

## **POLICY STATEMENT**

Islamorada, Village of Islands (“Village”) is committed to providing a safe work environment for our employees, our guests, our community and the public. The abuse of alcohol and drugs is a national problem, which impairs the safety and health of employees, promotes crime and harms our community. To maintain the highest standards of morale, productivity and safety in our operations, we are instituting a drug and alcohol-free workplace Policy. With the cooperation and assistance of our employees, we will implement a program designed to provide a safe workplace environment free from drugs and alcohol use and/or abuse.

We recognize that alcohol and drug dependency require medical supervision and treatment if there is to be successful rehabilitation. Our desire and intent are to encourage any employee with drug and alcohol or drug dependency to voluntarily enter a drug or alcohol rehabilitation program. It is the responsibility of each employee to initiate and obtain assistance before any difficulties with drug or alcohol affect his or her work. Accordingly:

EMPLOYEES OF ISLAMORADA, VILLAGE OF ISLANDS, ARE HEREBY NOTIFIED THAT IT IS A CONDITION OF EMPLOYMENT FOR EACH EMPLOYEE TO REFRAIN FROM REPORTING TO WORK OR WORKING WITH THE PRESENCE OF DRUGS OR ALCOHOL IN HIS OR HER BODY. IF AN INJURED EMPLOYEE REFUSES TO SUBMIT TO A TEST FOR DRUGS OR ALCOHOL, PURSUANT TO STATE LAW THE EMPLOYEE MAY FORFEIT ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS. FURTHER, IF A DRUG OR ALCOHOL IS FOUND TO BE PRESENT IN THE EMPLOYEE’S SYSTEM AT A LEVEL PRESCRIBED BY THIS POLICY, THE EMPLOYEE MAY BE TERMINATED AND FORFEITS HIS OR HER ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS.

Our Policy complies with the Florida Drug-Free Workplace Program, as provided in Section 440.101, and et. seq, Florida Statutes. This Drug Free Workplace Policy and Work Rules require all employees to be free from the influence of drugs and alcohol while working or while on Village property. The use, possession, sale, distribution, or manufacture of any drugs, and/or the unauthorized possession and/or use of alcohol, while working or while on Village property is prohibited.

All “job applicants” for either safety sensitive or special-risk positions will be tested for drugs prior to beginning work. All employees will be subject to drug and alcohol testing upon reasonable suspicion, after an accident or injury, and as part of a routine fitness for duty (physical) examination.

All employees are encouraged to be aware of the effects of and to advise their supervisor when taking prescription medication which may affect their performance at work.

To ensure a workplace free from the influence of illegal drugs and alcohol abuse, the following Policy has been established. The Policy applies to all employees, supervisors and managers. Any violation of the Policy will result in discipline, up to and including termination of employment.

## DEFINITIONS

Alcohol: “Alcohol” means ethyl alcohol (ethanol) and includes distilled spirits, wine, malt beverages and intoxicating liquors. For the purpose of this Policy, alcohol is considered to be a drug. Thus, any reference to drugs and/or drug testing includes alcohol and/or alcohol testing.

Drug: “Drug” means alcohol, including a distilled spirit, wine, a malt beverage or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; benzodiazepines; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this Policy. An employee may be tested for any or all such drugs.

Job Applicant: “Job applicant” means a person who has applied for a Special-risk or safety sensitive position with the Village and has been offered employment conditioned upon successfully passing a preemployment drug test.

Employee: “Employee” means an individual who works for the Village on a full-time or part-time basis and receives salary, wages, or other compensation.

Drug Test: “Drug Test” means any chemical, biological or physical instrumental analysis administered by a laboratory certified by the United States Department of Health and Human Services (HHS) or licensed by the Agency for Health Care Administration (AHCA) for the purpose of determining the presence of a drug or its metabolites, including alcohol. Drug testing may require the collection of blood, urine, breath, saliva, or hair (if approved by the FDA) of an employee or job applicant. The “Village” has the right to use more accurate, scientifically accepted methods which may be approved in the future by the United States Food and Drug Administration (FDA) or the AHCA as such technology becomes available in a cost-effective form.

Drug Test Methodology: Specimens for drug testing will be collected, handled, maintained and tested in accordance with the Florida Drug-Free Workplace Program. Urine will be used for the initial and confirmation tests for all drugs except alcohol. Blood will be used for the initial and confirmation tests for alcohol

Initial Drug Test: means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in cost-effective form.

Confirmation Test: means a second test of all specimens identified as positive in an Initial Drug Test in accordance with the Florida Drug-Free Workplace Programs and appropriate Florida Administrative Rules.

Positive Confirmed Test or Confirmation Test: “Positive confirmed test” or “confirmed test” means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and is capable of providing requisite specificity, sensitivity and quantitative accuracy, and which confirms a positive result from an initial drug test.

Medical Review Officer: “Medical Review Officer” (MRO) A licensed physician with the following qualifications/responsibilities:

- Knowledge of substance abuse disorders, laboratory testing procedures and chain of custody collection procedures
- Receives and reviews all positive confirmed test results
- Verifies positive, confirmed test results
- 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
- Contacts all individuals who tested positive in a confirmation of test results
- Contacts all individuals who tested positive in a confirmed test to inquire about possible medications which could have caused a positive result in accordance with Rule 38F-9.014, Florida Administrative Code

Prescription or Non-Prescription Medication: “Prescription or non-prescription medication” means a drug or medication obtained pursuant to a prescription as defined by Section 893.02, Florida Statutes, or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

Reasonable Suspicion Drug Testing: “Reasonable suspicion drug testing” means drug testing 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 inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

- (a) Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations or being under the influence of a drug or alcohol;
- (b) Abnormal conduct or erratic behavior while at work or a significant deterioration of work performance;
- (c) A report of drug and alcohol use, provided by a reliable and credible source;

- (d) Evidence that an individual has tampered with a drug test during his employment with the Village;
- (e) Information that an employee has caused, contributed to, or been involved in an accident while at work; or
- (f) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or alcohol while working or while on the Village's premise or while operating a vehicle, machinery, or equipment of the Village.

Safety Sensitive Position: Safety sensitive position means a position in which a drug or alcohol impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to Section 110.1127, Florida Statutes or a position in which a momentary lapse in attention could result in injury or death to another person.

Special-Risk Position: "Special-risk position" means a position that is required to be filled by a person who is certified under Chapter 633 or Chapter 943, Florida Statutes (1999), as amended.

Specimen: "Specimen" means a tissue or product of the human body including blood, urine, saliva, and hair that is capable of revealing the presence of alcohol and/or drugs or their metabolites as approved by the FDA or the AHCA.

Chain of Custody: "Chain of Custody" refers to the methodology of packing specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances at each stage in handling, testing, and storing specimens and reporting test results.

## **RULES ON DRUGS AND ALCOHOL**

EMPLOYEES OF ISLAMORADA, VILLAGE OF ISLANDS, ARE HEREBY NOTIFIED THAT IT IS A CONDITION OF EMPLOYMENT FOR EACH EMPLOYEE TO REFRAIN FROM REPORTING TO WORK OR WORKING WITH THE PRESENCE OF DRUGS OR ALCOHOL IN HIS OR HER BODY. IF AN INJURED EMPLOYEE REFUSES TO SUBMIT TO A TEST FOR DRUGS OR ALCOHOL, PURSUANT TO STATE LAW THE EMPLOYEE MAY FORFEIT ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS.

It is not the intent of the Village to intrude into the private lives of its employees. However, the effect of drug and alcohol use, abuse and/or dependency on safety, work quality, increased medical expenses and lost productivity requires that this Policy be implemented. The following rules apply under the Village's Policy.

1.0 Pre-Employment Conditions The following pre-employment conditions are established to determine the suitability of employees to work for the Village.

- 1.1 All job applicants for special-risk or safety sensitive positions must submit to a drug and/or alcohol test prior to starting employment in that position. Any job offers, which a job applicant may receive from the Village, is contingent upon the applicant's successfully completing the drug and/or alcohol test.
- 1.2 Any job applicant for either a special-risk or safety sensitive position who refuses to submit to drug and alcohol testing, as part of the pre-employment testing process will be refused employment.
- 1.3 Any job applicant who tests positive for drugs or alcohol will be refused employment at that time. Confidentiality will be maintained pursuant to this Policy.
- 1.4 The Village will not discriminate against an applicant for employment because of the applicant's past addiction to drugs or alcohol. It is only the current use/abuse of drugs or alcohol that will not be tolerated.

2.0 Conditions of Continuing Employment

- 2.1 The Village will provide each employee with a copy of the Village's Drug Free Workplace Policy and Work Rules. It is a condition of continuing employment for each employee to abide by the Policy and work rules. Failure to abide by either the Policy and/or work rules may result in disciplinary action, up to and including termination.

3.0 Prohibition of Possession, etc.

- 3.1 The unlawful manufacture, distribution, dispensation, possession, sale or use of any drug or non-prescribed, controlled substance and/or the unauthorized possession or

usage of alcohol by employees while working or when on any Village property is strictly prohibited.

#### 4.0 Prohibition of Drug or Alcohol Use

- 4.1 All employees are prohibited from being at work or on Village property with the presence of any drug or its metabolite, as set forth herein, in the employee's body. Any employee who has a confirmed positive test of a drug or its metabolite at the levels defined herein will be presumed to be under the influence of the drug and in violation of Village Policy.

#### 5.0 Requirement to Report Medication Use

- 5.1 The Village does not prohibit the use of a drug (prescribed medication) provided:
- (a) The drug is prescribed or authorized for use by an employee by a medical doctor; and
  - (b) The use of the drug at the prescribed or authorized level is consistent with the safe performance of the employee's duties; and
  - (c) The drug is used at the dosage prescribed or authorized.
- 5.2 Employees are encouraged to notify their immediate supervisor when reporting for work or during the course of a work shift if the use of any prescription or non-prescription medication may adversely affect his or her ability to satisfactorily and safely perform his normal job duties (e.g., including but not limited to drowsiness). Employees in safety sensitive or special risk positions are required to provide their supervisor with such information. A form for reporting the use of prescription or non-prescription medication is attached. Additional forms are available from the Human Resources Director.

#### 6.0 Employee Drug and Alcohol Testing

- 6.1 Employees will be required to submit to drug and/or alcohol testing upon reasonable suspicion as defined in this Policy, during a routine fitness for duty (physical) examination, and after an on-the-job accident, or injury or any off-the-job accident and/or injury which involves or occurs on Village property. Employees who are on Village property such as parks and beaches during non- working hours for purely recreational purposes are excluded.
- 6.2 An employee who tests positive on a confirmation test will be terminated.
- 6.3 Confidentiality will be maintained at all times except to the extent necessary to comply with these policies and to the extent permitted by law.
- 6.4 Failure to submit to a drug and/or alcohol test upon reasonable suspicion will result in termination of employment.

## 7.0 Employee Drug or Alcohol Related Criminal Charges or Arrests

- 7.1 Employees are required to notify the Administration & Finance Department of any alcohol or drug related criminal charge or arrest no later than one day after such charge has been filed. Failure to provide notice to the Administration & Finance Department may result in disciplinary action, up to and including termination.
- 7.2 The Village will take appropriate action with respect to an employee who is charged, including transfer to a non-safety sensitive or special risk position.
- 7.3 Employees are required to notify the Administration & Finance Department of any final action regarding all drug or alcohol related charges no later than five days after said final action. Final action includes but is not necessarily limited to, conviction, a plea of guilty, adjudication of guilt, a plea of nolo contendere, adjudication withheld, and acquittal or dismissal of the charges. A failure to report a drug or alcohol conviction within the applicable time periods may result in termination of the employee, unless a valid reason exists for the employee's failure to report the conviction to the Village.
- 7.4 The Village will take appropriate disciplinary action against such employee within thirty days of receiving notice of any final action. Disciplinary action may include termination of employment.

## 8.0 Employee Education and Referral Program

- 8.1 It is the responsibility of each employee to seek assistance before drug and alcohol use or abuse leads to disciplinary problems. Employees who may require assistance with dependency and related programs are encouraged to seek assistance and information from the Administration & Finance Department.
- 8.2 Once a violation of this Policy occurs, subsequent use of a counseling or rehabilitation program on a voluntary basis will not affect the imposition of appropriate disciplinary action.
- 8.3 An employee's decision to seek assistance or referral from the Administration & Finance Director prior to any incident warranting disciplinary action will not be used as the basis for disciplinary action or in any disciplinary proceeding.
- 8.4 An employee who is experiencing problems as a result of drug and/or alcohol abuse should contact the Director of Administration & Finance for referral for treatment and/or counseling. This discussion will be kept confidential. Such employee will be subject to testing to verify recovery from substance abuse pursuant to the Policy requirements and failure to take or pass a drug and/or alcohol test will result in termination of employment. Where an employee voluntarily enters a treatment program before disciplinary action is initiated, the Village, in its sole discretion, may elect to waive follow-up drug testing. If follow-up drug testing is required, it must be conducted at least once a year for a two-year period after completion of the program. Advance notice of a follow-up testing date is strictly prohibited.

- 8.5 An individual's participation in an alcohol or drug treatment program will not be made part of any personnel records and will remain confidential except to the extent necessary to comply with this Policy and to the extent permitted by law. Medical and insurance records, if any, will be preserved in the same confidential manner as all other medical and insurance records. Program participation records will be maintained by the Director of Administration & Finance.

## 9.0 Rehabilitation Procedures

- 9.1 An employee in a safety sensitive position who enters a substance abuse rehabilitation program will be assigned to a position other than a safety sensitive position, or, if such a position is not available, will be placed on leave while the employee is participating in the program. The employee shall be permitted to use any accumulated leave credits before leave will be ordered without pay.
- 9.2 An employee in a special-risk position is subject to discharge for the first positive confirmed test results if the drug confirmed is an illicit drug under Section 893.03, Florida Statutes. A special-risk employee who is participating in a substance abuse program will not be allowed to continue to work in a safety sensitive or special-risk position, but will be assigned to a position other than a safety sensitive position or placed on leave while the employee is participating in the program. The employee shall be permitted to use any accumulated annual leave credits before leave will be ordered without pay.
- 9.3 Where an employee is permitted to enter into a substance abuse rehabilitation program, the Village will attempt to hold the employee's job open for as long as possible. When the employee successfully completes the said program, the Village will attempt to return the employee to his/her former position. It is recognized that under many circumstances it may not be feasible to return an employee to his/her former position (e.g., if the job involves driving). If the employee is not returned to his/her former job, the Village will utilize its best efforts to place the employee in another available position.
- 9.4 Upon successful completion of a drug or alcohol treatment program, an employee may be released to resume work however, the employee will be subject to drug testing on a random, periodic basis, at least once a year, for two years thereafter as a condition of continued employment.

## 10.0 Employee Education Information

- 10.1 The following "crisis information centers" will provide information regarding employee assistance programs and local alcohol and drug rehabilitation programs available to employees:

Monroe County  
Help Crisis Line, Inc.  
Telephone: (305) 296-4357  
1-800-273-4558



Employee Assistance Program Care Center  
1205 Fourth Street  
Key West, FL 33040  
Telephone: (305) 292-6843

Dade County  
Switchboard of Miami  
Telephone: (305) 358-4357

10.2 Other available resources include:

1-800-356-9996	Al-Anon
1-800-527-5344	American Council on Alcoholism
1-800-COCAINE	Cocaine Hotline
1-800-NCA-CALL	Nat'l Council on Alcoholism
1-800-662-HELP	US Dept. of Health & Human Services (Referral to Local Help)
1-800-843-4971	DHHS Center for Drug Abuse Hotline

10.3 Employees may obtain further information regarding available drug and alcohol assistance and rehabilitation programs by contacting the Human Resources Director.

11.0 Management's Responsibility

11.1 The Village Manager, Department Heads and Supervisors (hereafter collectively referred to as "supervisors") are responsible for implementing this Policy. It is the responsibility of supervisors to observe the behavior which could threaten the safety and well-being of employees or the public.

11.2 Supervisors are responsible for maintaining a safe work environment by determining each employee's fitness for duty.

11.3 In the event a supervisor has a reasonable suspicion that an employee may be affected by drugs or alcohol or has otherwise violated this Policy, the employee will be sent for drug testing. A form for reporting the reason(s) for drug testing is attached and should be completed as soon as practicable following the incident or observations giving rise to such reasonable suspicion.

11.4 In all cases when an employee is being removed from duty for drug testing, the supervisor should notify his/her superior at the earliest possible time.

## 12.0 Employees' Responsibility

- 12.1 It is each employee's responsibility to be fit for duty when reporting for work and to inform his/her supervisor if he or she is under the influence of prescription medication which may affect job performance or safety.
- 12.2 In the event an employee observes behavior which raises a doubt as to the ability of a co-worker to work in a safe and reliable manner, the employee shall report this behavior to his/her supervisor.
- 12.3 Employees who voluntarily enter a drug or alcohol treatment and/or rehabilitation program must participate and complete the recommended treatment. Any employee who enters a drug or alcohol treatment and/or rehabilitation program will be responsible for payment for the treatment and/or programs to the extent not covered by medical insurance provided by the Village. If the employee fails to comply with the treatment and/or the program, the employee will be subject to termination.

## 13.0 Employee Education

- 13.1 Employees and supervisors will be required to participate in a drug-free awareness program on an annual basis. The program will inform employees about the following:
  - (a) The legal, social, physical and emotional consequences of the use, misuse and/or abuse of alcohol or drugs;
  - (b) The Village's commitment to maintain a drug-free workplace;
  - (c) Available drug counseling, rehabilitation and employee assistance programs;
  - (d) Assistance in identifying personal and or emotional problems which may result in the misuse of alcohol or drugs;
  - (e) The penalties which may be imposed by the Village on employees for drug abuse violations occurring in the workplace.

## TESTING PURSUANT TO THE DRUG-FREE WORKPLACE POLICY

- 1.0 Types of Testing: In order to maintain a drug and alcohol-free work environment and in accordance with Florida's Drug-Free Workplace Program, Section 440.101, et. seq, and applicable administrative regulation, the Village will test the for the presence of drugs and/or alcohol in the following circumstances:
- 1.1 Pre-Employment: All job applicants who have been offered a position of employment in either a safety sensitive or special-risk position must submit to a drug and/or alcohol test before beginning employment or work for the Village.
  - 1.2 Reasonable Suspicion: Employees who are determined to be under reasonable suspicion of drug or alcohol use as defined by this Policy will be required to submit to a drug and/or alcohol test.
  - 1.3 Fitness-For-Duty: All employees who are subject to a routine fitness for duty medical examinations must take a drug and/or alcohol test as part of their medical examination.
  - 1.4 Follow-Up: All employees who have entered an employee assistant program or rehabilitation program for drug and/or alcohol abuse must take drug and/or alcohol tests on a quarterly, semi-annual or annual basis for two years after return from work. This requirement may be waived in the sole discretion of the Village in cases where an employee voluntarily enters a drug treatment program before disciplinary action has been taken.
  - 1.5 Post Accident or Injury: Employees who are involved in an accident or injury to an employee occurring while at work which was caused, contributed to or involved an employee must take a drug and/or alcohol test after administration of emergency medical treatment. If it cannot be determined which employee was driving a Village vehicle at the time of an accident, then any employee who was driving the vehicle during the applicable time period will be required to submit to testing.
  - 1.6 Random Testing for Village Employees: Village employees are subject to random testing as determined by the Village. Random testing shall be conducted via an unbiased selection procedure, and in accordance with drug-testing rules adopted by the Agency for Health Care Administration and the Department of Labor and Employment Security.
- 2.0 Consequences of Refusing a Drug Test
- 2.1 An employee who refuses to submit to a drug test will be subject to termination. An employee who refuses to submit to a drug test following an occupational injury which requires medical treatment forfeits his eligibility for all workers' compensation medical and indemnity benefits in accordance with Florida law.
  - 2.2 A job applicant who refuses to submit to a drug test will not be hired.

- 2.3 Any person or employee will be considered to have refused to submit to testing if the person or employee:
  - 2.3.1 Did not appear at the testing site, within a reasonable time, after being directed to do so.
  - 2.3.2 Did not provide a specimen, or provided an inadequate specimen, as required by this policy, the on-site specimen collector or applicable state and/or federal regulations.
  - 2.3.3 Left the testing site before the completion of the test
  - 2.3.4 Refuse to cooperate with any part of the testing process
- 3.0 Actions Following Positive Confirmed Test: The Village will terminate any employee who has a positive, confirmed drug test.
- 4.0 Reporting of Use of Medication: Employees and job applicants may confidentially report the use of prescription medication both before and after having a drug test. A form for reporting medication use can be obtained by contacting the Human Resources Director.
- 5.0 Notice of Common Medications: A list of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test, are contained herein. Employees and job applicants should review this list prior to submitting to a drug test.
- 6.0 Medication Information: An employee or job applicant may consult with the Village's MRO or the testing laboratory for technical information regarding prescription and non-prescription medications.
- 7.0 Drugs To Be Tested

Drug testing may be required for any or all of the following drugs:

  - 1. Alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors
  - 2. Amphetamines
  - 3. Cannabinoids
  - 4. Cocaine
  - 5. Phencyclidine (PCP)
  - 6. Hallucinogens
  - 7. Methaqualone
  - 8. Opiates
  - 9. Barbiturates
  - 10. Benzodiazepines
  - 11. Synthetic narcotics (Methadone and Propoxyphene)
  - 12. Designer Drugs
  - 13. A metabolite of any of the substances listed herein

A list of drugs by brand names or common names is attached.

The cut-off levels for reporting positive results for both initial and confirmation drug tests are set forth below.

Drug cut-off levels – Initial Drug Test:

All levels equal to or exceeding the following shall be reported as positive:

Alcohol	Levels as indicated by current Florida State Statutes
Amphetamines	1,000 ng/ml
Cannabinoids (Marijuana)	50 ng/ml
Cocaine	300 ng/ml
Phencyclidine	25 ng/ml
Opiates	2000 ng/ml

Drug Cut-Off Levels – Confirmation Drug Test: All levels equal to or exceeding the following shall be reported as positive:

Alcohol	Levels as indicated by current Florida State Statutes
Amphetamines	500 ng/ml
Cannabinoids (Marijuana)	15 ng/ml
Cocaine	150 ng/ml
Phencyclidine	25 ng/ml
Opiates	2000 ng/ml

8.0 Reasonable Suspicion Drug Testing

8.1 Employees will be required to submit to drug and/or alcohol testing when a supervisor has “reasonable suspicion” to believe that an employee is using or has used drugs or alcohol in violation of this Policy. The supervisor will document the circumstances which formed his or her determination of “reasonable suspicion” in writing as soon as practicable. While this should be done on the same day or the next working day, it must be done within three working days from the date of the determination. A form for the use by supervisor to specify the reason(s) for reasonable suspicion testing test can be obtained by contacting the Human Resources Director. A copy of this documentation will be given to the employee upon request within seven days from the date of the supervisor’s determination of “reasonable suspicion.”

9.0 Confidentiality and Records Maintained

9.1 Confidentiality of records concerning drug testing pursuant to the Drug-Free Workplace Policy will be maintained in accordance with Florida law. All information, records, drug test results in the possession of the Village, laboratories,

employee assistance programs and drug and alcohol rehabilitation programs will be kept confidential. No such information or records will be released unless written consent, signed by an employee or job applicant, is provided or unless disclosure of such information or records is compelled by court order. The Village may also disclose such information when relevant in any civil, disciplinary or administrative hearing. The Village will maintain records concerning drug testing separate and apart from a job applicant or employee's personnel file.

10.0 Challenge of Test Results of Drug Test Under Florida Law:

- 10.1 An employee or job applicant who receives a positive confirmed test result may submit information to the MRO contesting or explaining the result in writing within five (5) working days of receipt of information of a positive confirmed test result.
- 10.2 If the explanation or challenge of the employee or job applicant is unsatisfactory to the MRO, the MRO shall report a positive result back to the Village.
- 10.3 Within five (5) working days after receiving notice of a positive confirmed test result from the MRO, the Village shall inform the employee or job applicant in writing of the positive test result, the consequences of such results, and the options available to the employee or job applicant. Upon request, the Village shall provide a copy of the test result to the employee or job applicant.
- 10.4 Within five (5) working days after receiving notice of a positive confirmed test result from the Village, the employee or job applicant may submit information to the Village explaining or contesting the test result and explaining why the result does not constitute a violation of the Village's Policy.
- 10.5 If the explanation or challenge of the employee or job applicant is unsatisfactory to the Village, the Village shall provide a written explanation (within fifteen (15) days of receipt) as to why the employee or job applicant's explanation is unsatisfactory, along with a copy of the report of positive confirmed test results. All such documentation will be kept confidential except as provided in Section 9, above and will be retained by the Village for at least one (1) year.
- 10.6 An employee may further challenge the result of a test in a court of competent jurisdiction or, if the drug test was administered due to a workplace injury, by filing a claim for benefits with a Judge of Compensation Claims, pursuant to Chapter 440. Florida Statutes.
- 10.7 If an employee or job applicant contests the drug test result, he or she will be solely responsible for notifying the laboratory and the Village in writing by certified mail and provide a copy of the written notice, by certified mail, to the Village. The notice must include reference to the chain of custody specimen identification number.
- 10.8 An employee or job applicant who receives a positive, confirmed test result may, at the employee's or job applicant's expense, obtain a retest of a portion of the original specimen at another licensed and approved laboratory selected by the

employee or job applicant, within one hundred eighty (180) days of the notice of the positive test result.

11.0 Medical Review Officer's Responsibilities for Testing Under Florida Law:

- 11.1 The Medical Review Officer (MRO) shall fully comply with all of the requirements set forth in Rule 38F-9.014, Florida's Administrative Code as it may from time to time be amended. The MRO shall be a licensed physician, who has knowledge of substance abuse disorders, laboratory testing procedures, chain of custody collection procedures, and medical use of prescription drugs and pharmacology and toxicology of illicit drugs.
- 11.2 The MRO shall review and verify drug test results prior to the transmittal of the test results, either positive or negative, to the Village. The MRO shall evaluate the drug test result(s), verify the chain of custody forms and ensure that the donor's identification number on the laboratory report and the chain or custody form accurately identifies the individual.
- 11.3 If the test results reported are negative, the MRO shall notify the Village of the negative test result and submit the appropriate documentation to the ACHA.
- 11.4 If the test results reported are positive, the MRO shall notify the employee or job applicant of a confirmed positive test result within three (3) days of receipt of the test result from the laboratory and inquire as to whether prescriptive or over-the-counter medications could have caused the positive test result. Within five (5) days after receiving written notification of the positive test result, the employee or job applicant may contest or explain the result to the MRO. If the employee or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO will report a positive test result back to the Village.
- 11.5 Upon contacting an employee or job applicant who has received a positive test result, the MRO shall properly identify the donor, inform the donor that the MRO is an agent of the Village whose responsibility is to make a determination on test results and report them to the Village, and inform the donor that medical information revealed during the MRO's inquiry will be kept confidential, unless the donor is in a safety sensitive position and the MRO believes that such information is related to the safety of the donor or to the employees.
- 11.6 Additionally, the MRO shall outline the rights and procedures for a retest of the original specimen for the donor and process any employee's or job applicant's request for retest of the original specimen within one hundred eighty (180) days of notice of the positive test result in another licensed laboratory selected by the employee or job applicant. The employee or job applicant who requests the additional test shall be required to pay for the cost of the retest, including handling and shipping expenses. The MRO shall contact the original testing laboratory to initiate the retest.
- 11.7 Upon receipt of information and/or documentation from the employee or job applicant, the MRO shall review any medical records provided, authorized and/or

released by the individual's physician, to determine if the positive test result was caused by a legally prescribed medication. If the donor does not have prescribed medication, the MRO shall inquire about over-the-counter medications which could have caused the positive test result. The donor shall be responsible for providing all necessary documentation (i.e., a doctor's report, signed prescription, etc.) within the five (5) day period after notification of the positive test result.

- 11.8 If the MRO determines that there is a legitimate medical explanation for the positive test result, the MRO shall report a negative test result to the Village. However, should the MRO feel that the legal use of the drug would endanger the individual or others, the MRO shall report that the test is negative due to a validated prescription and shall request that the individual be placed in a position which would not threaten the safety of the individual or others.
- 11.9 If the MRO has any question as to the accuracy or validity of a test result or has a concern regarding the scientific reliability of the sample, the MRO may request that individual provide another sample. As a safeguard to employees and job applicants, once an MRO verifies a positive test result, the MRO may change the verification of the result if the donor presents information which documents that a serious illness, injury, or other circumstances unavoidably prevented the donor from contacting the MRO within the specified time frame and if the donor presents information concerning a legitimate explanation for the positive test result.
- 11.10 If the MRO is unable to contact a positive-tested donor within three (3) days of receipt of the results from the laboratory, the MRO shall contact the Village and request that the Village direct the donor to contact the MRO as soon as possible. If the MRO has not been contacted by the donor within two (2) days from the request of the Village, the MRO shall verify the report as positive.
- 11.11 If the donor refuses to talk to the MRO regarding a positive test result, the MRO shall validate the result as a positive and annotate such refusal in the remarks section. If the donor voluntarily admits to the use of the drug in question without a proper prescription, the MRO shall advise the donor that a verified positive test result will be sent to the Village.
- 11.12 The MRO shall notify the Village in writing of the verified test result, either negative, positive, or unsatisfactory and appropriately file chain of custody forms to the Village and submit the proper forms to the ACHA.



## **DRUG AND ALCOHOL TESTING OF DRIVERS AND OWNER-OPERATORS**

In addition to the Policies and Procedures set forth above, some employees who are connected with the operation of commercial motor vehicles are subject to drug and alcohol testing as required by the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. App. §§ 2714-2717 (1993), and pursuant to all applicable procedures and regulations promulgated by the Department of Transportation and the Federal Highway Administration, as well as any additional Policy adopted by the Village pursuant to those federal laws and regulations. In cases where the requirements of both federal and state drug and alcohol laws and regulations and/or the Village's Drug-Free Workplace Policy may be applicable; the requirements of federal drug and alcohol laws and regulations will control if a conflict arises between federal law and regulations and the requirements of state law or the Village's Drug-Free Workplace Policy.

## **OVER THE COUNTER AND PRESCRIPTION DRUGS**

Some over the counter and prescriptions drugs can alter a drug test, employee need to be aware of the following:

### ALCOHOL

All liquid medications that contain ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

### AMPHETAMINES

Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex

### CANNABINIODS

Marinol (Dronabinol, THC)

### COCAINE

Cocaine HCl-topical solution (Roxanne)

### PHENCYCLIDINE

Not legal by prescription.

### METHAQUALONE

Not legal by prescription.

### OPIATES

Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC: Guaiatuss AC, Novahistine DII, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.

### BARBITURATES

Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.

### BENZODIAZEPINES

Ativan, Azene, Clonopin, Dalmane, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

### METHADONE

Dolophine, Methadose

### PROPOXYPHENE

Darvocet, Darvon N, Dolene, etc.

## LIST OF DRUGS BY TRADE OR COMMON NAMES

<u>Drug</u>	<u>Trade or Common Name</u>
<b><u>Narcotics</u></b>	
Opium	Dover's Powder, Paregoric, Parepectolin
Morphine	Morphine, Pectoral Syrup
Codeine	Tylenol with Codeine, Empirin Compound With Codeine, Robitussin A-C
Heroin	Diacetylmorphine, Horse, Smack
Hydromorphone	Dilaudid
Meperidine (Pethidine)	Demerol, Mepergan
Methadone	Dolophine, Methadone, Methadose
Other Narcotics	LAAM, Leritine, Numorphan, Percodan, Tussionex, Fentanyl, Darvon, Talwin, Lomotil
<b><u>Depressants</u></b>	
Chloral Hydrate	Noctec, Somnos
Barbiturates	Phenobarbital, Tuinal, Amytal, Nembutal Seconal, Lotusate
Benzodiazepines	Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril
Methaqualone	Quaalude
Glutethimide	Doriden
Other Depressants	Equanil, Miltown, Noludar, Placidyl, Valmid
<b><u>Stimulants</u></b>	
Cocaine	Coke, Flake, Snow, Crack
Amphetamines	Biphetamine, Delcobese, Desoxyn, Dexedrine, Mediatic
Phenmetrazine	Preludin
Methylphenidate	Ritalin
Other Stimulants	Adipex, Bacarate, Cylert, Didrex, Lonamin, Plegine, Pre-Sale, Sanorex, Tenuate, Tepanil, Voranil
<b><u>Hallucinogens</u></b>	
LSD	Acid, Microdot
Mescaline and Peyote	Mesc, Buttons, Cactus
Amphetamine Variants	2,5-DMA, PMA, STP, MDA, MDMA, TMA, DOM, DOB.
Phencyclidine	PDP, Angel Dust, Hog
Phencyclidine Analogs	PCE, PCPy, TCP
Other Hallucinogens	Bufotenine, Ibogaine, DMT, DET, Psilocybin

## **Cannabis**

Marijuana

Tetrahydrocannabinol

Hashish

Hashish Oil

Pot, Acapulco Gold, Grass, Reefer, Sinsemilla, Thai Sticks

THC

Hash

Hash Oi