

Administrative Policy

Alachua County, Florida

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.: 6-6
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Drug Testing

OVERVIEW: This policy addresses the Board's Drug-Free Workplace Policy.

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

PROVISIONS:

1. **Reasons for Testing.** The County will require drug testing for the following reasons:
 - a. Job applicants (post offer of employment) or employees accepting or otherwise transferred to another position shall submit to drug testing under the County's Drug Free Work Place Policies that fall under the following criteria:
 - i. that carry a firearm as a requirement of the job or work closely with an employee who carries a firearm,
 - ii. that perform life-threatening work,
 - iii. that work with heavy or dangerous machinery,
 - iv. that work as a safety inspector,
 - v. that regularly (15 hours a week) work with children,
 - vi. that work with detainees in the correctional system,
 - vii. that regularly work with confidential information or documents pertaining to criminal investigations,
 - viii. that work with controlled substances,
 - ix. that have a job assignment in which a momentary lapse in attention could result in serious injury or death to another person (this does not include general operation of county vehicles), or
 - x. that are assigned to a special risk position under the Florida Retirement System.

The Human Resources Department will maintain a list of job classifications or titles that meet the requirements of this Policy.

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Any individual whose confirmed positive test result will not be hired, and may not re-apply for 180 days.

- b. Scheduled physical examination. Any person who undergoes a scheduled physical examination shall also be tested for drug and/or alcohol use as part of that examination, if the person falls under the criteria under the job applicant provisions (section 1.a above).
- c. Reasonable suspicion. This type of testing is based on a belief that an employee is using or has used drugs and/or alcohol in violation of this policy, drawn from specific objective and articulable facts, and reasonable references drawn from those facts in light of experience.
 - i. An employee who believes that a suspect employee may be in violation of this policy will document the suspect behavior using the Observed Behavior Form (Appendix C) and will request that another, non-subordinate employee confirm the observation using the same form. If the observation is confirmed, the employee who initially observed the suspect behavior will submit the form to the suspect employee's supervisor.
 - ii. The supervisor will ask the suspect employee for an explanation of the behavior and document the explanation on the form. If there is no reasonable explanation, the supervisor will inform the department director, or his/her designee, who in turn, will contact Human Resources to request testing.
 - iii. If any of the Departmental officials are not reasonably available, the observer(s) should document the observed facts and contact Human Resources. Department directors will develop an internal Policy, including naming designees to facilitate documenting the observed facts and transmitting the request for testing through channels promptly, from normal worksites and field locations.
 - iv. Only the Human Resources Director or the designee shall authorize approval for such testing. Drug testing is administered by the Office of Risk Management. Risk Management and Human Resources will coordinate their respective functions in compliance with this Policy.
 - v. Facts and inferences may be based upon:
 - i. Observable documented phenomena while at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol.
 - ii. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
 - iii. A report of drug or alcohol use, provided by a reliable and credible source.

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- iv. Evidence that an individual has tampered with a drug or alcohol test during the employee's employment with the County.
 - v. Information that an employee has caused, contributed to, or been involved in an accident while at work.
 - vi. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on County premises or while operating County vehicles, machinery or equipment.
2. **Testing on Reasonable Suspicion.** If testing is conducted based on reasonable suspicion, the County will immediately document the circumstances that formed the basis of determination to warrant the testing.
- a. The original documentation shall be kept confidential by the County pursuant to this policy and shall be retained for at least one year.
 - b. A copy of this documentation shall be given to the employee upon written request.
3. **Follow-up.** If an employee, in the course of employment, has a confirmed positive drug or alcohol test and subsequently accesses the Employee Assistance Program (EAP) for drug-related and/or alcohol-related problems or enters an alcohol and drug rehabilitation program, the County will require the employee to submit to a drug and/or alcohol test upon completion of such a program as follow-up to such program, and on a quarterly basis, for two years thereafter.
- a. If an employee has a confirmed positive drug and/or alcohol test result, and does not access the County's EAP or any other alcohol and/or drug rehabilitation program, the two-year follow-up drug/alcohol testing program will begin on the date of the employee's evaluation by a Substance Abuse Professional (SAP).
4. **Safety-Sensitive Transportation Employees.** All employees required to hold a Commercial Driver's License (CDL) as a condition of employment will be tested for drugs and/or alcohol in accordance with the *Omnibus Transportation Employee Testing Act of 1991* as follows:
- a. Pre-employment. Final candidates or employees who transfer to a safety sensitive position will be tested for both alcohol and drugs before they perform safety sensitive functions for the first time.
 - b. Post-accident. Any employee involved in or contributing to an accident will be tested for alcohol and drugs following the accident.
 - c. Reasonable Suspicion. This type of testing is based on a belief that an employee is using or has used drugs and/or alcohol in violation of this policy, drawn from specific objective and articulable facts, and reasonable references drawn from those facts in light of experience. Only the Human Resources Director or designee shall authorize approval for such testing.

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- d. Random. Employees will be tested for drugs and alcohol on a random unannounced basis just before, during or just after performance of safety sensitive functions.
 - i. Not less than 25% for drugs and not less than 10% for alcohol of the total number of safety sensitive employees will be tested for drugs and alcohol each calendar year, or in accordance with percentages as established by Federal law.
 - ii. Risk Management will maintain a program of random testing and notification.
 - e. Removal from Duty. A confirmed blood alcohol level of 0.02g%, but less than 0.04g% will require that the employee be removed from performing all safety-sensitive functions for a minimum of eight hours, or until a re-test shows the employee's blood alcohol content has dropped below 0.02g%.
 - i. If an employee has a confirmed blood alcohol level of 0.04g% or greater, the employee may not return to a safety-sensitive function until, at a minimum:
 - 1. The employee undergoes an evaluation, and where necessary, treatment; and
 - 2. A Substance Abuse Professional (SAP) determines that the employee has successfully complied with any recommended treatment; and
 - 3. The employee's blood alcohol content is less than 0.02g% on a return-to-duty test.
 - f. Follow-up. If an employee, in the course of employment, has a confirmed positive drug or alcohol test and subsequently accesses the Employee Assistance Program (EAP) for drug-related and/or alcohol-related problems or enters an alcohol and drug rehabilitation program, the County will require the employee to submit to six drug and/or alcohol tests for the first year and on a quarterly basis, for two years thereafter.
5. **All Employees Using Personal Vehicles for County Business or County Vehicles and Machinery.** All employees, including those who as a routine and necessary part of carrying out their assigned duties are assigned a County-owned vehicle for their use; or use a rental vehicle or personally owned vehicle; or are required to use a County-owned vehicle or to operate County-owned machinery may be tested for drugs and/or alcohol as follows:
- a. Post-accident. Any employee involved in or contributing to an accident when anyone requires professional medical attention as a result of that accident, or any employee operating a motor vehicle or motorized equipment who has an accident resulting in property damage, will be tested for drugs and alcohol immediately following the accident in accordance with Policies established by Risk Management. An employee is not considered to be "involved" in an accident unless the employee actually affects the situation by his or her action or failure to act reasonably as required by the situation.
 - b. Follow-up. If an employee has a confirmed positive drug and/or alcohol test result, and does not access the County's EAP or any other alcohol and/or drug rehabilitation program, the two-year follow-up drug/alcohol testing program will begin on the date of the employee's evaluation by a

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Substance Abuse Professional (SAP). At least six tests will be conducted in the first 12 months after an employee returns to duty.

6. **Drug Testing Policies.** All specimen collection and testing for drugs shall be conducted in accordance with Sections 440.102(5), (6), and (7), Florida Statutes. The County may test for any or all of the following:
 - a. Alcohol
 - b. Amphetamines
 - c. Cannabinoids
 - d. Cocaine
 - e. Phencyclidine
 - f. Methaqualone
 - g. Opiates
 - h. Barbiturates
 - i. Benzodiazepines
 - j. Methadone
 - k. Propoxyphene

7. Initial Test.
 - a. Narcotics. The initial test for all drugs shall use an immunoassay.
 - b. Alcohol. The initial test for alcohol shall be an enzyme oxidation methodology.
 - c. When first screening specimens, all levels equal to or exceeding the following shall be reported as positive:
 - i. Alcohol (CDL holders only) -- 0.02g% (by breath alcohol testing)
 - ii. Alcohol (all other employees) -- 0.05g% (by blood)
 - iii. Amphetamines -- 1000 ng/ml
 - iv. Cannabinoids -- 50 ng/ml
 - v. Cocaine -- 300 ng/ml
 - vi. Phencyclidine -- 25 ng/ml

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vii. Methaqualone -- 300 ng/ml

viii. Opiates -- 2,000 ng/ml

ix. Barbiturates -- 300 ng/ml

x. Benzodiazepines -- 300 ng/ml

xi. Methadone -- 300 ng/ml

xii. Propoxyphene -- 300 ng/ml

i. These levels will remain in effect until such time as Federal Legislation or State Statute revises them.

ii. All new levels will become effective on the date specified within the related legislation.

d. Confirmation Test. All specimens identified as positive on the initial tests shall be confirmed using a second test.

1. Narcotics. A gas chromatography/mass spectrometry (GC/MS) test, or an equivalent or more accurate scientifically accepted method approved by the State or Federal government will be used for the confirmation test.

2. Alcohol. The confirmation test for alcohol will be gas chromatography.

3. All confirmations shall be done by quantitative analysis.

4. When confirming initial results, all levels equal to or exceeding the following shall be reported as positive:

1. Alcohol (CDL holders only) -- 0.02g% (by breath alcohol testing)

2. Alcohol (all other testing) -- 0.05g% (by blood)

3. Amphetamines -- 500 ng/ml

4. Cannabinoids -- 15 ng/ml

5. Cocaine -- 150 ng/ml

6. Phencyclidine -- 25 ng/ml

7. Methaqualone -- 150 ng/ml

8. Codeine - 2,000 ng/ml

9. Morphine - 2,000 ng/ml

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10. 6-Acetylmorphie - 10 ng
11. Barbiturates -- 150 ng/ml
12. Benzodiazepines -- 150 ng/ml
13. Methadone -- 150 ng/ml
14. Propoxyphene -- 150 ng/ml

These levels will remain in effect until Federal Legislation or State Statute revises them.

All new levels will become effective on the date specified within the related legislation.

- e. **Reporting Test Results.** The laboratory shall report test results to a medical review officer (MRO) chosen by the County to act on its behalf.
 1. These results shall be reported within seven working days after receipt of the specimen by the laboratory.
 2. The laboratory shall transmit results to the MRO in a manner designed to ensure confidentiality of the information.
 3. **Records Retention.** The laboratory, for a minimum of two years, shall retain all records pertaining to a given specimen, unless the County or the employee requests the records to be retained for a longer period of time.
 4. **Notification of Results.** Within five working days after receipt of a confirmed positive test result from the MRO, the County shall inform the employee in writing of such positive test result, the consequences of such result, and the options available to the employee.
 5. Notification shall be mailed via certified mail or hand-delivered.
 6. Absent extenuating circumstances, mailed notification shall be deemed received by the employee when signed for, or seven calendar days after delivery, whichever occurs first.
 7. A copy of the test results will be provided to the employee with this notification.
- f. **Employee Challenges and Option to Retest.** An employee may make a legal challenge pursuant to Statute.
 1. Within five working days after receiving notice of a confirmed positive test result from the County, the employee may submit information to Risk Management explaining or contesting the test results and why the results do not constitute a violation of this program.
 2. When an employee initiates the appeal process, it shall be the employee's responsibility to notify Risk Management and the laboratory in writing that such an appeal has been filed, reference the

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chain of custody specimen identification number, and request that the laboratory retain the sample until final disposition of the appeal.

3. The employee will be notified in writing if the explanation or challenge is unsatisfactory to the County.
 4. This notice will be hand-delivered or delivered via certified mail within 15 days of receipt of the employee's explanation or challenge and will state why the employee's explanation is unsatisfactory.
 5. All such documentation will be kept confidential and will be retained for at least one year.
- g. Retest. During the 180-day period following the employee's receipt of a positive test result, the employee may request that a portion of the original specimen be retested, at the employee's expense.
1. The retesting must be done at a State licensed or National Institute of Drug Abuse (NIDA) approved laboratory other than the original testing facility, and must be tested at equal or greater sensitivity for the drug in question as the first.
 2. The employee may also appeal employment decisions made pursuant to this policy in accordance with the Disciplinary Policy.