

**FRATERNAL
ORDER OF
POLICE**



**DRUG-FREE
WORKPLACE
PROGRAM**

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ADDENDUM A

FRATERNAL ORDER OF POLICE

DRUG-FREE WORKPLACE

PROGRAM

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1 Program, not required by changes to the applicable law (statutes, regulations, case
2 law, etc.) governing Section 440.101-.102, Fla. Stat., or other state or federal
3 requirements, the City shall submit the proposed amendment to certified bargaining
4 representatives of city employees covered by the amendment and shall meet and
5 confer with the certified bargaining representatives concerning the proposed
6 amendment. Provided further, that in the event such amendments would authorize
7 (1) the use of additional testing techniques, (2) testing for additional drugs, or (3)
8 creating additional situations for testing (Section VII) shall be provided to the
9 certified bargaining representatives of the employees covered by the program
10 amendments. The City will bargain over the impact of such amendments if the
11 Certified Bargaining Representative requests such within ten (10) calendar days of
12 being provided with such amendments.

13
14 To the extent that Section 440.101-.102, or the implementing rules issued by the
15 Agency for Health Care Administration (Fla. Admin. Code R. 59A-24) are
16 amended, or other statutes and rules requiring drug testing determined to be
17 applicable to City employees are adopted or amended, this Program will be
18 modified without the necessity of further general notice. Amendments to the
19 program issued as a result of the foregoing which would authorize (1) the use of
20 additional testing techniques, (2) testing for additional drugs, or (3) creating
21 additional situations for testing shall be provided to the Certified Bargaining
22 Representatives of the employees covered by the program amendments. The City
23 will bargain over the impact of such amendments if the Certified Bargaining
24 Representative requests such within ten (10) calendar days of being provided with
25 such amendments.

26
27 The City's Drug-Free Workplace Program has been prepared so as not to conflict
28 with public policy and, further, not to be discriminatory or abusive. A drug-free
29 workplace should be the goal of every employer in America. Drug and alcohol
30 testing is only one of the several steps that must be taken to achieve this objective.
31 When incorporated into a comprehensive anti-drug effort, testing can go a long way
32 in combating drug and alcohol abuse in the workplace.
33

34 **II. SCOPE**

35
36 All employees covered by this program, as a condition of employment, are required
37 to abide by the terms of this program and, as applicable, supplemental programs
38 described in addenda to the City of Gainesville's Drug-Free Workplace Program.
39 Any employee in doubt as to the requirements or procedures applicable to their
40 situations may contact the City's Human Resources Department for information.
41 Consistent with policy determinations and legal requirements, the City shall limit
42 testing to that which is considered necessary to meet the Purpose of this Program.
43
44

1 **III. DRUG-FREE WORKPLACE PROGRAM DISSEMINATION**

- 2
- 3 A. The City has given a general one-time notice to all employees that the City
- 4 prohibits its employees from illegally or improperly using, possessing,
- 5 selling, manufacturing, or distributing drugs on its property, or while its
- 6 employees are at work; that it is against City policy to report to work or to
- 7 work under the influence of drugs; and that it is a condition of employment to
- 8 refrain from using illegal drugs or alcohol on the job, or abusing legal drugs
- 9 on or off the job such that it affects their job, and that a drug testing program
- 10 is being implemented. At least sixty (60) days have elapse between the
- 11 notice and any employee drug testing implemented pursuant to this program.
- 12
- 13 B. Prior to testing, all employees or applicants for employment will have been
- 14 given a summary of the Drug-Free Workplace Program, a summary of the
- 15 drugs which may alter or affect a drug test, a list of local employee
- 16 assistance programs and a list of local alcohol and drug rehabilitation
- 17 programs.
- 18
- 19 C. A notice of drug testing will be included with all job vacancy announcements
- 20 for which drug testing is required. A notice of the City's drug testing program
- 21 will also be posted in appropriate and conspicuous locations on the City's
- 22 premises and copies of the program will be made available for inspection
- 23 during regular business hours in the Human Resources Department.
- 24

25 **IV. DEFINITIONS**

26

27 The definitions of words and terms as set forth in § 440.02, § 440.102(1),and

28 112.0455 Fla. Stat., and the Agency for Health Care Administration, Drug-Free

29 Workplace Standards (Fla. Admin. Code R. 59A-24) as may be amended, shall

30 apply to the words and phrases used in this program unless the context clearly

31 indicates otherwise. When the phrase "drug and alcohol" testing, use, etc., is used

32 in connection with different testing mechanisms, prohibitions or causes for testing,

33 "drug" includes all of the below listed substances except alcohol. "Drug" otherwise

34 has the same meaning as in §440.102(1)(c), Fla. Stat., which defines "drug" as

35 follows:

36

- 37 (a) "Drug" means alcohol, including a distilled spirit,
- 38 wine, a malt beverage, or an intoxicating liquor;
- 39 an amphetamine; a cannabinoid; cocaine;
- 40 phencyclidine (PCP); a hallucinogen;
- 41 methaqualone; an opiate; a barbiturate; a
- 42 benzodiazepine; a synthetic narcotic; a designer
- 43 drug; or a metabolite of any of the substances
- 44 listed in this paragraph.

- 1
2 (b) The words fail, failed or failure when used in this
3 policy are based upon a confirmed positive test
4 result reported by the Medical Review Officer
5 (MRO).
6

7 **V. ALCOHOL USE PROHIBITIONS**

- 8
9 A. The consumption of alcohol on City property or while on duty (during working
10 hours, while at work, etc.) is prohibited and will result in disciplinary action, up
11 to and including dismissal. Exception shall be made for
12 permitted/contractual events attended off duty on City Property and for
13 undercover officers on duty who must drink as a part of the work assignment
14 to maintain undercover status.
15
16 B. Off-duty use of alcohol which adversely affects an employee's job
17 performance or adversely affects or threatens to adversely affect other
18 interests of the City, including but not limited to the employee's relationship to
19 his/her job, fellow workers' reputations, or goodwill in the community may
20 result in disciplinary action up to and including dismissal.
21
22 C. Except as provided herein, the personal possession (i.e., on the person, or in
23 a desk, locker) of alcohol on City property or during working hours will result
24 in disciplinary action, up to and including dismissal.
25
26 D. It is against the City's program and a violation of City policy to report to work
27 or to work under the influence of alcohol.
28
29 E. For purposes of implementing § 440.101-.102, Fla. Stat., an employee is
30 presumed to be under the influence of alcohol if a blood test shows alcohol
31 usage as set forth in the Agency for Health Care Administration (Fla. Admin.
32 Code R 59A-24).
33
34 F. An employee who Management has reason to suspect is under the influence
35 of alcohol will be removed immediately from the workplace and will be tested
36 and evaluated by authorized personnel selected in accordance with this
37 program. The City will take further action (i.e., further testing, referral to
38 counseling, and/or disciplinary action) based on medical information, work
39 history, and other relevant factors. The determination of appropriate action in
40 each case rests solely with the City.
41
42 G. An employee who fails an alcohol test will be subject to an Internal Affairs
43 investigation and disciplinary action. Such disciplinary action may include
44 termination for a first offense, absent mitigating circumstances.
45

1 H. Efforts to tamper with, or refusal to submit to an alcohol test will subject the
2 employee to dismissal.

3
4 Refusal is defined as follows:

5
6 Refuse to submit (to an alcohol or controlled substances test) means that an
7 employee:

8
9 (a) fails to provide adequate breath or blood for testing without a valid
10 medical explanation after he or she has received notice of the
11 requirement for alcohol testing; or

12
13 (b) fails to provide adequate urine for controlled substances testing
14 without a valid medical explanation after he or she has received
15 notice of the requirement for urine testing; or

16
17 (c) engages in conduct that clearly obstructs the testing process; or

18
19 (d) refuses to execute the consent or release to testing form(s)
20 constitutes a refusal to submit per 49 CFR 40.25 Section (f)(22)(ii).

21
22 I. Employees arrested for an alcohol-related incident, as indicated on the
23 arrest report, shall notify, as soon as feasible, but in any event no later than
24 24 hours after the arrest, the City management representative having direct
25 administrative responsibility for the arrested employee of the arrest if the
26 incident occurs:

27
28 (a) During working hours, or

29
30 (b) While operating a City vehicle, or

31
32 (c) While operating a personal vehicle on City business.

33
34 Failure to comply with this subsection will result in disciplinary action up to
35 and including dismissal.

36
37 J. Violations of alcohol use prohibitions can subject an employee to disciplinary
38 action up to and including dismissal and may be imposed for a first offense,
39 absent mitigating circumstances. The fact that discipline is imposed for
40 violations of this program will not prevent the imposition of further discipline,
41 including termination, if an employee's certification is suspended or revoked,
42 or otherwise affected in connection with a program violation.

43
44 **VI. DRUG USE PROHIBITIONS**

- 1 A. The use, sale, purchase, possession, manufacture, distribution, or
2 dispensation of drugs or their metabolites on City property or while at work
3 (while on duty, during working hours, etc.) is a violation of the City's Program
4 and is just cause for immediate dismissal. Exception shall be made for
5 officers on duty who must, sell, purchase, posses, manufacture, distribute, or
6 dispense drugs or their metabolites as part of the work assignment.
7
- 8 B. Reporting to work, or working, under the influence of illegal drugs is a
9 violation of the City's Program and is just cause for immediate dismissal.
10
- 11 C. An employee who fails a random urine drug test will be subject to an Internal
12 Affairs investigation and disciplinary action. Such disciplinary action may
13 include termination for a first offense, absent mitigating circumstances. If
14 mitigating circumstances warrant the employee being allowed to participate
15 in a last chance agreement, in lieu of being dismissed, the Employee must
16 meet the requirements set forth in paragraph X(D). of this program.
17 Furthermore, such an opportunity will not be available to an employee who
18 has previously participated in an Alcohol/Drug Rehabilitation Program, the
19 City's EAP, or other approved, similar program, as an alternative to
20 dismissal. Employees allowed the rehabilitation opportunity described herein
21 may still receive disciplinary action short of dismissal in addition to required
22 participation in the rehabilitation program. Participation in a treatment
23 program, be it entirely voluntary or pursuant to this section, will not excuse
24 additional violations of this policy, work rule violations, improper conduct, or
25 poor performance and an employee may be disciplined or dismissed for
26 such offenses or failure to perform.
27
- 28 D. For purposes of this program, an employee is presumed to be under the
29 influence of drugs if a urine test or other authorized testing procedure shows
30 drug usage as set forth in the rules for the Agency for Health Care
31 Administration (Fla. Admin. Code R 59A-24).
32
- 33 E. Legal medications (over-the-counter) or prescription drugs may also affect
34 the safety of the employee, fellow employees or members of the public.
35 Therefore, any employee who is taking any over-the-counter medications or
36 prescription drug which might impair safety, performance, or any motor
37 functions shall advise his direct management representative of the possible
38 impairment before reporting to work under the influence of such medication
39 or drug. A failure to do so may result in disciplinary action. If Management,
40 in consultation with Employee Health Services, determines that the
41 impairment does not pose a safety risk, the employee will be permitted to
42 work. Otherwise, management may offer a change in work schedule,
43 temporarily reassign the employee or place the employee in an appropriate
44 leave status during the period of impairment. Improper use of "prescription
45 drugs" is prohibited and may result in disciplinary action. Improper use of
46 prescription drugs includes, but is not limited to, use of multiple prescriptions
47 of identical or interchangeable drugs, and/or consumption of excessive

1 quantities of individual or therapeutically interchangeable drugs, and/or
2 inappropriately prolonged duration of consumption of drugs, and/or
3 consumption of prohibited drugs for other than valid medical purposes. For
4 the purpose of this Program, consumption of any drug by the employee of
5 more than the manufacturer's maximum recommended daily dosage, or for a
6 longer period of time than recommended (unless otherwise prescribed by
7 employee's physician), or of any prohibited drug prescribed for or intended
8 for another individual, or for other than a valid medical purpose shall be
9 construed to constitute improper use. Prescription medication shall be kept
10 in its original container (unless approved in advance by management) if such
11 medication is taken during working hours or on City property.
12

13 F. Refusal to submit to, or efforts to tamper with, a drug test will subject the
14 employee to dismissal.
15

16 Refusal is defined as follows:
17

18 Refuse to submit (to an alcohol or controlled substances test) means that an
19 employee:
20

21 (a) fails to provide adequate breath or blood for testing without a valid
22 medical explanation after he or she has received notice of the
23 requirement for alcohol testing; or
24

25 (b) fails to provide adequate urine for controlled substances testing
26 without a valid medical explanation after he or she has received
27 notice of the requirement for urine testing; or
28

29 (c) engages in conduct that clearly obstructs the testing process; or
30

31 (d) refuses to execute the consent or release to testing form(s)
32 constitutes a refusal to submit.
33

34 G. Except as provided herein, failure to pass a drug test will result in disciplinary
35 action, up to and including dismissal.
36

37 H. Violations of drug prohibitions can subject an employee to disciplinary action
38 up to and including dismissal and will be imposed for a first offense absent
39 mitigating circumstances. The fact that discipline is imposed for violations of
40 this program will not prevent the imposition of further discipline, including
41 termination, if an employee's certification is suspended or revoked, or
42 otherwise affected in connection with a program violation.
43

44 VII. TESTING

45

1 A. Testing of Applicants
2

- 3 1. Prior to employment, applicants, whether for temporary or permanent
4 positions, will be tested for the presence of drugs.
5
6 2. Any job applicant who refuses to submit to drug testing, refuses to
7 sign the consent form, fails to appear for testing, tampers with the test,
8 or fails to pass the pre-employment confirmatory drug test will not be
9 hired and, unless otherwise required by law, will be ineligible for hire
10 for a period of at least two (2) years.
11

12 B. Reasonable Suspicion Testing
13

- 14 1. "Reasonable suspicion testing" means drug testing based on a belief
15 that an employee is using, or has used drugs (including alcohol as
16 defined in paragraph (IV)(a) above) in violation of the City's program,
17 on the basis of specific, contemporaneous, physical, behavioral or
18 performance indicators of probable drug use. It is a belief based on
19 objective facts which could reasonably lead an observer to further
20 investigation.
21

22 Two management representatives shall substantiate and concur in the
23 decision to test said employee, if feasible. Only one management
24 representative need personally investigate or witness the conduct.
25 The management representative(s) and witness(es) shall have
26 received training in the identification of actions, appearance, conduct
27 or odors which are indicative of the use of drugs or alcohol. If a
28 management representative believes reasonable suspicion exists,
29 the management representative shall report his or her findings and
30 observations to the next higher management representative having
31 administrative responsibility for the affected employee. Upon
32 approval by the next higher management representative, the
33 employee will be asked to immediately submit to a drug test(s) and
34 sign a form acknowledging his or her consent. When chemical breath
35 testing for alcohol testing is used, the test may be conducted
36 immediately at the work site or later at the collection site. Factors
37 which substantiate cause to test for drugs shall be documented by the
38 management representative on the Substance Abuse Investigation
39 Report Form (see Attachment II) which must be completed as soon as
40 practicable, but no later than four (4) days after the employee has
41 been tested for drugs. A copy of this report will be given to the
42 employee upon request.
43

- 44 2. Each supervisor shall be responsible to determine if reasonable
45 suspicion exists to warrant drug testing and required to document in
46 writing the specific facts, symptoms, or observations which form the

1 basis for such reasonable suspicion. The documentation shall be
2 forwarded to the Department Head or designee to authorize the drug
3 test of an employee.
4

5 The Department Head or designee (who is otherwise safety sensitive)
6 shall require an employee to undergo drug testing if there is
7 reasonable suspicion that the employee is in violation of the City of
8 Gainesville Drug-Free Workplace Program. Circumstances which
9 constitute a basis for determining "reasonable suspicion", individually
10 (except as provided in (g) below) or in combination, may include but
11 are not limited to:
12

- 13 a. A Pattern of Abnormal or Erratic Behavior - This includes but is
14 not limited to a single, unexplainable incident of serious
15 abnormal behavior or a pattern of behavior which is radically
16 different from what is normally displayed by the employee or
17 grossly differing from acceptable behavior in the workplace.
18
- 19 b. Information Provided by a Reliable and Credible Source - The
20 first line supervisor or another supervisor/manager receives
21 information from a reliable and credible source as determined
22 by the Department Head that an employee is violating the
23 City's Drug-Free Workplace Program.
24
- 25 c. Direct Observation of Drug Use - The first-line or another
26 supervisor/manager directly observes an employee using
27 drugs while the employee is on duty. Under these
28 circumstances, a request for drug testing is MANDATORY.
29
- 30 d. Presence of the Physical Symptoms of Drug Use - The
31 supervisor observes physical symptoms that could include but,
32 are not limited to, glassy or bloodshot eyes, slurred speech,
33 poor motor coordination, or slow or poor reflex responses
34 different from what is usually displayed by the employee or
35 what is generally associated with common ailments such as
36 colds, sinus, hay fever, diabetes, etc.
37

38 The following will be deemed reasonable suspicion and may provide
39 a sufficient basis for requesting a drug test at the direction of the
40 Department Head or designee:
41

- 42 e. Violent or Threatening Behavior - First Incident: If an employee
43 engages in unprovoked, unexplained, aggressive, violent or
44 threatening behavior against a fellow employee or a citizen, the
45 Department may request that the employee submit to drug
46 testing;
47

1 f. Violent or Threatening Behavior - Subsequent Incident:
2 Whether or not an employee has previously received formal
3 counseling or disciplinary action for unprovoked, unexplained,
4 aggressive, violent or threatening behavior against a fellow
5 employee or a citizen, upon a second or subsequent episode
6 of similar behavior/conduct (within eighteen months), the
7 Department shall request that the employee undergo drug
8 testing.

9
10 g. Absenteeism and/or Tardiness: If an employee has previously
11 received a suspension action for absenteeism or tardiness, a
12 continued poor record (within eighteen months) that warrants a
13 second or subsequent suspension action may result in a
14 request for a drug test. This factor alone will not be cause for
15 testing.

16
17 h. Odor: Odor of cannabis or alcoholic beverages upon the
18 person.

19
20 i. Performance Related Accidents:

21 1) Each employee whose performance contributed to the
22 accident may be drug tested for both alcohol and drugs
23 based on a and b below.

24
25
26 a) The following are examples of conditions that will
27 require accident-related testing:

28 (i) City employee operating a city vehicle at
29 any time, or a non-city vehicle on city
30 business, and involved in an accident that
31 results in a citation for a moving violation,
32 or in any of the consequences described
33 in (ii) below.

34
35 (ii) Work related accident resulting in:

36
37 (A) property damage estimated to be
38 greater than \$1,000.

39
40 (B) death

41
42 b) The following may require accident-related
43 testing:

44
45 (i) injury to the employee, requiring medical
46 treatment at an off-site (away from the
47 scene of the accident) medical facility

1 other than Employee Health Services. If
2 the injury is of such character as would
3 have been treated at Employee Health
4 Services, but for the unavailability of
5 Employee Health Services, management
6 may waive this requirement.
7 "Unavailability" means occurring at a time
8 other than the hours of operation of
9 Employee Health Service or at such
10 distance from Employee Health Services
11 as to render their use impractical.
12 However, injuries as a result of a training
13 exercise must also be based on one or
14 more reasonable suspicion criteria as
15 listed in a - h above.

- 16
17 (ii) injury to another person. However,
18 injuries as a result of a training exercise
19 or a "use of force" incident must also be
20 based on one or more reasonable
21 suspicion criteria as listed in a - h above.

22
23 The management representative having administrative
24 responsibility for the employee involved in the accident shall
25 ensure that a drug test is performed as soon as possible, but
26 no later than 32 hours after the accident, provided that if the
27 employee is a patient, the attending physician has no
28 objections. Post-accident testing may involve breath, blood,
29 and urine.

30
31 Should evidence of alcohol be present, i.e., an odor of
32 alcoholic beverages, open containers, or a statement from a
33 witness confirming alcohol consumption, the management
34 representative must ensure testing is completed as soon as
35 emergency medical care has been provided. An employee
36 shall supply, if requested, an alcohol specimen (breath or
37 blood) within two (2) hours.

38
39 C. Random Testing

- 40
41 1. Random drug testing will be performed utilizing urine and may be
42 performed in the future utilizing chemical breath or other statutorily
43 required mechanisms (see Section (VIII) (K) below).
44
45 2. Employees in safety sensitive or "special risk" positions, including
46 employees whose positions with the City require them to have a

1 commercial drivers license, will be required to submit to drug testing
2 on a random basis. All FOP Bargaining Unit employees are classified
3 as safety sensitive based upon meeting one or more criteria in the
4 Safety Sensitive Positions Definitions and Key attached hereto as
5 Attachment I. A list of job classifications determined to be safety
6 sensitive or "special risk" will be compiled and kept on file in the
7 Human Resources Department. Such list will be periodically updated.
8

- 9 3. For purposes of selection for testing, employees shall be identified
10 only by Social Security Numbers and the selection of employees will
11 be conducted through the use of a random number generator or other
12 neutral selection process.
13
14 4. Upon notification by a department head or his/her management
15 designee (who is otherwise safety sensitive) that a drug test is
16 required, the employee will report to the test site as soon as practical,
17 but in no event, later than 24 hours after notification, and provide a
18 specimen of his/her urine. If chemical breath testing, or other reliable
19 mechanisms, as determined by 49 CFR, Part 40 for alcohol testing
20 are used, the test may be conducted immediately at the work site or
21 later at the collection site.
22
23 5. Random testing shall be at an annual rate of between twenty-five
24 percent (25%) and fifty percent (50%) of the average number of
25 positions for which testing is required. During the first 12 months of
26 this program, random drug testing: (1) will be spread reasonably
27 throughout the year; and (2) the total number of tests will be equal to at
28 least 25 percent (25%) of the employees subject to testing.
29

30 D. Position Change Testing

31
32 Employees who move into or out of positions in any unit established
33 specifically for narcotics enforcement, e.g., DEA or SIU, as well as the
34 Aviation Unit, as a result of a formal personnel action, shall be required to
35 successfully pass a urine drug test within 48 hours of receiving notification
36 that they have been selected to fill such position. Refusal to submit to or
37 failure to pass this drug test will result in discipline as described in (VI)(F)
38 and (G).
39

40 Testing related to position changes of the type listed above will be the
41 responsibility of the Personnel Unit of the Gainesville Police Department.
42 This Unit will be responsible for identifying and sending these employees for
43 drug testing within 48 hours of the employee being informed of the
44 appointment and prior to the effective date of the position change.
45

1 E. Follow-up Testing

2
3 If an employee, in the course of employment, enters an employee assistance
4 program for drug related problems or a drug rehabilitation program, the
5 employee must submit to a drug test as a follow-up to such program unless
6 such requirement is waived by the City in those cases where the employee
7 voluntarily entered the program. Entrance to a program as a condition of
8 continued employment or when the employee is otherwise faced with the
9 prospect of immediate disciplinary action based upon problems associated
10 with substance abuse shall not be considered voluntary. If follow-up testing is
11 required, it shall be conducted at least once a year for a two-year period after
12 completion of the program. Advance notice of such follow-up testing must
13 not be given to the employee to be tested. Testing undertaken after referral
14 to the EAP as a result of a first violation of the City's Drug Free Workplace
15 Program, Article X, shall satisfy the requirements for follow-up testing. In the
16 case of drivers subject to the commercial motor vehicle addendum, follow-up
17 alcohol testing shall be conducted only when the driver is performing safety-
18 sensitive functions, just before the driver is to perform safety-sensitive
19 functions, or just after the driver has ceased performing safety-sensitive
20 functions.
21

22 F. Routine Fitness for Duty

23
24 An employee shall submit to a drug test if the test is conducted as part of a
25 routinely scheduled employee fitness-for-duty medical examination that is
26 required for all members of an employment classification or group. When a
27 routinely scheduled employee fitness-for-duty medical exam is to be
28 included, it shall be subject to collective bargaining, unless such is
29 determined to be applicable to city employees by virtue of statutory or
30 regulatory requirements.
31

32 G. Additional Testing

33
34 Additional testing may also be conducted as required by applicable state or
35 federal laws, rules, or regulations, subject to Section I (Purpose) above.
36

37 H. Refusal to Test

38
39 Employees who refuse to submit to a blood or urine drug test administered in
40 accordance with this program forfeit their eligibility for all workers'
41 compensation medical and indemnity benefits and will be subject to
42 dismissal. Employees who refuse to submit to a chemical breath test will be
43 subject to dismissal.

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VIII. TESTING PROCEDURE

A. Tested Substances

The City may test for any or all of the following drugs:

- Alcohol
- Amphetamines (Biphetamine, Desoxyn, Dexedrine)
- Cannabinoids (i.e., marijuana, hashish)
- Cocaine
- Phencyclidine (PCP)
- Methaqualone (Quaalude, Parest, Sopor)
- Opiates
- Barbiturates (Phenobarbital, Tuinal, Amytal)
- Benzodiazophines (Ativan, Azene, Clonopin, Dalmane, Diazepam, Halcion, Librium, Poxipam, Restoril, Serax, Tranxene, Valium, Vertron, Xanax)
- Methadone (Dolophine, Methadose)
- Propoxyphene (Darvocet, Darvon N, Dolene)

B. Consent Required

Job applicants and employees will be asked to sign a Consent To Testing form. Refusal to execute the consent form constitutes a refusal to be tested, and will subject the employee/applicant to dismissal/failure to hire. Execution of the consent to testing form by the employee shall not constitute a waiver of the grievance/arbitration procedures, if applicable.

C. Designated Laboratory

1. Because of the potential adverse consequences of test results on employees, the City will employ a very accurate testing program. Specimen samples will be analyzed by a highly qualified, independent laboratory which has been selected by the City and certified by the appropriate regulatory agency. The name and address of the certified laboratory currently used by the City is on file with the Manager of Employee Health Services.
2. The City will submit at least five (5) blind samples per year with at least three (3) samples being blank (drug free).

1 D. Notification of Prescription Drug Use

2
3 Applicants and employees will be given an opportunity prior to and after
4 testing to, on a confidential basis, provide any information they consider
5 relevant to the test including listing all drugs they have taken within the
6 immediately preceding 30-day period, including prescribed drugs and to
7 explain the circumstances of the use of those drugs in writing or other
8 relevant medical information on a Drug Use Information form, which
9 information will be furnished to the Medical Review Officer (MRO) in the
10 event of a positive confirmed result. Applicants and employees will also be
11 provided with a notice of the most common medication by brand name or
12 common name, as well as the chemical name which may alter or affect a
13 drug test.
14

15 E. Testing of Injured Employees

16
17 An employee injured at work and required to be tested will be taken to a
18 medical facility for immediate treatment of injury. If the injured employee is
19 not at a designated collection site, the employee will be transported to one
20 as soon as it is medically feasible and specimens will be obtained. If it is not
21 medically feasible to move the injured employee, specimens will be obtained
22 at the treating facility under the procedures set forth in this program and
23 transported to an approved testing laboratory. No specimen will be taken
24 prior to the administration of emergency medical care. An injured employee
25 must authorize release to the City the result of any tests conducted for the
26 purpose of showing the presence of alcohol or drugs as defined by this
27 policy.
28

29 F. Body Specimens

30
31 Urine will be used for the initial test for all drugs except alcohol and for the
32 confirmation of all drugs except alcohol. Blood will be used for the initial and
33 confirmation tests for alcohol for complying with the provisions of § 440-.101-
34 .102, Fla. Stat. Sufficient volume of specimens shall be obtained so as to
35 provide for the necessary number of samples as may be required,
36 depending upon the number of required procedures. Chemical breath
37 testing methods may be utilized in connection with justifying further
38 alcohol/blood tests in instances involving reasonable suspicion, and random
39 (if instituted in the future) testing under this program, but are not required to
40 be first utilized. In the case of injured employees, the physician will have the
41 discretion to determine to not draw a blood sample if such would threaten the
42 health of the injured employee or if the employee has a medical condition
43 unrelated to the accident which may preclude the drawing of the necessary
44 quantity of blood for a testing specimen. Under these circumstances, no
45 inference or presumption of intoxication or impairment will be made for the

1 purposes of § 440.101-.102, but discipline for violation of the Program may
2 be taken based upon observable conduct or conditions and/or the result of
3 other tests, if any.
4

5 G. Cost of Testing
6

7 The City will pay the cost of initial and confirmation drug tests, which it
8 requires of employees and job applicants. An employee or job applicant will
9 pay the cost of any additional drug tests not required by the City. In the event
10 that the City requires the employee's presence at the collection site outside
11 normal working hours as part of the testing process and the employee
12 passes the drug/alcohol test he/she will be compensated (if applicable) for
13 time spent at the collection site, at the appropriate wage rate.
14

15 H. Collection Site, Work Site
16

- 17 1. The City will utilize a collection site designated by an approved
18 laboratory which has all necessary personnel, materials, equipment,
19 facilities, and supervision to provide for the collections, security, chain
20 of custody procedures, temporary storage and shipping or
21 transportation of urine and blood specimens to an approved drug
22 testing laboratory. The City may also utilize a medical facility
23 (designated by the contract laboratory) as a collection site which
24 meets the applicable requirements.
- 25 2. The City may require that an employee take a chemical breath test at
26 the Work Site or other City facility.
27
- 28 3. Security of the collection site, chain of custody procedures, privacy of
29 the individual, collection control, integrity and identity of the specimen
30 and transportation of the specimen to the laboratory as applicable will
31 meet state or federal rules and guidelines. Florida Agency for Health
32 Care Administration's CHAIN OF CUSTODY form as amended from
33 time to time, will be used for each employee or job applicant whose
34 blood or urine is tested.
35
36

37 I. Collection Site, Work Site, Personnel
38

39 A specimen for a drug test will be taken or collected by:
40

- 41 1. A physician, a physician's assistant, a registered professional nurse,
42 a licensed practical nurse, a nurse practitioner, or a certified
43 paramedic who is present at the scene of the accident for the purpose

1 of rendering emergency service or treatment and/or qualified breath
2 alcohol technician as defined in CFR Part 40; or
3

- 4 2. A qualified person employed by a licensed laboratory who has the
5 necessary training and skills for the assigned tasks as described in
6 §440.102 (9) Fla. Stat.
7

8 In the case of a chemical breath test, utilizing evidential breath test devices, a
9 technician licensed pursuant to Fla. Admin. Code R. 59A-24, and/or qualified
10 breath alcohol technician as defined in 49 CFR Part 40.
11

12 J. Testing Laboratory

- 13
14 1. The laboratory used to analyze initial or confirmation drug specimens
15 will be licensed or certified by the appropriate regulatory agencies to
16 perform such tests. The Agency for Health Care Administration has
17 published Drug-Free Workplace Standards (Florida Administrative
18 Code, R 59A-24) which shall be followed by laboratories and
19 employers for testing procedures required under § 440.101-.102, Fla.
20 Stat.
21
22 2. All laboratory security, chain of custody, transporting and receiving of
23 specimens, specimen processing, retesting, storage of specimens,
24 instrument calibration and reporting of results will be in accordance
25 with applicable state or federal laws and rules established by HCA or
26 the U.S. Department of Transportation; to the extent the above
27 information is readily reproducible by the lab and not confidential,
28 such will be forwarded to the appropriate certified bargaining unit
29 representative upon their request and their payment for reproduction
30 cost.
31
32 3. The Medical Review Officer will provide assistance to the employee
33 or job applicant for the purpose of interpreting any positive confirmed
34 test results.
35

36 K. Initial Tests Used for Implementing § 440.101-.102, Fla. Stat.

37
38 Initial tests will use an immunoassay except that the test for alcohol will be an
39 enzyme oxidation methodology¹. The following cutoff levels will be used
40 when screening specimens to determine whether they are positive or

¹ Chemical breath testing procedures as described in U.S. Department of Transportation rules (49 CFR, Part 40), may be used, as determined by the City prior to requiring a blood sample in its reasonable suspicion testing program . These results are reported only to the appropriate manager who then determines if further testing under this program is warranted.

1 negative for these drugs or metabolites. All levels equal to or exceeding the
2 following will be reported as positive:

3	Alcohol	.05 g/dl%
4	Amphetamines	1000 ng/ml
5	Cannabinoids	50 ng/ml
6	Cocaine	300 ng/ml
7	Phencyclidine	25 ng/ml
8	Methaqualone	300 ng/ml
9	Opiates	300 ng/ml
10	Barbiturates	300 ng/ml
11	Benzodiazepines	300 ng/ml
12	Synthetic Narcotics:	
13	Methadone	300 ng/ml
14	Propoxyphene	300 ng/ml

15
16 L. Confirmation Tests Used for Implementing § 440.101-.102, Fla. Stat.

17
18 All blood and urine specimens identified as positive on the initial test will be
19 confirmed using gas chromatography/mass spectrometry (GC/MS) or an
20 equivalent or more accurate scientifically accepted method approved by the
21 HCA, except that alcohol will be confirmed using gas chromatography. All
22 confirmation will be done by quantitative analysis. Concentrations which
23 exceed the linear region of the standard curve will be documented in the
24 laboratory and recorded as "greater than highest standard curve value." The
25 following confirmation cutoff levels² will be used when analyzing specimens
26 to determine whether they are positive or negative for these drug
27 metabolites. All levels equal to or exceeding the following will be reported as
28 positive:

29	Alcohol	.05 g/dl%
30	Amphetamines	500 ng/ml
31	Cannabinoids	15 ng/ml
32	Cocaine	150 ng/ml
33	Phencyclidine	25 ng/ml
34	Methaqualone	150 ng/ml
35	Opiates	300 ng/ml
36	Barbiturates	150 ng/ml
37	Benzodiazepines	150 ng/ml
38	Synthetic Narcotics:	
39	Methadone	150 ng/ml
40	Propoxyphene	150 ng/ml

41
42 M. Comparable Procedures
43

² Cutoff levels used are the same as those found in Florida Administrative Code R59A-24.

1 To the extent allowed by law and regulation, the City shall utilize 49 CFR, Part
2 40 procedures for workplace drug testing programs in lieu of the comparable
3 procedures described herein, or incorporated by reference, when such
4 comparable procedures are based upon the requirements of Fla. Admin.
5 Code R. 59A-24.
6

7 **IX. TEST RESULTS**

8

9 **A. Reporting Results**

- 10
- 11 1. The laboratory shall disclose to the Medical Review Officer (MRO) a
12 written positive confirmed test result report within three (3) working
13 days after receipt of the sample. The laboratory should report all test
14 results (both positive and negative) to the MRO within three (3)
15 working days after receipt of the specimen at the laboratory. The
16 name and address of the current MRO is on file with Employee Health
17 Services. The MRO is employed by the City and is not an employee
18 of the drug testing laboratory.
19
- 20 2. The laboratory will report as negative all specimens which are
21 negative on the initial test or negative on the confirmation test. Only
22 specimens confirmed positive on both the initial test and the
23 confirmation test will be reported positive for a specific drug.
24
- 25 3. The laboratory will transmit results in a manner designed to ensure
26 confidentiality of the information. The laboratory and MRO will ensure
27 the security of the data transmission and restrict access to any data
28 transmission, storage and retrieval system.
29
- 30 4. As provided in Fla. Admin. Code R. 59A-24 , the MRO will verify that
31 positive and negative test results were properly analyzed and handled
32 according to HCA rules. The MRO may require a retest. The MRO
33 will have knowledge of substance abuse disorders and shall also be
34 knowledgeable in the medical use of prescription drugs and in the
35 pharmacology and toxicology of illicit drugs. The MRO shall evaluate
36 the drug test result(s) reported by the lab, verify by checking the chain
37 of custody form that the specimen was collected, transported and
38 analyzed under proper procedures and, determine if any alternative
39 medical explanations caused a positive test result. This
40 determination by the MRO may include conducting a medical
41 interview with the tested individual, review of the individual(s) medical
42 history or the review of any other relevant bio-medical factors. The
43 MRO shall also review all medical records made available by the
44 tested individual. The MRO may request the laboratory to provide
45 quantification of test results.

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5. Within three (3) days of receipt of the test results, the MRO will (1) notify Employee Health services of negative results, and (2) contact the employee or job applicant regarding a confirmed positive test result and make such inquiry as to enable the MRO to determine whether prescription or over-the-counter medication could have caused the positive test results. In this later case, the MRO will follow the applicable procedure set forth in either the HCA or D.O.T. rules for providing the employee or job applicant the opportunity to present relevant information regarding the test results. After following the appropriate procedures, the MRO will notify the City in writing of any verified test results. If the MRO, after making and documenting all reasonable efforts, is unable to contact the employee or job applicant to discuss positive test results, the MRO will contact a designated management official to arrange for the employee or applicant to contact the MRO. The MRO may verify a positive test without having communicated to the employee or applicant about the results of the test, if 1) the employee or applicant declines the opportunity, or 2) within two (2) working days after contacting the designated management official, the employee or applicant has not contacted the MRO. Further, employees or applicants must cooperate fully with the MRO. Upon receipt of notification by the City that an employee or applicant failed to meet with the MRO upon his or her request or failed to promptly provide requested information the City will disqualify an applicant from being hired or will immediately place an employee on suspension without pay that may result in discharge.
 6. Within five (5) calendar days after the City receives a confirmed positive test result from the MRO, Employee Health Services will notify the employee or job applicant in writing of such test results, the consequences of such results, and the options available to the employee or job applicant, including the right to file an administrative or legal challenge. Notification shall be mailed certified or hand delivered. Hand delivery is the preferred method of providing notice to employees. Mailed notification shall be deemed received by the employee or applicant when signed for, or seven (7) calendar days after mailing, whichever occurs first.
 7. Employee Health Services will, upon request, provide to the employee or job applicant a copy of the test results (positive or negative).
 8. Unless otherwise instructed by the City in writing, all written records pertaining to a given specimen will be retained by the drug testing laboratory for a minimum of two (2) years. The drug testing laboratory shall retain (in properly secured refrigerated or frozen storage) for a minimum period of 210 days, all confirmed positive specimens. Within this one 210-day period the City, employee, job applicant,

1 MRO or HCA may request, in writing, that the laboratory retain the
2 specimen for an additional period of time. If no such request, or
3 notice of challenge is received (See paragraph (IX)(B)(3) below.), the
4 laboratory may discard the specimen after 210 days of storage.
5

6 B. Challenges to Test Results
7

- 8 1. Within five (5) working days (Monday thru Friday, 0800 - 1700, except
9 observed/designated holidays) after receiving notice of a confirmed
10 positive test result from the City, the employee or job applicant may
11 submit information to the City explaining or contesting the test results
12 and why the results do not constitute a violation of this program. The
13 employee or job applicant will be notified, in writing, if the explanation
14 or challenge is unsatisfactory to the City. This written explanation will
15 be given to the employee or job applicant within 15 days of receipt of
16 the explanation or challenge, and will include why the employee's or
17 job applicant's explanation is unsatisfactory, along with the report of
18 positive results. All such documentation will be kept confidential and
19 will be retained for at least one (1) year.
20
- 21 2. Employees may challenge employment decisions made pursuant to
22 this program as may be authorized by the City personnel policy or
23 collective bargaining agreements.
24
- 25 3. When an employee or job applicant undertakes an administrative or
26 legal challenge to the test results, it shall be the employee's or job
27 applicant's responsibility to notify the City through its Human
28 Resources Director and the laboratory, in writing, of such challenge
29 and such notice shall include reference to the chain of custody
30 specimen identification number. After such notification, the sample
31 shall be retained by the laboratory until final disposition of the case or
32 administrative appeal.
33
- 34 4. There shall be written procedures for the action to be taken when
35 systems are out of acceptable limits or errors are detected in
36 accordance with 49 CFR, Part 40.
37

38 C. Employee/Applicant Protection
39

- 40 1. During the 180-day period after the employee's or applicant's receipt
41 of the City's written notification of a positive test result, the employee
42 or applicant may request that the City have a portion of the specimen
43 retested, at the employee's or applicant's expense. The retesting
44 must be done at another HCA licensed laboratory. The second
45 laboratory must test at equal or greater sensitivity for the drug in

1 question as the first laboratory. The first laboratory which performed
2 the test for the City will be responsible for the transfer of the portion of
3 the specimen to be retested, and for the integrity of the chain of
4 custody for such transfer.
5

6 2. The drug testing laboratory will not disclose any information
7 concerning the health or mental condition of the tested employee or
8 job applicant.
9

10 3. The City will not request or receive from the testing facility any
11 information concerning the personal health, habit or condition of the
12 employee or job applicant including, but not limited to, the presence or
13 absence of HIV antibodies in a worker's body fluids.
14

15 4. The City will not dismiss, discipline, refuse to hire, discriminate
16 against, or request or require rehabilitation of an employee or job
17 applicant on the sole basis of a positive test result that has not been
18 verified by a confirmation test and by a MRO.
19

20 5. The City will not dismiss, discipline or discriminate against an
21 employee solely upon the employee's voluntarily seeking treatment,
22 while in the employ of the City, for a drug-related problem, if the
23 employee has not previously tested positive for drug use, entered an
24 employee assistance program for drug-related problems, or entered
25 an alcohol or drug rehabilitation program. This shall not prevent
26 follow-up testing as required by this program (See paragraph (VII)(E)
27 above).
28

29 D. Comparable Procedures
30

31 To the extent allowed by law and regulation, the City shall utilize 49 CFR, Part
32 40 procedures for workplace drug testing programs in lieu of the comparable
33 procedures described herein, or incorporated by reference, when such
34 comparable procedures are based upon the requirements of Fla. Admin.
35 Code R. 59A-24.
36

37 **X. EMPLOYEE ASSISTANCE PROGRAM (EAP)**
38

39 A. The City regards its employees as its most important asset. Accordingly, the
40 City maintains an EAP which provides help to employees who suffer from
41 alcohol or drug abuse and other personal or emotional problems.
42 Employees with such problems should seek confidential assistance from the
43 EAP or other community resources before drug or alcohol problems lead to
44 disciplinary action. Employees may contact Employee Health Services for
45 the name of the City's EAP.

- 1
2 B. Information about a self-referred employee's contact with the EAP is
3 confidential and will not be disseminated without the employee's permission.
4 Further, an employee is not subject to discipline solely as a result of a self
5 referral for treatment.
6
7 C. However, use of the EAP or other community resources will not shield the
8 employee from appropriate disciplinary action for violations of the City's
9 Drug-Free Workplace Program if such violations come to the City's attention
10 through other means, including, but not limited to, reports from employees or
11 outsiders, direct observation, or drug testing.
12
13 D. Employees referred to the EAP as a result of a first violation of the City's
14 Drug-Free Workplace Program will be allowed to continue their employment
15 with the City provided they:
16
17 1. contact the EAP and strictly adhere to all the terms of treatment and
18 counseling; and
19
20 2. immediately cease any and all abuse/use of alcohol/drugs; and
21
22 3. consent, in writing, to periodic unannounced testing for a period of up
23 to 60 months after returning to work or completion of any rehabilitation
24 program, whichever is later; and
25
26 4. pass all drug test(s) administered under this program and
27
28 5. The employee and the certified bargaining representative, if any,
29 executes and abides by an agreement describing the required
30 conditions.
31
32 E. Participation in an employee assistance program or a drug rehabilitation
33 program shall be paid for to the extent authorized under the City's Health
34 insurance plan, whether the particular program is selected by the employee
35 or the City.
36

37 XI. INVESTIGATION

- 38
39 A. To ensure that illegal drugs and alcohol do not enter or affect the workplace,
40 the City reserves the right to undertake reasonable searches of all vehicles,
41 containers, lockers, or other items on City property in furtherance of this
42 program. Individuals may be requested to display personal property for
43 visual inspection. Exception shall be made for officers on duty who must sell,
44 purchase, possess, manufacture, distribute or dispense drugs, or their
45 metabolites or alcohol as part of the work assignment.
46

- 1 B. Searches for the purpose described herein will be conducted only where the
2 City has reasonable suspicion that the employee has violated the City's
3 Drug-Free Workplace Program, and that evidence of such misconduct may
4 be found during the search. A substance abuse investigation report shall be
5 completed within twenty-four (24) hours after any search conducted pursuant
6 to this sub-section.
7
- 8 C. Preventing a premises/vehicle search or refusing to display personal
9 property for visual inspection pursuant to this section will be grounds for
10 disciplinary action up to and including dismissal and/or denial of access to
11 City premises.
12
- 13 D. Searches of an employee's personal property will take place only in the
14 employee's presence. All searches under this program will occur with the
15 utmost discretion and consideration for the employee involved.
16
- 17 E. Individuals may be required to empty their pockets, but under no
18 circumstances will an employee be required to remove articles of clothing or
19 be physically searched except by law enforcement personnel having lawful
20 authority to do so.
21
- 22 F. Because the City's primary concern is for the safety of its employees, the
23 public and their working environment, the City will not normally seek
24 prosecution in matters involving mere possession of illegal substances
25 discovered solely as a result of a reasonable search under this section.
26 However, the City will turn over all confiscated drugs and drug paraphernalia
27 to the proper law enforcement authorities. Further, the City reserves the right
28 to cooperate with or enlist the services of proper law enforcement authorities
29 in the course of any investigation.
30

31 **XII. ARREST FOR DRUG-RELATED CRIME**

- 32
- 33 A. As a condition of employment, each employee obligates himself or herself to
34 notify his or her appropriate management representative of the arrest for any
35 alleged violation of, or conviction under any criminal drug statute, including
36 but not limited to, offenses described in Chapter 316.193, Chapter 859, and
37 Chapter 893, Fla. Stat. (1991). Except for the more immediate notice
38 required under paragraph (V)(I) of this program, the employee shall give the
39 required notice within 48 working hours of such event. Failure to notify will
40 result in dismissal.
41
- 42 B. Arrests:
- 43
- 44 If an employee is arrested on a charge of commission of a drug-related
45 crime, the City will perform a preliminary investigation of all of the facts and
46 circumstances surrounding the alleged offense, and City officials may utilize

1 the drug-testing procedures in accordance with this program. In most cases,
2 the arrest for a drug-related crime, except off-duty alcohol use, will constitute
3 reasonable suspicion of drug use under this program. However, information
4 on drug test results shall not be released or used in any criminal proceeding
5 against the employee. Information released contrary to this section shall be
6 inadmissible as evidence in any such criminal proceeding. In conducting its
7 own investigation the City shall use the following procedures:
8

9 During the preliminary investigation, an employee may be placed on leave
10 with pay, if applicable, or removed from safety sensitive or "special risk"
11 assignments/positions. After the preliminary investigation is completed, but
12 in no event later than 15 days after the employee's department head learns of
13 the arrest, normal personnel procedures shall be implemented.

14 **XIII. CONFIDENTIALITY**

15 All information, interviews, reports, statements, memoranda and drug test results,
16 written or otherwise, received by the City as a part of this drug testing program are
17 confidential communications. Unless required by state or federal laws, rules or
18 regulations, the City will not release such information without a written consent form
19 signed voluntarily by the person tested, except when consulting with legal counsel in
20 connection with action brought under or related to § 440.101-.102, Fla. Stat., or
21 when the information is relevant to the City's defense in a civil or administrative
22 matter.
23

24 The provisions of §119.07 to the contrary notwithstanding:

25
26
27 A. All information, interviews, reports, statements, memoranda, and drug test
28 results, written or otherwise, received or produced as a result of a drug
29 testing program are confidential communications and may not be used or
30 received in evidence, obtained in discovery, or disclosed in any public or
31 private proceedings, except in accordance with this section or in determining
32 compensability under Chapter 440 Florida Statutes.
33

34 B. Employers, laboratories, employees assistance programs, drug and alcohol
35 rehabilitation programs, and their agents who receive or have access to
36 information concerning drug test results shall keep all information
37 confidential. Release of such information under any other circumstances
38 shall be solely pursuant to written consent form signed voluntarily by the
39 person tested, unless such release is compelled by a hearing officer or a
40 court of competent jurisdiction pursuant to an appeal taken under this
41 section, or unless deemed appropriate by a professional or occupational
42 licensing board in a related disciplinary proceeding. The consent form must
43 contain, at a minimum:
44

45 1. The name of the person who is authorized to obtain the information.
46

2. The purpose of the disclosure.
3. The precise information to be disclosed.
4. The duration of the consent.
5. The signature of the person authorizing release of the information.

C. 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 proceedings.

D. Nothing herein shall be construed to prohibit the employer, agent of the employer, or laboratory conducting a drug test from having access to employee drug test information when consulting with legal counsel in connection with actions brought under or related to this section or when the information is relevant to its defense in a civil or administrative matter.

XIV. RECORDS AND TRAINING

A. Resource File

The City will maintain a current resource file of providers of employee assistance including alcohol and drug abuse programs, mental health providers, and various other persons, entities or organizations designed to assist employees with personal or behavioral problems. The City will inform employees and new hires about various employee assistance programs that the employer may have available. The information shall be made available at a reasonable time convenient to the City in a manner that permits discreet review by the employee. The City will provide the names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs to employees and applicants.

B. Individual Test Results

1. The MRO shall be the sole custodian of individual positive test results.
2. The MRO shall retain the reports of individual positive test results for a period of two (2) years.
3. The City shall keep confidential and retain for at least one (1) year an employee's challenge or explanation of a positive test result, the City's response thereto, and the report of positive result.

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4. The City shall keep all negative test results for two (2) years.

C. General Records of the City

1. Records which demonstrate that the collection process conforms to all appropriate state or federal regulations shall be kept for three (3) years.
2. A record of the number of employees tested by type of test shall be kept for five (5) years.
3. Records confirming that managers, supervisors and employees have been trained under this program shall be kept for three (3) years.

D. Drug Training Program

1. The City shall establish and maintain a Drug Training Program. The Program shall, at a minimum, include the following:
 - a. A written statement on file and available for inspection at its Human Resources Department outlining the Program.
 - b. At least an annual educational and training component for employees which addresses drugs. and
 - c. An educational and training component for all supervisory and managerial personnel which addresses drugs.
2. The educational and training components described in paragraphs (D)(1)(b) and (D)(1)(c) above shall include the following:
 - a. The effects and consequences of drug use on personal health, safety and work environment.
 - b. The manifestations and behavioral changes that may indicate drug use or abuse. and
 - c. Documentation of training given to employees, supervisory and management personnel.

E. Comparable Procedures

1 To the extent allowed by law and regulation, the City shall utilize 49 CFR, Part
2 40 procedures for workplace drug testing programs in lieu of the comparable
3 procedures described herein, or incorporated by reference, when such
4 comparable procedures are based upon the requirements of Fla. Admin.
5 Code R. 59A-24.

SAFETY SENSITIVE POSITION DEFINITIONS AND KEY

<i>ABBREVIATION</i>	<i>DEFINITION</i>
<i>DISPATCH OF VEH.</i>	<i>RESPONSIBILITY FOR DISPATCH OF EMERGENCY VEHICLES (EITHER EMERGENCY RESPONSE/PUBLIC SAFETY VEHICLES OR OTHER VEHICLES IN EMERGENCY SITUATIONS).</i>
<i>MAINT OF VEH.</i>	<i>MAINTENANCE OF THE TYPE AND KIND THAT IF PERFORMED IMPROPERLY COULD RESULT IN DANGER TO THE OCCUPANTS/USERS OR OTHER EMPLOYEES OR MEMBERS OF THE PUBLIC NEAR THE VEHICLE/EQUIPMENT.</i>
<i>CHAUF. OTHER EMPLOY</i>	<i>CHAUFFEUR OTHER EMPLOYEES AS PART OF ASSIGNED DUTIES.</i>
<i>HANDLE HAZARDOUS MATERIALS OR EQUIP (INCLUDES GUNS & OTHER SAFETY EQUIPMENT)</i>	<i>TRANSPORTS, MIXES, HANDLES, USES HAZARDOUS MATERIALS, OR IS RESPONSIBLE FOR EQUIPMENT CARRYING CURRENT, FLUIDS OR GAS THAT COULD ENDANGER THE PUBLIC OR EMPLOYEES.</i>
<i>CDL LIC</i>	<i>REQUIRED TO OPERATE CDL CLASSIFIED VEHICLES.</i>
<i>SUPV CHILDREN</i>	<i>SUPERVISE CHILDREN OR RESPONSIBLE FOR THE SECURITY OF CHILDREN.</i>
<i>OPER. LRG. EQUIP.</i>	<i>REQUIRED TO OPERATE LARGE TRUCKS AND/OR CONSTRUCTION EQUIPMENT.</i>
<i>GUARDS SAFETY OF WORKERS AND/OR PUBLIC</i>	<i>GUARDS THE SAFETY OF CO-WORKERS AND/OR PUBLIC.</i>
<i>IMMDT MGMT RISK</i>	<i>DUTIES REQUIRE DRUG PREVENTION-FOREKNOWLEDGE OF IDENTITIES OF INDIVIDUALS TO BE TESTED.</i>
<i>SPECIAL LICENSE</i>	<i>ANY POSITION THAT REQUIRES SPECIALIZED LICENSING BY CITY, STATE, OR FEDERAL LAW OR REGULATION WHICH INVOLVES ADDITIONAL MEDICAL AND/OR BACKGROUND INVESTIGATIONS. THE EXISTENCE OF A SPECIAL LICENSE REQUIREMENT MAY BE USED FOR THE PURPOSE OF SUPPORTING A SAFETY-SENSITIVE DESIGNATION BUT SHALL NOT BE SUFFICIENT IN AND OF ITSELF REQUIRE A SAFETY-SENSITIVE DESIGNATION.</i>
<i>ENFORCE DRUG POLICY</i>	<i>REQUIRED TO ENFORCE DRUG POLICY (INTERDICTION AND DISCIPLINE).</i>
<i>SYSTEMS OPER.</i>	<i>DESIGN, CONSTRUCTION, MAINTENANCE, INSPECTION & OPERATION OF SYSTEMS CARRYING CURRENT, FLUIDS OR GAS THAT COULD ENDANGER THE PUBLIC OR EMPLOYEES OR REGULATES, MAINTAINS, REPAIRS TRAFFIC SIGNAL DEVICES.</i>
<i>SUPV/SAFETY SENSITIVE POSITION</i>	<i>ANYONE WHO DIRECTLY SUPERVISES A SAFETY SENSITIVE POSITION.</i>
<i>ACCESS/CRIMINAL INVEST. INFO</i>	<i>REQUIRED TO WORK WITH OR HAVE ACCESS TO INFORMATION OR DOCUMENTS PERTAINING TO CRIMINAL INVESTIGATIONS.</i>
<i>EMERGENCY RESPONSE REQUIRED</i>	<i>REQUIRED TO RESPOND UNDER EMERGENCY CONDITIONS.</i>

OTHER

A POSITION IN WHICH A MOMENTARY LAPSE IN ATTENTION COULD RESULT IN INJURY OR DEATH TO ANOTHER PERSON.

CONFIDENTIAL
SUBSTANCE ABUSE INVESTIGATION REPORT

*(This form must be completed **within 24 hours** (FHWA, FTA and RSPA), **within 4 days** (FOP, PBA and CWA) or **within 7 days** (City's DFWP Program) of the observed behavior or, in the case of the Federal programs, before the results of the controlled substances test are released, whichever is earlier.)*

Date observed:
Time observed:
Employee Name:
Employee Social Security Number:

I have observed the following condition(s) affecting the work of the above named employee and/or received information/evidence which gives rise to suspicion of possible drug abuse/alcohol misuse and request an investigation of the same.

CONDITION(S) OBSERVED/INFORMATION/EVIDENCE RECEIVED:
Mark **all** items that apply and describe specifics.

REASONABLE SUSPICION FOR: ALCOHOL CONTROLLED SUBSTANCES

APPEARANCE:

normal <input type="checkbox"/>	sleepy <input type="checkbox"/>	tremors <input type="checkbox"/>
clothing <input type="checkbox"/>	cleanliness <input type="checkbox"/>	red eyes <input type="checkbox"/>
runny nose <input type="checkbox"/>	blood shot eyes <input type="checkbox"/>	drastic weight changes <input type="checkbox"/>
dilated pupils <input type="checkbox"/>	other <input type="checkbox"/>	

Description:

BEHAVIOR:

normal <input type="checkbox"/>	erratic <input type="checkbox"/>	irritable <input type="checkbox"/>
inappropriate gaiety <input type="checkbox"/>	mood swings <input type="checkbox"/>	lethargic <input type="checkbox"/>
lack of coordination <input type="checkbox"/>	slurred speech <input type="checkbox"/>	confusion <input type="checkbox"/>
excessive absenteeism <input type="checkbox"/>	chronic sore throat <input type="checkbox"/>	depressed <input type="checkbox"/>
avoids supervisors <input type="checkbox"/>	talkativeness <input type="checkbox"/>	agitation <input type="checkbox"/>
lack of concentration <input type="checkbox"/>	pattern of accidents <input type="checkbox"/>	forgetfulness <input type="checkbox"/>
frequent need to borrow money <input type="checkbox"/>		
unsatisfactory work performance <input type="checkbox"/>		
wearing sunglasses or long sleeve shirts at inappropriate times <input type="checkbox"/>		
other <input type="checkbox"/>		

Description:

BODY ODORS:

OTHER OBSERVATIONS FOR REASONABLE SUSPICION:

Designated Management Representative

Preparation Date/Time

Designated Management Representative

Preparation Date/Time

All Code of Federal Regulations or State Statutes addressed in this document are available for review in the City of Gainesville's Human Resources Office.