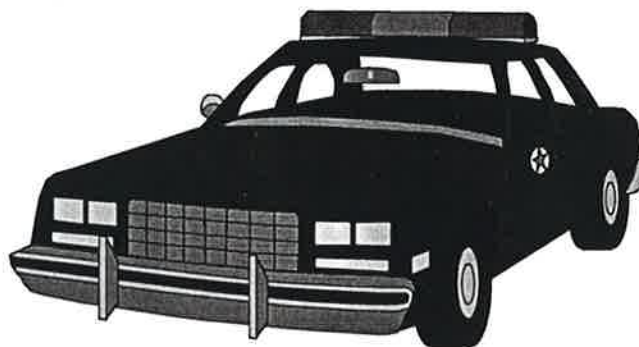


FRATERNAL ORDER OF POLICE



DRUG-FREE WORKPLACE PROGRAM

ADDENDUM A

FRATERNAL ORDER OF POLICE

DRUG-FREE WORKPLACE

PROGRAM

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FRATERNAL ORDER OF POLICE

DRUG-FREE WORKPLACE

I. PURPOSE

As a part of its commitment to safeguard the health of its employees, to provide a safe place for its employees to work, to assure the public and fellow officers that police officers are drug-free and to promote a drug-free working environment, the City of Gainesville, Florida (City) has established this program relating to the use or abuse of alcohol and drugs by its employees. This program is intended to conform to the requirements of the Drug-Free Workplace Program under Florida's Workers' Compensation Law, § 440.101-.102, Fla. Stat., and rules promulgated pursuant thereto. Supplemental programs required by federal regulations will be described in addenda hereto. Substance 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 on drugs and/or alcohol in accordance with the following guidelines.

Section 440.101, Fla. Stat., 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 may forfeit his eligibility for medical and indemnity benefits under Florida's Workers' Compensation Law. Refusal to take a drug (urine) or alcohol (blood) test will result in the employee forfeiting his eligibility for medical and indemnity benefits under Florida's Workers' Compensation Law and the employee being subject to dismissal. 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.

Certain components of this program involve utilization of additional techniques and procedures. These additional techniques and procedures as well as the determination of the employee groups who will be covered by such, are both justified by, and based upon, federal and state statutes, case law, and regulatory findings relating to various public sector and private sector employees working in safety-sensitive and "special risk" positions throughout inter- and intrastate commerce. At such time as regulatory requirements become applicable to City employees, this program will be altered as and if necessary to conform to the specific requirements of final regulations. Until such time, any additional techniques and procedures shall utilize mechanisms already in use and/or

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

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

The City's Drug-Free Workplace Program has been prepared so as not to conflict with public policy and, further, not to be discriminatory or abusive. A drug-free workplace should be the goal of every employer in America. Drug and alcohol testing is only one of the several steps that must be taken to achieve this objective.

When incorporated into a comprehensive anti-drug effort, testing can go a long way in combating drug and alcohol abuse in the workplace.

II. SCOPE

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

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
- 8 to refrain from using illegal drugs or alcohol on the job, or abusing legal
- 9 drugs on or off the job such that it affects their job, and that a drug testing
- 10 program is being implemented. At least sixty (60) days have elapse
- 11 between the notice and any employee drug testing implemented pursuant
- 12 to this program.
- 13
- 14 B. Prior to testing, all employees or applicants for employment will have been
- 15 given a summary of the Drug-Free Workplace Program, a summary of the
- 16 drugs which may alter or affect a drug test, a list of local employee
- 17 assistance programs and a list of local alcohol and drug rehabilitation
- 18 programs.
- 19
- 20 C. A notice of drug testing will be included with all job vacancy announcements
- 21 for which drug testing is required. A notice of the City's drug testing
- 22 program will also be posted in appropriate and conspicuous locations on
- 23 the City's premises and copies of the program will be made available for
- 24 inspection during regular business hours in the Human Resources
- 25 Department.
- 26

27 **IV. DEFINITIONS**

28

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

30 112.0455 Fla. Stat., and the Agency for Health Care Administration, Drug-Free

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

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

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

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

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

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

37 follows:

38

- 39 (a) "Drug" means alcohol, including a distilled spirit,
- 40 wine, a malt beverage, or an intoxicating liquor;
- 41 an amphetamine; a cannabinoid; cocaine;
- 42 phencyclidine (PCP); a hallucinogen;
- 43 methaqualone; an opiate; a barbiturate; a
- 44 benzodiazepine; a synthetic narcotic; a designer

1 drug; or a metabolite of any of the substances
2 listed in this paragraph.

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

8 **V. ALCOHOL USE PROHIBITIONS**

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

1
2 H. Efforts to tamper with, or refusal to submit to an alcohol test will subject the
3 employee to dismissal.
4

5 Refusal is defined as follows:
6

7 Refuse to submit (to an alcohol or controlled substances test) means that
8 an employee:
9

10 (a) fails to provide adequate breath or blood for testing without a valid
11 medical explanation after he or she has received notice of the
12 requirement for alcohol testing; or
13

14 (b) fails to provide adequate urine for controlled substances testing
15 without a valid medical explanation after he or she has received
16 notice of the requirement for urine testing; or
17

18 (c) engages in conduct that clearly obstructs the testing process; or
19

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

23 I. Employees arrested for an alcohol-related incident, as indicated on the
24 arrest report, shall notify, as soon as feasible, but in any event no later than
25 24 hours after the arrest, the City management representative having direct
26 administrative responsibility for the arrested employee of the arrest if the
27 incident occurs:
28

29 (a) During working hours, or
30

31 (b) While operating a City vehicle, or
32

33 (c) While operating a personal vehicle on City business.
34

35 Failure to comply with this subsection will result in disciplinary action up to
36 and including dismissal.
37

38 J. Violations of alcohol use prohibitions can subject an employee to
39 disciplinary action up to and including dismissal and may be imposed for a
40 first offense, absent mitigating circumstances. The fact that discipline is
41 imposed for violations of this program will not prevent the imposition of
42 further discipline, including termination, if an employee's certification is
43 suspended or revoked, or otherwise affected in connection with a program
44 violation.
45

VI. DRUG USE PROHIBITIONS

- A. The use, sale, purchase, possession, manufacture, distribution, or dispensation of drugs or their metabolites on City property or while at work (while on duty, during working hours, etc.) is a violation of the City's Program and is just cause for immediate dismissal. Exception shall be made for officers on duty who must, sell, purchase, posses, manufacture, distribute, or dispense drugs or their metabolites as part of the work assignment.
- B. Reporting to work, or working, under the influence of illegal drugs is a violation of the City's Program and is just cause for immediate dismissal.
- C. An employee who fails a random urine drug test will be subject to an Internal Affairs investigation and disciplinary action. Such disciplinary action may include termination for a first offense, absent mitigating circumstances. If mitigating circumstances warrant the employee being allowed to participate in a last chance agreement, in lieu of being dismissed, the Employee must meet the requirements set forth in paragraph X(D). of this program. Furthermore, such an opportunity will not be available to an employee who has previously participated in an Alcohol/Drug Rehabilitation Program, the City's EAP, or other approved, similar program, as an alternative to dismissal. Employees allowed the rehabilitation opportunity described herein may still receive disciplinary action short of dismissal in addition to required participation in the rehabilitation program. Participation in a treatment program, be it entirely voluntary or pursuant to this section, will not excuse additional violations of this policy, work rule violations, improper conduct, or poor performance and an employee may be disciplined or dismissed for such offenses or failure to perform.
- D. For purposes of this program, an employee is presumed to be under the influence of drugs if a urine test or other authorized testing procedure shows drug usage as set forth in the rules for the Agency for Health Care Administration (Fla. Admin. Code R 59A-24).
- E. Legal medications (over-the-counter) or prescription drugs may also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is taking any over-the-counter medications or prescription drug which might impair safety, performance, or any motor functions shall advise his direct management representative of the possible impairment before reporting to work under the influence of such medication or drug. A failure to do so may result in disciplinary action. If Management, in consultation with Employee Health Services, determines that the impairment does not pose a safety risk, the employee will be permitted to work. Otherwise, management may offer a change in work schedule, temporarily reassign the employee or place the employee in an appropriate

1 leave status during the period of impairment. Improper use of "prescription
2 drugs" is prohibited and may result in disciplinary action. Improper use of
3 prescription drugs includes, but is not limited to, use of multiple
4 prescriptions of identical or interchangeable drugs, and/or consumption of
5 excessive quantities of individual or therapeutically interchangeable drugs,
6 and/or inappropriately prolonged duration of consumption of drugs, and/or
7 consumption of prohibited drugs for other than valid medical purposes. For
8 the purpose of this Program, consumption of any drug by the employee of
9 more than the manufacturer's maximum recommended daily dosage, or for
10 a longer period of time than recommended (unless otherwise prescribed by
11 employee's physician), or of any prohibited drug prescribed for or intended
12 for another individual, or for other than a valid medical purpose shall be
13 construed to constitute improper use. Prescription medication shall be kept
14 in its original container (unless approved in advance by management) if
15 such medication is taken during working hours or on City property.

- 16
17 F. Refusal to submit to, or efforts to tamper with, a drug test will subject the
18 employee to dismissal.

19
20 Refusal is defined as follows:

21
22 Refuse to submit (to an alcohol or controlled substances test) means that
23 an employee:

- 24
25 (a) fails to provide adequate breath or blood for testing without a valid
26 medical explanation after he or she has received notice of the
27 requirement for alcohol testing; or
28
29 (b) fails to provide adequate urine for controlled substances testing
30 without a valid medical explanation after he or she has received
31 notice of the requirement for urine testing; or
32
33 (c) engages in conduct that clearly obstructs the testing process; or
34
35 (d) refuses to execute the consent or release to testing form(s)
36 constitutes a refusal to submit.

- 37
38 G. Except as provided herein, failure to pass a drug test will result in
39 disciplinary action, up to and including dismissal.

- 40
41 H. Violations of drug prohibitions can subject an employee to disciplinary
42 action up to and including dismissal and will be imposed for a first offense
43 absent mitigating circumstances. The fact that discipline is imposed for
44 violations of this program will not prevent the imposition of further discipline,
45 including termination, if an employee's certification is suspended or
46 revoked, or otherwise affected in connection with a program violation.
47

VII. TESTING

A. Testing of Applicants

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

B. Reasonable Suspicion Testing

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

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

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2. Each supervisor shall be responsible to determine if reasonable suspicion exists to warrant drug testing and required to document in writing the specific facts, symptoms, or observations which form the basis for such reasonable suspicion. The documentation shall be forwarded to the Department Head or designee to authorize the drug test of an employee.

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

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

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

- e. Violent or Threatening Behavior - First Incident: If an employee engages in unprovoked, unexplained, aggressive,

1 violent or threatening behavior against a fellow employee or a
2 citizen, the Department may request that the employee
3 submit to drug testing;
4

5 f. Violent or Threatening Behavior - Subsequent Incident:

6 Whether or not an employee has previously received formal
7 counseling or disciplinary action for unprovoked, unexplained,
8 aggressive, violent or threatening behavior against a fellow
9 employee or a citizen, upon a second or subsequent episode
10 of similar behavior/conduct (within eighteen months), the
11 Department shall request that the employee undergo drug
12 testing.
13

14 g. Absenteeism and/or Tardiness: If an employee has
15 previously received a suspension action for absenteeism or
16 tardiness, a continued poor record (within eighteen months)
17 that warrants a second or subsequent suspension action may
18 result in a request for a drug test. This factor alone will not be
19 cause for testing.
20

21 h. Odor: Odor of cannabis or alcoholic beverages upon the
22 person.
23

24 i. Performance Related Accidents:

25 1) Each employee whose performance contributed to the
26 accident may be drug tested for both alcohol and drugs
27 based on a and b below.
28

29 a) The following are examples of conditions that
30 will require accident-related testing:
31

32 (i) City employee operating a city vehicle at
33 any time, or a non-city vehicle on city
34 business, and involved in an accident
35 that results in a citation for a moving
36 violation, or in any of the consequences
37 described in (ii) below.
38

39 (ii) Work related accident resulting in:
40

41 (A) property damage estimated to be
42 greater than \$1,000.
43

44 (B) death
45

46 b) The following may require accident-related
47 testing:

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- (i) injury to the employee, requiring medical treatment at an off-site (away from the scene of the accident) medical facility other than Employee Health Services. If the injury is of such character as would have been treated at Employee Health Services, but for the unavailability of Employee Health Services, management may waive this requirement. "Unavailability" means occurring at a time other than the hours of operation of Employee Health Service or at such distance from Employee Health Services as to render their use impractical. However, injuries as a result of a training exercise must also be based on one or more reasonable suspicion criteria as listed in a - h above.
 - (ii) injury to another person. However, injuries as a result of a training exercise or a "use of force" incident must also be based on one or more reasonable suspicion criteria as listed in a - h above.

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

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

42
43 C. Random Testing
44

1. Random drug testing will be performed utilizing urine and may be performed in the future utilizing chemical breath or other statutorily required mechanisms (see Section (VIII) (K) below).
2. Employees in safety sensitive or "special risk" positions, including employees whose positions with the City require them to have a commercial drivers license, will be required to submit to drug testing on a random basis. All FOP Bargaining Unit employees are classified as safety sensitive based upon meeting one or more criteria in the Safety Sensitive Positions Definitions and Key attached hereto as Attachment I. A list of job classifications determined to be safety sensitive or "special risk" will be compiled and kept on file in the Human Resources Department. Such list will be periodically updated.
3. For purposes of selection for testing, employees shall be identified only by Social Security Numbers and the selection of employees will be conducted through the use of a random number generator or other neutral selection process.
4. Upon notification by a department head or his/her management designee (who is otherwise safety sensitive) that a drug test is required, the employee will report to the test site as soon as practical, but in no event, later than 24 hours after notification, and provide a specimen of his/her urine. If chemical breath testing, or other reliable mechanisms, as determined by 49 CFR, Part 40 for alcohol testing are used, the test may be conducted immediately at the work site or later at the collection site.
5. Random testing shall be at an annual rate of between twenty-five percent (25%) and fifty percent (50%) of the average number of positions for which testing is required. During the first 12 months of this program, random drug testing: (1) will be spread reasonably throughout the year; and (2) the total number of tests will be equal to at least 25 percent (25%) of the employees subject to testing.

D. Position Change Testing

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

1
2 Testing related to position changes of the type listed above will be the
3 responsibility of the Personnel Unit of the Gainesville Police Department.
4 This Unit will be responsible for identifying and sending these employees for
5 drug testing within 48 hours of the employee being informed of the
6 appointment and prior to the effective date of the position change.
7

8 E. Follow-up Testing
9

10 If an employee, in the course of employment, enters an employee
11 assistance program for drug related problems or a drug rehabilitation
12 program, the employee must submit to a drug test as a follow-up to such
13 program unless such requirement is waived by the City in those cases
14 where the employee voluntarily entered the program. Entrance to a
15 program as a condition of continued employment or when the employee is
16 otherwise faced with the prospect of immediate disciplinary action based
17 upon problems associated with substance abuse shall not be considered
18 voluntary. If follow-up testing is required, it shall be conducted at least once
19 a year for a two-year period after completion of the program. Advance
20 notice of such follow-up testing must not be given to the employee to be
21 tested. Testing undertaken after referral to the EAP as a result of a first
22 violation of the City's Drug Free Workplace Program, Article X, shall satisfy
23 the requirements for follow-up testing. In the case of drivers subject to the
24 commercial motor vehicle addendum, follow-up alcohol testing shall be
25 conducted only when the driver is performing safety-sensitive functions, just
26 before the driver is to perform safety-sensitive functions, or just after the
27 driver has ceased performing safety-sensitive functions.
28

29 F. Routine Fitness for Duty
30

31 An employee shall submit to a drug test if the test is conducted as part of a
32 routinely scheduled employee fitness-for-duty medical examination that is
33 required for all members of an employment classification or group. When a
34 routinely scheduled employee fitness-for-duty medical exam is to be
35 included, it shall be subject to collective bargaining, unless such is
36 determined to be applicable to city employees by virtue of statutory or
37 regulatory requirements.
38

39 G. Additional Testing
40

41 Additional testing may also be conducted as required by applicable state or
42 federal laws, rules, or regulations, subject to Section I (Purpose) above.
43

1 H. Refusal to Test

2
3 Employees who refuse to submit to a blood or urine drug test administered
4 in accordance with this program forfeit their eligibility for all workers'
5 compensation medical and indemnity benefits and will be subject to
6 dismissal. Employees who refuse to submit to a chemical breath test will be
7 subject to dismissal.
8

9 **VIII. TESTING PROCEDURE**

10
11 A. Tested Substances

12
13 The City may test for any or all of the following drugs:

14
15 Alcohol
16 Amphetamines (Biphetamine, Desoxyn, Dexedrine)
17 Cannabinoids (i.e., marijuana, hashish)
18 Cocaine
19 Phencyclidine (PCP)
20 Methaqualone (Quaalude, Parest, Sopor)
21 Opiates
22 Barbiturates (Phenobarbital, Tuinal, Amytal)
23 Benzodiazophines (Ativan, Azene, Clonopin, Dalmane, Diazepam, Halcion,
24 Librium, Poxipam, Restoril, Serax, Tranxene, Valium, Vertron, Xanax)
25 Methadone (Dolophine, Methadose)
26 Propoxyphene (Darvocet, Darvon N, Dolene)
27

28 B. Consent Required

29
30 Job applicants and employees will be asked to sign a Consent To Testing
31 form. Refusal to execute the consent form constitutes a refusal to be
32 tested, and will subject the employee/applicant to dismissal/failure to hire.
33 Execution of the consent to testing form by the employee shall not
34 constitute a waiver of the grievance/arbitration procedures, if applicable.
35

36 C. Designated Laboratory

37
38 1. Because of the potential adverse consequences of test results on
39 employees, the City will employ a very accurate testing program.
40 Specimen samples will be analyzed by a highly qualified,
41 independent laboratory which has been selected by the City and
42 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).

D. Notification of Prescription Drug Use

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

E. Testing of Injured Employees

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

F. Body Specimens

Urine will be used for the initial test for all drugs except alcohol and for the confirmation of all drugs except alcohol. Blood will be used for the initial and confirmation tests for alcohol for complying with the provisions of § 440-.101-.102, Fla. Stat. Sufficient volume of specimens shall be obtained so as to provide for the necessary number of samples as may be required, depending upon the number of required procedures. Chemical breath testing methods may be utilized in connection with justifying further

1 alcohol/blood tests in instances involving reasonable suspicion, and random
2 (if instituted in the future) testing under this program, but are not required to
3 be first utilized. In the case of injured employees, the physician will have
4 the discretion to determine to not draw a blood sample if such would
5 threaten the health of the injured employee or if the employee has a
6 medical condition unrelated to the accident which may preclude the drawing
7 of the necessary quantity of blood for a testing specimen. Under these
8 circumstances, no inference or presumption of intoxication or impairment
9 will be made for the purposes of § 440.101-.102, but discipline for violation
10 of the Program may be taken based upon observable conduct or conditions
11 and/or the result of other tests; if any.
12

13 G. Cost of Testing

14
15 The City will pay the cost of initial and confirmation drug tests, which it
16 requires of employees and job applicants. An employee or job applicant will
17 pay the cost of any additional drug tests not required by the City. In the
18 event that the City requires the employee's presence at the collection site
19 outside normal working hours as part of the testing process and the
20 employee passes the drug/alcohol test he/she will be compensated (if
21 applicable) for time spent at the collection site, at the appropriate wage rate.
22

23 H. Collection Site, Work Site

- 24
25 1. The City will utilize a collection site designated by an approved
26 laboratory which has all necessary personnel, materials, equipment,
27 facilities, and supervision to provide for the collections, security,
28 chain of custody procedures, temporary storage and shipping or
29 transportation of urine and blood specimens to an approved drug
30 testing laboratory. The City may also utilize a medical facility
31 (designated by the contract laboratory) as a collection site which
32 meets the applicable requirements.
33
34 2. The City may require that an employee take a chemical breath test
35 at the Work Site or other City facility.
36
37 3. Security of the collection site, chain of custody procedures, privacy of
38 the individual, collection control, integrity and identity of the
39 specimen and transportation of the specimen to the laboratory as
40 applicable will meet state or federal rules and guidelines. Florida
41 Agency for Health Care Administration's CHAIN OF CUSTODY form
42 as amended from time to time, will be used for each employee or job
43 applicant whose blood or urine is tested.
44

1 I. Collection Site, Work Site, Personnel

2
3 A specimen for a drug test will be taken or collected by:

- 4
5 1. ~~A physician, a physician's assistant, a registered professional nurse,~~
6 a licensed practical nurse, a nurse practitioner, or a certified
7 paramedic who is present at the scene of the accident for the
8 purpose of rendering emergency service or treatment and/or
9 qualified breath alcohol technician as defined in CFR Part 40; or
10
11 2. A qualified person employed by a licensed laboratory who has the
12 necessary training and skills for the assigned tasks as described in
13 §440.102 (9) Fla. Stat.
14

15 In the case of a chemical breath test, utilizing evidential breath test devices,
16 a technician licensed pursuant to Fla. Admin. Code R. 59A-24, and/or
17 qualified breath alcohol technician as defined in 49 CFR Part 40.
18

19 J. Testing Laboratory

- 20
21 1. The laboratory used to analyze initial or confirmation drug specimens
22 will be licensed or certified by the appropriate regulatory agencies to
23 perform such tests. The Agency for Health Care Administration has
24 published Drug-Free Workplace Standards (Florida Administrative
25 Code, R 59A-24) which shall be followed by laboratories and
26 employers for testing procedures required under § 440.101-.102,
27 Fla. Stat.
28
29 2. All laboratory security, chain of custody, transporting and receiving of
30 specimens, specimen processing, retesting, storage of specimens,
31 instrument calibration and reporting of results will be in accordance
32 with applicable state or federal laws and rules established by HCA or
33 the U.S. Department of Transportation; to the extent the above
34 information is readily reproducible by the lab and not confidential,
35 such will be forwarded to the appropriate certified bargaining unit
36 representative upon their request and their payment for reproduction
37 cost.
38
39 3. The Medical Review Officer will provide assistance to the employee
40 or job applicant for the purpose of interpreting any positive confirmed
41 test results.
42

43 K. Initial Tests Used for Implementing § 440.101-.102, Fla. Stat.
44

Initial tests will use an immunoassay except that the test for alcohol will be an enzyme oxidation methodology¹. The following cutoff levels will be used when screening specimens to determine whether they are positive or negative for these drugs or metabolites. All levels equal to or exceeding the following will be reported as positive:

Alcohol	.05 g/dl%
Amphetamines	1000 ng/ml
Cannabinoids	50 ng/ml
Cocaine	300 ng/ml
Phencyclidine	25 ng/ml
Methaqualone	300 ng/ml
Opiates	300 ng/ml
Barbiturates	300 ng/ml
Benzodiazepines	300 ng/ml
Synthetic Narcotics:	
Methadone	300 ng/ml
Propoxyphene	300 ng/ml

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

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

Alcohol	.05 g/dl%
Amphetamines	500 ng/ml
Cannabinoids	15 ng/ml
Cocaine	150 ng/ml
Phencyclidine	25 ng/ml
Methaqualone	150 ng/ml
Opiates	300 ng/ml
Barbiturates	150 ng/ml
Benzodiazepines	150 ng/ml

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.

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

Synthetic Narcotics:		
Methadone	150 ng/ml	
Propoxyphene	150 ng/ml	

M. Comparable Procedures

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

IX. TEST RESULTS

A. Reporting Results

1. The laboratory shall disclose to the Medical Review Officer (MRO) a written positive confirmed test result report within three (3) working days after receipt of the sample. The laboratory should report all test results (both positive and negative) to the MRO within three (3) working days after receipt of the specimen at the laboratory. The name and address of the current MRO is on file with Employee Health Services. The MRO is employed by the City and is not an employee of the drug testing laboratory.
2. The laboratory will report as negative all specimens which are negative on the initial test or negative on the confirmation test. Only specimens confirmed positive on both the initial test and the confirmation test will be reported positive for a specific drug.
3. The laboratory will transmit results in a manner designed to ensure confidentiality of the information. The laboratory and MRO will ensure the security of the data transmission and restrict access to any data transmission, storage and retrieval system.
4. As provided in Fla. Admin. Code R. 59A-24 , the MRO will verify that positive and negative test results were properly analyzed and handled according to HCA rules. The MRO may require a retest. The MRO will have knowledge of substance abuse disorders and shall also be knowledgeable in the medical use of prescription drugs and in the pharmacology and toxicology of illicit drugs. The MRO shall evaluate the drug test result(s) reported by the lab, verify by checking the chain of custody form that the specimen was collected,

1 transported and analyzed under proper procedures and, determine if
2 any alternative medical explanations caused a positive test result.
3 This determination by the MRO may include conducting a medical
4 interview with the tested individual, review of the individual(s)
5 medical history or the review of any other relevant bio-medical
6 factors. The MRO shall also review all medical records made
7 available by the tested individual. The MRO may request the
8 laboratory to provide quantification of test results.
9

10 5. Within three (3) days of receipt of the test results, the MRO will (1)
11 notify Employee Health services of negative results, and (2) contact
12 the employee or job applicant regarding a confirmed positive test
13 result and make such inquiry as to enable the MRO to determine
14 whether prescription or over-the-counter medication could have
15 caused the positive test results. In this later case, the MRO will
16 follow the applicable procedure set forth in either the HCA or D.O.T.
17 rules for providing the employee or job applicant the opportunity to
18 present relevant information regarding the test results. After
19 following the appropriate procedures, the MRO will notify the City in
20 writing of any verified test results. If the MRO, after making and
21 documenting all reasonable efforts, is unable to contact the
22 employee or job applicant to discuss positive test results, the MRO
23 will contact a designated management official to arrange for the
24 employee or applicant to contact the MRO. The MRO may verify a
25 positive test without having communicated to the employee or
26 applicant about the results of the test, if 1) the employee or applicant
27 declines the opportunity, or 2) within two (2) working days after
28 contacting the designated management official, the employee or
29 applicant has not contacted the MRO. Further, employees or
30 applicants must cooperate fully with the MRO. Upon receipt of
31 notification by the City that an employee or applicant failed to meet
32 with the MRO upon his or her request or failed to promptly provide
33 requested information the City will disqualify an applicant from being
34 hired or will immediately place an employee on suspension without
35 pay that may result in discharge.
36

37 6. Within five (5) calendar days after the City receives a confirmed
38 positive test result from the MRO, Employee Health Services will
39 notify the employee or job applicant in writing of such test results, the
40 consequences of such results, and the options available to the
41 employee or job applicant, including the right to file an administrative
42 or legal challenge. Notification shall be mailed certified or hand
43 delivered. Hand delivery is the preferred method of providing notice
44 to employees. Mailed notification shall be deemed received by the
45 employee or applicant when signed for, or seven (7) calendar days
46 after mailing, whichever occurs first.
47

- 1 7. Employee Health Services will, upon request, provide to the
2 employee or job applicant a copy of the test results (positive or
3 negative).
4
5 8. Unless otherwise instructed by the City in writing, all written records
6 pertaining to a given specimen will be retained by the drug testing
7 laboratory for a minimum of two (2) years. The drug testing
8 laboratory shall retain (in properly secured refrigerated or frozen
9 storage) for a minimum period of 210 days, all confirmed positive
10 specimens. Within this one 210-day period the City, employee, job
11 applicant, MRO or HCA may request, in writing, that the laboratory
12 retain the specimen for an additional period of time. If no such
13 request, or notice of challenge is received (See paragraph (IX)(B)(3)
14 below.), the laboratory may discard the specimen after 210 days of
15 storage.
16

17 B. Challenges to Test Results
18

- 19 1. Within five (5) working days (Monday thru Friday, 0800 - 1700,
20 except observed/designated holidays) after receiving notice of a
21 confirmed positive test result from the City, the employee or job
22 applicant may submit information to the City explaining or contesting
23 the test results and why the results do not constitute a violation of
24 this program. The employee or job applicant will be notified, in
25 writing, if the explanation or challenge is unsatisfactory to the City.
26 This written explanation will be given to the employee or job
27 applicant within 15 days of receipt of the explanation or challenge,
28 and will include why the employee's or job applicant's explanation is
29 unsatisfactory, along with the report of positive results. All such
30 documentation will be kept confidential and will be retained for at
31 least one (1) year.
32
33 2. Employees may challenge employment decisions made pursuant to
34 this program as may be authorized by the City personnel policy or
35 collective bargaining agreements.
36
37 3. When an employee or job applicant undertakes an administrative or
38 legal challenge to the test results, it shall be the employee's or job
39 applicant's responsibility to notify the City through its Human
40 Resources Director and the laboratory, in writing, of such challenge
41 and such notice shall include reference to the chain of custody
42 specimen identification number. After such notification, the sample
43 shall be retained by the laboratory until final disposition of the case
44 or administrative appeal.
45

- 1 4. There shall be written procedures for the action to be taken when
2 systems are out of acceptable limits or errors are detected in
3 accordance with 49 CFR, Part 40.
4

5 C. Employee/Applicant Protection

- 6
7 1. During the 180-day period after the employee's or applicant's receipt
8 of the City's written notification of a positive test result, the employee
9 or applicant may request that the City have a portion of the specimen
10 retested, at the employee's or applicant's expense. The retesting
11 must be done at another HCA licensed laboratory. The second
12 laboratory must test at equal or greater sensitivity for the drug in
13 question as the first laboratory. The first laboratory which performed
14 the test for the City will be responsible for the transfer of the portion
15 of the specimen to be retested, and for the integrity of the chain of
16 custody for such transfer.
17
18 2. The drug testing laboratory will not disclose any information
19 concerning the health or mental condition of the tested employee or
20 job applicant.
21
22 3. The City will not request or receive from the testing facility any
23 information concerning the personal health, habit or condition of the
24 employee or job applicant including, but not limited to, the presence
25 or absence of HIV antibodies in a worker's body fluids.
26
27 4. The City will not dismiss, discipline, refuse to hire, discriminate
28 against, or request or require rehabilitation of an employee or job
29 applicant on the sole basis of a positive test result that has not been
30 verified by a confirmation test and by a MRO.
31
32 5. The City will not dismiss, discipline or discriminate against an
33 employee solely upon the employee's voluntarily seeking treatment,
34 while in the employ of the City, for a drug-related problem, if the
35 employee has not previously tested positive for drug use, entered an
36 employee assistance program for drug-related problems, or entered
37 an alcohol or drug rehabilitation program. This shall not prevent
38 follow-up testing as required by this program (See paragraph (VII)(E)
39 above).
40

41 D. Comparable Procedures

42
43 To the extent allowed by law and regulation, the City shall utilize 49 CFR,
44 Part 40 procedures for workplace drug testing programs in lieu of the

comparable procedures described herein, or incorporated by reference, when such comparable procedures are based upon the requirements of Fla. Admin. Code R. 59A-24.

X. EMPLOYEE ASSISTANCE PROGRAM (EAP)

- A. The City regards its employees as its most important asset. Accordingly, the City maintains an EAP which provides help to employees who suffer from alcohol or drug abuse and other personal or emotional problems. Employees with such problems should seek confidential assistance from the EAP or other community resources before drug or alcohol problems lead to disciplinary action. Employees may contact Employee Health Services for the name of the City's EAP.
- B. 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.
- C. 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.
- D. Employees referred to the EAP as a result of a first violation of the City's Drug-Free Workplace Program will be allowed to continue their employment with the City provided they:
 - 1. contact the EAP and strictly adhere to all the terms of treatment and counseling; and
 - 2. immediately cease any and all abuse/use of alcohol/drugs; and
 - 3. consent, in writing, to periodic unannounced testing for a period of up to 60 months after returning to work or completion of any rehabilitation program, whichever is later; and
 - 4. pass all drug test(s) administered under this program and
 - 5. The employee and the certified bargaining representative, if any, executes and abides by an agreement describing the required conditions.

- 1 E. Participation in an employee assistance program or a drug rehabilitation
2 program shall be paid for to the extent authorized under the City's Health
3 insurance plan, whether the particular program is selected by the employee
4 or the City.
5

6 XI. INVESTIGATION

- 7
8 A. To ensure that illegal drugs and alcohol do not enter or affect the
9 workplace, the City reserves the right to undertake reasonable searches of
10 all vehicles, containers, lockers, or other items on City property in
11 furtherance of this program. Individuals may be requested to display
12 personal property for visual inspection. Exception shall be made for officers
13 on duty who must sell, purchase, possess, manufacture, distribute or
14 dispense drugs, or their metabolites or alcohol as part of the work
15 assignment.
16
17 B. Searches for the purpose described herein will be conducted only where
18 the City has reasonable suspicion that the employee has violated the City's
19 Drug-Free Workplace Program, and that evidence of such misconduct may
20 be found during the search. A substance abuse investigation report shall
21 be completed within twenty-four (24) hours after any search conducted
22 pursuant to this sub-section.
23
24 C. Preventing a premises/vehicle search or refusing to display personal
25 property for visual inspection pursuant to this section will be grounds for
26 disciplinary action up to and including dismissal and/or denial of access to
27 City premises.
28
29 D. Searches of an employee's personal property will take place only in the
30 employee's presence. All searches under this program will occur with the
31 utmost discretion and consideration for the employee involved.
32
33 E. Individuals may be required to empty their pockets, but under no
34 circumstances will an employee be required to remove articles of clothing or
35 be physically searched except by law enforcement personnel having lawful
36 authority to do so.
37
38 F. Because the City's primary concern is for the safety of its employees, the
39 public and their working environment, the City will not normally seek
40 prosecution in matters involving mere possession of illegal substances
41 discovered solely as a result of a reasonable search under this section.
42 However, the City will turn over all confiscated drugs and drug
43 paraphernalia to the proper law enforcement authorities. Further, the City
44 reserves the right to cooperate with or enlist the services of proper law
45 enforcement authorities in the course of any investigation.

XII. ARREST FOR DRUG-RELATED CRIME

A. As a condition of employment, each employee obligates himself or herself to notify his or her appropriate management representative of the arrest for any alleged violation of, or conviction under any criminal drug statute, including but not limited to, offenses described in Chapter 316.193, Chapter 859, and Chapter 893, Fla. Stat. (1991). Except for the more immediate notice required under paragraph (V)(I) of this program, the employee shall give the required notice within 48 working hours of such event. Failure to notify will result in dismissal.

B. Arrests:

If an employee is arrested on a charge of commission of a drug-related crime, the City will perform a preliminary investigation of all of the facts and circumstances surrounding the alleged offense, and City officials may utilize the drug-testing procedures in accordance with this program. In most cases, the arrest for a drug-related crime, except off-duty alcohol use, will constitute reasonable suspicion of drug use under this program. However, information on drug test results shall not be released or used in any criminal proceeding against the employee. Information released contrary to this section shall be inadmissible as evidence in any such criminal proceeding. In conducting its own investigation the City shall use the following procedures:

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

XIII. CONFIDENTIALITY

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

The provisions of §119.07 to the contrary notwithstanding:

1
2 A. All information, interviews, reports, statements, memoranda, and drug test
3 results, written or otherwise, received or produced as a result of a drug
4 testing program are confidential communications and may not be used or
5 received in evidence, obtained in discovery, or disclosed in any public or
6 private proceedings, except in accordance with this section or in
7 determining compensability under Chapter 440 Florida Statutes.
8

9 B. Employers, laboratories, employees assistance programs, drug and alcohol
10 rehabilitation programs, and their agents who receive or have access to
11 information concerning drug test results shall keep all information
12 confidential. Release of such information under any other circumstances
13 shall be solely pursuant to written consent form signed voluntarily by the
14 person tested, unless such release is compelled by a hearing officer or a
15 court of competent jurisdiction pursuant to an appeal taken under this
16 section, or unless deemed appropriate by a professional or occupational
17 licensing board in a related disciplinary proceeding. The consent form must
18 contain, at a minimum:
19

- 20 1. The name of the person who is authorized to obtain the information.
- 21 2. The purpose of the disclosure.
- 22 3. The precise information to be disclosed.
- 23 4. The duration of the consent.
- 24 5. The signature of the person authorizing release of the information.
- 25
- 26
- 27
- 28
- 29

30 C. Information on drug test results shall not be released or used in any criminal
31 proceeding against the employee or job applicant. Information released
32 contrary to this section shall be inadmissible as evidence in any such
33 criminal proceedings.
34

35 D. Nothing herein shall be construed to prohibit the employer, agent of the
36 employer, or laboratory conducting a drug test from having access to
37 employee drug test information when consulting with legal counsel in
38 connection with actions brought under or related to this section or when the
39 information is relevant to its defense in a civil or administrative matter.
40

41 **XIV. RECORDS AND TRAINING**

42

43 A. Resource File
44

1 The City will maintain a current resource file of providers of employee
2 assistance including alcohol and drug abuse programs, mental health
3 providers, and various other persons, entities or organizations designed to
4 assist employees with personal or behavioral problems. The City will inform
5 employees and new hires about various employee assistance programs
6 that the employer may have available. The information shall be made
7 available at a reasonable time convenient to the City in a manner that
8 permits discreet review by the employee. The City will provide the names,
9 addresses, and telephone numbers of employee assistance programs and
10 local alcohol and drug rehabilitation programs to employees and applicants.
11

12 B. Individual Test Results

- 13
- 14 1. The MRO shall be the sole custodian of individual positive test
15 results.
 - 16
 - 17 2. The MRO shall retain the reports of individual positive test results for
18 a period of two (2) years.
 - 19
 - 20 3. The City shall keep confidential and retain for at least one (1) year an
21 employee's challenge or explanation of a positive test result, the
22 City's response thereto, and the report of positive result.
 - 23
 - 24 4. The City shall keep all negative test results for two (2) years.
25

26 C. General Records of the City

- 27
- 28 1. Records which demonstrate that the collection process conforms to
29 all appropriate state or federal regulations shall be kept for three (3)
30 years.
 - 31
 - 32 2. A record of the number of employees tested by type of test shall be
33 kept for five (5) years.
 - 34
 - 35 3. Records confirming that managers, supervisors and employees have
36 been trained under this program shall be kept for three (3) years.
37

38 D. Drug Training Program

- 39
- 40 1. The City shall establish and maintain a Drug Training Program. The
41 Program shall, at a minimum, include the following:
42

- 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

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

SAFETY SENSITIVE POSITION DEFINITIONS AND KEY

ABBREVIATION	DEFINITION
DISPATCH OF VEH.	RESPONSIBILITY FOR DISPATCH OF EMERGENCY VEHICLES (EITHER EMERGENCY RESPONSE/PUBLIC SAFETY VEHICLES OR OTHER VEHICLES IN EMERGENCY SITUATIONS).
MAINT OF VEH.	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.
CHAUF. OTHER EMPLOY	CHAUFFEUR OTHER EMPLOYEES AS PART OF ASSIGNED DUTIES.
HANDLE HAZARDOUS MATERIALS OR EQUIP (INCLUDES GUNS & OTHER SAFETY EQUIPMENT)	TRANSPORTS, MIXES, HANDLES, USES HAZARDOUS MATERIALS, OR IS RESPONSIBLE FOR EQUIPMENT CARRYING CURRENT, FLUIDS OR GAS THAT COULD ENDANGER THE PUBLIC OR EMPLOYEES.
CDL LIC	REQUIRED TO OPERATE CDL CLASSIFIED VEHICLES.
SUPV CHILDREN	SUPERVISE CHILDREN OR RESPONSIBLE FOR THE SECURITY OF CHILDREN.
OPER. LRG. EQUIP.	REQUIRED TO OPERATE LARGE TRUCKS AND/OR CONSTRUCTION EQUIPMENT.
GUARDS SAFETY OF WORKERS AND/OR PUBLIC	GUARDS THE SAFETY OF CO-WORKERS AND/OR PUBLIC.
IMMDT MGMT RISK	DUTIES REQUIRE DRUG PREVENTION-FOREKNOWLEDGE OF IDENTITIES OF INDIVIDUALS TO BE TESTED.
SPECIAL LICENSE	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.
ENFORCE DRUG POLICY	REQUIRED TO ENFORCE DRUG POLICY (INTERDICTION AND DISCIPLINE).
SYSTEMS OPER.	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.
SUPV/SAFETY SENSITIVE POSITION	ANYONE WHO DIRECTLY SUPERVISES A SAFETY SENSITIVE POSITION.
ACCESS/CRIMINAL INVEST. INFO	REQUIRED TO WORK WITH OR HAVE ACCESS TO INFORMATION OR DOCUMENTS PERTAINING TO CRIMINAL INVESTIGATIONS.
EMERGENCY RESPONSE REQUIRED	REQUIRED TO RESPOND UNDER EMERGENCY CONDITIONS.
OTHER	A POSITION IN WHICH A MOMENTARY LAPSE IN ATTENTION COULD RESULT IN INJURY OR DEATH TO ANOTHER PERSON.

FOP

CONFIDENTIAL

~~(This form should be completed on the same day that the employee is asked to take a test,~~
or at least within four (4) days after the drug/alcohol test.)

Drug Abuse Investigation Report

I have observed the following condition(s) affecting the work of _____
_____ and/or received information/evidence which give(s) rise to suspicion of possible drug
abuse and request an investigation of the same.

CONDITION(S) OBSERVED/INFORMATION /EVIDENCE RECEIVED: _____

Designated Management Representative

Date _____

Designated Management Representative

Date _____

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.
