

# DRUG – FREE WORKPLACE POLICY



ESTABLISHED APRIL 17, 1995

FIRST REVISION DATE: AUGUST 2006

ADOPTED BY CITY COMMISSION: SEPTEMBER 5, 2006

SECOND REVISION DATE: SEPTEMBER 2015

ADOPTED BY CITY COMMISSION: OCTOBER 6, 2015

## **PURPOSE**

As a part of commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug-free and alcohol free working environment, the City of Marianna, Florida (City) has established this program relating to the use or abuse of alcohol and drugs by its employees. The policy is to establish and implement a "Drug-Free Workplace" in accordance with F.S. 440.102, F.S. 112.0455, and Chapter 59A-24 of the Florida Administrative Code.

A supplemental program for gas department pipeline safety employees is described in an addendum which outlines the requirements set forth by the U.S. Department of Transportation Pipeline & Hazardous Materials Safety Administration.

Substance and alcohol abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided. This program is established in part to detect users and remove abusers of drugs and alcohol from the workplace, to prevent the use and/or presence of these substances in the workplace, and to assist employees in overcoming any dependence of drugs and/or alcohol in accordance with the following guidelines.

Florida Statute 440.101 provides in part that an employee who is injured in the course and scope of his employment and tests positive on a drug or alcohol test may be terminated and shall forfeit his or her eligibility of medical and indemnity benefits under Florida's Workers' Compensation Law. Refusal to take a drug or alcohol test will result in the employee being subject to dismissal. The City group medical plan excludes benefits for job related injuries. Therefore, if Worker's Compensation benefits are forfeited pursuant to the drug-free workplace program, the employee injured on the job will be without any City provided medical benefits.

To the extent that F.S. 440.101-102, or any other applicable statutes and rules requiring drug testing are amended and are determined to be applicable to City employees, the City's program will be amended to the extent required by such, without the necessity of further general notice.

The City's Drug-Free Workplace and Alcohol policy has been prepared so as not to conflict with public policy and further, not to be discriminatory or abusive.

## **OFFICIAL NOTIFICATION DRUG FREE WORKPLACE POLICY**

This is your official notification that the City of Marianna maintains a "Drug-Free Workplace" as authorized by F.S. 440.102, F.S. 112.0455 and Chapter 59A-24 of the Florida Administrative Code.

The City established this drug-free workplace policy beginning on April 17, 1995, to deter use of drugs and alcohol in the workplace by establishing standards and procedures for drug testing of certain employees and job applicants. We hope this policy will result in a safe working environment for all of the City's employees.

The City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute illegal controlled substances at any time whether on or off duty, whether on or off City property. Illegal controlled substances are defined by applicable State and Federal laws.

Employees of the City are prohibited from using or possessing alcohol while on duty; while on City premises; while driving a City vehicle, operating a piece of City equipment, or being transported in a City vehicle at any time; reporting to work impaired, intoxicated or under the influence of alcohol; or from otherwise using alcohol in a manner at any time which adversely affects the operation of the City.

The City reserves the right to search desks, cabinets, toolboxes or any other City property for drugs, alcohol, or other contraband. Employees do not have an expectation of privacy for personal items brought onto City property, including City facilities and vehicles. The City will seek the employee's consent before searching the employee's personal items. Failure to consent search or display for visual inspection will be ground for termination or reason for denial of access to City premises by the employee or employee's representative. Searches or visual inspections of personal items will take place only in the employee's presence. All searches under this DFWP policy will occur with the utmost discretion and consideration of the employees involved. Refusal to cooperate with the City in any investigation will result in discipline up to and including termination.

Off-duty abuse of alcohol which adversely affects an employee's job performance or which can be expected to cause harm to the City's image or relationship with other employees or the public is prohibited.

An employee who is perceived to be under the influence of alcohol will be removed immediately from the workplace and may be evaluated by medical personnel, if reasonably available. The City will take further action based on medical information, work history, and other relevant factors. The determination of what action is appropriate in each case rests solely on the City Manager.

Employees arrested for an alcohol-related incident must immediately notify their supervisor of the incident. Failure to notify an appropriate City official as described above may result in disciplinary action up to and including discharge.

The proper use of medication prescribed by your physician is not prohibited; however, the City does prohibit misuse of prescribed medications. Prescription drugs may also affect the safety of the employee, fellow employees, or member of the public. Therefore, any employee who is taking any prescription drug which may impair safety, performance or any motor functions must advise his or her supervisor before reporting to work under the influence of such prescription drug. Failure to do so may result in disciplinary action. It is the employee's responsibility to determine from his or her physician whether a prescribed drug may impair job performance. If the City determines that such use does not pose a safety risk, the employee will be permitted to work. If such use impairs the employee's ability to safely and effectively perform his or her job, the City may at its sole discretion, temporarily reassign the employee or grant a leave of absence during the period of treatment.

Improper use of prescription drugs is prohibited and may result in disciplinary action, up to and including discharge. Prescription medication must be kept in its original container if such medication is taken during working hour or on City property.

## DEFINITIONS

1. "City" means the City of Marianna.
2. "Chain of custody" refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, storing specimens and reporting test results.
3. "Collection site" means a place owned, operated, or contracted with by a licensed laboratory or a site prepared by a collector where individuals present themselves for the purpose of providing a specimen or specimens to be analyzed for the presence of drugs or alcohol in the body.
4. "Collection site person" or "Collector" means a person specified in 10E-18.006 (1)(f) F.A.C., who instructs and assists individuals (donors) at a collection site and who receives and makes an initial observation of the specimen provided by those individuals.
5. "Confirmation test", "Confirmed Test or "Confirmed drug test" means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity and quantitative accuracy. "Confirmation for alcohol will be gas chromatography and confirmation for all other drugs will be gal chromatography/mass spectrometry (GC/MS).
6. "Designated agency authority" means the City Manager, each Department Head or their designee whom is designated to authorize or require a drug testing of employees or job applicants and are specifically named in the City's testing contract or agreement with the laboratory. Refer to Procedures Section (1) below for specific responsibilities of the Designated Agency Authority.
7. "Donor" means the individual employee or job applicant who present themselves to a collection site for the purpose of submitting to a drug test.
8. "Drug" means alcohol, including distilled spirits, wine, malt beverages and intoxicating liquor; an amphetamines; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; barbiturate; a benzodiazepine; or a metabolite of any of the substances listed in this paragraph. An employer may test an individual for any or all of such drugs.
9. Drug rehabilitation program" means a service provider, established pursuant to s. 397.311(33), that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse.
10. "Drug test" or "test" means any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites.
11. "Employee" means any person who works for salary, wages, or other remuneration from the City.
12. "Employee assistance program" means an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow up service for employees who participate in the program or require monitoring after

returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be provided by service providers pursuant to s. 397.311(33).

13. "Employer" means a person or entity that employs individuals for salary, wages, or other remuneration and that is covered by the Workers' Compensation Law.
14. "Initial drug test" means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United State Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.
15. "Job Applicant" means a person who has applied for a position with the City and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test.
16. "Laboratory" means a facility licensed under part II of chapter 408 and s. 112.0455 (17), F.S. and contracted by the City.
17. "Mandatory-testing position" means, with respect to a public employer, a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to s. 110.1127, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.
18. "Medical review officer" or "MRO" means a licensed physician, employed with or contracted by the City, who has knowledge of substance abuse disorders, laboratory testing procedures and the chain of custody collection procedures and having the appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history or any other biomedical information.
19. "Prescription or nonprescription medication" means drug or medication obtained pursuant to prescription as defined by s. 893.02 or medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.
20. "Public Employer" means any agency within state, county or municipal government that employs individuals for a salary, wages, or other remuneration.
21. "Random Testing" means a drug test conducted on employees who are selected through the use of computer-generated random sample of an employer's employees.
22. "Special Risk position," means, with respect to a public employer, a position that is required to be filled by a person who is certified under chapter 633 and chapter 943.
23. "Specimen" means a tissue, hair or product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration. Urine will be the specimen collected for the testing of all drugs except alcohol. Blood will be the specimen collected for the testing of alcohol.

24. "Successful completion of a drug test" means a negative drug test result or a confirmed positive drug test result which has been satisfactorily absolved by the Medical Review Officer.
25. "Appropriate personnel officer" means the City Manager or designee.

### **BEFORE A POSITIVE DRUG TEST RESULT**

If you are experiencing problems with drugs or alcohol, you are encouraged to contact an Employee Assistance Program (See Attachment A). You may use your Employee Assistance Program or request a referral to another agency. In either case, the information will be kept strictly confidential.

If you voluntarily come forward and seek help prior to being required to submit to a drug or alcohol test, no disciplinary action will be taken against you. However, you will still be expected to perform your job and report to work unless your treatment program counselor requires you to miss work. Enrollment in a treatment program or attending counseling will not grant you a license to violate any City policies or shield you from disciplinary action for such violations. The City reserves the right under certain circumstances including, but not limited to, safety and security to reassign you to another position.

#### Special Risk or Mandatory Testing positions

A special-risk or mandatory testing employees who is participating in an employee assistance program or drug rehabilitation program may not be allowed to continue to work in any special-risk or mandatory-testing position of the City, but may be assigned to a position other than a special risk or mandatory-testing position or placed on leave while the employee is participating in the program. The employee shall be permitted to use any accumulated leave before leave may be ordered without pay.

After you return to work, follow-up testing for drugs or alcohol will occur on a quarterly, semiannual or annual basis for a period up to two years. If you test positive for drugs or alcohol following the completion of the primary phase of your treatment program, you will be terminated and your unemployment benefits may be denied. If you do not complete your drug or alcohol treatment program or do not comply with the terms of your treatment program, you will be terminated and your unemployment benefits may be denied.

### **TYPES OF TESTING PERFORMED**

Employees will be subjected to the following drug tests:

- 1) **Job Applicant Testing:** All applicants chosen for a position with the City will be tested for presence of drugs. Any job applicant who refuses to submit to drug testing, refuses to sign the consent form, fails to appear for testing, tampers with test, or receives a positive confirmed test result will be used as a basis for refusing to hire the job applicant for employment at that time.
- 2) **Reasonable Suspicion Testing and Work-Related Accident Testing:** "Reasonable Suspicion" drug testing means drug testing based on a belief that an employee is using or has used drugs in violation of the City's Drug-Free Workplace Policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion drug testing shall not be required except upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question.

Reasonable suspicion testing also encompasses drug testing of employees who are injured in work-related accidents. See Fla. Stat. 112.0455, 440.102. Pursuant to the Florida Workers Compensation Premium Reduction Act (Fla. Stat. 440.09) an employee who is injured in the course and scope of his or her employment and who receives a confirmed positive on a drug or alcohol test or who refuses to be tested, forfeits his eligibility for Workers Compensation medical and indemnity benefits.

Among other things, such facts and inferences may be based upon:

- a) 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. (Slurred speech, bloodshot eyes, odor of alcohol, inability to walk a straight line/staggering gait, physical and verbal altercation). A Drug Abuse Investigation Report will be completed by the Supervisor and submitted to the City Manager who will schedule testing (See Attachment B)
  - b) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance. (Dramatic mood swings, extreme lethargy or excitation).
  - c) A report of drug use in violation of the City's Drug Free Workplace Policy, provided by a reliable and credible source, which has been independently corroborated.
  - d) Evidence that an individual has tampered with a drug test during his or her employment with the City.
  - e) Information that an employee has caused, contributed or been involved in an accident while at work. (Applies to all accidents involving employees and/or property damage)
  - f) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the City's premises or while operating City vehicles, machinery, equipment or while representing the City.
- 3) **Routine Fitness for Duty Testing:** An employee may be asked to submit to a drug test as part of a routinely scheduled employee fitness for duty medical examination that is either part of the employer's established policy or that is scheduled routinely for all members of an employment classification or group.
  - 4) **Random Testing:** The City has established four (4) covered employment classifications which may be subject to random drug testing. Those classifications are (1) employer drivers who are required to possess a CDL, (2) personnel identified by the Department of Transportation Pipeline and Hazardous Material Safety Administration (PHMSA) and Federal Pipeline Safety Regulations (FPS), (3) special risk employees who are required as a condition of employment to be certified under Fla. Stat. Chapter 943 and Chapter 633, and (4) employees who fall under the definition of mandatory testing position outlined in Fla. Stat. 440.102. All employees so classified must submit to random testing.
    - a. All employees working in a position covered by this policy are subject to unannounced testing based on random selection. This includes temporary employees performing work in a covered position.
    - b. The City will test at least fifty percent (50%) of covered employees that are in the category of drivers who possess a CDL, special risk and mandatory testing positions every twelve (12) months. The City will test at least twenty-five percent (25%) of covered PHMSA employees every twelve (12) months. All persons will be subject to be randomly picked for drug testing at each random testing date. A person may be randomly picked more than once or not picked at all

during the annual period.

- c. To assure that the selection process is random all employees covered by this policy will be placed in a common pool.
  - d. The selection procedure will select sufficient additional numbers/ (names) to be used to reach the appropriate testing level during each test period. These alternate numbers/ (names) will be tested in order of selection only if persons selected are unavailable for testing due to vacations, medical leave or travel requirements. The random selection will be performed by the (MRO) Medical Review Officer.
- 5) **Follow-Up Testing:** An employee in the course of employment that enters an employee assistance program for drug-related problems, or a drug rehabilitation program, must submit to a drug test as a follow-up to such program. Follow-up testing will be conducted on a quarterly basis for a 2 year period after completion of the program. Advance notice of a follow-up testing date will not be given to the employee to be tested.

### **DRUGS TESTED**

You may be tested for any or all of the following:

Alcohol (see definition)	Amphetamines	Barbiturates
Benzodiazepines	Cannabinoids	Cocaine
Methaqualone	Opiates	Phencyclidine
Hallucinogen	Synthetic narcotic	Designer drug
Metabolite		

If you have a confirmed positive test result, we will send you a letter within five days of our receipt of notification from the Medical Review Officer notifying you of your positive test result. The letter will outline your rights and the manner in which you may challenge a positive test result. You are responsible for any costs associated with the challenge. (See Attachment C & D).

### **AFTER A POSITIVE TEST RESULT**

If you have a confirmed positive test result, we will send you a letter within five days of our receipt of notification from the Medical Review Officer notifying you of your positive test result. The letter will outline your rights and the manner in which you may challenge a positive test result. You are responsible for any cost associated with the challenge. (See Attachment C & D).

A special risk employee may be discharged or disciplined for the first positive confirmed drug test result when illicit drugs, pursuant to s. 893.03 are confirmed.

### **CONSEQUENCES OF TESTING POSITIVE OR REFUSAL TO ALLOW TEST**

**Job applicants:** An applicant who refuses a drug test will be disqualified from employment. An applicant who submits to a drug test which is both positive and confirmed as positive will be disqualified from employment.

**Employed worker who has not been injured:**

In the event an employed worker who has not been injured refuses to submit to a drug test or is tested positive and confirmed positive will be terminated from employment.

**An employed worker who is injured:** In the event an employed worker is injured in the course and scope of their employment and who refuses to submit to a drug test or who submits and is tested pursuant to City policy and who has a positive confirmation of a drug shall:

- Forfeit their eligibility for medical and indemnity benefits under the Worker's Compensation Act.
- Forfeit their eligibility for unemployment benefits.
- Be terminated from employment.
- Otherwise subject to the sanctions provided above for an employed worker, who is not injured.

**CHALLENGES TO TEST RESULTS**

You have the right to challenge any confirmed positive test result. All challenges must be filed within 5 working days of receiving notification of such result. The first stage requires that you explain or contest the result in writing to the Medical Review Officer care of the City's Human Resource Department. If your explanation is unsatisfactory, you will be notified of such within 15 days of the date your challenge was received. At that time, you will be provided with a copy of your positive test result and the name and address of the laboratory. If you were involved in an accident and denied medical benefits and/or indemnity benefits, you may file an administrative challenge by filing a claim for benefits with a Judge of Compensation Claims. If no workplace injury occurred, you may challenge the test result in a court of competent jurisdiction. If you decide to challenge the test result, it is your responsibility to notify the laboratory that you are challenging the test result. You will be solely responsible for all costs associated with such a challenge.

- Within 180 days after written notification of a positive test result, the applicant/employee shall be permitted by the City to have a portion of the specimen re-tested, at the expense of the applicant/employee. This will be explained in the initial letter of notification to the applicant/employee.
- If the applicant/employee desires to have the specimen tested at another laboratory, he or she shall have the first laboratory transfer the specimen to the second laboratory. The City will not make the transfer.
- The employee/applicant can administratively challenge the results of a drug test by filing a claim with a Judge of Compensations Claims within thirty (30) days after receipt of the employer's response to his explanation.

**COST OF TESTING**

The City shall pay the cost of initial and confirmation drug tests which it requires of employees. An employee shall pay the cost of any additional drug tests not required by the employer.

## **REPORTING USE OF PRESCRIPTION OR NONPRESCRIPTION (OVER THE COUNTER) MEDICATIONS**

An employee or job applicant will be able to confidentially report the use of prescription or non-prescription (over the counter) medications, both before and after being tested, as presence of those medications in the body that may affect the outcome of the test. A list of the most common medications by brand name, common name and by chemical name, which may alter or effect a drug test is attached (See Attachment E). Pursuant to F.S. 440.102 and F.S. 112.0455 employees and job applicants have the right to consult the testing laboratory or the Medical Review Officer for technical information regarding prescription or non-prescription medication.

## **CONFIDENTIALITY**

- a. All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received by the City through a drug testing program are confidential communications and are exempt from the provisions of Section 119.07(1), Florida Statutes and s. 24(a), Art. 1 of the State Constitution. In addition, such information/documentation may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Section 112.0455 F.S., and the provisions listed in (b) below.
  
- b. The City, laboratories, employee assistance programs, drug and alcohol rehabilitation programs and their agents who receive or have access to information concerning drug test results shall keep all information confidential. Release of such information under any other circumstances shall be solely pursuant to a written consent form signed voluntarily by the person tested, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal or grievance as provided for in the City of Marianna Personnel Policy Manual, union contract, or where deemed appropriate by a professional or occupational licensing council in a related disciplinary proceeding. The consent form must contain, at a minimum:
  1. The name of the person who is authorized to obtain the information.
  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 112.0455 F.S., and as specified in this procedure shall be inadmissible as evidence in any such criminal proceeding.
  
- d. Nothing herein shall be construed to prohibit the City, agents of the City, or the designated laboratory conducting a drug test from having access to employee drug test information when consulting with legal counsel in connection with actions brought as a result of the City's Drug Testing Program or where the information is relevant to the City's defense in a civil or administrative matter.
  
- e. No physician-patient relationship is created between an employee or job applicant and the City or any person performing or evaluating a drug test, solely by the establishment implementation, or administration of the City's drug testing program.

f. All City employees required to review, or in any way process drug test results or related administrative action are reminded such information cannot be divulged except as provided in this procedure or applicable State Statutes.

## **CONVICTION**

If you are convicted of any drug related crime (sale, use or possession), you must notify the City's Human Resource Department within 5 days of your conviction. Failure to notify the City of such conviction is grounds for termination.

## **MISCELLANEOUS**

- A notice of drug testing in vacancy announcements shall be included for positions where drug testing is required.
- A notice of the drug testing policy posted in an appropriate and conspicuous location on the premises of City Hall. Copies of the policy are made available for inspection during regular business hours by the general public.
- All drug testing will be conducted by a City designated laboratory, which is licensed and approved by the Agency for Health Care Administration. The testing will be conducted with appropriate chain of custody procedures in place to ensure accuracy and continuity in specimen collection, handling, and transfer and storage.
- A current resource file of providers of employee assistance programs including alcohol and drug abuse programs, mental health providers and various other persons, entities or organizations designated to assist employees with personal or behavioral problems shall be maintained. This includes, but is not limited to, those referenced in "The Florida Comprehensive Directory, Drug Abuse and Mental Services" published by the Department of Health and Rehabilitative Services.
- The City will provide an annual education course to assist employees and/or supervisors in identifying personal and emotional problems which may result in the misuse of alcohol or drugs. This course will also include a presentation of the legal, social, physical and emotional consequences of the misuse of alcohol or drugs.
- All applicants for employment and employees of the City's drug program and testing procedures shall be informed of the drug policy. An applicant is defined as a person who has applied for a position with the City and who has been offered a job contingent upon successfully passing a drug test. Two copies of the policy's summary form shall be given to the applicant; one signed, dated and returned to the City and one kept by the employee (See Attachment F).
- If the initial test is negative, the City may request a confirmation test, at the expense of the City. If the initial test is positive, a confirmation test with the laboratory must be obtained, at the City's cost.
- The City shall provide the employee or applicant, upon request in writing a copy of the test results: An employee or job applicant whose drug test result is confirmed as positive in accordance with this program shall not, by virtue of the result alone, be deemed to have a "handicap" or "disability" as under federal, state or local handicap and disability discrimination laws.
- The City shall employ or contract with a medical review officer (MRO) who is responsible for receiving and reviewing all confirmation results from a laboratory. This medical review officer is

responsible for contacting all positively tested individuals to inquire about possible prescriptive or over-the counter medications which could have caused a positive result. The MRO shall notify the City Human Resource Director only of the verbal and written results. Confidentiality of drug testing shall be maintained.

- All City employees will be provided with a copy of the Drug-Free Workplace Program and policy.
- If any employee is covered by a collective bargaining agreement, that employee shall have the rights contained therein, and the right to appeal to the Public Employee Relations Commission.
- Definitions for this policy is contained in Attachment G.

This policy supersedes all previous drug-free workplace policies. The City reserves the right to amend, change or alter this Policy without consent of its employees.

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City Manager

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Date

## **EMPLOYEE ASSISTANCE PROGRAM**

The City regards its employees as its most important asset. Accordingly, the City maintains a list of employee assistance programs (EAP) to help employees who suffer from alcohol or drug abuse and other personal or emotional problems. Employees with such problems should seek confidential assistance from the one of the institutions list below or other community resources before alcohol or drug problems lead to disciplinary actions.

Information about a self-referred employee's contact with the EAP is confidential and will not be disseminated without the employee's permission. Further, an employee is not subject to discipline solely as a result of a self-referral for treatment. A special risk employee may be subject to discharge or disciplinary action when the presence of illicit drugs is confirmed.

An employee whose assigned duties requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to s. 110.1127, or a job assignment 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 drug rehabilitation program.

However, use of the EAP or other community resources will not shield the employee from appropriate disciplinary action for violations of the City's Drug Free Workplace Program if such violations come to the City's attention through other means, including, but not limited to reports from employees or outsiders, direct observation, or drug testing.

Employees who voluntarily enter an employee assistance program or an alcohol and drug rehabilitation program will be allowed to continue their employment with the City provided:

- 1) Employee contact EAP and strictly adhere to all the terms of treatment and counseling.
- 2) Immediately cease any and all abuse/use of alcohol/drugs.
- 3) Consent in writing to quarterly unannounced testing for a period of two years after returning to work or completion of any rehabilitation program, whichever is later.
- 4) Pass all drug test(s) administered under this program.
- 5) The employee executes and abides by an agreement describing the required conditions.

Participation in any evaluation, treatment, or counseling program will be at the employee's expense unless employee is entitled to such benefits under the terms of the City's group health plan or by other available benefits.

Upon successful completion of an employee assistance program or an alcohol and drug rehabilitation program, the employee shall be reinstated to the same or equivalent position that was held prior to such rehabilitation.

The employee assistance programs and local alcohol and drug rehabilitation programs are listed in attachment A.

## ATTACHMENT A

Baptist Healthcare  
1000 W. Moreno St.  
Pensacola, FL 32501  
Phone: (850) 434-4011

Chemical Addictions Recovery Effort  
4150 Hollis Drive  
Marianna FL 32446  
Phone: (850) 526-3133

Chemical Addictions Recovery Effort  
4000 East Third Street  
Panama City, FL 32404  
Phone: (850) 872-7676

Chemical Addictions Recovery Effort  
117 Waukesha Street  
Bonifay, FL 32425  
Phone: (850) 547-5017

Chemical Addictions Recovery Effort  
20859 Central Ave  
Blountstown, FL 3224  
3<sup>rd</sup> Floor Calhoun Co. Courthouse  
Phone: (850) 674-8846

Apalachee Center, Inc.  
2634-J Capital Circle N.E.  
Tallahassee, FL 32308  
Phone: (850) 523-3333

River Region Human Services  
330 West State St.  
Jacksonville, FL 32202  
Phone: (904) 899-6300

Spectra Care The Haven  
831 John D. Odom  
Dothan, AL 36303  
Phone: (334) 794-3771

Florida Alcohol & Drug Abuse  
1030 East Lafayette Street  
Tallahassee, FL 32301  
Phone: (850) 878-2196

Bradford Health Services  
114 Adris Place  
Dothan, AL 36303  
Phone: (334) 671-1677

**ATTACHMENT B**

**CITY OF MARIANNA**

**DRUG ABUSE INVESTIGATION REPORT**

I have observed the following condition(s) affecting the work of \_\_\_\_\_  
which give rise to suspicion of possible drug abuse and request an investigation of the same.

CONDITION(S) OBSERVED:

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\_\_\_\_\_  
SUPERVISOR'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DEPARTMENT HEAD SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CITY MANAGER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
HUMAN RESOURCES

\_\_\_\_\_  
DATE

**ATTACHMENT C**

**NOTIFICATION OF POSITIVE TEST RESULTS**

**Job Applicant**

Dear (Applicant's Name):

This is to inform you that you have tested positive on your recent drug test. Your urine was tested and confirmed by the laboratory to insure the accuracy of the test. You have five (5) working days to contest or explain the test result to the City.

Because of the positive test result, in accordance with our Drug-Free Workplace Policy, you are not eligible for hire.

You have the right to take any administrative or legal challenge to this decision. This includes the right, within the next 180 days, to have a portion of the sample retested, at your expense, at another qualified laboratory chosen by you.

Sincerely,

Human Resources

**ATTACHMENT D**

**NOTIFICATION OF POSITIVE TEST RESULTS**

**Employee**

Dear (Employee's Name):

This is to inform you that you have tested positive on your recent drug test. Your urine was tested and confirmed by the laboratory to insure the accuracy of the test. You have (5) working days to contest or explain the test result to the City.

In accordance with our Drug-Free Workplace Policy, which was distributed to all employees, you are hereby terminated from your employment effective immediately. If you were injured on the job, you have forfeited your medical and indemnity benefits under the Florida Workers' Compensation Act.

You also have the right to appeal this decision to the City as well as to take any administrative or legal challenge to this decision. This includes the right, within the next 180 days, to have a portion of the sample retested, at your expense, at another qualified laboratory chosen by you.

Sincerely,

Human Resources

## ATTACHMENT E

### Over-the-Counter and Prescription Drugs That Could Alter or Affect the Outcome of a Drug Test

**Alcohol:** All liquid medications containing ethyl alcohol (ethanol). Read the label for alcohol content.

**Amphetamines:** Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine

**Cannabinoids (marijuana):** Marinol (Dronabinol, THC)

**Cocaine:** Cocaine HCl topical solution (Roxanne)

**Phencyclidine:** Not legal by prescription

**Methaqualone:** Not legal by prescription

**Opiates:** Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin 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, Tussiorganidin, etc.)

**Barbituates:** Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebral; Butabarbital, Butalbital, Phrenilin, Triad, etc.

**Benzodiazepines:** Ativan, Azene, Clonopin, Dalmine, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax

**Methadone:** Dolphine, Methadose

**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.

If you are being given this list as preparation for a drug or alcohol test, it is imperative for you to bring a picture ID with you to the collection site and to report to the testing technician any prescribed or over the counter medications you have taken during the past thirty days.



## **ATTACHMENT G**

### **DEFINITIONS**

The definitions used in this Drug-Free Workplace Policy are those stated in F.S. 440.102, F.S. 112.0455 and the Agency for Health Care Administration's Rules located at Chapter 59A-24 of the Florida Administrative Code.