination and forfeiture of workers' compensation benefits. This drug-free workplace program is in conformity with Chapter 440.102, Florida Statutes, its implementing regulations, and Federal law.

Because the Company also feels that drug use and alcohol abuse are treatable dependencies, the Company announces its intention to undertake a drug and alcohol education program for all employees and an employee assistance program to encourage rehabilitation by any employee who experiences such a problem. In connection with these programs, the Company intends to immediately begin testing all applicants for Company employment for the use of illegal drugs or alcohol abuse. These tests will be administered in compliance with both Chapter 440.102, Florida Statutes and Federal law and will be conducted only by a testing laboratory approved by the Florida Agency for Health Care Administration.

Further, the Company intends to undertake drug testing of existing employees under those conditions outlined in the Company's Drug and Alcohol Abuse Policy Statement. This testing will begin no sooner than 60 days from the effective date of _____.

Employees will have an opportunity to confidentially report to the Medical Review Officer (MRO) the use of prescription or non-prescription medications both before and after any such drug test. In conjunction with testing, all employees will receive a list of common medications which may alter or affect a drug test. Employees will also be given the names, addresses, and telephone numbers of local alcohol and drug rehabilitation programs and access to an employee assistance program.

Any employee who fails a drug test may challenge or explain the result within five working days after receiving written notification of the test result. An employee will also have an opportunity to request a retest at the employee's expense. If an employee's explanation or challenge is unsatisfactory, the employee may contest the drug test results pursuant to rules adopted by the Department of Labor and Employment Security or the Florida Agency for Health Care Administration. The employee has the responsibility to notify the laboratory or clinic conducting the drug test of any administrative or civil action brought involving the drug test conducted by that laboratory or clinic. The employee also has a right to consult the testing laboratory or clinic for technical information regarding prescription and non-prescription medication. Prior to administration of a drug test, an employee will be given a list of substances for which the test is being conducted. All test results will remain confidential except as allowed by law.

The Company will provide all employees with a copy of the Company's Drug and Alcohol Abuse Policy Statement prior to commencement of its drug testing program.

Nothing in this Notice will affect these rights provided in any collective bargaining agreement between the Company and its employees. I understand that failure to comply with any of the requirements of the Company's Drug and Alcohol Abuse Policy, including my refusal to read and sign this Notice, will be grounds for termination.

Employee

Employee Name: _____

Employee Signature: _____

Title: _____

Date: _____

Witness 1

Print Name: _____

Signature: _____

Witness 2

Print Name: _____

Signature: _____

Employee Agreement and Acknowledgement

Every employee must sign after receiving and reviewing this policy.

I hereby acknowledge that I have received and read a copy of _____ (the Company's) Drug and Alcohol Abuse Policy. I recognize the Company may modify or supplement this Policy at any time and that I will continue to be subject to the conditions of any modified or supplemented Policy. I understand that I may be required to submit to drug testing if required by this Policy and to execute a Consent and Release to this drug testing. I further understand that this Acknowledgment and Agreement will become a permanent part of my employee personnel file and that any failure to comply with the requirements of the Company's Drug and Alcohol Abuse Policy, including my refusal to sign this Employee Agreement and Acknowledgment, will be grounds for dismissal.

Employee

Date: _____

Employee Name: _____

Employee Signature:_____

Social Security #: _____

Witness 1

Print Name: _____

Signature: _____

Witness 2

Print Name: _____

Signature: _____

Employee Drug Testing Consent and Release

This form should be completed by every employee.

Pursuant to my continued employment, I understand that _____ (the Company) requires all employees to submit to and pass a drug test under certain conditions as part of its drug-free workplace Program. I hereby consent to submit to a urinalysis or other tests as required by the Company for the purposes of testing for the presence of illegal drugs or alcohol abuse. I agree that a clinic or laboratory, approved by the Florida Agency for Health Care Administration, may collect and test any specimens I provide for these tests. I further agree to authorize the release of the results of these tests to the Medical Review Officer employed or retained by the Company, to the _____ of the Company, and to such other management personnel as may require this information on a need-to-know basis. My understanding is that any information derived from these tests will be confidential between the laboratory, the Company, and the Medical Review Officer, except as otherwise provided by law. If I place the test or its results in issue in any administrative, legal, or other proceeding, I acknowledge that I waive my right to confidentiality.

I have carefully read this Consent and Release form and understand it completely. I understand that failure to comply with any of the requirements of the Company's Drug and Alcohol Abuse Policy, including my refusal to read and sign this Consent and Release, will be grounds for dismissal. I am signing this form voluntarily and have not been coerced nor placed under duress by any person.

Employee

Date: _____

Employee Name: _____

Employee Signature:_____

Social Security #: _____

Witness 1

Print Name: _____

Signature: _____

Witness 2

Print Name: _____

Signature: _____

FORM 09-1
APPLICATION FOR DRUG-FREE WORKPLACE PREMIUM CREDIT PROGRAM

Name of Employer: _____

Date Program Implemented: _____ Policyholder Number: _____

Testing:

Procedures for drug testing have been established and/or drug testing has been conducted in the following areas:

___ Job applicant
___ Reasonable suspicion
___ Routine fitness for duty
___ Follow-up testing to Employee Assistance Programs

Notice of Employer's Drug Testing Policy:

___ Copy to all employees prior to testing
___ Posted on employer's premises
___ Copy to job applicants prior to testing
___ General notice given 60 days prior to testing
___ Show notice of drug testing on vacancy announcements
___ Copies available in personnel office or other suitable locations
___ No notice required because the employer had a drug testing program in place prior to July 1, 1990

Education:

___ Resource file on providers
___ Employee Assistance Program
___ Education

Name of Medical Review Officer: _____

A. Name of approved Agency for Health Care Administration Lab or United States Department of Health and Human Services Certified Laboratory: _____

B. Phone #: ( ) _____

C. Address: _____

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD OR DECEIVE ANY INSURER FILES A STATEMENT OF CLAIM OR AN APPLICATION CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING INFORMATION, IS GUILTY OF A FELONY OF THE THIRD DEGREE.

_____ _____
Employer Name Officer/Owner Signature *

_____ _____
Date Title

* Application must be signed by an officer or owner.

THE ABOVE SIGNED CERTIFIES THAT THIS INFORMATION IS A TRUE AND FACTUAL DEPICTION OF THEIR CURRENT PROGRAM.

_____ _____ _____
Notary Public's Signature Date Exp. of Commission

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