

APPENDIX “A”

CITY OF VERO BEACH

DRUG-FREE WORKPLACE POLICY

1.0 AUTHORITY

The Drug-Free Workplace Policy (“Policy”) is in accordance with the Florida Workers’ Compensation Drug-Free Workplace Program, section 440.101, et. seq., F.S. and Florida Department of Transportation (DOT), 49 CFR Part 40 Parts 382, 392, and 395, including all statutory definitions.

2.0 POLICY STATEMENT

It is recognized by all parties that the City has a critical responsibility to the citizens of Vero Beach to provide highly effective and efficient governmental services and programs. This can be accomplished only if City employees are unimpaired physically and mentally from the effects of alcohol, drugs, narcotics or any other controlled substance. Therefore, this Policy 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 DOT regulations and the Florida Workers’ Compensation Drug-Free Workplace Program.

Any employee, who is arrested or convicted of any violation regarding a criminal drug statute or driving under the influence of alcohol or drugs, must notify the City in writing within five (5) calendar days of being arrested or convicted.

Employees who violate this Policy as set forth are subject to discipline up to and including termination of employment.

Any member of a collective bargaining unit has the right to appeal to the Public Employees Relations Commission; any City employee has the right to appeal to a court of competent jurisdiction.

The Policy will be posted in an appropriate location, including departmental bulletin boards, during regular working hours.

3.0 DEFINITIONS

Adulterated Specimen: A specimen that contains any foreign substance that is not expected to be found in human urine or, a substance that is expected to be found, but is in such a high concentration that it is not consistent with human urine.

Alcohol: An intoxicating agent in beverage alcohol, ethyl alcohol, or low molecular weight alcohols including methyl or isopropyl alcohol.

Alcohol Concentration: Alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath.

CFR: Code of Federal Regulations.

City: City of Vero Beach.

Confirmatory Drug Test: A second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

Controlled Substance: Any substance as outlined in Table 1 of this Policy or a prescription drug not intended for your personal usage or not used as prescribed. The list at Table 1 includes only examples of controlled substances. A complete list can be found at section 893.03, FS.

Designated Employer Representative (DER): An employee of the City authorized to take immediate action to remove employees from safety-sensitive duties. The DER receives test results and other communications for the City. The City's designated DERs are the Risk/Safety Administrator, the Benefits Administrator, the Director of Human Resources and the Human Resources Specialist.

DOT: U.S. Department of Transportation

Drug: Includes alcohol and any illicit drugs as stated in section 440.102, FS definition section and/or DOT Title 49 Part 40 definition section.. (Table 4 is a modified list of such drugs)_

Employee Assistance Program (EAP): A rehabilitation program designed to aid employees who abuse drug/alcohol or who have other personal or emotional problems.

Enzyme Multiple Immunoassay Test: A common process used for screening drug tests for five different substances with the aid of a spectrometer to measure for specific drug metabolites.

FS: Florida Statutes

GC/MS (Gas Chromatography/Mass Spectrometry): A quick method to analyze mixtures and vapors. Gas Chromatography sorts the individual molecule and a Mass spectroscopy is then used to identify each molecule type based on its weight.

HHS: Department of Health and Human Services

Job Applicant: A person who has applied for a special-risk position, a mandatory-testing position, or a position in which a Commercial Drivers License is required.

Mandatory-Testing Position (Non-DOT): 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, FS or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

Medical Review Officer (MRO): A licensed physician employed with or contracted with the City, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.

NIDA: National Institute on Drug Abuse

Non-negative Specimen: A urine specimen that is reported as adulterated, substituted, positive (for drugs) or drug metabolite(s) and/or invalid.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or drug metabolites, or affects the reagents in either the initial or confirmatory drug test.

Reasonable Suspicion Drug Testing: Drug/alcohol screenings administered on a belief that an employee is either using or has used drugs/alcohol in violation of the City's Drug-Free Workplace policy.

Safety-Sensitive Function (DOT): 1. Operating a nonrevenue service vehicle, when required to be operated by a holder of a Commercial Driver's License; 2. Operating a revenue service vehicle, including when not in revenue service; 3. Controlling dispatch/movement of a revenue service vehicle; 4. Maintaining a revenue service vehicle or equipment used in revenue service; and 5. Carrying a firearm for security purposes.

Split Specimen: A part of the original testing specimen that is retained unopened by the laboratory in the event an employee requests that it be tested following a verified positive test. Split Specimens will be tested at a different laboratory.

Substance Abuse Professional (SAP): An individual who evaluates employees that have violated the Drug-Free Workplace Policy, makes recommendations concerning education, treatment, follow-up testing, and follow-up care.

Special- Risk Position (Non-DOT): Employees who are required as a condition of employment to be certified under Chapter 633 (**Fire Fighter's Standard**) or Chapter 943 (**Police Officer's Standard**).

4.0 GENERAL INFORMATION

As a condition of employment, employees will refrain from using, being under the influence of, having present in their systems, possessing, purchasing or distributing any illegal substance at any time. The City understands that there may be circumstances where law enforcement personnel may be required to deal with illegal substances as part of their official law enforcement duties. However, such official duties shall not be construed as approval for usage or possession outside the normal parameters of official law enforcement duties.

No employee shall report to duty or remain on duty if the employee has tested positive for drugs or alcohol as described in this Policy unless an employee has a legally prescribed drug which has been medically determined to have no effect on the employee's ability to perform the job duties in a safe, proficient manner. Employees shall not consume intoxicants while off-duty to the extent that the evidence of such consumption is apparent when reporting for work.

Any employee who is taking a Schedule II or Schedule III (see Table 2- 5 for some common examples) prescription medication as identified in section 893.03, FS shall notify their supervisor prior to the first shift the employee is scheduled to work after taking such prescription medication. The supervisor may assign regular, modified or restricted duty, if available, or request clarification from the prescribing physician regarding work restrictions.

When an employee represented by a Union recognized by the City is to be tested under this Policy, the employee may request the presence of a Union Representative. If the representative has been requested, and is on duty, and can be present within 15 minutes, the representative will be permitted to consult with the employee who is to be tested prior to the time he/she goes to the specimen collection facility. If the representative is not actively at work or will not be able to respond promptly, an alternate representative will be contacted and will be given 15 minutes to respond. This consultation shall not interfere with nor delay the provision of medical attention during post accident testing.

Any employee who tests negative to any drug or alcohol test required by the City under this Policy, shall be compensated for all associated time at his/her regular hourly rate of pay and any overtime if applicable with time associated with drug/alcohol testing. Associated time under such circumstances shall be treated as time worked for purposes of computing weekly overtime eligibility where applicable.

5.0 CONFIDENTIALITY

- A. All information produced as a result of testing shall remain confidential unless the employee authorizes the release by written consent or such a release is compelled by a hearing officer or court of competent jurisdiction, or for determining qualification for unemployment compensation benefits.
- B. The City, its agents, or the drug testing laboratory may have access to employee drug testing information or use such information when consulting with legal counsel in connection with actions brought under this statute or when the information is relevant to a defense in a civil or administrative matter.

6.0 REHABILITATION ASSISTANCE

Employees who feel they have developed an addiction to, dependence upon, or problem with, alcohol or a controlled substance are encouraged to seek rehabilitative assistance. Although rehabilitation is the employee's responsibility, the City's Human Resources Department has developed an Employee Assistance Program (EAP). This program is a 24-Hour Care line that provides counsel from Licensed Professionals. Employees can refer to Table 6 for contact information.

The City shall not discipline an employee on the first occurrence where the employee voluntarily comes forward at a time when there are no work related problems and advises the City that he/she has developed an addiction to, dependence upon or problem with drugs or alcohol and voluntarily seeks rehabilitation. However, participation in an EAP, whether voluntary or involuntary, will not relieve an employee from responsibility for satisfactory work performance when on the job.

Use of alcohol or drugs shall not be a defense to disciplinary action for unsatisfactory job performance or conduct. However, participation in a rehabilitation program will be taken into account in considering appropriate disciplinary action. If an employee is given the opportunity to enroll in a rehabilitation program and refuses or fails to comply with the requirement of the program, his/her employment will be terminated.

An employee who is covered by the City's group medical insurance plan and who is seeking medical attention for alcoholism or addiction to controlled substances will be entitled to any benefits which are available under the plan up to its stated limits.

If the employee seeking help enters an approved rehabilitation center, or if an employee is required to enter a rehabilitation center as a condition of continued employment, time missed will be charged against accrued medical leave. If the employee has insufficient medical leave accrued, time missed will be charged against annual leave providing the employee has time remaining. If the employee has no available leave time accrued, the employee will be placed on leave without pay status.

Upon successful completion of treatment at an approved rehabilitation center the employee will be returned to active status. After returning to active status, the employee, as a condition of continued employment must comply with any and all treatment or therapeutic requirements imposed by the City or the treating facility. , including periodic follow-up drug/alcohol testing at least once a year for a two (2) year period after completion of the program. Advance notice of a follow up testing date must not be given to the employee to be tested.

7.0 TYPES OF DRUG/ALCOHOL TESTING

The following are types of drug/alcohol testing that may be conducted by the City:

A. Job Applicant Testing

All final candidates for a City special-risk positions or mandatory-testing positions or who perform safety-sensitive functions must submit to and successfully pass a drug/alcohol test. For those candidates, offers of employment are contingent upon successfully passing a drug/alcohol test in accordance with this Policy. Included in this category are those current City employees who are selected for or transferred to any special-risk or mandatory -testing position or a position that requires safety-sensitive functions to be performed.. Refusal to submit to a drug/alcohol test or a positive confirmed test will result in rejection of the candidate for employment.

B. Routine Fitness for Duty Testing

Special-risk employees may be asked to submit to a drug test as part of a routinely scheduled fitness for duty medical examination.

C. Reasonable Suspicion Testing

Any employee may be tested on reasonable suspicion of using or having used drugs/alcohol in violation of this Policy. A “Reasonable Suspicion Test” will be based on the recommendation of the employee’s immediate supervisor. In determining reasonable suspicion officials must point to specific objective facts and rational inferences that they are entitled to draw from these facts in light of their experience. Reasonable suspicion will be based on any of the following:

1. Direct observation of drug/alcohol use.
2. The symptoms of being under the influence of a drug or alcohol to include observable physical signs and/or incoherent mental state.
3. Marked changes in personal behavior that are otherwise unexplainable.

4. A significant deterioration in work performance, that is otherwise unexplainable.
5. A report of drug/alcohol use provided by a reliable and credible source.
6. Evidence that an individual has tampered with a drug/alcohol test.
7. Evidence that an employee has used drugs or alcohol, possessed, sold, or solicited drugs while working or while on City premises or while operating the employer's vehicle, machinery or equipment.
8. An attempt to conceal an accident or injury.
9. Accidents or other actions that provide reasonable cause to believe the employee may be under the influence.

If testing is conducted on a "reasonable suspicion" basis, a supervisor or manager will, within 24 hours of the observed behavior, detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be provided to the employee on request, and the City must keep the original documentation confidential. All documents shall be retained by the City for at least one (1) year or as required by the state Public Record law and state retention schedules.

D. Post Accident and Injury Testing

Post accident and/or post injury drug/alcohol testing will be required under the following conditions:

1. When an employee may have caused or contributed to an on-the-job accident that resulted in either loss of life or bodily injury.
2. When while operating a motor vehicle or equipment, an employee has been involved in an accident resulting in bodily injury, and/or property damage, where the value of the property damage exceeds Five Hundred dollars (500.00) as estimated by the City or when any vehicle is towed away from the accident site.
3. An employee was involved in either a vehicle or equipment incident that causes reasonable suspicion of drug/alcohol use.
4. When an employee is involved in two or more similar incidents/accidents, e.g., backing, in a 12-month period.

5. When an employee is injured and requires treatment by a medical professional, with the exception of insect bites.
6. When an employee's job related injury could have been prevented if the proper personal protective equipment had been worn.
7. Employees shall be subjected to drug and alcohol testing for work-related motor vehicle accidents regardless of whether the accident occurred on or off City property or in a City vehicle, as long as the accident was work-related.

The employee will be escorted to a designated collection point after the accident. However, the specimen collection shall not interfere with medical treatment. If required to take a post-accident drug/alcohol test, the employee shall not use alcohol or non-prescribed controlled substances for eight (8) hours following the accident, or until the post-accident testing has been completed, whichever comes first. A positive post-accident test, refusal to submit to a post-accident test or tampering with a test specimen, may result in denial of worker's compensation benefits and or discipline up to and including termination of employment.

Post accident tests will be done as soon as possible; however in any case, all reasonable efforts shall be made to test the employee within two (2) hours of the accident and/or injury, but not after eight (8) hours for alcohol testing and 32 hours for drug testing. The City will document the reasons any test was not performed during these time periods.

The employee has the responsibility to make himself/herself available for post accident testing within the eight (8) hours for alcohol testing and the 32 hours for drug testing. The City will be responsible for providing an appropriate collection site for the appropriate tests.

E. Police Department Random Testing

Random testing shall be conducted for sworn Police Department employees in accordance with this Policy. Police Department random testing does not preclude other types of testing conducted in accordance with this policy.

Department of Transportation Random Testing

Random drug/alcohol testing shall be conducted on employees who hold a Commercial Driver's License or who perform or supervise safety-sensitive functions.. Employees tested under DOT requirements will be selected at random for alcohol/drug testing during their normal shift. Dates and times for random testing will not be announced prior to employee notification.

Pursuant to 49 C.F.R. Part 382, the City will report all DOT random drug testing violations to the FMCSA Clearinghouse.

An employee who is required to take a DOT alcohol test will report to the testing site where an initial alcohol breath test will be administered.

1. If an employee tests positive for a drug or alcohol test, the employee will be transported home, relieved of duty for 24 hours, and disciplined as outlined in Section 14 of the Policy.
2. If an employee's drug test results are reported as a verified adulterated or substituted drug result, the employee will be taken out of a safety-sensitive function position and disciplined as outlined in Section 14 of this Policy.
3. If an employee's DOT alcohol breath test is above 0.02g/dl%, but below 0.04g/dl% the individual will be removed from a position that requires safety-sensitive functions to be performed for 24 hours. Upon availability a non safety-sensitive function position will be assigned if available.
4. When an employee's DOT alcohol breath test is above 0.02g/dl% an alcohol confirmatory test will be administered. If the confirmatory test is above 0.02g/dl% and below 0.04g/dl%, the individual will be removed from performing safety-sensitive functions. Non safety-sensitive function will be assigned upon availability. The individual will be referred to the City's EAP and disciplined as outlined in Section 14 of the Policy.
5. When an employee's DOT alcohol breath test is 0.04g/dl%, and above the individual will be relieved of duty for 24 hours, and disciplined as outlined in Section 14 of this Policy. Additionally, the employee will be referred to the City's EAP and relieved of safety-sensitive functions until returned to work by an EAP counselor. The employee will be required to take an alcohol test prior to returning to a position that requires safety-sensitive functions.
6. Any lost time will be counted as annual leave.

F. Random Testing for Mandatory- Testing Positions

All City of Vero Beach employees in mandatory-testing positions not covered by DOT Random Testing will be subject to random drug/alcohol testing pursuant to this Policy. This type of testing shall be conducted separate from any DOT testing. Employees who test positive will be subject to all disciplinary actions as outlined below:

1. If an employee tests positive for a drug/alcohol test, the employee will be transported home, relieved of duty for 24 hours, and disciplined as outlined in Section 14 of this policy.
2. If an employee's **drug** test results are reported as a verified adulterated or substituted drug result, the employee will be taken out of a mandatory-testing position and disciplined as outlined in Section 14 of this policy.
3. If a mandatory-testing employee's confirmatory alcohol breath test is above

0.01g/dl%, and up to 0.079g/dl% the individual will be removed from a mandatory-testing position that requires safety-sensitive functions to be performed for 24 hours. Upon availability a non-safety sensitive function position will be assigned if available.

4. When a mandatory-testing employee's confirmatory alcohol breath test is 0.08g/dl% and above the individual will be relieved of duty for 24 hours, and disciplined as outlined in Section 14 of this policy. Additionally, the employee will be referred to the City's EAP and relieved of safety sensitive functions until returned to work by an EAP counselor. The employee will be required to take an alcohol test prior to returning to a position that requires safety sensitive functions.

H. Return to Duty and Follow-up Testing – DOT and Mandatory-Testing Positions

In the case where a positive test is a first time offense, the employee will be referred to the City's EAP and be required to submit to follow-up testing on the first day the employee returns to duty. As a condition of continued employment, follow-up testing will be conducted at least once a year for a two (2) year period after completion of the EAP program. If the employee refuses to comply with the EAP or continued follow-up testing the refusal will result in his or her termination of employment.

Follow-up testing does not preclude other types of testing conducted in accordance with this policy.

8.0 RANDOM SELECTIONS FOR TESTING

Random selections of employees to be tested will be made by a third-party contracted firm utilizing a Department of Transportation (DOT) approved random selection computer program. The third-party firm will then forward the random list directly to the Human Resources Department of the City of Vero Beach.

Any employee returning from leave and whose name was selected for a random test while on leave will be advised by his/her immediate supervisor to report to the designated specimen collection facility on his/her first scheduled work day. However, if the employee was out due to a prearranged leave, he/she will not be required to report to the specimen collection facility upon his/her return.

9.0 COST OF TESTING

The City will pay the cost of initial drug tests, required by this policy. An employee or job applicant will pay the cost of any additional drug/alcohol test not required by the City.¹

10.0 MEDICAL REVIEW OFFICER (MRO)

¹ FS112.8(r)

The City has the right to select the physician to be used as the MRO. The MRO cannot be an employee of the testing laboratory.

The MRO responsibilities are as follows:

- A. Interpret the drug/alcohol test results.
- B. Contact the donor who has a confirmed positive test result before reporting the results of the test to the employer. The MRO will determine if the donor has a plausible and verifiable explanation for the positive test result and if so, will report the test result as negative to the employer.
- C. Notify the City's DER of the result of the drug/alcohol test administered under this policy.

An employee or job applicant tested pursuant to this Policy has the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication. The employee or job applicant may contact the designated MRO and confidentially report the use of prescription or non-prescription medications before or after being tested. The employee or job applicant may make such contact with the MRO by telephone, in person, or in writing. The Agency for Health Care Administration has developed a list of the most common medications that may alter or affect a drug test. This list is attached as Table 4 and incorporated into this Policy by reference.

11.0 SPECIMEN COLLECTION/TESTING PROCEDURES

When an employee or job applicant is required to be tested under the provisions of this policy, the employee or job applicant will report with proper identification to the collection facility. The City reserves the right to accompany an employee or job applicant to the collection facility. Each specimen collection will be accomplished in a manner compatible with employee dignity and privacy.

The City may designate any qualified specimen collection facility. Either the collection facility or the testing laboratory may be changed if the City finds such change to be necessary or desirable. In the event of a change, the last approved facility/laboratory will be used until a new one is selected.

The laboratory selected to complete the required tests will, upon request of the City, the employee or the job applicant, identify the drugs tested for, the methods used, the manufacturers of the test, the methods of reporting results and verify the chain of custody. The laboratory will furnish the information required in writing. The written statement of the testing laboratory will be admissible as evidence in any disciplinary proceeding. The laboratory will make such written information available to an authorized representative of the City and a certified copy of the results will be furnished to the affected employee or job applicant. The test facility may use a screening test (EMIT) but positive screen results must

be confirmed by Gas Chromatography/Mass (GC/MS) or similar equivalent scientifically accepted method of confirmation.

At the time of collection, the employee will provide a specimen sample, which will be sent to a NIDA or HHS CERTIFIED laboratory designated by the MRO. The monitoring and observation of any specimen collection will be conducted in accordance with law.

The standard drug test thresholds for positive screen and GC/MS Confirmatory Drug Tests shall be consistent with limits established by the HHS Mandatory Guidelines for both DOT and Non-DOT testing results for all employees.

The testing facility, at its option or at the direction of the City, may omit the "EMIT" test and use either the GC/MS test.

12.0 REPORTING RESULTS

The MRO and/or the alcohol testing contractor and/or law enforcement agency will submit the results, reports and related information to the City's Risk/Safety-Administrator, Director of Human Resources, or the SR. Human Resources Specialist. The results will be placed in a medical records file that will be maintained separately from employee personnel files. The City will take all reasonable steps to maintain the confidentiality of the results.

A. Drug Test Results

The MRO, after first speaking with the donor, will report in writing to a DER whether the sample tested was positive, negative, non-negative, or diluted.

Within five (5) working days after receipt of the confirmed positive test result, the City shall notify the individual being tested in writing of the positive test result and the consequences of the result. Upon request the City shall supply a copy of the test results to the employee.

If the MRO reports that a positive test is diluted, the test is considered a verified positive. If the MRO reports that a negative test is diluted and recommends that collection of another test sample be taken under direct observation, the second collection shall be taken as soon as possible.

B. Alcohol Test Results

Breath test results obtained from an alcohol testing contractor and/or law enforcement agency shall be considered confirmed if the results for two breath tests administered within not less than 15 minutes but not more than 30 minutes of each other reveal an alcohol concentration of 0.02g/dl% or greater. The confirmed results from a breath test

shall be considered final.

The testing contractor shall release the quantitative results of the alcohol test to a DER.

Either the Risk/Safety Administrator or the Human Resources Director shall be present during the Drug/Alcohol testing period. The testing contractor will immediately advise the on site DER staff of any positive drug/alcohol testing results. They will then notify the employee's supervisor and appropriate action will be taken as outlined in Section 14.

13.0 CONTESTING TEST RESULTS

A. Confirmatory Drug Test Results

If the results of the first test are positive, an employee may, at the employee's own expense; request that the split specimen, taken at the original collection facility, be tested by a different certified laboratory. This second test will be coordinated through the MRO and must be requested within 72 hours after the employee receives notification of the positive test results. If the second test results are negative, the employee will report to the collection facility as soon as possible, and will provide another urine sample for an additional test. If the second and third tests are negative the City will reimburse the donor for the cost of the tests. If an employee fails to report to furnish the additional specimen for testing, such employee will be terminated.

B. Contesting a Positive Test Result

Within five (5) working days after receipt of a positive confirmed test result from the MRO, the City shall inform an employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant. Upon request of the employee or job applicant, the City shall provide a copy of the test results.

Within (5) working days after receiving notice of a positive confirmed test result, an employee or job applicant may submit information to the City explaining or contesting the test result, and explaining why the result does not constitute a violation of this Policy.

If the employee's or job applicant's explanation or challenge of the positive test results is unsatisfactory to the City, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory along with the report of positive results shall be provided to the employee or job applicant. All related documents should be kept confidential and retained by the City for at least one (1) year.

14.0 DISCIPLINARY ACTION

Employees who are required to take a test in accordance with this policy and refuse or fail to do so when directed, or who tamper with or falsify the test sample so as to affect the results, will be dismissed from employment with the City. Employees who take any type of test under this policy must agree to the release of the results of such tests by the City's MRO to the City's DER or be subject to disciplinary action up to and including termination of employment.

A. If an employee's drug/alcohol test results are positive, or reveals that an individual has taken non-prescribed controlled substances; or if the employee has reported to work under the influence of controlled substances or alcohol, the City can take the following disciplinary actions:

1. Special risk employees will be subject to termination of employment for a first offense..
 2. Other than a special risk employee, a first time offense for a positive drug result will constitute a referral to the City's EAP and disciplinary action up to and including suspension without pay.
 3. All employees performing safety-sensitive functions will be placed in a position that does not require the performance of safety-sensitive functions. If such a position is not available, the employee will be required to use either annual leave or leave without pay.
 4. A first time offense for possession with the intent to sell or distribute, will result in disciplinary action up to and including suspension without pay or termination.
 5. A second violation of this policy, will result in termination of employment.
- B. If an employee drops out of the EAP prior to satisfactory completion, that employee's employment will be terminated.
- C. If an employee's drug test results are positive, the employee will be relieved of duty for 24 hours, referred to the City's EAP, and will be subject to disciplinary action pending the employee's appeal process. Once released by the EAP counselor, the employee will be required to take a return to duty drug test and a negative test result must be received prior to the employee's return to work status. The employee will be required to complete a two (2) year follow-up testing period.

- D. If a DOT employee's confirmatory alcohol test result is over 0.02g/dl% and under 0.04g/dl%, the employee will not be allowed to perform safety-sensitive functions, will be referred to the City's EAP and will be subject to disciplinary action. Once released by the EAP counselor, the employee will be required to take a return to duty alcohol test and a negative test result must be received prior to the employee's return to work status.
- E. If a DOT employee's confirmatory alcohol test is 0.04g/dl% and above the employee will not be allowed to perform safety sensitive function. The employee will be referred to the City's Employee Assistance Program, subject to disciplinary action. The employee will be required to complete a two year follow-up testing, and a negative test result must be received prior to the employee's return to work status.
- F. If a DOT employee takes a breathalyzer test, and any detectable amount of alcohol is present, he/she will not be allowed to perform a safety sensitive function for 24 hours.
- G. If a mandatory-testing position employee's confirmatory alcohol test result is over 0.02g/dl% and under 0.079g/dl%, the employee will not be allowed to perform safety sensitive functions, the employee will be referred to the City's EAP, and will be subject to disciplinary action. Once released by the EAP counselor, the employee will be required to take a return to duty alcohol test and a negative test result must be received prior to the employee's return to work status.
- H. If a mandatory-testing position employee's confirmatory alcohol test is 0.079g/dl% and above the employee will not be allowed to perform safety sensitive functions, the employee will be referred to the City's EAP, The employee will be subject to disciplinary action, the employee will be required to complete a two year follow-up testing, and a negative test result must be received prior to the employee's return to work status.
- I. If the employee refuses to provide a second test sample, his/her employment will be terminated.

Flow charts are attached for quick reference of disciplinary steps.

Table 1
 Random Testing Flow Chart
 For
 Mandatory Testing Positions
 First Offense Excluding
 DOT and Special Risk Employees

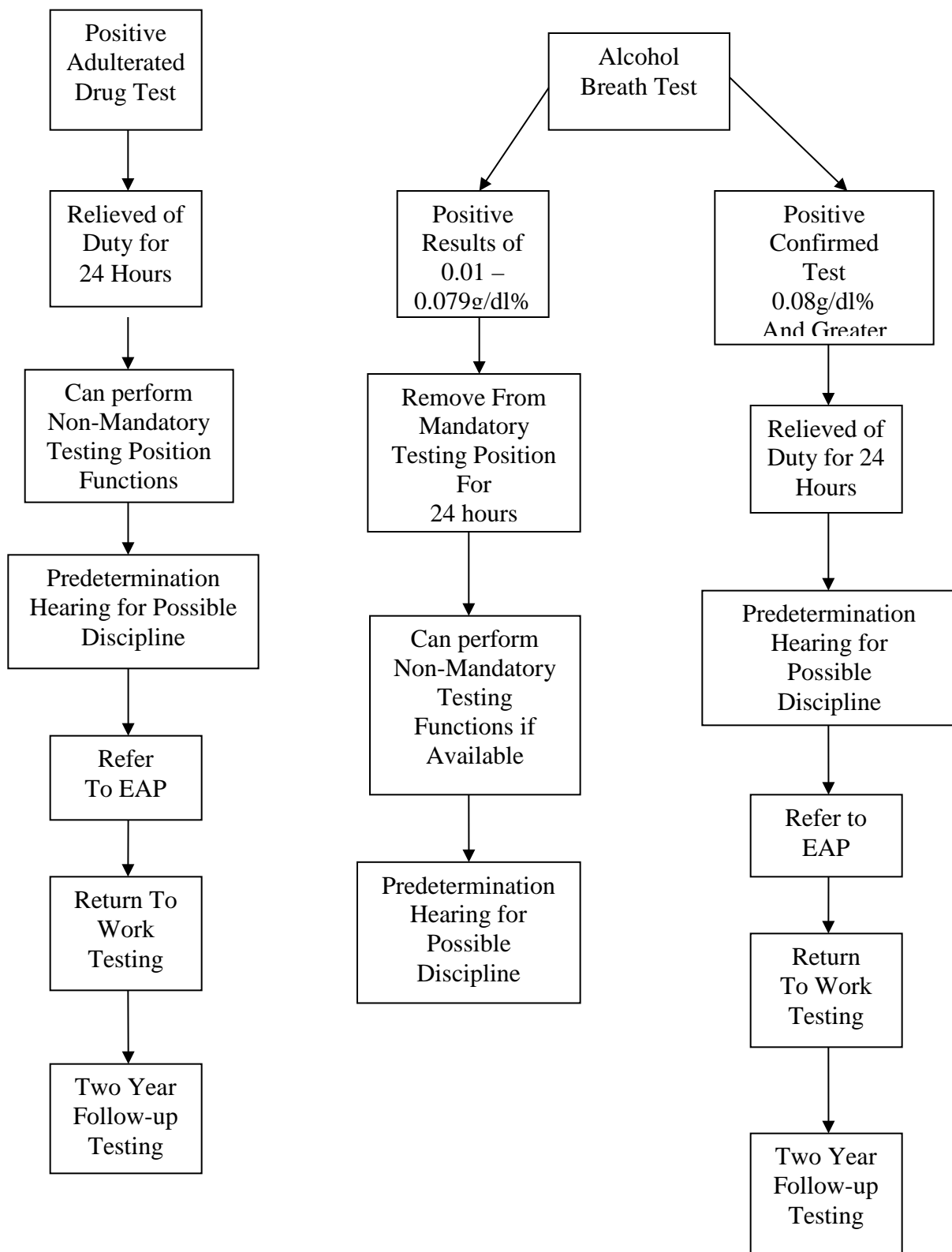


Table 2
Random Testing Flow Chart
For DOT

First Offense Excluding
Mandatory Testing Positions
and Special Risk Employees

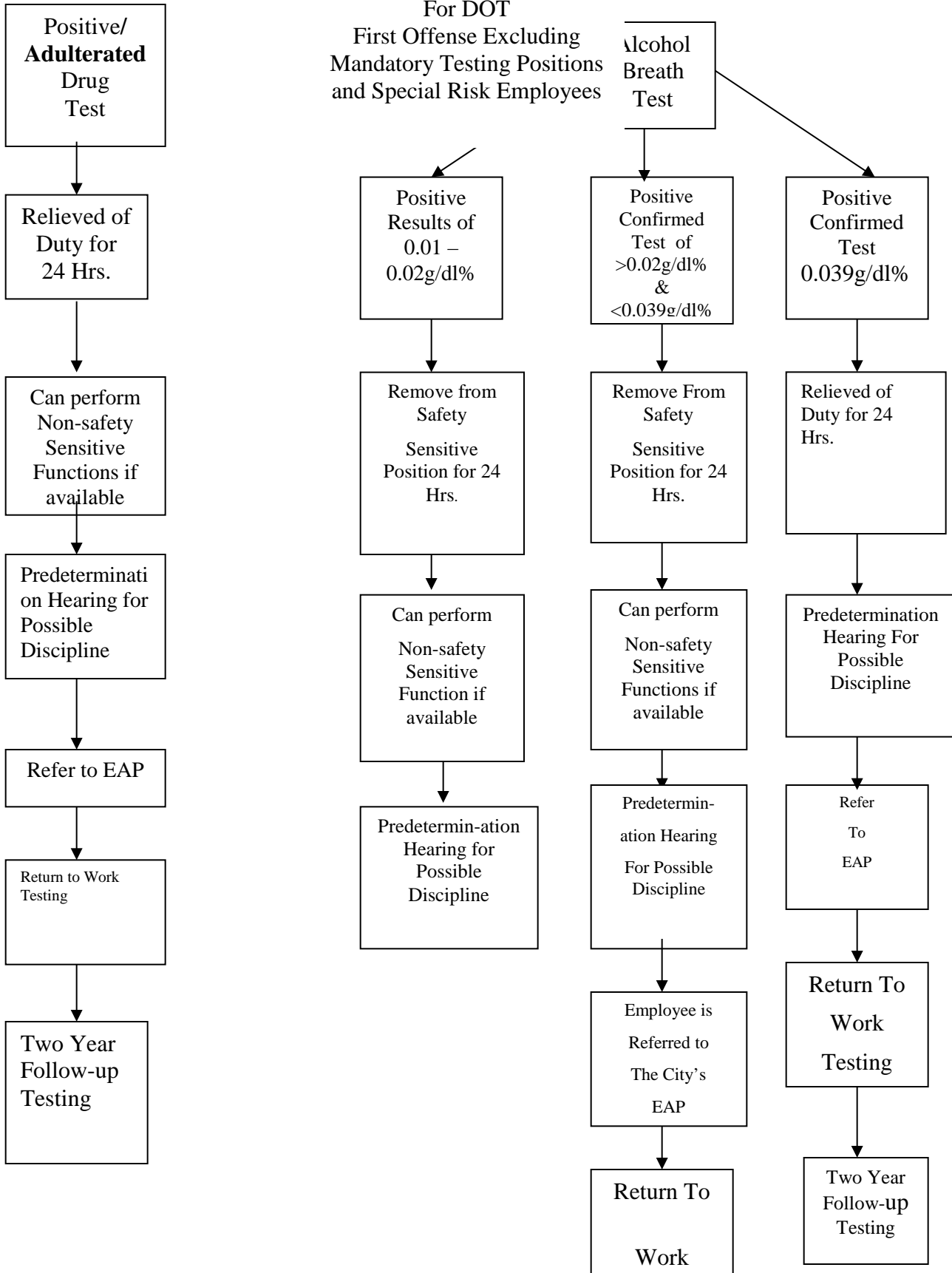
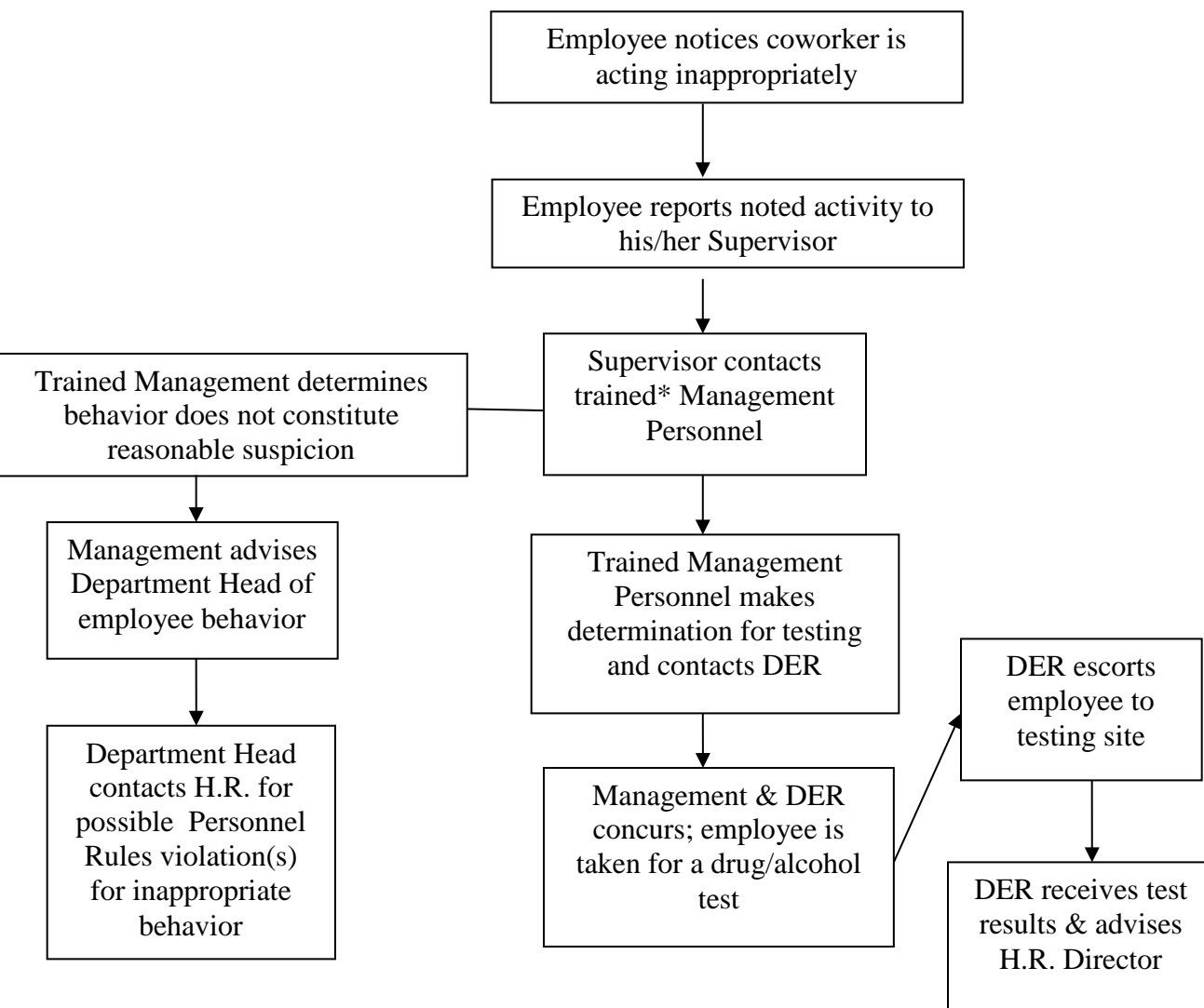


Table 3
 Reasonable Suspicion Drug/Alcohol Notification
 Flow Chart



* Department of Transportation, 49 CFR 382.603, requires that all supervisors in a position to determine whether reasonable suspicion exists for improper use of alcohol or drugs and if a drug/alcohol test should be conducted, must receive at least 60 minutes of training on alcohol misuse and at least 60 minutes of training for controlled substances usage.

** DER: Designated Employee Representative

TABLE 4

AGENCY FOR HEALTH CARE ADMINISTRATION

OVER THE COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER
OR AFFECT DRUG TEST RESULTS*

Alcohol	All liquid medications containing ethyl alcohol (ethanol). Read labels for alcohol content. i.e., Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtres is 20% (40 proof), and Contact Severe Cold Formula Night Strength is 25% (50 proof), and Listerine is 26.9% (54 proof).
Amphetamines	Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, and Fastin.
Cannabinoids	Marinol (Dronabinol, THC).
Phencyclidine	Not legal by prescription
Methaqualone	Not legal by prescription
Opiates	Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with codeine, Emprin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
Barbituates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebral, Butabarbital, Butalbital, Phenrinin, Triad, etc.
Benzodiazepines	Ativan, Azene, Clonopin, Dalmine, Diazepan, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipan, Restoril, Centrax.
Methadone	Dolophine, Metadose
Propoxyphene	Darvocet, Darvon N, Dolene, etc.

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

The above list was taken from the Agency for Health Care Administration in Tallahassee, Florida