

CITY OF MIAMI SPRINGS, FLORIDA
DRUG FREE WORKPLACE POLICY 94-7

This is your official notification that this City is implementing a "Drug-Free Workplace" authorized by F.S. 440.102 and Chapter 38F-9 of the Florida Administrative Code. All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace. It is a condition of employment to refrain from taking drugs on or off the job.

Drug Tests: You will be subjected to the following drug tests:

Job applicant testing: An applicant for a position must be tested and a refusal to submit or a positive confirmed test result may be used as a basis to reject the applicant for employment.

Reasonable suspicion testing: An employee may be required to submit for testing when the employer has a reasonable suspicion, as defined in the Act, that an employee is using or has used drugs in violation of the employer's policy. The City has a reason to suspect an employee when it has an articulated belief that the employee:

- Possesses or uses drugs or alcohol at the workplace
- Is observed intoxicated or impaired by drugs or alcohol
- Has been reported by a reliable and credible source as using drugs
- Has tampered with a drug test
- Has caused or contributed to an accident while at work
- Is engaged in abnormal conduct or erratic behavior while at work
- Shows a significant deterioration in work performance

The reason to suspect shall be based on specific and particular facts and the reasonable inferences drawn from those facts in light of experience.

Routine fitness for duty testing: An employee must submit to a drug test conducted as a part of a routinely scheduled fitness for duty medical examination that is either part of the employer's established policy or that is scheduled routinely for all members of an employment classification or group.

Follow up testing: An employee who in the course of employment enters an Employee Assistance Program (E.A.P.) for drug-related problems, or an alcohol and drug rehabilitation program, may be tested as a follow-up measure and thereafter on a quarterly, semi-annually or annual basis for two (2) years thereafter.

Confidentiality: Employers and their agents and laboratories must keep drug test results and other information confidential. If information is released, it shall be done solely under a written consent form signed voluntarily by the person tested unless release is compelled by a hearing officer or a court or unless deemed appropriate by a professional occupational licensing board in a related disciplinary proceeding. The consent form must meet the criteria set by the State.

Reporting use of prescription or non prescription medications: An employee or job applicant will confidentially report the use of prescription or non prescription medications, both before and after being tested as presence of those medications in the body may affect the outcome of the test. A list of the most common medications by brand name, common name and by chemical name, which may alter or affect a drug test is as follows:

Alcohol: All liquid medication containing 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: (Speed) Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex

Cannabinoids: (Marijuana) Marinol (Dronabinol, THC)

Cocaine: (Crack) Cocaine HCL topical solution (Roxanne)

Phencyclidine: (PCP) Not legal by prescription

Methaqualone: Not legal by prescription

Opiates: Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, 222's Empirin with codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaituss AC, Novahistine DH, 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, Butalbital, Phrenilin, Triad, etc.

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

Methadone: Dolophinee, Methadose

Propoxyphene: Darvocet, Darvon N., Dolene, etc.

Explanation of employee/job applicant's testing positive: Within five (5) working days after receipt of notice of a positive confirmed test result, the employee/job applicant may submit information to the employer explaining or contesting the test results and stating why the test results do not constitute a violation of the employer's policy. If this explanation is unsatisfactory, the employer must, within fifteen (15) days of receipt of the explanation or challenge, provide the employee/job applicant with a written explanation as to why the employee's explanation is unsatisfactory along with the report of the positive confirmed test results. The documentation of the above shall be kept confidential by the employer and shall be retained by the employer for at least one year. If the employee wishes to challenge the confirmed drug test result and is involved in a work place injury, the employee may file an administrative challenge by filing a claim for benefits with a Judge of Compensation Claims. If no work place injury occurred, the confirmed positive test result of the employee/job applicant may be challenged in a court of competent jurisdiction.

Notice to laboratory: The employee/job applicant who wishes to challenge the test result, must notify the laboratory of the challenge to the test and the laboratory shall retain the sample until the case is settled. Otherwise, the laboratory is required to preserve the specimen that produces a positive confirmed test result for a period of at least 210 days after the results of the positive confirmation are mailed or otherwise delivered to the employer. Within 180 days after written notification of a positive test result, the employee or applicant may have a portion of the specimen retested at the employee's or applicant's expense at another laboratory. The second laboratory test must be of equal or greater sensitivity as the first laboratory test. The first laboratory shall be responsible for the transfer of a portion of the specimen to be tested to the second laboratory and for the integrity of the chain of custody doing the transfer.

ADMINISTRATIVE ORDER NO. 94-7

POLICY ADDENDUM

The City of Miami Springs hereby states its policy relating to those employees who test positive on their drug screen to be as follows:

They will be sent to the Employee Assistance Program Counselor for an assessment and referral for appropriate treatment. They will be extended a temporary leave of absence, if necessary, to complete their treatment. Following this they will return to their job and have frequent follow up drug screens for a 2 year period. If they refuse to have an assessment, refuse to follow the recommendation for treatment, or fail to complete treatment successfully they will be terminated from their employment. If they test positive on any of their follow up drug screens they will be terminated from their employment.

If an employee refuses to take a periodic or reasonable suspicion drug screen he/she will be terminated from employment.



City of Miami Springs, Florida

DRUG FREE WORKPLACE POLICY

EMPLOYEE/APPLICANT ACKNOWLEDGMENT FORM

I hereby acknowledge that I have received and read a summary of the City's Drug Free Workplace Policy. I have had an opportunity to have all aspects of this material fully explained. I understand that the full text of the Drug Free Workplace Policy is available upon request. I also understand that I must abide by the policy as a condition of employment, and any violation may result in disciplinary action up to and including discharge.

Further, I understand that during my employment I may be required to submit to testing for the presence of drugs or alcohol. I understand that submission to such testing is a condition of employment with the City and disciplinary action up to and including discharge may result if:

1. I refuse to consent to such testing;
2. I refuse to execute all forms of consent and release of liability as are usually and reasonably attendant to such examinations;
3. I refuse to authorize release of the test results to the City;
4. The tests establish a violation of the City's Drug Free Workplace Policy; or
5. I otherwise violate the policy.

If I am injured in the course and scope of my employment and test positive, I forfeit my eligibility for medical and indemnity benefits under the Workers' Compensation Act upon exhaustion of the remedies provided in Florida Statute 440.102(5).

I also understand that the Drug Free Workplace Policy and related documents are not intended to constitute a contract between the City and me.

I, the undersigned, further state that I have read the foregoing acknowledgment and know the contents thereof and sign the same of my own free will.

Employee Signature: _____

Date _____



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