



WhiteSands
TREATMENT

Drug-Free Workplace Policy

Drug Free Workplace Policy

I. PURPOSE:

As a part of its commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug-free community, White Sands Treatment Center, LLC has established this policy on the use or abuse of alcohol and drugs by its employees. This policy is established pursuant to the Drug-Free Workplace program under Florida's Workers' Compensation Act. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided. We have established this policy to detect users and remove abusers of drugs and alcohol. It is also our policy to prevent the use and/or presence of these substances in the workplace and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

As mentioned above, we are implementing this policy pursuant to the drug-free workplace program under the Florida's Workers' Compensation Act. This provides that an employee, who is injured in the course and scope of his/her employment and tests positive on a drug or alcohol test, forfeits his/her eligibility for medical and indemnity benefits under Florida's Workers' Compensation. (Refusal to take a drug or alcohol test will result in the employee forfeiting his/her eligibility for medical and indemnity benefits under Florida's Workers' Compensation and automatic termination of employment.

The purpose of this policy is to communicate our position on drugs and alcohol in the workplace and provide guidance for the implementation of related programs.

II. SCOPE:

All employees are covered by this policy and as a condition of employment, are required to abide by the terms of this policy.

Because of state or federal laws and regulations, certain employees may be subject to additional requirements.

III. DRUG-FREE WORKPLACE POLICY DISEMINATION:

- A. The employer will give a general one-time notice to all employees that it is a condition of employment to refrain from using drugs on or off the job and that a drug testing program is being implemented. Sixty (60) days will elapse between the notice and the actual drug testing.
- B. Prior to testing, all employees or applicants for employment will be given a summary of the Drug-Free Workplace policy, a summary of the drugs that may alter or affect a drug test, and a list of local employee assistance programs and local alcohol and drug rehabilitation programs.
- C. A notice of drug testing will be included with all vacancy announcements for those positions where drug testing is required. A notice of our drug testing policy will also be posted in an appropriate and conspicuous location on White Sands Treatment Center, LLC premises and copies of the policies will be made available for inspection during regular business hours by the general public in the Human Resources' office.

IV. DEFINITIONS:

The definition of words and terms as set forth in the Florida Workers' Compensation Drug Testing Rules will apply to the terms used in this policy.

V. ALCOHOL USE PROHIBITIONS:

- A. The consumption of alcohol on Company property or while on duty is prohibited and will result in disciplinary action, up to and including discharge. There may be occasions, removed from the usual work setting, at which it is permissible to consume alcohol in moderation with Company approval on Company property or while on duty (i.e., Company picnic).
- B. Off-duty abuse of alcohol that adversely affects an employee's job performance or adversely affects or threatens to adversely affect other interests of the Company is prohibited and may result in disciplinary action, up to and including discharge.
- C. The personal possession (i.e., on the person, or in a desk or locker) of alcohol on company property or on duty will result in disciplinary action, up to and including discharge.

- D. The possession of alcohol in a personal vehicle or Company-assigned vehicle on Company property is not prohibited provided such possession is in compliance with this policy as well as federal, state and local laws.
- E. It is against Company policy to report for duty or to work under the influence of alcohol.
- F. For the purpose of this policy, an employee is presumed to be under the influence of alcohol if a blood test or other scientifically acceptable testing procedure shows a forensically acceptable positive quantum of proof of alcohol usage.
- G. An employee who is perceived to be under the influence of alcohol will be removed immediately from the workplace and may be evaluated by medical personnel, if reasonably available. The Company will take further action (i.e., removal from service, referral to counseling, and/or disciplinary action) based on medical information, work history, and other relevant factors. The determination of what action is appropriate in each case rests solely with the Company.
- H. Refusal to submit to, efforts to tamper with, or failure to pass an alcohol test will result in disciplinary action, up to and including discharge.
- I. Employees arrested for an alcohol-related incident must immediately notify their supervisor, the Human Resources Coordinator, or the Executive Director of the arrest if the incident occurs:
 - 1. During scheduled working hours.
 - 2. While operating a Company vehicle on Company or personal business.
 - 3. While operating a personal vehicle on Company business.

Failure to notify an appropriate Company official may result in disciplinary action, up to and including discharge.

VI. DRUG USE PROHIBITIONS

- A. The use, sale, possession, manufacture, distribution or dispensation of drugs on Company property or during working time is against Company policy and is cause for immediate discharge.
- B. It is also against Company policy to report for duty or work under the influence of drugs. This includes prescription drugs that induce an unsafe mental or physical state. Employees who violate this policy are subject to disciplinary action up to and including discharge.

- C. For the purpose of this policy, an employee is presumed to be under the influence of drugs if a urine test or other accepted procedure shows a forensically acceptable positive quantum of proof of drug usage.
- D. Prescription drugs may also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is taking any prescription drug/medication, which might impair safety, performance, or any motor functions must advise his/her supervisor before reporting to work under the influence of such medication. Failure to do so may result in disciplinary action. If the Company determines that such use does not pose a safety risk, the employee will be permitted to work. If such use impairs the employee's ability to safely or effectively perform his or her job, the Company may temporarily reassign the employee or grant a leave of absence during the period of treatment. Improper use of prescription drugs is prohibited and may result in disciplinary action. Prescription medication must be kept in its original container if such medication is taken during working hours or on Company property.
- E. Refusal to submit to, or efforts to tamper with, drug or alcohol tests will result in discharge.

VII. TESTING

A. Testing of Applicants

1. All applicants considered final candidates for a position will be tested for the presence of illegal drugs as a part of the application process.
2. Any job applicant who refuses to submit to drug testing, refuses to sign the consent form, fails to appear for testing, tampers with the test, or fails to pass the pre-employment drug test will be ineligible for hire.

B. Reasonable Suspicion Testing

1. Employees must submit to a drug test if reasonable suspicion exists to indicate that their ability to perform work safely or effectively may be impaired. "Reasonable Suspicion Testing" means drug testing based on a belief that an employee is using or has used drugs in violation of the Company's policy, drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

- a. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
 - b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
 - c. A report of drug use, provided by a reliable and credible source, which has been independently corroborated.
 - d. Evidence that an employee has caused, contributed to, or been involved in an accident while at work.
 - e. Information that an employee has caused, contributed to, or been involved in an accident while at work.
 - f. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the Company's premises, or while operating the Company's vehicle, machinery, or equipment.
2. If a supervisor believes reasonable suspicion exists, the supervisor should report his or her findings and observations to the Executive Director or Human Resources Coordinator. Upon approval the Executive Director or Human Resources Coordinator, the employee will be asked to submit to a drug test and sign a form acknowledging his or her consent (Employee packet). Factors which substantiate cause to test should be documented by the supervisor on the Substance Abuse Investigation Report Form as soon as possible, but no later than seven (7) days after the employee has been drug tested. A copy of this report will be given to the employee upon request and the original documentation will be kept confidentially by the employer and retained for at least 1 year.

C. Routine Fitness for Duty

An employee will submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the Company's established policy or that is scheduled routinely for all members of an employment classification or group, and approved as a prerequisite by the Company.

D. Follow-up Testing

If the employee in the course of employment enters an employee assistance program for drug related problems, or an alcohol and drug rehabilitation program, the employer must require the employee to submit to a drug test as a follow-up to such programs, and on a quarterly, semi- annual or annual basis for up to 2 years thereafter.

E. Random Testing

1. Employees will be required to submit to drug testing on a random basis. All staff are subject to random testing due to the safety sensitive nature of their jobs.
2. Selection of employees for random testing will be conducted through the use of a random number generator or other neutral selection process.
3. When an employee is selected for random testing, both the employee and the employee's supervisor will be notified on the day the test is scheduled to occur.
4. Testing may be postponed only when an employee's supervisor and the general manager agree that there is a compelling need for deferral (i.e., the employee is out on leave or is traveling).

F. Additional Testing

Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations or as deemed necessary by the Company.

G. Refusal to Test

Employees who refuse to submit to a drug test forfeit their eligibility for all Workers' Compensation medical and indemnity benefits and will be terminated from employment or otherwise disciplined as provided in this policy.

VII. TESTING PROCEDURE

A. The Company may test for any or all of the following drugs:

Alcohol
Amphetamines
Cannabinoids/THC
Cocaine
Phencyclidine

Methaqualone
Opiates
Barbiturates
Benzodiazophines
Methadone
Propoxyphene
Fentanyl

- B. Job applicants and employees required submitting to drug or alcohol testing will be asked to sign a substance testing policy consent.
- C. Because of the potential adverse consequences of positive test results the Company will employ a very accurate testing program. Urine and blood samples will be analyzed by a highly qualified independent laboratory that has been selected by the Company and approved by the Agency for Health Care Administration .
- D. The applicants and employees will be provided with a notice of the most common medication by brand name or common name, as well as the chemical name, which may alter or affect a drug test.
- E. An employee injured at the workplace and required to be tested will be taken to a medical facility for immediate treatment of injury. If the injured employee is not at a designated collection site, the employee will be transported to one as soon as it is medically feasible and specimens will be obtained. If it is not medically feasible to move the injured employee, specimens will be obtained at the treating facility under the procedures set forth in this rule and transported to an approved testing laboratory.
- F. No specimens will be taken prior to the administration of emergency medical care. Once the condition has been satisfied , an injured employee must release to the Company the result of any tests conducted for the purpose of showing the presence of alcohol or drugs.
- G. Specimens

Urine will be used for the initial test for all drugs and for the confirmation of all drugs, except alcohol. Blood will be used as initial and confirmation test for alcohol. The physician will have the discretion to determine whether drawing a blood sample will threaten the health of the injured employee or if the employee has a medical condition unrelated to the accident which may preclude the drawing of the necessary quantity of blood for a testing specimen. Under these circumstances , no inference or presumption of intoxication or impairment will be made.

H. Cost of Testing

The Company will pay the cost of initial and confirmation drug tests, which it requires of all employees and job applicants . An employee or job applicant will pay the cost of any additional drug test not required by the Company.

L. Collection Site

The Company will utilize a collection site designated by an approved laboratory which has all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, chain of custody procedures, temporary storage, and shipping or transportation of urine and blood specimens to an approved drug testing laboratory . The Company may also utilize a medical facility as a collection site that meets the applicable requirements.

Security of the collection site, chain of custody procedures, privacy of the individual, collection control, integrity and identity of the specimen donor, and transportation of the specimen to the laboratory will meet state rules and guidelines.

J. Collection Site Personnel

A specimen for a drug test will be taken or collected by:

1. A physician, a physician's assistant, a registered nurse, a licensed practical nurse, a nurse practitioner, or a certified paramedic who is present at the scene of the accident for the purpose of rendering emergency service or treatment; or
2. A qualified person employed by a licensed laboratory who has the necessary training and skills for the assigned tasks.

K. Testing Laboratory

The laboratory used to analyze initial or confirmation drug specimens will be licensed by the Agency for Health Care Administration (ACHA) to perform such tests.

L. Initial Tests

Initial tests will use an immunoassay except that the test for alcohol will utilize an enzyme oxidation methodology. The following cutoff levels will be used when screening specimens to determine whether they are positive or negative for these drugs or metabolites. All levels equal to or exceeding the following will be reported as positive:

Alcohol	00.04g%
Amphetamines	1000 ng/ml
Cannabinods	50 ng/ml
Cocaine	300 ng/ml
Phencyclidine	25 ng/ml
Methaqualone	300 ng/ml
Opiates Barbituates	300 ng/ml
Benzodiazepines	300 ng/ml
Synthetic Narcotics:	300 ng/ml
Methadone	300 ng/ml
Propoxyphene	300 ng/ml
Fentanyl	5 ng/ml

M. Confirmation Tests

All specimens identified as positive on the initial test will be confirmed using GC/MS except that alcohol will be confirmed using gas chromatography . All confirmations will be done by quantitative analysis. Concentrations which exceed the liner region of the standard curve will be documented in the laboratory and recorded as "greater than highest standard curve value".

The following confirmation cutoff levels will be used when analyzing specimens to determine whether they are positive or negative for these drug metabolites. All levels equal to or exceeding the following will be reported as positive:

Alcohol	00.04*g%
Amphetamines	500ng/ml
Cannabinoids	15ng/ml
Cocaine	150ng/ml
Phencyclidine	25ng/ml
Methaqualone	150ng/ml
Opiates Barbituates	300ng/ml
Benzodiazepines	150ng/ml
Synthetic Narcotics	150ng/ml
Methadone	150ng/ml
Propoxyphene	5 ng/ml
Fentanyl	

*Laboratories will report all quantitative alcohol results above a .04% level to the Medical Review Officer (MRO) who will be responsible for reporting resultst to the Company if appropriate.

VII. Test Results

A Reporting Results

1. The laboratory will report test results to the Medical Review Officer (MRO) within 7 working days after receipt of the specimen by the laboratory.
2. The laboratory will report as negative all specimens that are negative on the initial test or negative on the confirmation test. Only specimens confirmed positive on the confirmation test will be reported positive for a specific drug.
3. The laboratory will transmit results in a manner designed to ensure confidentiality of the information. The laboratory and MRO will ensure the security of the data transmission and restrict access to any data transmission storage and retrieval system.
4. The MRO may request the laboratory to provide quantitation of test results.
5. Unless otherwise instructed by the Company in writing, all records pertaining to a given specimen will be retained by the drug testing laboratory for a minimum of 2 years .
6. Within 5 working days after receipt of a positive confirmed test result, the Company will inform the employee or job applicant in writing of such positive test results, the consequences of such results, and the options available to employee or job applicant, including the right to file administrative or legal challenge. If the employee intends to legally or administratively challenge the lab's test results, the employee must immediately notify the employer of those intentions.
7. The Company must provide to the employee or job applicant, upon request, a copy of the test results.
8. Within 7 days of all tests based on reasonable suspicion , the Company will detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing.

A copy of the report will be given to the employee upon request. The original report will be kept confidential and retained by the Company for at least 1 year.

B. Challenge to Test Results

Within 5 working days after receiving notice of a positive confirmed test result, the employee or job applicant may submit information to the Company explaining or contesting the test results. The employee or job applicant will be notified in writing if the explanation or challenge is unsatisfactory to the Company.

The written notice will be given to the employee or job applicant within 15 days of receipt of the explanation or challenge, and will include why the employee's or job applicant's explanation is unsatisfactory, along with the report of positive results. All such documentation will be kept confidential and will be retained for at least 1 year.

C. Employee Protection

1. During the 180-day period after written notification of a positive test result, the employee will be permitted by the Company to have a portion of the specimen re-tested, at the employee's expense. The re-testing must be done at another AHCA licensed laboratory. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory that performed the test for the Company will be responsible for the transfer of the portion of the specimen to be re-tested, and for the integrity of the chain of custody for such transfer.
2. The drug-testing laboratory will not disclose any information concerning the health or mental condition of the tested employee.
3. The Company will not request or receive from the testing facility any information concerning the personal health, habit or condition of the injured employee including, but not limited to, the presence or absence of HIV antibodies in the injured worker's body fluids.
4. The Company will not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test.
5. The Company will not discharge, discipline, refuse to hire, or discriminate against an employee solely upon the employee's voluntarily seeking treatment while under the employ 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.

VIII. Disciplinary Action

- A. In the case of a first-time violation of the Company's policy, including a positive drug or alcohol test result (without evidence of use, sale, possession, distribution, dispensation, or purchase of drugs or alcohol on Company property or while on duty), the employee will be subject to discipline, up to and including discharge.
- B. The Company may suspend employees without pay under this policy pending the results of a drug test or investigation.
- C. Any employee using, selling, purchasing, possessing, distributing, or dispensing drugs or alcohol on duty or on Company property will be discharged.

IX. Employee Assistance

- A. The Company regards its employees as its most important asset. Accordingly, The Company maintains an Employee Assistance culture that provides help to employees who suffer from alcohol or drug abuse and other personal or emotional problems. Employees with such problems should seek confidential assistance from community resources before drug or alcohol problems lead to disciplinary action.
- B. Information about a self-referred employee's contact from community resources is confidential and will not be disseminated without the employee's permission. Further, an employee is not subject to discipline solely as a result of a self-referral for treatment.
- C. However, the use of community resources will not shield the employee from appropriate action for violation of the Company's substance abuse policy if such violation comes to the Company's attention through other means such as reports from employees or outsiders, direct observation, testing, etc.
- D. Employees referred to from community resources as a result of a violation of the Company's substance abuse policy may continue their employment with the Company provided they:
 - 1. Contact from community resources are strictly adhere to all the terms of treatment and counseling prescribed by the community resources
 - 2. Immediately cease any and all use of alcohol and/or drugs.
 - 3. Consent in writing to periodic, unannounced testing for a period of up to 2 years after returning to work or completion of any rehabilitation program, whichever is later.
- E. In keeping with the Company's need for safety and security , the Human Resources Office will determine whether the Company should grant a leave of absence or reassign an employee following a positive test or during the period of evaluation , treatment, or counseling.

F. Participation in any evaluation, treatment, or counseling program will be at the employee's expense unless the employee is entitled to such benefits under the terms of the Company's group health plan or by other available benefits. Time lost from work for such a program will be without pay.

X. Investigation

- A. To ensure that illegal drugs and alcohol do not enter or affect the workplace, the Company reserves the right to search all vehicles, containers, lockers, or other items on Company property in furtherance of this policy. Individuals may be requested to display personal property for visual inspection upon Company request.
- B. Searches will be conducted only where the Company has reason to believe that the employee has violated the Company's substance abuse policy.
- C. Failure to consent to a search or display personal property for visual inspection will be grounds for discharge or denial of access to Company premises.
- D. Searches of an employee's personal property will take place only in the employee's presence. All searches under this policy will occur with the utmost discretion and consideration for the employee involved.
- E. Individuals may be required to empty their pockets, but under no circumstances will an employee be required to remove articles of clothing or be physically searched.
- F. Because the primary concern is the safety of its employees and their working environment, The Company will not normally prosecute in matters involving illegal substances. However, the Company will turn over all confiscated drugs to the proper law enforcement authorities. Further, the Company reserves the right to cooperate with or enlist the services of the proper law enforcement authorities in the course of any investigation .

XI. Arrest or Conviction of a drug related crime

- A. If an employee is arrested for, or convicted of, a drug-related crime, the Company will investigate all of the circumstances, and Company officials may utilize the drug-testing procedure if cause is established by the investigation. In most cases, an arrest for a drug-related crime constitutes reasonable suspicion of drug use under this policy. The following procedures will apply:
1. During investigation, an employee may be placed on leave without pay. After the investigation has been completed, the leave may be converted to a suspension or the employee may be reinstated depending upon the facts and circumstances.
 2. If convicted of a drug-related crime, an employee will be terminated.
 3. If an employee has been suspended, and the case has been dismissed or otherwise disposed of, the Company will make determination as to whether to authorize the employee's return to work based on its investigation. If the employee is authorized to return to work, the employee must agree in writing to unannounced, periodic testing for a period of up to 2 years.
 4. Because of the seriousness of such situations, the Company reserves the right to alter or change its policy or decisions on a given situation depending upon its investigation and the totality of the circumstances.
- B. As a condition of employment, an employee will notify the Company's Human Resources Coordinator of any criminal drug statute conviction for a violation which occurred on Company premises. The employee must give notice to the Company within 5 days of such conviction.

XII. Confidentiality

All information, interviews, reports, statements, memoranda and drug test results, written or otherwise, received by the Company as a part of this drug testing program are confidential communications. Unless authorized by state laws, rules, or regulations, the Company will not release such information without a written consent form signed by the person tested.

XIII. Records and Training

- A. The Company will maintain a current resource file of providers of employee assistance 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. The Company will inform employees and new hires about various employee assistance programs that the employer may have available.
- B. The Company will provide an annual education course to assist the employees in identifying personal and emotional problems, which may result in the misuse of alcohol or drugs. This course will also include a presentation on the legal, social, physical and emotional consequences of the misuse of alcohol or drugs.

Conclusion

The Company's drug-free workplace policy has been prepared so as not to conflict with public policy and further, not to be discriminatory or abusive. A drug-free workplace should be the goal of every company in America. Drug and alcohol testing is only one of the steps that must be taken to achieve this objective. When a Executive Director incorporates a comprehensive anti-drug effort, testing can go a long way in combating drug and alcohol abuse in the workplace.

THIS POLICY SUPERSEDES ANY INFORMATION PROVIDED TO APPLICANTS AND/OR EMPLOYEES, EITHER WRITTEN OR ORAL. THE COMPANY RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS POLICY AND TESTING PROGRAM AT ANY TIME IN THE FUTURE.

Receipt & Acknowledgment

White Sands Treatment Center Drug Free Workplace Policy

This Drug Free Workplace Policy is an important document intended to help you become acquainted with aspects of White Sands Treatment Center, LLC. This Manual will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention. Because the general business atmosphere of White Sands Treatment Center, LLC and economic conditions are always changing, the contents of this Manual may be changed at any time at the discretion of White Sands Treatment Center.

Please read the following statements and sign below to indicate your receipt and acknowledgment of the White Sands Treatment Center, LLC Drug Free Workplace Policy.

1. I have received and read a copy of the White Sands Treatment Center, LLC Drug Free Workplace Policy. I understand that the policies, rules, and benefits described in it are subject to change at the sole discretion of White Sands Treatment Center, LLC at any time. I understand that this manual replaces (supersedes) all other previous manuals for White Sands Treatment Center, LLC as of July 2008.
2. I further understand that my employment is terminable at will, (unless there has been an employment contract executed to the contrary) either by myself or White Sands Treatment Center, LLC regardless of the length of my employment or the granting of benefits of any kind, including but not limited to profit sharing benefits which provide for vesting based upon length of employment.
3. I understand that no contract of employment other than "at will" has been expressed or implied, and that no circumstances arising out of my employment will alter my "at will" employment relationship unless expressed in writing, with the understanding specifically set forth and signed by myself and the Executive Director of White Sands Treatment Center, LLC. Furthermore, I acknowledge that this manual is not a contract of employment.

I understand that, should the content be changed in any way, White Sands Treatment Center, LLC may require an additional signature from me to indicate that I am aware of and understand any new policies.

* I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the White Sands Treatment Center, LLC Drug Free Workplace Policy.

Employee Printed Name

Position

Employee Signature

Date