

CITY OF NICEVILLE

DRUG AND ALCOHOL ABUSE POLICY

I. PURPOSE:

The City of Niceville acknowledges the problem of substance abuse, including alcohol abuse, in our society. The City regards substance abuse as a serious problem and desires to take appropriate steps to shield its employees from injuries and other ill effects of substance abuse. The Florida legislature has found that individuals abusing alcohol and using illegal drugs have a serious adverse effect on morale, productivity, absenteeism, and workplace safety. This problem results in unnecessary costs and imposes an unfair burden upon employees who choose not to abuse alcohol or use illegal drugs, and it creates an unsafe work environment for everyone. Problems associated with substance abuse can be eliminated by striving to obtain and maintain a workforce that does not use illegal drugs or abuse prescription drugs, over-the-counter drugs, or alcohol.

It is the goal of the City of Niceville to have a workforce free of those who choose to use illegal drugs, misuse prescription drugs, or abuse alcohol. In addition to providing a safer workplace, the City expects to enjoy reduced workers' compensation costs. This policy will help the City of Niceville achieve these goals. It shall be effective on the 2nd day of January, 1993. All employees, who remain in the City of Niceville's employ after that date shall, by remaining employed, be considered to have signified their agreement to abide by the terms and conditions of this policy as it currently exists and as it may, from time to time, be amended.

II. SCOPE:

The City Council of the City of Niceville has authorized the City Manager to develop and implement a drug testing program to comply with the provisions of the Workers' Compensation Drug-Free Workplace Program, F.S. 440.101 and 440.102. This policy shall apply to the following:

- (1) To all employees of the City of Niceville, from the City Manager to each new hire.
- (2) To all others who fall under the umbrella of the City's Workers' Compensation liability.
- (3) Job applicants - Those applying for employment with the City of Niceville for a special-risk or safety-sensitive position shall be required to take and successfully pass a drug screen in order to obtain employment with the City.

III. PENALTIES:

In order to ensure the effectiveness of this program, the City of Niceville intends to take full advantage of the penalties provided by law. With respect to job applicants who have not successfully passed the drug screen described below, the offer of employment and any further consideration of employment with the City of Niceville shall be withdrawn. With respect to employees found to be in violation of this policy, the appropriate penalties include the following:

- A. Denial of workers' compensation benefits as provided by law.
- B. Denial of unemployment compensation benefits as provided by law.
- C. Disciplinary action, including termination, pursuant to the procedures provided by law.

IV. PROHIBITED CONDUCT:

In order to ensure the safety and well-being of employees, fellow employees, and the citizens of the City of Niceville, the following conduct is hereby prohibited:

A. Reporting for work or engaging in work for the City of Niceville with any of the following substances in your bloodstream:

1. Alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors, in excess of 0.04g%.
2. Amphetamines.
3. Cannabinoids.
4. Cocaine.
5. Phencyclidine (PCP).
6. Methaqualone.
7. Opiates.
8. Barbiturates.
9. Benzodiazepines.
10. Methadone.
11. Propoxyphene.

B. When testing is conducted, the City will engage an independent laboratory to conduct tests for the above substances according to State and Federal Law.

C. Job applicants offered a position with the City, who refuse to be tested, will receive no further consideration for employment. Employees who refuse to be tested will be subject to the penalties described above, including termination, subject to the procedures provided in this policy.

V. POLICY:

A. Requirements of employees: All employees are expected to report to work in a state of mind and physical condition so as to be able to perform their assigned duties safely and competently as defined by the Drug-Free Workplace Program set forth in F.S. 440.101 and 440.102, and the rules promulgated by the Division of Workers' Compensation of the Florida Department of Labor and Employment Security as these rules appear in the Florida Administrative Code, Vol. 38 F-9.001, et seq. For this reason employees must:

1. Not use or be under the influence of alcohol and/or illegal controlled substances while on duty, or consume an amount of alcohol/drugs outside the workplace that would affect their ability to perform their job.

2. Not report to work, or return to work, with the odor of alcohol on their breath, regardless of whether or not one is under the influence of alcohol or intoxicated. If drugs or alcohol, as defined in F.S. 440.102, are found to be present in an employee's system at the level proscribed by the division drug testing rules, one is in violation of this program.
3. If an employee uses an over-the-counter or prescription drug which is in any way influencing the employee's ability to perform his job (causing drowsiness, slowing reaction time, distorting perception, etc.), he must request temporary reassignment or leave the job as appropriately determined by the supervisor. Under no circumstances shall an employee work in a condition which increases risk of harm to life or property. This notification shall be kept strictly confidential in accordance with law. An employee's failure to notify his or her supervisor before starting any work-related activity will cause the employee to lose this exemption and be subjected to discipline under the terms and conditions of this policy.
4. Immediately report any observed violation of this policy to his or her supervisor, or any supervisor within the department.
5. Notify your supervisor immediately or by the close of the next business day, if you have been charged with, arrested for, or convicted of an alcohol or drug-related offense occurring at the workplace, or a conviction of a drug-related offense occurring outside the workplace, or if a driver's license has been suspended or revoked for a drug-related or alcohol-related offense and a valid driver's or commercial driver's license is required to perform the job.
6. Not refuse to submit to a test for drugs or alcohol when so requested in accordance with this policy, thereby subjecting the employee to forfeiture of eligibility for medical and indemnification benefits under the workers' compensation statute upon exhaustion of the procedures prescribed in F.S. 440.102(5).
7. Observe this policy as a condition of continued employment. Violation of any aspect of this policy will result in discipline up to and including termination.

VI. TESTING PROCEDURES:

A. The City of Niceville will conduct drug tests under the following circumstances:

1. All applicants who have been offered employment with the City of Niceville in a special-risk or safety-sensitive position shall be required to take and successfully pass a drug screen in order to obtain employment with the City.
2. Follow-up drug testing will be performed on an annual, semiannual, or quarterly basis for up to two years following a return to work by an employee who has entered an employee assistance program for drug-related problems or an alcohol and drug rehabilitation program.

Follow-up drug testing shall be conducted routinely and on a random basis. Its frequency shall be determined by a process of random selection among the pool of affected employees. Where this provision covers only two employees or less,

follow-up tests shall be conducted on a quarterly basis for one year.

3. A drug test will be required of an employee as part of a routinely scheduled employee fitness-for-duty medical examination when such examination is scheduled for all members of an employment classification or group.
4. A drug test will be required whenever there exists a reasonable suspicion that an employee is using or has used drugs, including alcohol, in violation of this policy. Such a reasonable suspicion must be drawn from specific objective and articulable facts and reasonable inferences drawn from those facts. Such facts and inferences may be based upon the following, non-inclusive, factors:
 - a. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
 - b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
 - c. A report of drug use, provided by a reliable and credible source.
 - d. Evidence that an individual has tampered with a drug test during his employment with the City of Niceville.
 - e. Information that an employee has caused, or contributed to, or been involved in an accident while at work.
 - f. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the City of Niceville's premises or while operating the City's vehicle, machinery, or equipment.
5. Post-accident drug testing is required whenever an employee has caused, or contributed to, or been involved in an accident at work.

B. The Drug Test Process. When drug testing is required under this policy, the following procedures will be followed:

1. An employee injured on duty will receive appropriate medical treatment for the injury prior to drug testing. When it is determined that testing is appropriate, the employee shall be tested at a designated collection site as soon as medically feasible, where specimens shall be obtained.
2. 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 as the initial and confirmation test for alcohol; however, breath may be used as a specimen for alcohol testing provided that it is tested in accordance with F.S. 316.1932 and 316.1933.
3. The City of Niceville shall pay the costs of initial and confirmation drug tests which are required of employees. An employee shall pay the costs of any additional drug tests not required by the City.

4. An appropriate specimen will be collected by a physician, a physician's assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, or a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency service or treatment, or by a qualified person employed by a licensed laboratory as authorized by law.
5. At the time of testing and following testing, the employee shall be provided with a form for the purpose of providing any information the employee considers relevant to the test, including identification of currently or recently used medications. The form shall also provide notice of the most common medications by brand name or common name, as well as chemical name, which may alter or affect a drug test result. Such information provided will be reviewed by a medical review officer in interpreting any positive confirmed results.
6. All laboratory procedures and chain of custody requirements will conform to the requirements of F.S. 440.102 and the implementing rules and regulations. The initial screen for all drugs will use an immunoassay except that the initial test for alcohol shall be an enzyme oxidation methodology. All specimens identified as positive on the initial test shall be confirmed using GC/MS, except that alcohol will be confirmed using gas chromatography.
7. The results of the drug test shall remain confidential as provided by law; however, upon request, the applicant or employee shall be provided with a copy of the test results. In any event, when the drug test produces a positive confirmed test result, the City shall inform the employee or job applicant in writing of the positive test result, the consequences of the result, and the options available within five (5) working days after the City receives the test result from the testing laboratory. Employees and job applicants have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medications. Employees and job applicants have a statutory responsibility to notify the testing laboratory of any administrative or civil action brought pursuant to F.S. 440.102.
8. An employee or job applicant who receives a positive confirmed drug test result may contest or explain the result to the City Manager within five (5) working days after receipt of written notification of the positive test result. The employee or job applicant may submit information to the City Manager explaining or contesting the test result, or describing why the results do not constitute a violation of the City's policy. If an employee's or job applicant's explanation or challenge is unsatisfactory to the City Manager, a written explanation as to why the explanation is unsatisfactory, along with the report of positive results, shall be provided by the City Manager to the employee or applicant, and all pertinent documentation shall be kept confidential by the City and shall be retained by the City for at least one (1) year. The employee or applicant may contest the drug test result pursuant to rules adopted by the Department of Labor and Employment Security. A copy of these rules is maintained in the City Manager's Office and is available for inspection and copying.

C. Confidentiality:

1. Any information received by the City through its drug testing program constitutes a confidential communication, and may not be used or received in

evidence, obtained in discovery, or disclosed in any public or private proceeding, except in accordance with F.S. 440.102 of the Florida Workers' Compensation Drug-Free Workplace Act, or in determining compensability under Florida Workers' Compensation law.

2. The City, laboratories, employee assistance programs, drug and alcohol rehabilitation programs, and their agents who receive or have access to information concerning drug test results shall keep all such information confidential. Release of such information under any other circumstance than those set forth in this policy shall be solely pursuant to a written consent form signed voluntarily by the person tested, pursuant to the procedure established by F.S. 440.102 (8) (b).
3. Nothing herein shall be construed to prohibit the City, its agents, or the laboratory conducting a drug test, from having access to employee drug test information when consulting with legal counsel in connection with actions brought under or related to this section or when the information is relevant to its defense in a civil or administrative matter.

VII. EMPLOYEE ASSISTANCE PROGRAMS:

The City of Niceville recognizes the importance of providing employees with the opportunity of participating in appropriate employee assistance programs. These programs are designed to provide counseling, rehabilitation, and therapy to employees who, voluntarily and on their own, recognize that they may have a substance abuse problem and choose to obtain assistance. The City of Niceville has contacted local resources for such programs, has provided them with a copy of this policy, and recommends the resources listed on the attached page to those employees who may seek assistance.

F.S. 440.102 provides that the City shall not discharge, discipline, or discriminate against an employee solely upon the employee's voluntarily seeking treatment for a drug-related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug-related problems, or entered an alcohol and drug rehabilitation program.

VIII. COLLECTIVE BARGAINING AGREEMENTS:

This policy is subject to the terms of collective bargaining agreements concluded between the City and appropriate categories of employees.

IX. NOTICE:

This Drug and Alcohol Abuse Policy constitutes notice of its provisions. A copy of this policy will be maintained in the Administrative Office building and a copy will be placed in the Library. Notices concerning the drug-free workplace will accompany all job vacancies.

DRUG ABUSE & ADDICTION INFORMATION & TREATMENT

Aegis Therapies
195 Mattie Kelly Blvd.
Destin FL 32541
850-269-1836

Behavioral Medicine Center of Baptist Hospital/First Step Program
1101 W Moreno St
Pensacola FL 32501
850-434-4866

Bradford Health Services
1000 Hillcrest Rd
Mobile AL 36695
800-333-0906/251-633-0900

Bridgeway Center Inc 205 SE Shell Ave Ft Walton Bch Fl 32548 850-833-9191	299 W. Railroad Ave Crestview FL 32536 850-689-7845
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Cope Center 3686 Hwy 331 S DeFuniak Springs FL 32433 850-892-8045	24-Hour Crisis Line: DeFuniak Springs - 892-4357 Santa Rosa Beach - 267-2220
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The Friary
4400 Hickory Shores Blvd
Gulf Breeze FL 32561
800-332-2271/850-932-9375

Leon County Treatment Center
3976 Woodville Hwy
Tallahassee FL 32301
850-878-7776

Lakeview Center
1 11th Ave
Shalimar FL 32579
850-609-1040

Psychiatric Associates PA
235 Carmel Dr
Ft Walton Bch FL 32548
850-862-3141

Twelve Oaks
2068 Healthcare Ave
Navarre, FL 32566
800-622-1255/850-939-1200