

APPLICATION

These guidelines and procedures apply to all non-CDL University employees.¹ They support [USF Policy 0-610, Drug-Free Workplace](#), outline the University's existing reasonable suspicion testing practices, and are in conformity with section 112.0455, Florida Statutes (the Drug-Free Workplace Act).

Prior to testing, employees shall be given a copy of this document.

GENERAL STATEMENT ON EMPLOYEE DRUG USE

The University's [Drug-Free Workplace Policy \(#0-610\)](#) prohibits the unlawful manufacture, distribution, possession, or use of alcohol or controlled substances by employees on University property or in connection with any of its activities. No employee should report to work while under the influence of illegal drugs or alcohol. An employee determined to have violated this policy will be subject to disciplinary action, up to and including termination of employment, and/or be required to satisfactorily participate in a drug abuse assistance or rehabilitation program.

<http://regulationspolicies.usf.edu/policies-and-procedures/pdfs/policy-0-610.pdf>

No supervisor having actual knowledge that a covered employee has reported to work under the influence of illegal drugs or alcohol or that the employee has a positive test for drugs or alcohol will permit the employee to remain at work. The supervisor should consult with Central Human Resources on the matter as soon as practicable.

The University promotes employee wellness through services offered by the Employee Assistance Program (EAP). For issues involving alcohol and/or drug abuse, the EAP provides assessment and referral to external service providers.

For more information on EAP, please visit: <https://www.usf.edu/hr/benefits/eap.aspx>

TESTING GUIDELINES²

Reasonable suspicion testing means testing based on a belief that an employee is using or has used drugs or alcohol in violation of the University's Drug-Free Workplace Policy. A determination of reasonable cause will be drawn from specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion testing can be broadly defined as incident-driven testing. Among other things, facts and inference may be based upon:

- Overt signs and/or symptoms of impairment
- 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
- Significant deterioration in work performance

¹Separate [procedures and documentation](#) apply to CDL, USCG, and Pharmacy Plus employees.

²Drug testing of University employees will be conducted under the following circumstances: reasonable suspicion/reasonable cause, post-accident, and return-to-work. Post-accident testing applies to testing of an employee who has caused, or contributed to occurrence of, an accident in which: (a) there was a fatality, personal injury requiring immediate medical treatment, or resulted in at least one lost work-day, or (b) there was significant property damage (i.e., in excess of \$4,000).

- Information that an employee has caused, or contributed to, an accident while at work
- A report of drug use, provided by a reliable and credible source, which has been independently corroborated
- Evidence that an employee has caused, or contributed to, an accident while at work
- Evidence that the employee has used, possessed, sold, solicited, or transferred drugs while working, while on the employer's premises, or while operating the employer's vehicle, machinery or equipment
- Physical evidence of alcohol use in the workplace

Reasonable suspicion alcohol testing is authorized only if the required observations are made immediately prior to, or during the employee's workday/work shift.

Reasonable suspicion testing may only be required upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question. It is recommended that reasonable suspicion observations also be witnessed and documented by a second trained supervisor. Once the observation has been identified, the department should contact Employee Relations to report the observations and determine if they have availability to also observe the symptoms of alcohol or drug misuse. If an Employee Relations coordinator is not available to immediately assist with an observation, the Employee Relations team will coordinate with the department to determine if there is an alternative individual within CHR to support the observation.

- A determination that reasonable suspicion exists will be based on specific observations concerning the appearance, behavior, speech, or body odors of the employee for which there are no other reasonable explanations. The supervisor(s) must detail in writing the circumstances which formed the basis for determining that reasonable suspicion existed to warrant the testing. A copy of the reasonable suspicion documentation must be given to the employee upon request, the original documentation must be kept confidential and exempt from the provisions of section 119.07(1), **and must be retained by the University for at least one (1) year.**
- Supervisors use the [Reasonable Suspicion Document](#) to document their observations and the grounds for a reasonable suspicion determination. The form must be completed and signed by the supervisor(s) within two hours of the observed behavior and forwarded to Central Human Resources (CHR)³ Employee Relations for additional observation, review and assistance coordinating testing. Arrangements should be made by the employee's department for safe transportation to the testing site. Testing should be conducted within two hours following the determination of reasonable suspicion. If not administered within two hours, the reason should be documented and attempts to conduct the test should continue for up to eight hours. If testing is not conducted within eight hours after the determination of reasonable suspicion, the supervisor must cease attempts to conduct the test. All attempts to administer the test including reasons for failure should be documented and forwarded to CHR.
- Until cleared by a negative test, the employees may not be returned back to work on the day when reasonable suspicion is determined. Arrangements should be made by the employee's department for safe transportation back to the employee's home. If placed on leave, the employee may use any combination of accrued leave.

Click on the link below for additional information on the University's Reasonable Suspicion Alcohol & Drug Testing.

<https://www.usf.edu/hr/employment-resources/employee-labor-relations/drug-alcohol-testing.aspx>

³For employees who work in the Tampa campus, the term "CHR" refers to the University's Central Human Resources office located on the Tampa main campus. For USF Health employees, the term "CHR" in this document refers to the USF Health Human Resources Office located within USF Health at 13220 USF Laurel Drive, Suite 1360, Tampa. For employees who work in the St. Petersburg campus, the term "CHR" in this document refers to the Human Resources office located on the St. Petersburg campus

TESTING FACILITY AND PROTOCOLS

All specimen samples for required tests will be collected at an approved testing facility. All specimen collection and testing will be performed according to Florida statutes. Specimens are analyzed in an independent, licensed laboratory approved by the Florida Agency for Health Care Administration. USF utilizes Concentra Urgent Care locations for pre-employment drug screening as well as reasonable suspicion and post-accident testing during regular operational hours. For reasonable suspicion or post-accident testing *outside of regular operational hours*, USF utilizes Baycare locations. The locations utilized for testing are generally the closest locations to each campus, or candidate as appropriate.

Security of specimen collection, the collection site, chain of custody procedures, collection privacy and control, integrity and identity of the specimen, and transportation of the specimen to the laboratory will be performed in a manner which reasonably precludes specimen contamination or adulteration and will meet state rules and guidelines.

The drug test will be a urine test.

MEDICATIONS

Employees being tested will be given an opportunity prior to and after testing to provide any information to the Medical Review Officer (MRO) which they consider relevant to the test, including reporting currently or recently used prescription or nonprescription medication or other relevant medical information. This information will be treated as medical information and afforded the appropriate confidentiality according to Florida law. The information will be used to interpret test results and determine if the test is positive or negative. This information will be provided to the MRO in writing. Employees have a right to consult the MRO and/or the testing laboratory for technical information regarding prescription and nonprescription drugs.

The following is a list of the most common medications which may alter or affect a drug test:

Category	
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)
Amphetamines	Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine
Cannabinoids	Marinol (Dronabinol, THC)
Cocaine	Cocaine HCl topical solution (Roxanne)
Phencyclidine	Not legal by prescription
Methaqualone	Not legal by prescription

Category	
Opiates	Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Emprin 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.
Barbituates	Phenobarbitol, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebral, Butabarbital, Butalbital, Phenrinin, Triad, etc.
Benzodiazepines	Ativan, Azene, Clonopin, dalmine, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax
Methadone	Dolphine, Metadose
Propoxyphene	Darvocet, Darvon N, Dolene, etc.

*Due to the large number of obscure brand names and constant marketing of new products, this list cannot and is not intended to be all-inclusive. For more information see

https://b.ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Lab_HomeServ/drugs.shtml

CONSEQUENCES OF REFUSAL TO SUBMIT TO TEST

No employee shall refuse to submit to reasonable suspicion alcohol and/or drug testing. Refusal to submit to testing is grounds for dismissal. Employees who engage in any action that clearly obstructs the testing process, who refuse to participate in an employee assistance program or drug/alcohol rehabilitation program, who fail to successfully complete the rehabilitation program, or who refuse to sign a written consent form allowing the University to obtain information on the progress and successful completion of the rehabilitation program will be dismissed.

If an employee refuses to submit to reasonable suspicion testing, CHR and the supervisor will document such refusal **in writing and will ask the refusing employee to sign the documentation acknowledging his or her refusal to submit to testing**. The refusing employee is free to include a statement setting forth the reasons why the employee is refusing to submit to the testing.

TEST RESULTS

Alcohol tests are read at the testing facility and are immediately available to the employee. Supervisors will be notified by telephone of the test results, or in person if the supervisor has escorted the employee or candidate to the testing site. If the alcohol test is positive, the supervisor will make transportation arrangements for the employee to get home.

The results of drug tests will not be available until the completion of the testing and evaluation process. The testing facility will forward the follow-up test result written confirmation to CHR. The MRO will work directly with the employee to

ascertain if there was a legitimate reason for the positive test prior to the test results being considered and reported to the University as positive.

Within five (5) working days after receipt of a positive confirmed test result from the testing laboratory, a University representative, typically from CHR's Employee Relations office, shall inform the employee in writing of such positive test result, the consequences of such results, and the options available to the employee. The University, upon request, will provide a copy of the test results to the employee.

Within five (5) working days after receiving notice from the University of a positive confirmed test result, the employee may submit information to the University by submitting information to CHR explaining or contesting the test results and why the results do not violate University policy and procedures. If the explanation or challenge is unsatisfactory to the University, the employee will receive a written explanation of why it was unsatisfactory, along with the report of positive results.

An employee who receives a positive confirmed drug test result may contest or explain the result to the Medical Review Officer (MRO) within five (5) working days after receiving written notification of the positive test result. If the employee's explanation or challenge is unsatisfactory to the MRO, the MRO shall report a positive test result back to the University's CHR.

Sections 112.0455(14) and (15), Florida Statutes, describe the manner in which an employee may contest the drug test result by administrative or legal challenge. The employee will be permitted to have a portion of the specimen retested, at the employee's expense, at another laboratory chosen by the employee, as long as that laboratory is licensed and approved by the Agency for Health Care Administration. **It is the employee's responsibility to notify the testing laboratory of any administrative or civil action brought regarding the test results, to ensure the sample is retained until the case or appeal is resolved.**

An employee may also have a right to file a collective bargaining grievance if the employee is covered by one of the collective bargaining agreements entered into by the University. However, section 112.0455(14)(c), Florida Statutes, provides that an employee may not file both an appeal and a grievance. To review the applicability of any CBAs, please consult the CBAs in the CHR webpage: <https://www.usf.edu/hr/employment-resources/employee-labor-relations/index.aspx>.

EMPLOYMENT ACTION RESULTING FROM POSITIVE TEST RESULTS

The University may terminate or discipline an employee following a first-time positive drug test. If the University does not terminate the employee following a first-time positive drug test, it can refer the employee to an employee assistance program or an alcohol and drug rehabilitation program in which the employee participates at the employee's expense or pursuant to any health insurance plan that may cover such treatment. If the employee is referred to an employee assistance program or an alcohol and drug rehabilitation program, the employee will be asked to sign a consent form allowing the University to obtain information regarding the employee's progress in the program and the employee's successful completion of the program.

If the University refers the employee to an employee assistance program or an alcohol and drug rehabilitation program, it must determine whether the employee is able to safely and effectively perform the job duties assigned to the employee while the employee participates in such program. However, an employee whose assigned duties require the employee to carry a firearm, work closely with an employee who carries a firearm, work with children, performs life-threatening

procedures, works with heavy or dangerous machinery, works as a safety inspector, works with confidential information or documents pertaining to criminal investigations, works with controlled substances, holds a position subject to section 110.1127, Florida Statutes, or holds a position in which a momentary lapse in attention could result in injury or death to another person, is deemed unable to safely and effectively perform the job duties assigned to the employee while the employee participates in an employee assistance program or an alcohol and drug rehabilitation program. In such cases, the University will attempt to place the employee in a job assignment that the employee can safely and effectively perform while the employee participates in the employee assistance program or the alcohol and drug rehabilitation program.

RECORD KEEPING

All information produced as a result of testing is confidential. CHR maintains records of the alcohol/drug testing program; access to these records will be controlled. CHR does not release information pertaining to alcohol/drug testing of a covered employee, except as required by law or expressly authorized in writing by the employee. A covered or previously covered employee is entitled, upon written request, to obtain copies of or have distributed any records pertaining to the alcohol/drug testing program, including provided to a subsequent employer. CHR may disclose information required to the decision-maker in lawsuits, complaints, grievances, or other proceedings initiated by or on behalf of a covered or previously covered employee arising from the results of an alcohol/drug test.

EMPLOYEES SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT

The University has entered into collective bargaining agreements (CBAs) with several unions which represent some of the University's employees. These reasonable suspicion testing guidelines and procedures are not intended to take away any rights conferred by any applicable CBA. If an employee covered under a CBA is directed to submit to a drug test based on reasonable suspicion and the employee requests union representation, the employee will have a right to consult with a union representative. However, such conference or union representation cannot unreasonably delay the testing process. For purposes of determining unreasonable delay, alcohol testing is to be conducted within two hours following the supervisor(s) determination of reasonable suspicion, and testing for other drugs is to be conducted within eight hours following the supervisor(s) determination of reasonable suspicion. Therefore, typically up to .5 hour (half an hour) will be made available to obtain this consultation.

EMPLOYEE ASSISTANCE PROGRAMS AND LOCAL DRUG REHABILITATION PROGRAMS

The following is a representative sampling of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs:

USF's Employee Assistance Program

Magellan Health Services

1-800-327-8705

<https://magellanascend.com/>