

Standard Practice: **Drug and Alcohol Free Workplace – Zero Tolerance**

Policy Date: **February 23, 2004**

Last Revised: **October 1, 2006**

PURPOSE: To establish guidelines and responsibility for the communication and administration of the Authority's Zero Tolerance Drug and Alcohol Free Workplace.

GUIDELINES: **Alcohol Use Prohibitions**

The consumption or possession of alcohol while on duty, or off-duty abuse of alcohol, which adversely affects an employee's job performance or reporting to work under the influence of alcohol, will result in termination of employment.

For the purpose of this practice and its procedures, an employee is presumed to be under the influence of alcohol if a Breathalyzer or other scientifically acceptable testing procedures shows positive proof of usage.

An employee who is perceived to be under the influence of alcohol will be removed immediately from the workplace and will be evaluated by medical personnel. The Authority will take further action based on medical information.

Refusal to submit to, efforts to tamper with or failure to pass an alcohol test will result in discharge.

Employees whose driving license is suspended or who are arrested for an alcohol related incident must immediately notify their supervisor and a representative of Employee Relations of the arrest if the incident occurs during scheduled work hours, while operating an Authority vehicle or while operating a personal vehicle on Authority business or during personal time. Failure to notify an appropriate Authority official may result in disciplinary action up to, and including discharge.

The Authority will suspend employees with pay pending the results of an alcohol test or investigation. If the test results are negative, the employee will be reinstated from the first day of suspension. If the test result is positive, the employee will be discharged and the amount of paid time off during the suspension will be deducted from their final paycheck or annual leave balance.

Drug Use Prohibitions

The use, sale, purchase, possession, manufacture, distribution or dispensation of drugs on Authority property is a violation of the Zero Tolerance Drug and Alcohol Free Workplace Practice and cause for immediate discharge.

It is also against the Authority's standard practice to report to work, or work, under the influence of drugs. This includes prescription or over-the-counter drugs which induce an unsafe mental or physical state.

Any employee who is taking any prescription or over-the-counter drug, which might impair safety, performance or any motor function, must advise his/her supervisor before reporting to work under such medication. If the Authority determines that such use does not pose a safety risk, the employee will be permitted to work. If use impairs the employee's ability to safely and/or effectively perform his/her job, the employee will be required to use annual leave time during the period of treatment. If annual leave is not available then the treatment period will be considered unpaid time. A prescription should be kept in its original container if taken during working hours. Employees who violate this practice are subject to discharge.

Refusal to submit to or efforts to tamper with a drug test will result in discharge. The Authority will suspend employees with pay pending the results of a drug test or investigation. If the test results are negative, the employee will be reinstated from the first day of suspension. If the test result is positive, the employee will be discharged and the amount of paid time off during the suspension will be deducted from their final paycheck or annual leave balance.

Arrest or Conviction for Drug Related Crime

If an employee is convicted of a drug-related crime, the Authority will investigate all circumstances and may use the drug testing procedure if cause is established by the investigation. An arrest for a drug-related crime constitutes reasonable suspicion of drug use under this practice and the following procedures will apply:

1. During the investigation, an employee may be placed on leave without pay. After the investigation is completed, the employee may be reinstated depending on the facts and circumstances.
2. If convicted of a drug-related crime, the employee will be discharged.

3. If the employee has been placed on leave and the case has been dismissed or otherwise disposed of, the Authority will determine based on its investigation, whether the employee may return to work. If the employee is returned to work, the employee must agree, in writing, to unannounced, periodic testing for up to two years.

Testing of Applicants

All applicants considered final candidates for a position will be tested for the presence of illegal drugs. Any job applicant, who refuses to submit to drug testing, refuses to sign the consent form, fails to appear for testing, or tampers with the test will be ineligible for hire. Applicants who fail to pass the pre-employment drug test will be disqualified from consideration for employment with the Authority for a period of twelve months following the date of positive testing.

Reasonable Suspicion Testing

Employees must submit to a drug or alcohol test if reasonable suspicion exists to indicate that their ability to perform work safely or effectively may be impaired.

"Reasonable suspicion" testing may be based on:

1. Direct observation of the physical symptoms or manifestations of being under the influence of a drug or alcohol.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of drug or alcohol use during working hours or on JAA property provided by a reliable and credible source.
4. Information that an employee has caused or contributed to any accident while at work.
5. Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working, or on the Authority's premises or while operating an Authority's vehicle, machinery or equipment.
6. Evidence that an individual has tampered with a drug or alcohol test.
7. A pattern of unscheduled leaves prior to or following weekends or holidays.

8. Sleeping on the job.

If a supervisor believes reasonable suspicion exists, the supervisor should report his/her finding and observation to Employee Relations. The employee will be asked to submit to a drug or alcohol test and sign the "Consent to Testing" form.

Post Accident

Drug and alcohol tests will be performed on any and all employees if they are involved, directly or indirectly, when the following types of accidents occur:

1. The employee was injured on the job and the injury requires medical treatment.
2. The employee was negligent in causing injury to another individual.
3. The employee was involved in causing damage to vehicles, property, etc.

Routine Fitness-for-Duty

Routine Fitness-for-Duty testing will be performed as part of the annual physical or physicals routinely scheduled for all members of an employee classification or group.

Random Testing

Random testing will be conducted unannounced and at unpredictable frequencies throughout the year. Fifty percent of the pool must be tested for drugs; twenty-five percent for alcohol; ten percent for either drugs and/or alcohol. The pool consists of all regular full-time and regular part-time employees of the Authority. Tracking reports for random testing will segment employees in positions that require CDL, safety-sensitive, and a general population category.

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 Authority.

Refusal to Test

Employees who refuse to submit to a drug or alcohol test under this practice forfeit their eligibility for all worker's compensation medical and indemnity benefits and will be terminated from employment.

Testing Procedures

Job applicants will be required to sign the "Consent to Testing" form. The Authority may test for any or all of the following:

- Alcohol
- Amphetamines
- Cannabinoids
- Cocaine
- Phencyclidine
- Methaqualone
- Opiates
- Barbiturates
- Benzodiazophines
- Methadone
- Propoxyphene

Note: Because of the large number of brand names and constant marketing of new products, the above list is not intended to be all-inclusive.

An employee injured at the workplace and required to be tested will be taken to a medical facility for the immediate treatment of injury. As soon as it is medically feasible, 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 applicable laws and regulations and tested at an approved testing laboratory.

Urine will be used for initial and confirmation drug tests, for all drugs except alcohol. A Breathalyzer or blood test may be used as the initial and confirmation test for alcohol.

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

The Authority will use an approved medical facility which has all the 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 specimens to an approved drug testing laboratory.

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

If the laboratory is certified by the Florida Agency for Health Care Administration, Drug Testing/Chain-of-Custody/HRS Form 1806 will be used for each employee or job applicant tested. If the laboratory is certified by the U.S. Department of Health and Human Services, it will use the Chain-of-Custody form designated by the agency.

Testing Laboratory

The laboratory used to analyze initial or confirmation drug specimens will either be licensed and approved by the Agency for Health Care Administration or the laboratory will be certified by U.S. Department of Health and Human Services.

All laboratory security, chain-of-custody, transporting and receiving of specimens, specimen processing, re-testing, storage of specimens, instrument calibration and reporting of results will be in accordance with laws and rules established by the Florida Agency for Health care Administration or U.S. Department of Health and Human Services.

Testing will be done at a National Institute of Drug Abuse (NIDA) approved lab and will follow chain of custody procedures. Testing will be two-tiered: The initial testing for drugs shall use immunoassay; for alcohol the testing shall use an enzyme oxidation methodology. For positive tests, the confirmation test for drugs shall use gas chromatography/mass spectrometry (GC/MS); for alcohol chromatography.

All quantitative alcohol results at .02% and above will be reported to the Medical Review Officer (MRO) who will be responsible for reporting results to the Authority if appropriate.

Test Results

All test results (both positive and negative) will be reported to the MRO within seven working days after receipt of the specimen at the laboratory.

The laboratory or on-site test provider and MRO will transmit results in a manner designed to ensure confidentiality of the information.

Within five (5) working days after receipt of a positive confirmed test result from the testing laboratory, JAA shall inform the employee or job applicant in writing of such positive test result, the consequences of such results and the options available to the employee or job applicant.

A copy of the test results will be provided to the employee or job applicant upon request.

Challenges to Test Results

Within seven days and upon request, for all tests based on reasonable suspicion, fitness-for-duty or post accident, the Authority will detail in writing the circumstances, which formed the basis of determination that reasonable suspicion existed to warrant the testing. The original report will be kept confidential and retained by the Authority.

Applicants/employees may consult with the lab for technical information regarding prescription and non-prescription medication.

Applicants/employees who receive a positive confirmed test result may contest or explain the result to the Authority within five working days after written notification.

Applicants/employees may request a portion of their specimen for retesting up to 180 days after written notification. The employee/applicant who provided the specimen shall be permitted to have a portion of the specimen retested, at the employee's or applicant's expense, at another laboratory, licensed and approved by the Agency for Health Care Administration, chosen by the employee or job applicant.

Applicants/employees must notify the lab if they file any administrative or civil actions regarding the test results.

The Agency for Health Care Administration or MRO detecting a false positive error shall immediately notify the laboratory and the Department of any such error.

The Authority 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 drug test that has not been verified by a confirmation test.

Employee Assistance Program (EAP)

The Authority maintains an EAP to assist employees who suffer from alcohol or drug abuse or other personal or emotional problems. Employees should seek confidential assistance before drug or alcohol problems lead to termination of employment.

The Authority will not discharge, discipline or discriminate against an employee solely on the employee's voluntarily seeking treatment for a drug or alcohol related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug related problems, or entered an alcohol or drug rehabilitation program.

Use of an EAP or other resource, however, will not shield an employee from appropriate disciplinary action for violations of the Authority's substance abuse practice if such violations come to the Authority's attention through others means such as reports from employees or outsiders, direct observation, testing, etc.

Termination from Employment

An employee, who tests positive for illegal drugs, during a fitness-for-duty, random, post accident or reasonable suspicion test, will be terminated from employment immediately.

If an employee is tested for alcohol and has a positive result between .02 and .04, the employee will be suspended without pay. Within 24 hours, the employee must undergo another alcohol test that must result in a negative result before being allowed to return to work. If the employee tests positive, he/she will be immediately discharged and ineligible for rehire for at least twelve months following the date of discharge.

Under current Florida law, Worker's Compensation Benefits may be denied to an injured employee if that employee tests positive for drugs or alcohol.

Drug and Alcohol Free Workplace Standard Practice Dissemination

Employees will be given a summary of the Drug and Alcohol Free Workplace Standard Practice, a summary of the drugs, which may alter or affect a drug test and contact information for employee assistance. Employees will have access to the Zero Tolerance Drug and Alcohol Free Workplace Standard Practice.

A notice of substance testing will be included with all external vacancy announcements. Potential candidates will be appropriately notified of the Authority's practice. A notice of the drug testing practice will also be posted in appropriate conspicuous locations. All employees of the Authority will be subject to random testing.

The definition of words and terms set forth in the Florida Worker's Compensation Drug Testing Rules (Fla. Adm. Code, Chap. 38F9), the Florida Agency for Health Care Administration, Drug Free Workplace Standards (Fla. Adm. Code, Chap 10E-18) and Risk Management and Florida Worker's Compensation Law (F.S. 440) will apply to the terms used in directive. A copy of these regulations is maintained in Employee Relations.

Confidentiality

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

AUTHORITY AND INTERPRETATION:

Employee Relations is responsible for the official interpretation and questions regarding this practice. The Jacksonville Aviation Authority reserves the right to revise this practice at any time with or without notice.

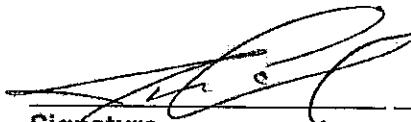
LEGAL REQUIREMENTS:

Federal Drug-Free Workplace Act of 1998 Omnibus Transportation Employee Testing Act of 1991
Florida's Drug Free Workplace Act
Florida's Workers' Compensation Law
Florida Statute Chapter 112

RELATED POLICIES AND STANDARD PRACTICES:

Leaves of Absence
Workers' Compensation and Handling of Injuries
Compensation and Benefits

APPROVED:



Signature Date
John D. Clark, III
Executive Director/CEO