

Policy

The Poverello Center, Inc. (TPC) is committed to protecting the safety, health, and well-being of all employees, volunteers, program participants, and other individuals in our workplace. As a nonprofit organization dedicated to serving individuals living with HIV/AIDS and other chronic illnesses in South Florida, with a focus on the LGBTQ+ community, we recognize that alcohol and drug disorders, including misuse of substances, pose a significant threat to our organizational goals of providing compassionate, equitable care through programs like our specialized food pantry, thrift store, and Live Well Center. We have established a drug-free workplace program that balances respect for individuals with the need to maintain an alcohol- and drug-free environment, in compliance with Florida Statutes (e.g., §440.102) and federal guidelines under the Drug-Free Workplace Act.

This policy promotes a culture of support, early intervention, and recovery, acknowledging that substance use disorders are treatable illnesses often intersected with the chronic health challenges faced by those we serve.

Procedure

TPC encourages employees, volunteers, and program participants to voluntarily seek help for drug and alcohol problems. Resources include referrals to community partners like CAN Community Health and employee/volunteer assistance programs (EAPs) covering treatment for alcoholism and drug use disorders, including HIV-related substance abuse support.

Covered Individuals

Any individual who conducts business for TPC, is applying for a position, or is on TPC property is covered by this policy. This includes, but is not limited to, executive management, managers, supervisors, full-time and part-time employees, volunteers, interns, contractors, program participants, and applicants.

Applicability

This policy applies whenever anyone is representing or conducting business for TPC, including all working hours, business travel, representation of the organization, while on TPC property (e.g., 2056 N. Dixie Highway, Wilton Manors, FL), and at organization-sponsored events. It also extends to off duty conduct that impairs an individual's ability to perform duties upon reporting to work.

Prohibited Behavior

It is a violation of this policy to manufacture, distribute, use, possess, sell, trade, arrange for, or offer for sale alcohol, prescription drugs without a valid prescription, illegal drugs, or intoxicants on TPC property, during work hours, or while representing TPC.

Specific to Marijuana: In accordance with Florida law (Amendment 2 and §381.986, Florida Statutes), qualified medical marijuana users are protected from discrimination for off-duty use.

However, no on-site possession, use, or impairment from marijuana (medical or otherwise) is permitted. TPC will accommodate verified off-duty medical marijuana use as reasonable accommodation under the Florida Civil Rights Act, provided it does not pose a direct threat to safety or operations. Recreational marijuana remains illegal in Florida as of 2025; any violation will be treated as prohibited behavior.

Notification of Convictions

Any covered individual convicted of a criminal drug violation occurring in the workplace must notify TPC in writing within five (5) calendar days of the conviction. TPC will take appropriate action within 30 days of notification and notify federal contracting agencies if applicable. Failure to report may result in disciplinary action up to termination.

Consequences

One goal of this program is to encourage voluntary help-seeking for alcohol and/or drug problems. However, violations will result in serious consequences, aligned with progressive discipline and TPC's commitment to rehabilitation where feasible.

- **Applicants:** Violation of this policy during pre-employment screening (e.g., drug testing) will result in withdrawal of the offer. Reapplication is permitted after six (6) months, subject to successful pre-employment drug testing.
- **Employees/Volunteers:** Violations will lead to progressive disciplinary action, including mandatory rehabilitation entry. Successful completion of rehabilitation and a signed Return-to-Work Agreement may allow continued service. Failure to complete rehabilitation, repeated violations, or impairment posing a safety risk will result in termination or dismissal. Nothing in this policy precludes discipline or discharge for other violations or performance issues.

TPC reserves the right to conduct drug testing based on reasonable suspicion, post-rehabilitation, or as part of fitness-for-duty evaluations, in compliance with Florida's Drug-Free Workplace Program requirements for workers' compensation eligibility.

Return-to-Work Agreements

Following a violation, eligible individuals may be offered rehabilitation participation. A signed Return-to-Work Agreement, outlining conditions like follow-up testing and support plan adherence, is required for continued employment or volunteer service.

Assistance

TPC recognizes alcohol and drug abuse/addiction as treatable illnesses, with early intervention enhancing rehabilitation success—particularly vital for those with intersecting HIV/chronic illness needs. To support our community:

- Employees and volunteers are encouraged to seek confidential help if concerned about personal or family substance issues.

- Utilize qualified community professionals for assessments and referrals (e.g., via FQHC's like Care Resource Community Health Centers, Broward House, or Our Fund Foundation partners).
- Treatment for alcoholism and/or drug use disorders may be covered by TPC's employee benefit plan (if applicable); volunteers may access low-cost community resources. Ultimate financial responsibility for recommended treatment rests with the individual.

Updated resources (as of 2025): SAMHSA Helpline (1-800-662-HELP), Florida Department of Children and Families Substance Abuse Services, and Broward Addiction Rehabilitation Center.

Confidentiality

All information received through this program is confidential, accessible only to those with a legitimate need-to-know, in compliance with HIPAA, Florida Statutes §397, and TPC policies. Breaches may result in disciplinary action or legal consequences.

Shared Responsibility

A safe, productive drug-free workplace requires cooperation. Covered individuals must not report to work or duty impaired by on- or off-duty alcohol/drug use. Employees and volunteers are encouraged to:

- Report dangerous or impaired behavior to a supervisor without fear of retaliation.

Supervisors must:

- Inform covered individuals of this policy during onboarding/orientation.
- Enforce the policy fairly, with sensitivity to diverse needs (e.g., LGBTQ+ cultural competence).

Communication

To ensure awareness:

- All covered individuals receive a written policy copy upon onboarding.
- The policy is reviewed in orientation sessions for new employees/volunteers.
- Annual updates are distributed via email or with paychecks (employees).
- Training includes substance use dangers, policy requirements, and available EAPs/referrals.

Approvals

Staff/Volunteer Signature: _____ **Date:** _____

Manager's Signature: _____ **Date:** _____

CEO Signature: _____ **Date:** _____

Thomas S. Pietrogallo, MSW, LCSW, MBA **Date:** 12/07/2025 **BOD Approved Date:** review pending **Date Established:** Prior to 07/27/2016 **Date Reviewed/Revised:** 12/07/2025