

## **Ligonier Ministries, Inc. Drug-Free Workplace Policy**

Ligonier Ministries, Inc. ("Ligonier" or the "Company") maintains a drug free workplace in accordance with Sections 440.101-440.102 of Florida Statutes and the rules established by the State of Florida, Department of Labor and Employment Security, Division of Workers' Compensation, Rule (59A-24 of the Florida Administrative Code), of the Florida Administrative Code as implemented by the Florida Agency For Health Care Administration for Drug Testing. Ligonier recognizes that an employee's health affects personal job performance as well as the performance and job safety of other employees. This policy was created to maintain a safe and healthy work environment for all employees and to provide for the health, safety and courtesy of the public and our clients and customers.

It is a condition of employment for employees to refrain from the abuse, illegal use or misuse of drugs, including prescription or non-prescription medications, controlled substances, or any illegal drugs, or being under the influence of any such drugs, including alcohol, on the job. Possession of any illegal drugs is also prohibited. All employees must report to work in appropriate mental and physical condition without any illegal drugs, controlled substances (except for medication prescribed for and being properly used by the employee) or detectable levels of alcohol in their bodies. A drug testing program has been implemented in accordance with the above requirements.

### **SCOPE:**

This policy applies to all employees of Ligonier as well as any applicants being considered for employment with Ligonier. This policy will be given to all employees and job applicants.

### **TYPES OF TESTING:**

Ligonier will conduct the following types of drug testing:

1. Post-offer Job Applicant. All job applicants considered final candidates for employment must submit to a drug test after receiving a conditional offer of employment. Refusal to submit to a drug test or a positive confirmed drug test may be used by Ligonier as a basis for refusal to hire the job applicant.
2. Reasonable Suspicion. All employees must submit to a drug test when requested by Ligonier based on a belief that an employee is using or has used drugs in violation of Ligonier's policy. This belief should be drawn from specific objective and articulable facts and reasonable inferences based on those facts in light of experience. Among other things, such facts and inferences may be based upon:
  - 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.
  - Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
  - A report of drug use, provided by a reliable and credible source.

- Evidence that an individual has tampered with a drug test during employment with Ligonier.
  - Information that an employee has caused, contributed to, or been involved in an accident while at work.
  - Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working or while on Ligonier's premises or while operating Ligonier's vehicle, machinery, or equipment.
3. On the Job Injury. If the employee has caused or contributed to an on the job injury which resulted in a loss of work time, the employee must submit to a test for drugs.
  4. Routine Fitness for Duty. An employee must submit to a test for drugs if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of Ligonier's established policy or that is scheduled routinely for all members of an employment classification or group.
  5. Follow-Up. If an employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the employee must submit to a drug test as a follow-up to such program, and on a quarterly, semi-annual, or annual basis for two years after completion of the program. Advance notice of a follow-up testing date will not be given to the employee to be tested.

#### **COST OF TESTING:**

Ligonier will pay the cost of all drug tests, initial and confirmation, which Ligonier requires of all employees and applicants. The applicant or employee shall pay the costs of any additional drug tests not required by Ligonier.

#### **REFUSAL TO TEST/CONFIRMED POSITIVE TESTS:**

1. Refusal to Test. If a job applicant or an employee refuses to submit to a test for drugs or alcohol, he/she forfeits his/her eligibility for all medical and indemnity benefits and may be terminated from employment, not hired, or otherwise disciplined by Ligonier.
2. Positive Drug Test. An employee who has a confirmed positive drug test may be disciplined up to and including termination of employment.
3. Injury. If an employee is injured in the course and scope of his or her employment, and has a positive confirmation of a drug at a level described below, such an injured employee may forfeit his or her eligibility for medical and indemnity benefits under the Workers' Compensation Act upon exhaustion of the procedures provided in the Section of this policy titled "EXPLANATIONS/CHALLENGES TO DRUG TEST RESULTS," and may be terminated from employment.
4. Employee Assistance. If an employee has a positive, confirmed drug test required by Ligonier for Reasonable Suspicion, Routine Fitness for Duty, Random Testing or Follow-up testing, the employee will be considered to be in violation of this Ligonier policy. At its option and in its sole discretion Ligonier may request or require the employee to seek help or rehabilitation

from an employee assistance program or a community resource. Ligonier does not pay for employee participation in an employee assistance program or other alcohol or drug treatment program. A list of the names, addresses and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs is on Attachment "A". An employee who has a confirmed positive drug test may be disciplined up to and including termination from employment.

### **CONFIDENTIALITY:**

All information, interviews, reports, statement memoranda, and drug test results, written or otherwise, received by Ligonier or produced through the drug testing 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 applicable state statutes and rules or in determining compensability under Florida Statute, Chapter 440.

Employers, laboratories, medical review officers, employee assistance programs, drug and alcohol rehabilitation programs, and their agents who receive or have access to information concerning drug test results shall keep all information confidential. Release of such information under any other circumstance shall be solely pursuant to a written consent form signed voluntarily by the person tested, unless such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under chapter 440, or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:

The name of the person who is authorized to obtain the information.

The purpose of the disclosure.

The precise information to be disclosed.

The duration of the consent.

The signature of the person authorizing release of the information.

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

Nothing shall be construed to prohibit Ligonier, an agent of Ligonier, or a laboratory conducting a drug test from having access to employee drug test information when consulting legal counsel in connection with actions brought under or related to state statute or rule or when information is relevant to its defense in a civil or administrative matter.

### **LABORATORY PROCEDURES/DRUGS FOR WHICH LIGONIER MAY TEST:**

The collection of specimens and the performance of the drug tests shall be in accordance with the Florida Agency for Health Care Administration's Drug Testing Rules. The laboratory must be licensed by the Agency for Health Care Administration and shall also comply with the provisions of Chapter 483, Part I of the Florida Statutes.

Ligonier may test for any or all of the following drugs at the cut-off levels established by the United States Department of Health and Rehabilitative Services. All drug/alcohol tests will be

initially screened using an immunoassay except that the initial screen for alcohol shall be an enzyme oxidation methodology. All specimens identified as positive on the initial screen shall be confirmed using the Gas Chromatography/Mass Spectrometry methodology (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration or the United States Drug Administration, except that alcohol will be confirmed using gas chromatography. The cut-off levels for the drug-free workplace program for initially screened urine specimens are:

	<u>Initial cut-off</u>	<u>Confirmation cut-off</u>
Alcohol - (booze, hootch, drink, beer, liquor, wine, moonshine).  All liquid medications containing ethyl alcohol (ethanol). Please read 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)	0.04 g/dL%	0.04 g/dL%
**Amphetamines - (bennies, black beauties, crystal, speed, uppers, crank) Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.	1,000 ng/mL	500 ng/mL
**Cannabinoids – 11 - nor - Delta - 9 tetrahydrocannabinol - 9 carboxylic acid) (marijuana, hashish, maryjane, grass, reefer, pot, dope, etc.) Marinol (Dronabinol, THC).	50 ng/mL	50 ng/mL
**Cocaine - (benzoylecgonine) (coke, crack, blow, nose candy, toot, snow) Cocaine HCl topical solution (Roxanne).	300 ng/mL	150 ng/mL
**Phencyclidine - (PCP, angel dust). Not legal by prescription.	25 ng/mL	25 ng/mL
**Opiates – (heroin, horse, smack, powder) 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, Tussi-organidin etc.	2,000 ng/mL	

	<u>Initial cut-off</u>	<u>Confirmation cut-off</u>
Methaqualone - (ludes, quaalude, optimil, parest, somnafac, sopor). Not legal by prescription.	300 ng/mL	150 ng/mL
**Opiates – (heroin, horse, smack, powder) 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, Tussi-organidin etc.	2,000 ng/mL	
Morphine		2000 ng/mL
6-Acetylmorphine		10 ng/mL
Barbiturates - (barbs, rainbows, downers, goofballs, reds, yellows, blues) Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, etc.	300 ng/mL	150 ng/mL
Benzodiazepines - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.	300 ng/mL	150 ng/mL
Methadone - Dolophine, Metadose.	300 ng/mL	150 ng/mL
Propoxyphene - Darvocet, Darvon N, Dolene, etc.	300 ng/mL	150 ng/mL

\*\*These substances are the only drugs to be included in federally regulated Drug Testing Programs (for example, DOT (NIDA) testing). If testing is required for additional substances another separate sample must be collected.

All levels equal to or exceeding the Confirmation cut-off levels will be reported as positive to the Medical Review Officer (MRO). Laboratories shall report all quantitative alcohol results above 0.02% level to the MRO who shall be responsible for reporting results to Ligonier if appropriate.

Brand names/common names for the above substances will be found on the attached "OVER THE COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST." Attachment B.

## **MEDICAL REVIEW OFFICER WILL REVIEW RESULTS:**

Results of all drug tests performed by the laboratory will be sent directly to the Medical Review Officer for final verification and determination of the drug test. "OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST" is provided at the end of this policy as Attachment B and will be given to each employee/job applicant during the collection process. The employee/job applicant providing a specimen for testing should list any medications taken within the past 30 days on this form and should retain this form to be used as a "memory jogger" should the Medical Review Officer need to discuss the results of the test with the employee/job applicant. **THIS FORM SHOULD NOT BE GIVEN TO LIGONIER.** The Medical Review Officer will use the information provided to interpret any positive confirmed results.

An employee or job applicant who receives a positive confirmed test result may contest or explain the result to the Medical Review Officer within 5 working days after receiving written notification of the test result. If an employee's or job applicant's explanation or challenge is unsatisfactory to the Medical Review Officer, the Medical Review Officer shall report a positive test result back to Ligonier. The employee or job applicant may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

## **EXPLANATIONS/CHALLENGES TO DRUG TEST RESULTS:**

Within 5 working days after receipt of a positive confirmed test result from the Medical Review Officer, Ligonier shall inform the employee/applicant in writing of such positive test results, the consequences of such results, and the options available to the employee/applicant, including the right to file an administrative or legal challenge.

Ligonier shall provide to the employee or job applicant, upon request, a copy of the test results.

Within 5 working days after receiving notice of a positive confirmed test result, the employee/applicant must be allowed to submit information to Ligonier explaining or contesting the test results. If an employee/applicant's explanation or challenge of the positive test results is unsatisfactory to Ligonier, a written explanation as to why the employee/applicant's explanation is unsatisfactory, along with the report of the test results, shall be provided by Ligonier to the employee/applicant. All such documentation shall be kept confidential by Ligonier and shall be retained by Ligonier for at least one (1) year.

1. Documentation Based on Reasonable Suspicion. After testing based on reasonable suspicion, Ligonier shall promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be given to the employee upon request. The original documentation shall be kept confidentially by Ligonier and retained for at least one (1) year.

2. Additional Rights and Responsibilities of Employees and Applicants. During the 180-day period after written notification of a positive test result, the employee/applicant who has provided the specimen shall be permitted by Ligonier to have a portion of the specimen retested, at the employee/applicant's expense. Such retesting shall be done as specified in the applicable Workers' Compensation Statute and Rules.

It is the responsibility of the applicant or employee to notify the laboratory of any administrative or civil actions brought pursuant to Chapter 440, Florida Statutes, Drug Free Workplace requirements.

Employees and job applicants have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

Attachments:

A - List of Over-the-Counter and Prescription Drugs

## **ATTACHMENT "A"**

### **OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST (THIS LIST IS NOT INTENDED TO BE AN ALL-INCLUSIVE LIST)**

#### 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), Contac 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, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, 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, Centrax.

#### METHADONE

Dolophine, Metadose

#### PROPOXYPHENE

Darvocet, Darvon N, Dolene, etc.



List prescription drugs taken within the past 30 days. This is for your use only at this time. It should be given to the medical review officer if there is a positive confirmed test result. **DO NOT GIVE THIS FORM TO LIGONIER.** In the case of a positive test result this information should be provided to the medical review officer.

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BY: \_\_\_\_\_

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NAME: \_\_\_\_\_

DATE:

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