

FLORIDA WORKPLACE DRUG-FREE POLICY

IPS Enterprises Inc. and IDEA Florida Inc. (the "Organizations or Organization") recognize that drug and alcohol abuse in the workplace leads to decreased productivity, increased risk of accidents, high turnover, and decreased morale. Because the Organizations are committed to a safe and healthy workplace, we hereby announce our intention to establish a Florida Drug-Free Workplace Program and adopt the following policy on drug and alcohol abuse. This policy conforms with F.A.C. 38F-9.005(2)(a).

POLICY – General Statement

The Organization will not tolerate the use of illegal drugs on or off the job, or use of alcohol on the job.

Therefore, the Organization will test, at the organization's expense, all job applicants for drug and alcohol use as outlined in this Policy. Further, the Organization will test, at organization expense, any current employees for drug or alcohol use if a reasonable suspicion exists that the employee is in violation of this Policy; as a regular part of fitness for duty examinations; after a work-related injury, and as a follow-up procedure to any drug or alcohol treatment program. A positive drug test can lead to withdrawal of an offer of employment for job applicants. If a current employee receives a positive result, that employee will be referred to the Employee and Family Assistance Program (EAFP). All drug testing will conform to the requirement of this Policy and to State and Federal law.

POSSESSION OF DRUGS AND ALCOHOL ON THE ORGANIZATION'S PREMISES

Employees who bring drugs or alcohol to work may be subject to immediate termination.

Drugs and alcohol will not be permitted in the workplace. Any employee in possession of or using alcohol or illegal drugs on Organization premises during working hours will be subject to immediate referral to the Employee and Family Assistance Program (EFAP), a program to aid employees in overcoming drug and alcohol addiction.

Organization premises include parking lots and other outlying areas. Use or possession of alcohol or illegal drugs on the Organization's premises shall be reported to a supervisor who will verify the report and report the incident to the person responsible for terminating employees.

VISIBLE IMPAIRMENT

Employees will not be allowed to work while under the influence of drugs (Legal or illegal) or

alcohol.

Any employee who reports to work visibly impaired or becomes visibly impaired while at work will not be allowed to continue work. An employee or other supervisor who observes visible impairment of an employee should seek the opinion of a supervisor or additional competent co-worker regarding the extent of the employee's visible impairment.

The supervisor of the visibly impaired employee should consult privately with the employee in order to determine the basis for the impairment. If, in the opinion of a supervisor the employee's visible impairment is the result of alcohol or illegal drugs, the employee will be required to submit to drug testing as outlined in the Reasonable Suspicion portion of this policy and will be subject to the prescribed penalty. In addition, the employee will be sent home immediately (after ensuring that someone is home to safely receive employee) by employer's transportation department or with employer bearing cost of paid transport (e.g., taxi or other safe transportation).

PRE-EMPLOYMENT DRUG TESTING

Job offers are conditional pending pre-employment drug test results.

If the Organization chooses to extend an offer of employment to a job applicant who otherwise satisfactorily meets the Organization's employment requirements, the offer is conditioned upon the job applicant submitting to a drug test to determine if illegal drugs or alcohol are present. This test will be administered in compliance with both state and federal law and will be conducted only by a testing laboratory approved by the Florida Agency for Health Care Administration.

Persons receiving a conditional job offer will have an opportunity to confidentially report the use of prescription or non-prescription medications to the MRO, both before and after being tested.

Job applicants shall also receive a list of common medications that may alter or affect a drug test. This list will include those medications that could affect a drug test developed and occasionally amended by the Florida Agency for Health Care Administration or the Department of Labor and Employment Security. Further, job applicants will be given the names, addresses, and telephone numbers of approved local alcohol and drug rehabilitation programs.

A drug test indicating the use of illegal drugs or alcohol abuse will result in revocation of an offer of employment. Job applicants will have the right to challenge any drug test or request a retest at the applicant's expense. The procedures for challenging a drug test or requesting a retest are outlined under the Review of Test Results section of this policy.

ACTIVE EMPLOYEE DRUG TESTING

The Organization reserves the right to ask any employee to submit to drug testing under the

following conditions:

Testing should be done:

(A) When an employee is involved in an accident that causes injury to himself or to any other person or damage to any property. If, because of the accident, an employee is unable to submit to drug testing immediately, the employee will authorize the release of any medical reports or documentation to the MRO, regarding the presence of illegal drugs or alcohol in the employee's body at the time of the accident. Refusal to agree to this release will result in termination of the employee;

(B) If, in the opinion a supervisor, there is reasonable suspicion that any employee may be abusing or under the influence of illegal drugs or alcohol, the supervisory personnel will document, in writing, the basis for their reasonable suspicion. If the reasonable suspicion is based on a report by another person, this report must be confirmed by a supervisor;

(C) If, in the opinion of a supervisor, an employee has sold, or otherwise solicited the sale of illegal drugs or alcohol to any other person during working hours, the supervisory personnel will document, in writing, the basis for their reasonable suspicion. If the suspicion is based on a report by another person, this report must be confirmed by a supervisor. Nothing herein shall prevent the Organization from immediately terminating any employee selling or otherwise soliciting illegal drugs or providing or selling alcohol to another person during working hours upon a report by the supervisor to Human Resources;

(D) Upon return from any extended absence. An extended absence is defined as a continuous absence of three or more months;

(E) Pursuant to any required employee fitness for duty examination; or,

(F) As a follow-up to any referral to the Employee Assistance Program or enrollment in a drug or alcohol abuse program. This follow-up testing will continue at random for two years after referral to an Employee Assistance Program.

LOSS OF WORKERS COMPENSATION BENEFITS - DRUG RULE STATEMENT

Employees who are injured on the job will be tested for the presence of drugs: Positive results may cause loss of workers compensation benefits.

If an employee is injured in the scope of his or her employment and drug tests or other medical evidence indicates the presence of drugs or alcohol in the employee's body at the time of the accident, the employee may be required to forfeit any medical or indemnity benefits available under the Florida Workers' Compensation Statute. (F.S. 440.101(2)). This penalty is in addition to any other penalties that might apply either under this policy or under applicable law.

CONFIDENTIALITY STATEMENT

All drug test results will be strictly confidential, except in so far as release is required by state or federal law.

All test results of active employees will be strictly confidential, except as consented to by the employee, or if placed at issue by the employee in any legal, administrative or other proceeding to determine compensability of a workers compensation claim or as otherwise provided by law. However, any result indicating the use of illegal drugs or alcohol abuse may result in termination as provided for in this policy.

MEDICATION DISCLOSURE PROCEDURE

Disclosure of the use of medication to the Medical Review Officer (“MRO”) is strictly confidential.

Employees will have an opportunity to confidentially report the use of prescription or non-prescription medications to the MRO at the drug testing laboratory both before and after being tested. Such reports by employees will not become a part of the employee's personnel file. Employees will also receive a list of common medications that may alter or effect a drug test, including the list of medications developed and occasionally amended by the Florida Agency for Health Care Administration or the department of Labor and Employment Security. Employees will also be given the names, addresses and telephone numbers of approved local alcohol and drug rehabilitation and the Employee Assistance Program. Further, employees will have the right to challenge any drug test or request a retest at the employee's expense. The procedures for challenging a drug test or requesting a retest are outlined under the Review of Test Results section of this policy.

CONSEQUENCES OF REFUSING A DRUG TEST OR TREATMENT

Refusal to cooperate will result in a recommendation for termination after consultation with Human Resources.

1) REFUSAL TO COOPERATE

The Organization immediately disqualifies from employment any person receiving a conditional offer of employment who refuses to submit to drug and alcohol testing, or who alters, adulterates or otherwise interferes with drug testing collection, samples, or analysis.

Any employee who refuses to submit to drug and alcohol testing when required, or who alters, adulterates, or otherwise interferes with drug testing collection, samples, or analysis, will be immediately recommended for termination after consultation with Human Resources and may forfeit any medical or indemnity benefits available under the workers compensation regulations. (F.S. 440.101(2)).

2) LIMITATIONS ON REFERRAL TO EMPLOYEE ASSISTANCE PROGRAM

The Organization wishes to make every effort to rehabilitate its employees who may be experiencing drug or alcohol problems. Because of this, the Organization will not retaliate in any manner against an employee who is referred to an Employee Assistance Program or treatment program, or who voluntarily refers themselves to the Employee Assistance Program or submits to treatment in a drug or alcohol abuse program.

EAP PROGRAM:

Organization's Employee and Family Assistance Program (EFAP) is provided by Lincoln Financial Group and is referred to as *Employee Connect*. Employee Connect offers professional, confidential services to help employees and their immediate dependents, who are also eligible to utilize the services provided.

To access the EFAP Program:

- Online: <https://www.guidanceresources.com>
- Phone: 888-628-4824

REVIEW OF DRUG TEST RESULTS AND EMPLOYEE RIGHT TO CONTEST OR EXPLAIN DRUG TEST RESULTS

Employee has the right to contest results.

REVIEW OF TEST RESULTS

The Medical Review Officer (MRO) will review all test results of job applicants and employees who contest their results.

The MRO shall evaluate the drug test results of an employee or job applicant and verify that the specimens were collected, transported, and analyzed under proper procedures. The MRO shall make this determination by checking any chain of custody forms for required signatures, procedures, and information. If an employee or job applicant fails the drug test, the MRO shall also determine if there are any alternative medical explanations for the failure. The MRO shall maintain the confidentiality of any information received from drug tests, except as authorized by the employee or job applicant, or as otherwise provided by law, or if placed at issue by the employee or job applicant in any legal, administrative, or other proceeding.

In the event a job applicant or employee fails a drug test, the MRO will inform the employee or job applicant of the result within three (3) days after receiving the test result from the testing laboratory. The employee or job applicant will have five (5) days after notification from the MRO to discuss the test results with the MRO, submit documentation of any prescription drugs relevant to the test result to the MRO, or request a retest at the employee or job applicant's

expense.

MRO INABILITY TO CONTACT EMPLOYEE/JOB APPLICANT

If the MRO is unable to contact an employee or job applicant within three (3) days, the MRO shall contact the Organization and request that the Organization direct the employee or job applicant to contact the MRO as soon as possible. If the employee or job applicant does not contact the MRO within two (2) days from the request by the Organization, the MRO shall verify that the job applicant or employee failed the drug test. Should the job applicant or employee present satisfactory documentation that serious illness, injury, or other circumstances unavoidably prevented the job applicant or employee from contacting the MRO within the specified time and present legitimate explanations for the failure of the drug test, the MRO may change the test result. However, if the job applicant or employee refuses to talk with the MRO regarding a drug test failure, the MRO shall record the refusal in the “remarks” section of the verification form.

EXPLANATIONS FOR DRUG TEST RESULTS

The MRO will review all results carefully.

After contacting an employee or job applicant, the MRO will inquire as to whether prescription or over-the-counter medications could have caused a positive test result. If the MRO determines that the employee's medical explanation is not a legitimate explanation for the positive test results, the MRO will within 15 days give a written explanation to the employer.

If the MRO determines that a legitimate medical explanation exists for the test results, the MRO shall report to the Organization that the employee or job applicant passed the drug test. If, however, the legitimate medical explanation is the use of a legal prescription or over-the-counter medication, and the MRO feels that the legal use of the drug would endanger the employee, job applicant, or others, or if the employee or job applicant would be in a safety sensitive or special risk position, then the MRO may confirm that the employee or job applicant passed the drug test. The MRO will note the presence of prescription or other medication and may request that the Organization place the employee or job applicant in a position that would not threaten the safety of anyone.

RETEST REQUESTS

Retesting conducted after written results received (Requested by the employee or job applicant)

Should an employee or job applicant request a retest of an original specimen, the MRO will process this request within one hundred eighty (180) days after the original test. The retest will conform to all the same requirements and procedures applicable to the original test. The retest will occur at another laboratory approved by the Florida Agency for the Health Care Administration and selected by the employee or job applicant. The employee or job applicant shall bear the cost of this retest. Any retesting must be done on the original specimen because new specimens cannot verify the test results.

RETEST BY THE MRO

Should the MRO question the validity of the testing procedures the MRO may, at his or her sole discretion: (1) order a re-analysis of the original sample at any laboratory or clinic approved by the Florida Agency for Health Care Administration; or (2) request additional samples from the employee or job applicant for testing.

TYPES OF TESTS CONDUCTED

The types of tests required by law.

Initial tests for all drugs other than, alcohol shall use an immunoassay method. Initial tests for alcohol shall use an enzyme oxidation method. All tests to confirm an initial positive result for drugs other than alcohol shall use a gas chromatography/mass spectrometry method. All tests to confirm positive results for alcohol shall use a gas chromatography method.

NOTIFICATION TO THE ORGANIZATION

After contacting the employee or job applicant as outlined in this section and conducting any retests, the MRO will notify the organization, in writing, of the verified test results, i.e., either negative, positive, or invalid. If the MRO, employee or job applicant requested a retest, the MRO will report only the verified results of the test to the Organization. The MRO will file any required chain of custody form under confidential procedures. The MRO will maintain these forms for five (5) years from the date of the test.

NOTIFICATION TO THE EMPLOYEE

Within five (5) working days after the receipt of the confirmed positive test results from the MRO the employer shall inform the employee in writing of such positive test results, the consequences of such results, and the options available to the employee, including the right to file an administrative or legal challenge. (F.A.C. 38F-9.008(3))

EMPLOYEE'S DUTY TO NOTIFY LABORATORY OF LEGAL ACTION CONCERNING TEST RESULTS

Employees must notify laboratory 30 days in advance of legal action

Employees are required to notify the Organization and the Drug Testing Laboratory thirty (30) days prior to bringing any legal action concerning the results of a drug test. Such notification shall be a condition precedent to any such legal action. (F.A.C. 38F-9.005(2)(h))

LIST OF DRUGS TESTED

The organization may test for the following drugs:

Alcohol (beer, wine, booze, liquor, etc.)

Amphetamines (speed, eve, biphphetamine, desoxyn Dexedrine, etc.)

Cannabinoids (marijuana, hashish, hash, hash oil, pot, joint, reefer, roach, spleaf, grass, weed, etc.)

Cocaine (Coke, blow, snow, flake, crack, etc.)

Phencyclidine (PCP, angel dust, hog, etc.)

Hallucinogens (LSD, acid, mushrooms, shrooms, etc.)

Methaqualone (quaaludes, ludes, etc.)

Opiates (heroin, codeine, morphine, opium, Dover's powder, paregoric, parepectolin, etc.)

Barbiturates (phenobarbital, butobarbital, secobarbital, tuinal, amytal, etc.)

Benzodiazepine (Librium, valium, Ativan, azene, clonopin, dalmone, diazepam,

Halcion, poxipam, Restoril, serax, transene, vertron, Xanax, etc.)

Synthetic narcotics, including Methadone (dolophine, methadose, etc.)

Designer Drugs (ecstasy, etc.)

The Organization reserves the right to expand or otherwise modify the number or types of drugs tested at any time.

The Organization will provide employees with sixty (60) days' notice of any expansion or modification of the drugs tested under the Organization's policy.

EMPLOYEE'S RIGHT TO CONSULT WITH LABORATORY

All employees may consult with the testing laboratory or MRO for technical information regarding the effects of prescription and non-prescription medications on drug testing. Any consultation by an employee with the testing laboratory or MRO for the purpose of gaining technical information shall be confidential. An MRO must supply technical information to any employee who fails a drug test.

REPORT OF DRUG CONVICTIONS

All employees shall report any drug conviction to the Organization within five (5) days after such conviction. The Organization will report the conviction to any Federal agency with which the Organization is contracted, or if otherwise required by Federal law, within ten (10) days of the notification of the conviction. The employee will be referred to the Employee & Family Assistance Program (“EFAP”) immediately upon notification of the condition. If an employee fails to report a drug conviction to the Organization within the required time, the matter may be referred to Human Resources to approve termination of employment.

DEFINITIONS

CHAIN OF CUSTODY: The process of control established by the drug testing laboratory to ensure that drug testing samples remain tamper free and properly identified, including ensuring that all times an individual has responsibility for the samples and tests. The laboratory may create forms for tracking and proving the chain of custody.

CONDITIONAL OFFER OF EMPLOYMENT: Giving a job applicant an offer of employment, conditioned on the applicant passing a drug test. An applicant cannot be required to take a physical examination or drug test before getting a conditional offer of employment. If the applicant passes the drug test, he or she may begin her/his employment upon satisfaction of all other pre-employment conditions. If the applicant fails the drug test, the Organization must withdraw the offer and not allow the applicant to work for the Organization.

EMPLOYEE: Any person classified as a Florida Employee employed by the Organization, in any capacity, including managerial and supervisory personnel.

ILLEGAL DRUG: Any drug which (a) is not legally obtainable; (b) may be legally obtainable but which has not been legally obtained; or (c) is being used in a manner or for purposes other than as prescribed or intended.

LEGAL DRUG: Prescribed drugs and over-the-counter drugs which have been legally obtained or are being used solely for the purpose for which they were prescribed or manufactured, and intended.

MEDICAL REVIEW OFFICER (MRO): A licensed physician employed, contracted with or retained by the Organization, and who has knowledge of substance abuse disorders and shall be knowledgeable in the medical use of prescription drugs and in the pharmacology and toxicology of illegal drugs.

REASONABLE SUSPICION: A belief that an employee is using, or has used drugs or alcohol in violation of the Organization policy. A basis for reasonable suspicion must have specific, objective, and easily discernible facts, or reasonable inferences drawn from those facts in light of the Organization’s experience. Among other things, such facts and inferences may be based upon:

(A) Observable behavior while at work, including a workplace accident

(B) Abnormal conduct or erratic behavior while at work, or significant deterioration of work performance; or

(C) Report of drug use, provided by a reliable and credible source.

SAFETY SENSITIVE POSITION: Any position, including supervisory or management positions, in which drug or alcohol impairment would constitute an immediate and direct threat to public health and safety. Such a position may require an employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents, work with controlled substances, supervise children, or where a momentary lapse of attention could result in injury or death to another person.