



FLORIDA DRUG-FREE WORKPLACE PROGRAM

ACRA LOCAL 725 JOINT APPRENTICESHIP AND TRAINING COMMITTEE

1. STATEMENT OF POLICY

Revised September 1, 2018

As part of our commitment to safeguard the wellbeing of employees, job applicants, trainees, and trainee applicants and to provide a safe environment for everyone, MCASF Local 725 Joint Apprenticeship and Training Committee (“JATC”) has established a drug-free workplace policy.

The ultimate goal of this policy is to balance our respect for individual privacy with our need to keep a safe, productive, drug-free environment. We encourage those who use illegal drugs or abuse alcohol to seek help in overcoming their problem. Employees who do so will be able to retain their job positions in good standing.

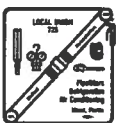
While this company understands that employees and applicants under a physician’s care are required to use prescription drugs, abuse of prescribed medications will be dealt with in the same manner as the abuse of illegal substances.

All employees, job applicants, trainees and trainee applicants are hereby given notice that it is a violation of company policy for any employee to report to work under the influence of illegal drugs and/or to possess in his or her body, illegal drugs in any detectable amount. Employees are subject to drug testing under the standards of this policy.

A notice of the drug-testing policy will be posted in an appropriate and conspicuous location on JATC’s premises, and copies of the policy must be made available for inspection by the employees or trainee applicants during regular business hours in the JATC’s personnel office or other suitable locations.

a. Types of drug/alcohol testing required:

- i. **Job applicant drug testing.** JATC requires job applicants and trainee applicants to submit to a drug/alcohol test and may use a refusal to submit to a drug/alcohol test or a positive confirmed drug/alcohol test as a basis for rejecting to hire or accept the applicant.
- ii. **Reasonable-suspicion drug testing.** JATC requires a trainee or employee to submit to reasonable-suspicion drug testing. Reasonable-suspicion drug testing is drug testing based on a belief that an individual is using or has used drugs/alcohol in violation of the drug-free workplace policy. Reasonable suspicion may be drawn from specific objective and articulable facts and reasonable inferences





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.
 - d. Evidence that an individual has tampered with a drug test during his or her employment with the current employer.
 - 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 JATC's premises or while operating a company vehicle, machinery, or equipment.
- iii. **Routine fitness-for-duty drug testing.** JATC requires a trainee or employee to 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 established policy or that is scheduled routinely for all members of an employment classification or group.
- iv. **Follow-up drug testing.** If the trainee or employee in the course of employment enters an employee assistance program for drug/alcohol-related problems, or a drug/alcohol rehabilitation program, JATC requires the employee to submit to a drug/alcohol test as a follow-up to the program, unless the employee voluntarily entered the program. In those cases, JATC has the option to not require follow-up testing. If follow-up testing is required, it must be conducted at least once a year for a 2-year period after completion of the program. Advance notice of a follow-up testing date must not be given to the employee to be tested.
- v. **Random testing.** JATC may require random drug testing based on a percentage of trainees and/or employees that are randomly selected.

b. The actions that JATC may take against an employee or trainee applicant on the basis of a positive confirmed drug/alcohol test result:

- i. **Positive Test.** Upon a positive confirmed drug/alcohol test result, the JATC may decide not to hire or accept an employee or applicant for training and may suspend or terminate an individual's employment or training.





Refusal of Test. If an applicant or employee refuses to submit to a drug/alcohol test, the JATC may decide not to hire or accept an employee or applicant for training and may suspend or terminate an individual's employment or training.

2. EXISTANCE OF 440.102

This policy is implemented pursuant to the drug-free workplace program requirements under Florida Statute 440.102 and Administrative Rule 59A-24 of the State of Florida Agency for Health Care Administration.

3. CONFIDENTIALITY

a. Except as otherwise provided in this section, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with this section or in determining compensability under Florida Chapter 440 (workers' compensation).

b. Company, laboratories, medical review officers, employee assistance programs, drug rehabilitation programs, and their agents may not release any information concerning drug test results obtained pursuant to this section without a written consent form signed voluntarily by the person tested, unless such release is compelled by an administrative law judge, a hearing officer, or a court of competent jurisdiction pursuant to an appeal taken under this section or is deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:

1. The name of the person who is authorized to obtain the information.
2. The purpose of the disclosure.
3. The precise information to be disclosed.
4. The duration of the consent.
5. The signature of the person authorizing release of the information.

c. Information on drug test results shall not be used in any criminal proceeding against the employee or job applicant. Information released contrary to this section is inadmissible as evidence in any such criminal proceeding.

d. This subsection does not prohibit the JATC, an agent of the JATC, or laboratory conducting a drug test from having access to employee drug test information or using the information when consulting with legal counsel in connection with actions brought under, or related to this section, or when the information is relevant to its defense in a civil or administrative matter.





4. REPORTING USE OF PRESCRIPTION OR NONPRESCRIPTION MEDICATIONS

- a. An employee or job applicant may confidentially report the use of prescription or nonprescription medications to a medical review officer, both before and after a drug/alcohol test, by contacting the medical review officer directly; the JATC will provide the contact information.
- b. Prescription or nonprescription medication is a drug or medication obtained with a prescription from an authorized health care provider or a medication that is authorized by federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.
- c. A medical review officer (MRO) is a licensed physician employed with or contracted with the JATC, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.

5. LIST OF COMMON MEDICATIONS THAT MAY AFFECT A DRUG/ALCOHOL TEST

The following is a list of the most common medications, which may alter or affect a drug test, and is not intended to be all-inclusive:

Alcohol	All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's 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, Biphphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.
Cannabinoids	Marinol (Dronabinol, THC).
Cocaine	Cocaine HCl topical solution (Roxanne).
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





Barbiturates

Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, etc.

Benzodiazepines

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

Methadone

Dolophine, Metadose.

Propoxyphene

Darvocet, Darvon N, Dolene, etc.

6. CONSEQUENCES OF REFUSING DRUG/ALCOHOL TESTING

The JATC may refuse to hire a job applicant or accept for training an individual who refuses to submit to a drug/alcohol test. The JATC may also terminate employment of an existing employee who refuses to submit to an authorized drug/alcohol test.

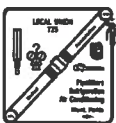
7. DRUG REHABILITATION PROGRAMS

The JATC has a list of local providers of drug and alcohol treatment and family services that an employee may access without the JATC's involvement (*note that the following providers are listed for informational purposes only and do not constitute an approval or referral by the JATC*):

- (a) Here's Help – 15100 N.W. 27th Avenue, Opa Locka, FL 33054 – (305) 685-8201;
- (b) Hogar Renacer New Life – 2199 Ali Baba Avenue, Opa Locka, FL 33054 – (305) 687-8631; and
- (c) Transitions Recovery – 1928 Northeast. 154th Street, N. Miami Beach, FL 33162; (305) 697-5818

It is the responsibility of an employee to seek assistance *before* alcohol and drug problems lead to disciplinary actions. Once a violation of this policy occurs, subsequently seeking treatment on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of disciplinary action.

A medical provider can give an appropriate assessment, evaluation and counseling and/or referral for treatment of drug and alcohol abuse. Employees may be granted leave with a conditional return to work, depending on successful completion of the agreed-upon treatment regimen, which may include follow-up testing.





The cost of seeking assistance will be the responsibility of the employee and is subject to provisions of Company's health insurance plan, if any. Please consult the provider for specifics concerning this issue.

8. CHALLENGES TO TEST RESULTS

a. An employee or job applicant who receives a positive confirmed test result may contest or explain the result to the JATC's designated medical review officer (MRO) within five (5) working days after receiving written notification of the test result. If an employee's or job applicant's explanation or challenge of the positive test is unsatisfactory to the MRO, the MRO shall report a positive test result back to the JATC. The employee or job applicant may then contest the drug test result according to the law/rules adopted by the Florida Agency for Health Care Administration.

b. The terms "confirmation test," "confirmed test," or "confirmed drug test" mean a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

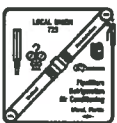
c. Confirmation testing shall be done in accordance with the following:

- (i) If an initial drug test is negative, the JATC may in its sole discretion seek a confirmation test.
- (ii) Only licensed or certified laboratories may conduct confirmation drug tests.
- (iii) All positive initial tests shall be confirmed using gas chromatography/mass spectrometry (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the Florida Agency for Health Care Administration or the United States Food and Drug Administration as such technology becomes available in a cost-effective form.
- (iv) If an initial drug test of an employee or job applicant is confirmed as positive, the JATC's designated medical review officer shall provide technical assistance to the JATC and to the employee or job applicant for the purpose of interpreting the test result to determine whether the result could have been caused by prescription or nonprescription medication taken by the employee or job applicant.

d. An employee or job applicant may also have rights to file a complaint pursuant to Florida Administrative Code 6A-23.008 or the applicable provisions of Title 29 Code of Federal Regulations, Part 30.

9. EMPLOYEE RESPONSIBILITY TO NOTIFY LABORATORY

An employee or job applicant is responsible for notifying the testing laboratory of any administrative or civil action brought pursuant to Florida Statute 440.102 (West 2015).





10. DRUGS THAT MAY BE TESTED

The JATC may test for any or all of the following drugs and alcohol:

- Alcohol
- Amphetamines
- Cannabinoids
- Cocaine
- Phencyclidine HCl
- Methaqualone HCl
- Opiates
- Barbiturates
- Benzodiazepines
- Synthetic Narcotic

11. COLLECTIVE BARGAINING AGREEMENTS

The applicable collective bargaining agreement is between the Mechanical Contractors Association of South Florida and the United Association Local Union No. 725 of Miami, FL. Employees of the JATC are employed pursuant to individual employment contracts. Appeals regarding drug testing results may be available to a court of applicable jurisdiction.

12. MEDICAL REVIEW OFFICER CONSULTATIONS

Employees and job applicants may consult with a medical review officer for technical information, regarding prescription or nonprescription medication.

Company's medical review officer contact information is as follows:

Name: Total Compliance Network
Address: 5646 West Atlantic Boulevard, Margate, FL 33063
Telephone: (954) 677-1200
Email:

