

# **Notice to Employees and Job Applicants in Florida**

## **Substance Abuse Policy for Landrum Human Resource Companies, Inc.**

1. Landrum's Policy. Landrum is a Drug-Free Workplace. As a condition of employment, all employees must agree to take a drug test at any time such a test is requested by the management. Illegal drugs, misuse of prescription drugs or misuse of alcohol is destructive and dangerous, and can have a negative effect on job performance. It is therefore the policy that the use, sale, purchase, manufacture, transfer, possession, or presence in one's system of any illegal drug, non-prescribed medications or controlled substances or other excessive legal drugs (on or off the job), or of alcohol, on a Landrum or client location, or while operating Landrum or client vehicles or equipment, is prohibited. It is a condition of employment for employees to refrain from reporting to work or working with alcohol or illegal or improper drugs in his/her body. Landrum may temporarily suspend an employee after obtaining results of a positive on-site initial test or confirmation test and may discipline the employee up to and including termination.

Any employee who actively engages in or deliberately conceals the actions of others in the manufacture, distribution, sale, dispensation, possession, concealment, receipt, transportation or use of a prohibited substance, whether on or off the job, may be subject to disciplinary action, up to and including termination.

It is the policy of Landrum to conduct drug testing to assure compliance. All drug screening is performed by Landrum; testing is performed by LabCorp or Quest.

If there is a positive confirmed drug and/or alcohol test, an applicant may be denied employment or if employed, the employee may be terminated. An applicant who refuses to submit to, or who tampers with a drug or alcohol test may not be hired. An employee who refuses to take a drug or alcohol test when requested to do so, or who tampers with test samples will be in violation of this policy and may be subject to discipline up to and including termination. If you are injured on the job, refusal to test will be the basis for forfeiture of eligibility for medical and indemnity benefits under the Workers' Compensation Act.

If there is a positive, confirmed drug or alcohol test and you are injured on the job, workers' compensation benefits can be denied. Section 440.102, Florida Statutes, and Florida Administrative Rules 38F-9.001 through 38F-9.014 provide for Drug-Free Workplace Program requirements and permit the testing of injured workers by licensed laboratories for the presence of any or all drugs or alcohol in an employee after a work-related accident.

2. Required Testing. As a condition of employment, applicants and employees may be required to undergo a urinalysis examination and/or blood test and/or alcohol testing or any other type of drug testing that conforms to state law which may confirm or deny the presence of alcohol or any of the drugs identified by brand names or common names as well as chemical names in Exhibit "A" attached to this policy statement.

A. Job Applicants. Applicants for employment may be required to take and pass a drug and/or alcohol test prior to being employed.

B. Reasonable Suspicion. If there is a belief (based upon specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience) that any employee is using or has used drugs or alcohol in violation of this policy, drug and/or alcohol testing will be required. Among other things, testing under this provision may be conducted if any of the following factors are believed to be present: you are observed using drugs; you exhibit symptoms or manifestations of being under the influence of drugs; you exhibit abnormal conduct or erratic behavior while at work; there has been a significant deterioration in your work performance; you have been reported using drugs by a reliable and credible source; you tamper with any drug or alcohol test during your employment; you suffer an injury, cause, contribute to or become involved in an accident while at work (including lunch period and breaks) or in a working area; or there is evidence that you have used, possessed, sold, solicited, or transferred drugs while at work, while on the premises of Landrum or its client or while operating machinery, vehicles or equipment.

C. Routine Fitness for Duty. Employees may be required to undergo such testing as part of a regular or periodic medical exam, or when returning from certain medical leaves or rehabilitation. This examination may be held routinely for all persons employed, or by employment classification or group, for job related reasons.

D. Follow Up. Where an employee in the course of employment enters an employee assistance program (EAP) for drug-related problems, or an alcohol or drug rehabilitation program, Landrum or its client may require the employee to submit to a program of unannounced periodic drug or alcohol testing for up to two years thereafter.

E. Random Testing. Employees may be randomly chosen to undergo a urinalysis, blood test, alcohol screening and/or any other type of drug testing that conforms to state law. If this occurs, randomly chosen employees will be instructed to report for testing at a designated location within a designated timeframe. Employees not reporting for testing within this time allowance are in violation of this policy.

F. Post Accident. Employees who are injured on the job will be required to undergo immediate drug and/or alcohol testing. Employees who are involved in, contribute to, or cause a work-related accident may also be required to undergo drug and/or alcohol testing.

3. Refusal to Submit to Testing or Tampering with Test Sample. Refusal to submit to a drug and/or alcohol test or any form of tampering with test samples may be the basis for refusing to hire you. If already hired, such refusal will result in disciplinary action up to and including immediate termination. If you are injured on the job, refusal to test will be the basis for your forfeiture of being eligible for medical and indemnity benefits under the Workers' Compensation Act.

4. Prescription or Non-prescription Medications. Employees and job applicants have the right to report the use of prescription or non-prescription medications, or other relevant information, to the Medical Review Officer both before and after being tested by calling the Medical Review Officer at Baptist Medical Park's Occupational Service phone number: 850-208-6400. Certain drugs may alter or affect a drug test. Such report may be made to the person administering the test and to the Medical Review Officer. A list of such medications by brand name or common name, as well as by chemical name, where applicable, is attached to this policy statement and is found in Exhibit "A". Any employee unable to perform his or her normal duties due to the influence of prescribed medication will not be permitted to work. If a physician has prescribed drugs for your use, it is your responsibility to discuss potential side effects with your physician and report concerns to your supervisor before beginning work.

5. Employee Assistance, Alcohol and Drug Rehabilitation Programs. Employees who suffer from a substance abuse problem are encouraged to seek counseling immediately. Advice on rehabilitation can be obtained confidentially and free of charge through the Employee Assistance Program (EAP). Landrum's EAP is offered through Behavioral Health Systems, Two Metroplex Drive, Suite 500, Birmingham, Alabama, 800-245-1150. A representative sampling of providers and local drug rehabilitation programs is as follows and is current as of May, 2014: Lynda E. Bolt, LMHC, CAP, 2270 Highway 87, Navarre, FL 32566, 850-865-8541; Bonnie B. Butcher, LMHC, CAP, 1774 Sea Lark Lane, Navarre, FL 32566, 850-684-1901; Lakeview Center, Inc., 1221 West Lakeview, Pensacola, FL 32501, 850-469-3500; and Community Drug & Alcohol Council, Inc., 3804 North 9<sup>th</sup> Avenue, Pensacola, FL 32503, 850-434-2724. To utilize this program and verify the participation of these providers, please call Behavioral Health Systems at 800-245-1150.

Landrum is willing to work with employees who have substance abuse problems and timely identify themselves. Any employee who identifies himself/herself to Landrum as having a substance abuse problem, and requests assistance **before** the employee has been identified to take a urinalysis and/or blood test and/or

alcohol testing, will be referred to the EAP. Depending on the nature and extent of the problem and the affect on employment, the employee may be suspended without pay after identifying himself/herself.

During the time the employee who timely brings his/her substance abuse problem to the attention of Landrum is undergoing rehabilitation as prescribed by the EAP, the employee may be treated as being on a leave of absence without pay. The employee may be returned to work if his/her former position, or a comparable position, is available upon successful completion of the rehabilitation plan established or approved by the EAP and after passing a urinalysis and/or blood test. Participation in rehabilitation plans designed for treatment of alcohol or drug problems shall be at the expense of the employee and/or his or her insurer (if coverage is applicable).

Employees who have timely identified themselves as having a substance abuse problem may take advantage of the program provided (or recommended) by the EAP one time; any employee who admits or continues to have a substance abuse problem after successful completion of the plan provided by the EAP may be immediately terminated. Also, any employee who comes forward and admits a substance abuse problem after the employee has been identified to take a urinalysis and/or blood test will be required to take the test. If the employee tests positive, the employee will be subject to disciplinary action up to and including immediate termination. If the employee tests negative, and if warranted on the basis of the employee's work performance, attendance, and attitude, the employee may be referred to the EAP in accordance with the procedure described above.

6. **Landrum and Its Client's Rights.** Your entry into any Landrum or client location, including project sites, offices and vehicles, is conditional on Landrum or its client's right to search your personal effects, locker, desk, any other closed container and vehicle for prohibited drugs and paraphernalia, alcoholic beverages, or unauthorized property or equipment. Refusal to submit to a search as described in this paragraph will be cause for disciplinary action, including immediate termination.

7. **Contesting Drug Testing Results.** If you receive a positive confirmed drug test result, you have the right to legally or administratively contest the result or explain the result to the Medical Review Officer. If an explanation or challenge is unsatisfactory to the Medical Review Officer, the Medical Review Officer shall report a positive test result back to Landrum. Within five (5) working days after receiving notice of a positive confirmed test result, you may submit information to Landrum or to the Medical Review Officer explaining or contesting the test result, and explaining why it does not constitute a violation of this policy. You also may have the right to appeal to the Public Employee Relations Commission or appropriate court regarding any applicable collective bargaining agreement or contract.

If you are refused employment or terminated from your employment even after your explanation, you may still contest the drug test result pursuant to rules adopted by the Florida Department of Labor and Employment.

In order to administratively challenge a drug test, you must file a claim with a Judge of Compensation Claims within thirty (30) days of being advised that your explanation of the positive drug test is rejected, if in fact there is such a rejection. You must notify the testing laboratory of any administrative or civil action brought pursuant to this policy statement and applicable state laws and advise the laboratory of the need to retain any sample taken until the case or administrative appeal is settled.

You have a right to consult the testing laboratory or Medical Review Officer for technical information regarding prescription and non-prescription medication or in regards to any other information you desire. You shall have the right to a copy of the drug test results upon request, and to have a portion of any sample or specimen taken to be retested, at your expense, at another laboratory licensed and approved by the United States Department of Health and Human Services or by the Florida Agency for Health Care Administration, chosen by you. This testing must be performed within 180 days after written confirmation of a positive test result. The second laboratory test must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory, which performed the test for the employer, shall be responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody during such transfer.

8. **Confidentiality.** You are advised that all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received by Landrum through this program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Section 440.102, Florida Statutes, laws of other states as applicable, or in determining the compensability of workers' compensation claims. Landrum, any laboratory, employee assistance programs, drug and alcohol rehabilitation programs or their agents who receive or have access to information concerning drug test results shall keep all information confidential; however, **your signature on this form constitutes your authorization for Landrum and its client to share information related to your drug screen or test with each other.** Release of such information under any other circumstance shall be solely pursuant to a written consent form signed voluntarily by you, unless such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. Information on drug test results shall not be released or used in any criminal proceeding against you as an employee or applicant for employment. Information released contrary to this section shall be inadmissible as evidence in any criminal proceeding. However, Landrum and its client shall not be prohibited from releasing any such information when consulting with legal counsel in actions brought under or related to Section 440.102, Florida Statutes, or when such information is relevant to its defense in a civil or administrative matter, including but not limited to unemployment hearings and civil actions against Landrum and its client for discrimination, harassment, wrongful discharge and other employment-related claims.

9. You must notify Landrum within five (5) days of any criminal drug conviction for drug law violations occurring in the workplace.

By the signing of this statement, I understand this Substance Abuse Policy and drug screening and testing program and consent to the terms set forth above. I further understand that the program has been publicly posted in an appropriate and conspicuous place on Landrum's website and copies of this policy are available for inspection by me or the general public in Landrum's personnel office, on its website or other designated place during regular business hours. By the signing of this agreement, I herewith acknowledge that I have read this instrument and fully understand my rights, duties, and obligations under this Drug-Free Workplace Program. I further understand that Landrum can establish reasonable work rules related to any possession, use, sale or solicitation of drugs, including arrest or convictions for drug or alcohol-related offenses, and can suspend or terminate my employment or deny employment for such conduct.

By signing this statement, I am consenting to screening by Landrum and testing by a qualified laboratory. I understand and agree that Landrum Human Resource Companies consists of Landrum Professional Employer Services and Landrum Staffing Services, and that one business may be the client of both companies. **I agree that Landrum Professional and Landrum Staffing may share information with each other, with its separate clients and with the shared clients described above ("information" includes all aspects of testing, including but not limited to test conditions, information provided by me before and after the test and test results).** If hired, I agree to abide by any policy (including policies relating to the prescription and non-prescription drugs) instituted by Landrum and all amendments to said policies.

**IN WITNESS WHEREOF, I have hereunto set my hand on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_**

\_\_\_\_\_  
Applicant/Employee Signature

\_\_\_\_\_  
Parent Signature for Applicants under the age of 18

\_\_\_\_\_  
Please PRINT Name

\_\_\_\_\_  
Please PRINT Name

# Notice to Employees and Job Applicants

## Landrum's Substance Abuse Policy

### Exhibit "A"

*DRUGS WHICH MAY BE SCREENED FOR BY URINALYSIS AND/OR BREATH OR BLOOD TEST OR ANY OTHER TYPE OF DRUG TESTING THAT CONFORMS TO STATE LAW*

Alcohol  
Amphetamines  
Cannabinoids  
Cocaine  
Phencyclidine  
Methaqualone  
Opiates  
Barbiturates  
Benzodiazepines  
Methadone  
Propoxyphene

Designer drugs may be screened for under certain circumstances.

### *OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST*

Alcohol - All distilled spirits, wines, malt beverages, intoxicating liquors and all liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vicks Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof), and Listerine is 26.9% (54 proof).

Amphetamines - Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Adderall

Cannabinoids - Marinol (Dronabinol, THC)

Cocaine - Cocaine HCL topical solution (Roxanne), T.A.C. (Topical)

Phencyclidine - Not legal by prescription.

Methaqualone - Not legal by prescription.

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

Barbiturates - Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.

Benzodiazepines - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrex.

Methadone - Dolophine, Methadose

Propoxyphene - Darvocet, Darvon N, Dolene, etc.