

Bargaining Unit employees should review their appropriate Collective Bargaining Agreement (CBA) to determine if this policy applies to them. In case of a conflict between the applicable CBA and these policies, the provision in the CBA controls.

Policy No.: 6-5

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Drug Free Workplace

OVERVIEW: The County acknowledges the importance of establishing and maintaining a drug free workplace; and complying with all federal, state, and local regulations related to drug use, including the *Federal Drug Free Workplace Act of 1988*, the *State Comprehensive Economic Development Act of 1990* and the *Omnibus Transportation Employee Testing Act of 1991*.

SCOPE: This policy applies to all employees of the Board of County Commissioners.

PROVISIONS:

1. **General Rule.** Any employee who refuses to submit to a test for drugs or alcohol pursuant to this policy shall be presumed, in the absence of clear and convincing evidence to the contrary, to be under the influence and may forfeit eligibility for all Workers' Compensation medical and indemnity benefits and may be terminated or disciplined.
 - a. Employees are required to report to work in a fit condition for duty.
 - b. If an employee is under medical treatment with a drug that could alter the employee's ability to do the job, (s)he is required to report this drug use immediately to the employee's supervisor.
2. **Definition.** As used herein, "drug abuse" includes the use of illicit substances or misuse of controlled substances, alcohol, or other psychoactive drugs.
3. **Notice.** The county will provide a one-time written notice to all employees, as required by Section 440.102(3), Florida Statutes.
 - a. The notice will be provided to all potential employees prior to any pre-employment drug testing.
 - b. Copies of this notice will be placed on all employee bulletin boards and a general statement that the County will test all final candidates will be included on vacancy announcements.
4. **Prohibited Behavior.**
 - a. The manufacture, use, possession or distribution of illicit or controlled substances during work hours is strictly prohibited.
 - b. Being under the influence of alcohol or illicit drugs during work hours, and being under the influence of legal drugs to the extent that normal faculties are significantly impaired on the job, is strictly prohibited.
5. **Confiscation of Drugs.** Supervisors will contact local law enforcement officials to confiscate any suspected illegal drugs.

6. **Disciplinary Action.** Employees who violate the County's Drug Free Workplace Policy by failing a drug test or by being under the influence, using or distributing drugs on the job are subject to disciplinary action, including dismissal, according to the guidelines below:
 - a. Employees with a first time positive confirmed drug and/or alcohol test will be referred to the County EAP or other community alcohol and drug rehabilitation program(s) as appropriate.
 - i. However, use of the EAP or other rehabilitation resources will not prevent the County from taking appropriate disciplinary action for violations of other County policies.
 - b. If an employee seeks help on a voluntary basis with personal use of drugs or alcohol, then confidentiality will be protected. However, if the employee does not seek help and work performance or work conduct problems come to the attention of the County, or if the problem is more severe than personal use, then disciplinary action may result.
 - c. Employees referred to the EAP or other rehabilitation program as a result of a first violation will be allowed to continue employment with the County provided that:
 - i. They contact the EAP or other rehabilitation resource and strictly adhere to all terms of treatment and counseling prescribed; and
 - ii. They immediately cease any and all abuse/use of alcohol or drugs; and
 - iii. They consent in writing to periodic unannounced testing for a period of up to two years after returning to work or completion of any rehabilitation program, whichever is later; and
 - iv. They pass all drug tests administered under this program; and
 - v. They execute and abide by an agreement describing the above stated conditions.
 - d. Failure to meet any of the above conditions, or the occurrence of a follow-up confirmed positive drug test will result in immediate dismissal from employment.
 - i. Employees terminated cannot re-apply for employment by the Board for 180 days.
7. **Confidentiality.** The provisions of Section 440.102(8), Florida Statutes, shall govern the release of any information, interviews, reports, statements, memoranda and drug and/or alcohol testing results received by the County through this Drug Free Workplace and Drug Testing program.
8. **Employees Working Under Federal Grants.** Employees working under Federal grants must notify management, as a condition of employment, in writing, within five calendar days, if they are convicted of violating a criminal drug statute. Employees who are convicted of violating a criminal drug statute will be subject to disciplinary action up to and including termination, or will be required to satisfactorily participate in a federal, state, local or law enforcement approved drug abuse assistance or rehabilitation program. The County will notify the Federal agency in writing, within 10 calendar days, if any employee working under a Federal Grant is convicted of violating a criminal drug statute.

9. Rehabilitation. Any employee who feels an addiction to, dependence upon, or has developed a problem with alcohol or drugs, legal or illegal, is encouraged to seek assistance.

- a. Responsibility. Rehabilitation is the responsibility of the employee.
- b. Employees may seek such assistance through the County-sponsored Employee Assistance Program (EAP) or other community resources.
- c. Health Benefits. Any employee seeking medical attention for alcohol misuse or drug abuse will be entitled to benefits only to the extent specified under the County's group health insurance program and EAP.
- d. Leave of Absence. Employees required to be absent from the workplace while in treatment may request a medical leave of absence in accordance with the Board of County Commissioners' Employee Policies.
 - i. An employee shall be permitted to utilize all available accumulated paid leave before being placed in a leave without pay status.
- e. Reinstatement to Position. Upon successful completion of the EAP or other treatment program, the employee shall be reinstated to the same or equivalent position that was held prior to such rehabilitation.
- f. Prior Medical History. The County will not discharge, discipline or discriminate against an employee solely on the basis of any prior medical history revealed to the County pursuant to this policy.