

National Tropical Botanical Garden

DRUG FREE WORKPLACE

Introduction

NTBG, as a matter of law and general industrial practice, has the right to implement reasonable rules governing the conduct and fitness of its Employees at work or on Company property. Because substance abuse is often difficult to detect and can lead to serious injuries, property damage, and work performance deteriorations, the establishment of this policy and the Company's position regarding substance abuse has been determined to be appropriate and compelling.

For staff based in Florida, 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.

Management has the right to amend or terminate this policy at its discretion.

Purpose

- 1) To protect the health, safety, and property of Employees, the Company and the general public; and to insure the fitness and ability of Employees to perform their jobs.
- 2) To establish a substance abuse (drug and alcohol) prevention program at the Company.
- 3) To inform Employees and applicants of the Company's policy on substance abuse.
- 4) To insure consistent treatment of Employees who are substance abusers.

Prohibited Behavior

- 1) Employees are prohibited from possessing, selling, or attempting to sell illegal drugs and/or paraphernalia while on duty or on the Company's property or job site. Employees may only consume alcohol at sanctioned Company events subject to the Alcohol Policy.
- 2) Employees are prohibited from being impaired while working.
- 3) NTBG does not recognize medical carry cards for Marijuana.
- 4) NTBG has the right, where there is a reasonable cause to believe or reasonable suspicion to conclude that contraband may be present, to search Employee's personal property including lunch boxes, purses, lockers, automobiles etc., on Company property or job sites without prior warning. Any Employee refusing to submit to such a search will be considered in violation of this policy and employment will be terminated.

Drug Testing

- I. Covered Workers: Any individual who conducts business for the organization, is applying for a position or is conducting business on the organization's property is covered by our drug-free workplace policy. Our policy includes, but is not limited to executive management, managers, supervisors, full-time employees and part-time employees.

- II. An Employee who refuses to sign a release and authorization to submit to any drug screen test, or who refuses to undergo such a test, or refuses to permit the medical facility to provide the results to the Company will be considered in violation of this policy and employment will be terminated.
- III. Each applicant and employee, as a condition of employment, may be required to participate in pre-employment, post-accident, reasonable suspicion, random, and follow-up testing upon selection or request of management. Florida based staff are also subject to routine fitness for duty testing as part of a regularly scheduled fitness for duty medical examination subject to state and federal laws. To ensure the accuracy and fairness of our testing program, all testing will be conducted as required by law, a state-certified laboratory will conduct substance abuse testing, and a medical disclosure form will be provided to the employee prior to substance abuse testing. The substances that will be tested for are: amphetamines, cannabinoids, cocaine, opiates, opioids (applicable to DOT-regulated companies only), phencyclidine (PCP) and alcohol. NTBG does not recognize “medical marijuana” as legal use until required to do so by state and/or federal law, therefore a positive drug test due to the medical use of marijuana will be considered a positive drug test and handled as such
- IV. Time spent by any Employee who undergoes a drug screen test under this policy or a search under this policy, shall be considered compensable time worked.
- V. Prescription Medication: Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/ or according to a physician’s prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job and must obtain and submit a ‘pre-duty’ disclosure that specifies if the employee is ‘cleared’, ‘not-cleared’ or ‘cleared with restrictions’ to perform their job duty. Your supervisor can provide you with a copy of a job description or job duties if necessary. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee’s responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify Company doctor) to avoid unsafe workplace practices. An employee or job applicant may confidentially consult with the MRO and report the use of prescription or non-prescription medications to a medical review officer (MRO); contact information can be obtained from NTBG.
- VI. Drug screen testing will be required in the following situations:
 - a) Pre-Employment: As a condition of employment, applicants for jobs at NTBG must undergo and pass a pre-employment drug test for illegal drugs or unauthorized intoxicants after a contingent job offer has been made. An applicant who refuses to undergo drug screen testing or is detected as having illegal drugs or unauthorized intoxicants present in his/her body shall not be employed.
 - b) Reasonable Suspicion: Where there is a reasonable cause to believe or reasonable suspicion to conclude that substance abuse is taking place as evidenced by various factors such as but not limited to the following:
 - (1) excessive absenteeism;
 - (2) frequent or unexplained absence from job site;

- (3) abnormal work performance or personal behavior;
 - (4) discovery of drugs or paraphernalia at the job site;
 - (5) physical condition or symptoms; or
 - (6) objective evidence of illegal drug use or sale provided by any federal, state or local enforcement agency.
- c) Post- Accident: Employees in a reportable work-related accident or whose performance could have contributed to a reportable work-related accident may be required to undergo a post-accident drug test.
 - d) Random drug testing: Selection of individuals for random testing is done by a certified lab using a computer program to “pull” employee names by id. Selections are made on a quarterly or semi-annual basis and the same percentage of names shall be drawn each time.
 - e) Return to Work/Follow-Up: Employees with a previous positive drug test and who have fulfilled all rehire criteria may be required to submit to return-to-duty and/or follow-up testing as required by management for up to 2 years.

VII. Employees who have a CDL and fall under the guidelines outlined by the DOT for Drug and Alcohol testing are subject to those standards and the applicable NTBG policy, in addition to this NTBG standard.

Consequences

- 1) When an Employee's test reading is positive, the Employee will be notified of the findings.
- 2) An employee or job applicant who received a positive confirmed test result may contest or explain the results to NTBG's designated medical review officer (MRO) within 5 working days.
- 3) The following disciplinary action may be taken against an Employee whose drug screen has a positive reading:
 - a) First Offense - A suspension for the time it takes to obtain a negative reading from any subsequent test, but, in any case, no less than a two-week unpaid suspension. Should subsequent tests fail to produce a negative reading within 30 days, the Employee will be terminated.
 - b) -Employees whose tests determine they were impaired at work while operating heavy machinery or moving vehicles will be terminated for gross negligence due to a major safety violation.
 - c) Second Offense (within 5 years) - Termination
 - d) Tests taken after a positive reading to determine when an Employee may return to work will not be counted as an additional offense.
 - e) Florida staff who test positive or refuse a test will be denied workers' compensation benefits under Florida Chapter 440
- 4) Except as otherwise noted in this policy, 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.

- 5) Florida based staff: 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).

Substance Treatment

An Employee with a substance abuse problem who desires to overcome such difficulty, and who voluntarily seeks help from management prior to being required to undergo drug testing will be referred to the Human Resources Representative for a referral to assistance in overcoming the problem. While NTBG does not have an Employee Assistance Program, the company maintains a list of local providers of drug and alcohol treatment services and is available upon request. Treatment for alcoholism and/or other drug use disorders may be covered by the Employee health care benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the Employee. An Employee who seeks and undergoes treatment will not be subject to disciplinary action because of admitted substance abuse.

Alcohol Policy

Employees are prohibited from consuming alcoholic beverages on work premises, during working hours or at anytime an employee is representing the company at a meeting or function **unless** they are at a company approved event and have obtained prior approval from the supervisor for alcohol consumption. Employees at a company approved event are allowed to consume alcohol as long as they are able to remain professional and responsible. Employees are not permitted to become intoxicated or appear to be intoxicated while representing the company at such an event. Abuse of this policy may result in disciplinary action up to and including termination.