
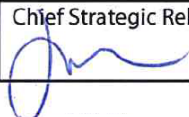
	<b>SUBSTANCE ABUSE AND DRUG FREE WORKPLACE</b>		
	Effective Date: <b>03/01/2016</b>	Chapter: <b>B. Staff Issues</b>	Policy #: <b>B2.07</b>
	Supersedes: <b>N/A</b>	Programs Applicable To: <b>All</b>	Policy Owner: <b>Human Resources</b>
	Review Dates:		
Chief Executive Officer: David Dennis 		Chief Strategic Relations Officer: Tony Moore 	
Companies Applicable To: <b>Eckerd Kids and all affiliated organizations</b>			

## I. OVERVIEW

Our organization is committed to providing a safe and drug free work environment for our employees and the clients we serve. In compliance with the Federal Drug Free Workplace Act of 1988, the Florida Drug-Free Workplace Act, and the similar laws of other states in which the organization operates, the manufacture, distribution, dispensing, sale, purchase, possession, or use of an illegal or controlled substance at any of our facilities, on their premises, or while conducting the organizations business away from an the organizations facility is absolutely prohibited. The use of, distribution, or possession of a legal drug such as alcohol or tobacco is also prohibited or strictly controlled at our facilities and properties. Violations of this policy will result in disciplinary action, up to and including termination for the first offense and may have additional personal legal consequences. The policy applies to all applicants and employees of the organization. Compliance with this policy is considered a condition of employment.

## II. DEFINITIONS

Non-employees – For the purposes of this policy, non-employee refers to any intern, independent contractor, consultant or volunteer.

Candidate – For the purposes of this policy, candidate refers to an individual for whom an offer of employment has been extended.

## III. POLICY

### A. Staff Rights and Responsibilities

1. Prior to any drug testing, all candidates, employees and non-employees will be given a copy of the Substance Abuse and Drug-Free Workplace policy and a list of the drugs that we test for. Employees will also be given the Eckerd EAP contact number.
2. A notice of drug testing will be included with all vacancy advertisements. A notice of our drug testing policy will also be posted in an appropriate and conspicuous location on the organizations premises and copies of the policies will be made available in the

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Human Resources office for inspection during regular business hours to the general public.

3. All candidates and non-employees will be advised of this Substance Abuse & Drug-free Workplace Policy. Candidates and non-employees will be asked to acknowledge their understanding of, and agreement with, the Substance Abuse and Drug-Free Workplace Policy by signing the [acknowledgment form](#).
4. All new employees and non-employees will receive training on Substance Abuse in the workplace.
5. As required by the organization's Credentialing policy, employees and non-employees must report any citation, arrest or conviction for any drug- and alcohol-related offense within 1 normal business day.
6. Employees and non-employees are required to immediately report any instances of substance abuse or suspicions of substance abuse to their supervisor. If the report is about their supervisor, they should immediately report to Human Resources. If the report is about Human Resources, they should immediately report to the Chief Financial Officer.
7. All test results, assistance requests, and treatment records will be maintained in files separate from the employee's personnel file and will be held in the strictest confidence; disclosed only to those individuals having a legitimate need to know such information.

## **B. Drug Use and Possession Prohibitions**

1. The manufacture, distribution, dispensing, sale, purchase, possession, or use of drugs on the organization's property including in personal or organization's-owned vehicles, during working time or while acting in the course and scope of the job is against the organization's policy and is cause for immediate discharge.
2. It is against organization policy to report to work or service or conduct any business-related work while under the influence of drugs or alcohol. This includes prescription drugs that induce an unsafe mental or physical state. Any employees and non-employees who are taking any prescription drug that might impair safety, performance, or any motor functions, must advise one's supervisor before reporting to work under such medication. A failure to do so may result in disciplinary action up to and including termination. The supervisor will contact Human Resources to discuss if any accommodations need to be made.

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3. The organization may conduct unannounced searches for illegal substances in the organizations facilities, on organization premises or in or on organization property when there is reasonable suspicion that contraband may be present. The request to make the search must be made by the Program/Department Director and approved by Human Resources.

### **C. When We Test**

The organization may require candidates, employees and non-employees to submit to drug testing in the following situations where state and federal law allows.

1. Credentialing for Candidates and Non-employees
  - a. Candidates - An offer of employment will be contingent upon completing the necessary consent forms and passing a pre-employment drug test. An offer of employment will be withdrawn for Candidates, who refuse to complete the necessary paperwork, submit to testing or test positive on the drug screen.
  - b. Non-employees may also be drug tested before providing services for the organization.
2. After a Motor Vehicle Accident
  - a. Employees or non-employees is involved in a motor vehicle accident or collision while driving for business purposes or while driving an organization vehicle will be tested.
3. Return from Substance Abuse Treatment
  - a. Employees that have been referred to the organizations Employee Assistance Program for a positive drug test or violation of this policy or any employee that has voluntarily entered into a substance abuse treatment program will be required to undergo drug testing as follows:
    - 1) Upon return to work; and
    - 2) Randomly (where allowed by state law) for a period of up to one year after release from the treatment program as a condition of continued employment.
4. Reasonable Suspicion
  - a. If there is reasonable suspicion that the employee's or non-employee's work/service performance or on-the-job behavior has been affected in any way by

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alcohol or drugs. Conditions to consider when determining reasonable suspicion are as follows:

- 1) Observable phenomena while at work or performing service for the organization, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug;
  - 2) Abnormal conduct or erratic behavior while at work or performing service for the organization or a significant deterioration in work performance;
  - 3) A report of drug use, provided by a reliable and credible source, which has been independently corroborated;
  - 4) Reason to believe that an individual has tampered with a drug test during their employment or
  - 5) Reason to believe that an employee or non-employee has manufactured, distributed, dispensed, sold, purchased, possessed, or used drugs while working or providing services on organization premises or while operating organization's vehicles, machinery, or equipment, while conducting organization business or traveling for purposes of conducting organization business.
5. Other
- a. Federal or state law requires the test.
  - b. The employee or non-employee has in any way violated the Substance Abuse and Drug-free Workplace Policy.

### **D. Types of Test**

1. The organization may use a blood test, urinalysis, oral/saliva test, Breathalyzer or other drug/alcohol test to determine the presence of drugs and/or alcohol.
2. Organization's Medical Review Officer (MRO) is:

Dr. Stephan Kracht  
7500 W. 100<sup>th</sup> St, Ste 400A  
Overland Park, KS 66225  
Phone: 912-327-5915  
Fax: 913-234-4585

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3. A list of substances the organization may test for is found [HERE](#). The organization reserves the right to modify this list at any time.
4. A list of common medications which may affect drug tests may be found [HERE](#). Due to the large number of brand names and changes in names of products, this list is not all-inclusive. Staff that are prescribed any of the below medications may inform the organization's Medical Review Officer of their prescription both before and after testing.

### **E. Test Results**

1. All drug test results are received by Human Resources.
2. Human Resources will notify candidates, employees or non-employees of any positive results and inform them of their rights under this policy.
3. Employees testing positive for a banned substance.
  - a. Have the right to contest or explain the result to the Medical Review Officer within 5 working days after receiving notification of the positive result.
  - b. Have the right to have their initial specimen retested at their own cost. If the retest results in a negative result, the employee will be reimbursed for the retest.
  - c. Candidates, employees, or non-employees are required to notify the MRO of any administrative or civil actions.
  - d. For any employees, non-employees in North Carolina or candidates for positions in North Carolina, written notice of any positive drug test will be given to them in writing within 30 days of the test results. The [Post-Test Notice to Employees/Applicants](#) will be used.

### **F. Employee Assistance Program**

1. The organization's Employee Assistance Program (EAP) is through Ceridian can provide a list of local resources for drug rehabilitation programs, counseling, etc. Ceridian can be reached at (888) 267-8126 or [www.lifeworks.com](http://www.lifeworks.com) (user ID: eya, password: 1055).
2. Employees with substance abuse issues are encouraged to seek assistance from the organization's EAP.

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### G. Violations of Policy

1. Any of the following may result in disciplinary action, up to and including discharge for employees and/or a mandatory referral to the organization's Employee Assistance Program:
  - a. Violations of the organization's Substance Abuse & Drug-free Workplace Policy; or
  - b. Any activity that compromises the integrity or accuracy of the organization's testing program or investigations into violations of this policy; or
  - c. Refusal to submit to testing when allowed by this policy; or
  - d. Any conviction under any criminal drug statute.
2. Facility/department directors will notify Human Resources of any suspected abuse/use situation or violation of this policy. Human Resources will then conduct an investigation into the matter.
  - a. Employees subject to an investigation for violation of this policy may be placed on administrative leave pending the outcome of the investigation.
  - b. An investigation that substantiates a violation of the Substance Abuse and Drug-free Workplace policy, including positive drug test results and criminal drug convictions, may:
    - a. result in disciplinary action, up to and including termination
    - b. separation of duties for non-employees
    - c. and/or a mandatory referral to the organization's EAP and successful completion of an approved drug abuse assistance or rehabilitation program.
    - d. Employees that have been referred to the EAP cannot return to work until an organization-approved counselor or physician releases the employee to return to work.

Any personnel action will be taken within 30 calendar days of the discovery of the violation.

- 1) Any criminal drug convictions will be reported to appropriate state and federal agencies and funding sources within 10 calendar days.

### IV. ATTACHMENTS/FORMS

[Post-Test Notice to Employees/Applicants – CSERA, NC \(Form B2.07a\)](#)

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### V. REFERENCES

[Criminal Records - Employment \(Policy B1.05\)](#)

[Performance Management \(Policy B2.08\)](#)

[Code of Conduct \(Policy B2.09\)](#)

[Employee Assistance Program \(Policy B5.01\)](#)

[Investigation Checklist \(Form B2.08a\)](#)

[Vehicles \(Fleet Management\) \(Policy D2.12\)](#)

[Oral Drug Test Procedure \(OG B2.07\)](#)

### VI. ACCOUNTABILITY

All organization employees have a role in the proper and effective enforcement of this policy. Infractions will be reported, so they may be promptly and correctly handled. Violations or suspected infractions will be reported to Human Resources. Human Resources will have overall responsibility for the application and enforcement of this policy. Please contact Human Resources if you have any questions about the interpretation of this policy. Questions regarding the organization's Employee Assistance Program should be directed to Benefits.

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**List of substances the organization may test for**

- a. 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)
- b. Amphetamines – Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine
- c. Methamphetamines – Desoxyn, Meth, Crystal Meth
- d. Cannabinoids – Marinol, Dronabinol, THC, Marijuana
- e. Cocaine - Cocaine HCl topical solution (Roxanne)
- f. Phencyclidine – PCP, Angel Dust
- g. Opiates - Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Emprin 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, Tussi-organidin, etc.
- h. Methaqualone – Quaalude, Mandrax, Renoval
- i. Methadone - Dolphine, Metadose
- j. Barbituates - Phenobarbitol, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebral, Butabarbital, Butalbital, Phenrinin, Triad, etc.
- k. Benzodiazepines - Ativan, Azene, Clonopin, dalmine, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax
- l. Propoxyphene - Darvocet, Darvon N, Dolene, etc.

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**List of Medications that may affect drug test results**

- a. 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)
- b. Amphetamines – Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine
- c. Cannabinoids – Marinol (Dronabinol, THC)
- d. Cocaine - Cocaine HCl topical solution (Roxanne)
- e. Opiates - Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Emprin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, dilaudid (Hydromorphine), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
- f. Barbituates - Phenobarbitol, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebral, Butabarbital, Butalbital, Phenrinin, Triad, etc.
- g. Benzodiazepines - Ativan, Azene, Clonopin, dalmine, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax
- h. Methadone - Dolphine, Metadose
- i. Propoxyphene - Darvocet, Darvon N, Dolene, etc.

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**Acknowledgment of Receipt and Understanding**

By signing below, I acknowledge that I have read and fully understand the organization's Substance Abuse and Drug-Free Workplace policy (B2\_07). I agree to abide by this policy as long as my employment or service with the organization is intact.

I further agree, authorize and give full permission to have the organization, its employees and/or its authorized agents collect specimen(s) and to send the specimen(s) collected to a laboratory for a screening test for the presence of any prohibited substances under this policy, and for the laboratory or other testing facility to release any and all documentation relating to such test to the organization.

I further agree to hold harmless the organization, its employees and its agents from any liability arising in whole or part, out of the collection of specimens, testing, and use of the information from said testing in connection with the organization's consideration of my application of employment or service

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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