



STANDARD PRACTICE: Drug and Alcohol Free Workplace

PERTAINS TO: All Employees

REVISED DATE: June 12, 2012

PURPOSE: Establishes within the Jacksonville Aviation Authority (JAA) the method for authorizing, requiring and conducting drug testing of employees under the provisions of The Drug-Free Workplace Act, Section 112.0455, Florida Statutes. Maintaining a zero tolerance drug and alcohol free work environment.

Prior Practice and Policies

This practice supersedes and replaces all prior JAA standard practices regarding Drug and Alcohol Free Workplace.

GUIDELINES: JAA is committed to maintain a safe, healthy and productive work environment for all its employees; to provide professional services for its customers in a timely and efficient manner; to maintain the integrity and security of its equipment and workplace; and to perform all these functions in a fashion consistent with the interests and concerns of the community.

Pursuant to these corporate goals, JAA is committed to establishing a Drug-Free Workplace Program to ensure that we will have a drug- and alcohol-free workplace. This program is intended to comply with the Drug-Free Workplace Act requirements set forth in Section 112.0455, 2010 Florida Statutes and the regulations promulgated by the State of Florida, Department of Labor and Employment Security, Division of Workers' Compensation, and Federal Drug-Free Workplace Act of 1988.

To enforce JAA's drug- and alcohol-free policies and practices, candidates for employment and current employees are required to submit to substance abuse testing under certain circumstances set forth herein.

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 dismissal from employment with JAA.

For the purpose of this standard 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. JAA 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 dismissal from employment with JAA.

If the employee's driver license is suspended or an alcohol related incident occurs during scheduled work hours, while operating a JAA vehicle or while operating a personal vehicle on JAA business or during personal time employees must immediately notify their immediate supervisor and Human Resources. Failure to notify an appropriate JAA official may result in disciplinary action up to, and including dismissal from employment.

JAA 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 dismissed from employment 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 JAA property is a violation of the Drug and Alcohol Free Workplace Practice and cause for immediate dismissal from employment.

Employees should not report to work under the influence of drugs. This includes illegal, 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 the employee from safely performing their duties or impairs motor function, must advise their supervisor. If JAA determines that such use does not pose a safety risk, the employee will be permitted to work.

If it is determined that use of prescription or over the counter drugs impairs the employee's ability to safely and/or effectively perform his/her job, an employee will be required to use annual or unpaid

leave during the period medication is taken. When bringing a prescription to work it must be kept in its original container. Employees who violate this practice are subject to progressive corrective action up to and including dismissal from employment.

Arrest or Conviction for a Drug Related Crime

If an employee is convicted of a drug-related crime, JAA will investigate all circumstances and may use the drug testing procedures 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 unpaid leave. 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 dismissed from employment
3. If the employee has been placed on leave and the case has been dismissed or otherwise disposed of, the Executive Director will determine, at his discretion, based on the 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.

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 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 JAA’s premises or while operating a JAA 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 findings and observation to Human Resources. The employee will be asked to submit to a drug or alcohol test and sign the **“Consent to Testing”** form.

After testing based on reasonable suspicion, the supervisor who recommended the testing shall detail in writing on JAA’s **“Reasonable Suspicion Testing Report Form”** the circumstances which formed the basis of his or her belief that reasonable suspicion existed to warrant the testing. The report must be completed by the end of the supervisor’s shift/workday. A copy of this report shall be provided to the employee being tested upon request and the original of the report shall be kept confidential by JAA’s Human Resources department for at least twelve (12) months.

Job Applicant Testing

All applicants who have received an offer of a job are subject to passing a drug test. Offers of employment will be rescinded from any final candidate who refuses to submit to drug testing, refuses to sign the consent form, fails to appear for testing, or tampers with the test. Final candidates who fail to pass the pre-employment drug test will be disqualified from consideration for employment with JAA for twelve months.

Post Accident

Drug and alcohol tests will be performed on all employees involved, directly or indirectly, in a workplace accident.

Testing will occur when:

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 JAA vehicles, property, etc. (\$500 and above damage)

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.

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. Employees must submit to a drug and/or alcohol screen as part of the medical examination.

Random Testing

Random testing will be conducted unannounced and at unpredictable frequencies throughout the year. Fifty percent of the pool will 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 in positions that require a CDL and those positions which are considered to be safety sensitive positions. Tracking reports for random testing will segment employees in these positions.

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 JAA.

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 dismissed from employment.

Testing Procedures

Final candidates will be required to sign the **"Consent to Testing"** form. JAA may test for any or all of the following: (not intended to be all inclusive list)

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

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.

JAA will use an approved medical facility/testing laboratory that meets all state and federal rules and guidelines, provides for the collection, security, chain-of-custody procedures, temporary storage and shipping or transportation of urine specimens to an approved drug testing laboratory.

Employees and final candidates will be required to complete the **“Chain of Custody”** form required by the laboratory.

Testing Laboratory

The laboratory used to analyze initial or confirmation drug specimens will be licensed by the Florida Agency for Health Care Administration or 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 reasonable for reporting results to JAA if appropriate.

Test Results

All test results (both positive and negative) will be reported to the MRO within seven (7) 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

Applicants/employees who receive a positive confirmed test result may contest or explain the result to JAA within five (5) 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 Florida Agency for Health Care Administration or MRO detecting a false positive error shall immediately notify the laboratory and the Human Resources Department of any such error.

JAA 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)

JAA 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 dismissal from employment.

JAA will not dismiss from employment, discipline or discriminate against an employee solely on the employee 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 corrective action for violations of JAA's

substance abuse practice.

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 dismissed 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, the employee will be immediately dismissed from employment 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 have access to and 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.

A notice of substance testing will be included with all external vacancy announcements. Potential candidates will be appropriately notified of JAA's practice. A notice of the drug testing practice will also be posted in appropriate conspicuous locations. All employees of JAA 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 these terms used in directive. A copy of these regulations is maintained in Human Resources.

Confidentiality

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



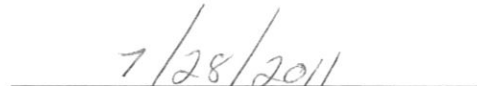
AUTHORITY AND INTERPRETATION:

Human Resources is responsible for the official interpretation of this standard practice. Questions regarding the application of this standard practice should be directed to the Human Resources department. The Jacksonville Aviation Authority reserves the right to revise this standard practice at any time with or without notice.

APPROVED:



Signature
Steve Grossman
Executive Director/CEO



Date