

APPENDIX D

CITY OF WEST MELBOURNE DRUG-FREE WORKPLACE POLICY

The City of West Melbourne is committed to a safe and productive work environment and workplace. The use of illegal drugs and the abuse or improper use of drugs, including alcohol, causes many problems. Examples are on-the-job accidents, excessive workers' compensation costs, absenteeism, excessive health care costs, theft, decreased employee morale, decreased productivity, and decline in quality of work and services. With this in mind, the City hereby informs all employees and applicants of its employee drug and alcohol rules and policy. The City further advises and notifies all employees and applicants of the existence of Florida Statutes, Section 112.0455 (the Drug-Free Workplace Act); Florida Statutes, Section 440.102; Florida Administrative Code 59A-24 (the Drug-Free Workplace Standards); and the City's establishment and maintenance under such laws and rules of a DRUG-FREE WORKPLACE PROGRAM within the meaning of those materials. Employees are required to be thoroughly familiar with this program and its requirements.

As provided below, this program involves certain types of employee drug testing.

The City will, effective immediately, as a condition of employment, maintain and enforce the following rules:

1. No employee shall at any time, whether engaged in work on behalf of the City or not, possess, use, sell or distribute any drug in which the possession, use, sale or distribution of is illegal under any law of any state or any law of the United States of America. This rule will be enforced regardless of whether the acts or events giving rise to its enforcement result in arrest, prosecution or conviction.
2. No employee will report for work or will engage in any work while under the influence of any drug, illegal or legal, including alcohol, except with prior knowledge and approval of management. Such approval will be limited to lawful medication, and will be based on an assessment of the ability of the employee to perform assigned duties safely and in accordance with the standards prescribed by the City.
3. The penalty for any violation of either rule will be discharge.

Drug Testing and Confirmation Testing Procedures

To enforce these rules, and to meet the requirements of the Florida Statutes and the applicable rules, the City will, under the following described circumstances require employees to undergo drug testing and confirmation testing. Such testing will be for usage of illegal drugs, some of which are listed in this section, as well as for abuse of legal drugs, including alcohol.

Drug testing is conducted by qualified collection site personnel at a collection site designated by an approved laboratory. Drug testing will normally be accomplished by testing a sample of urine. Blood will be used as the initial and confirmation test for alcohol. The individuals

collecting the samples shall, to the extent possible, respect your privacy. If, however, there is reason to believe that an employee has tampered with the sample, re-testing may be conducted in the presence of the collector.

Initial substance screening will be performed by enzyme multiplied immunoassay technique (“EMIT”) with confirmation by gas chromatography/mass spectrometry (“GC/MS”). Whole blood alcohol screening will be performed by enzyme oxidation methodology and confirmed by gas chromatography.

The City shall pay the cost of the initial and confirmation drug tests. Employees shall pay the cost of any additional drug tests. Employees shall be given the opportunity to disclose any lawful medication being taken which might affect the test results both before the collection and after specimen analysis if the test shows positive for any reason.

No employment decision will be made on the basis of the initial test result. A Medical Review Officer (“MRO”) will notify the employee of the results of his or her drug test. Results of drug tests performed pursuant to this policy shall remain confidential as provided for under Florida Law. Within five (5) days of notification to the donor of the positive test result, the MRO will provide the opportunity for the applicant to discuss and submit documentation of reason for such results. A chain of custody record will be maintained for each sample to insure control and accountability. The testing laboratory will “split” the sample so as to be able to re-test and verify the results of the first test.

Specimen samples will be labeled, and collection, storage and transportation shall be performed in a manner which will reasonably preclude contamination. Approved collection site personnel will collect the sample. These personnel are limited to the following: physician, physician’s assistant, registered professional nurse, license practical nurse, nurse practitioner or certified paramedics or other qualified laboratory personnel.

The following are among the illegal drugs which may be the subject of drug testing and confirmation testing of employees:

1. Amphetamines
2. Cannabinoids
3. Cocaine
4. Phencyclidine (PCP)
5. Hallucinogens
6. Methaqualone
7. Opiates
8. Barbiturates
9. Benzodiazepines
10. Synthetic narcotics
11. Designer drugs
12. A metabolite of any of the substances listed above.

Detection levels for both drugs and alcohol will be consistent with the most current State and Federal regulations for drug testing. Note also that the list of drugs may change from time to time.

Initial Test

The initial test shall use an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for these five (5) drugs or classes of drugs:

<u>Initial Test Level</u>	<u>(ng/ml)</u>
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2,000
Phencyclidine	25
Amphetamines	1,000

Confirmatory Test

All specimens identified as positive on the initial test shall be confirmed for the class(es) of drugs screened positive on the initial test using GC/MS at the cutoff values listed in this paragraph. All confirmations shall be by quantitative analysis. Concentrations, which exceed the linear region of the standard curve, shall be documented in the laboratory record as “exceeds the linear range of the test.”

<u>Confirmatory Test Level</u>	<u>(ng/ml)</u>
Marijuana metabolite (1)	15
Cocaine metabolite (2)	150
Opiates	
Morphine	2,000
Codeine	2,000
Acetylmorphine (4)	10
Phencyclidine	25
Amphetamines	
Amphetamine	500
Methamphetamine (3)	500

- (1) Delta-9-tetrahydrocannabinol-9-carboxylic acid
- (2) Benzoyllecgonine
- (3) Specimen must also contain amphetamine at a concentration > 200 ng/ml
- (4) Test for 6-AM when the morphine concentration exceeds 2,000 ng/ml

Job Applicant Testing

All applicants for employment will be required to take a drug test as part of the pre-employment process. The City may refuse to employ any applicant who refuses, after being asked, to take such a test.

Reasonable Suspicion

The City will require testing of all employees for illegal drug use and for improper use or abuse of legal drugs upon reasonable suspicion that an employee has used an illegal drug or has engaged in improper use or abuse of a legal drug, such as, but not limited to, alcohol. As used and applied in this program, the term “reasonable suspicion drug testing” means drug testing based on a belief that an employee is using or has used (or is abusing or has abused) drugs in violation of the City’s rules and program drawn from specific objectives and articulable facts and reasonable inferences drawn from those facts in light of experience. Such facts and observations may include reliable and credible reports of drug use or information that an employee has caused or contributed to causing an accident while at work. Reasonable suspicion drug testing shall not be required except upon the recommendation of a Department Head.

Routine Fitness for Duty

Employees, if any, who are subject to a routinely scheduled employee fitness-for duty medical examination will take a drug test as part of such medical examination.

Follow-up Testing

Any employee who, in the course of employment, enters an employee assistance program for drug-related problems or an alcohol and drug rehabilitation program must be tested as a follow-up to such program and periodically thereafter for up to two (2) years. “Periodically” is meant at the City’s discretion, quarterly, semi-annually or annually.

Special Requirements For Drivers

Employees who drive City vehicles or who transport hazardous materials in City vehicles are subject to any drug testing requirements which exist from time to time under federal or state laws or regulations, including regulations relating to obtaining or renewing commercial driver’s licenses.

All testing will be done by a qualified medical laboratory licensed by the Agency for Health Care Administration to serve as a drug-testing laboratory.

Confidentiality

All information, interviews, reports, statements, memoranda and drug test results, written or otherwise, and all related matters received or learned by the City in connection with or as a result of this program or any drug testing of any City employee are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with rules developed under the Workers’ Compensation Law or in determining compensability under that law. Management and all other personnel who know of the drug testing of an employee or of the results are required to maintain total confidentiality; the results and related matters are to be discussed and known only by those who are required to have such knowledge in the course of their duties on behalf of the City.

Written materials pertaining to testing do not go into personnel files, but will be sealed and kept until no longer necessary.

Medication Reporting

The City knows that eventually most people need to take medications to combat various illnesses. Employees must realize, however, that many medications will alter or affect a drug test. An employee could possibly test positive for a drug when taking medications prescribed by a doctor or bought over the counter at a pharmacy. Attached to this document is list of medications known to alter or affect a drug test. Employees who want more technical information about medications may consult the testing laboratory. To avoid the potential problems created by a false test result, the company has implemented procedures to enable employees to confidentially report the use of medications. You may report the use of medications on the back of your copy of the chain of custody form after your specimen is collected and discuss only with the MRO.

Consequences of Refusal to Submit to Drug Test or “Testing Positive” for a Drug/Loss of Benefits

An employee injured on the job (“on the job” meaning arising out of and in the course of employment) who refuses to submit to a test under this program for drugs or alcohol forfeits and will lose his or her eligibility for medical and indemnity benefits. An employee injured on the job who, at the time of injury, has 0.08 percent or more by weight of alcohol in the blood or who has a positive confirmation of a drug as defined herein will lose his or her eligibility for medical indemnity benefits. The City may discipline, up to and including discharge, any employee who is asked to undergo drug testing in accordance with this program and who refuses or who tests positive for a drug in the initial and confirmation drug test.

Employee Assistance Programs/Alcohol and Drug Rehabilitation Programs

The following is the name and telephone number of the employee assistance program which employees may utilize, as appropriate.

Contest Procedure

A job applicant or employee will receive written notification of positive confirmed test results from the company within five (5) working days of the City’s receipt of a report of a positive confirmed test result from the MRO. This notification will also state the consequences of the positive confirmed test result. A job applicant or employee who receives written notification of (1) a positive confirmed test result, and (2) the consequences to the employee of that result, will have the opportunity within five (5) working days to explain or contest the result. If the explanation or challenge of the positive test result is judged unsatisfactory, the job applicant or employee will be provided with a written explanation as to why the explanation of the positive test result was unsatisfactory, along with a written report of the positive test results within fifteen (15) working days. If the test was for reasonable suspicion, the employee will receive in writing within seven (7) days after the test, if requested, a detail of the circumstances, which formed the

basis of the determination that enough reasonable suspicion existed to warrant the testing. During the 180-day period after written notification of a positive test result, the employee who provided the specimen shall be permitted by the City to have a portion of the specimen re-tested at the employees' expense. Such re-testing shall be done at another Florida HRS licensed or NIDA approved laboratory, as appropriate, chosen by the City or job applicant. All such documentation will be kept confidential and retained by the company for at least one (1) year. Should the job applicant or employee then choose to further pursue the challenge, the following options to the employee are available: (1) a claim for benefits may be filed with a Judge of Compensation pursuant to Florida Statutes, Chapter 440, in the case of workplace injury; (2) if no injury has occurred, a challenge may be undertaken in a court of competent jurisdiction. It will then be the employee's responsibility to notify the laboratory to retain the sample until the case is settled.

The City will provide a form to the employee to provide any information he or she considers relevant to the drug test for review by the MRO.

Employees and job applicants have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

Any questions about our drug-free workplace program, its requirements, or how it affects you, will be welcome and should be asked through your Department Head.

Following is information on the testing facilities and contact information.

Company Drug-Free Workplace Program Administrator:	Melbourne Urgent Care, Inc. 395 South Wickham Road West Melbourne, FL 32904 321-953-9981
Company Location:	City of West Melbourne 2240 Minton Road West Melbourne, Florida 32904
Medical Review Officer:	Dr. Kris Vara Melbourne Urgent Care, Inc. 395 South Wickham Road West Melbourne, FL 32904 321-953-9981
Drug Testing Laboratory:	LabCorp 1904 Alexander Drive Research Triangle Park, NC 27709
Drug Testing Collection Site:	Melbourne Urgent Care, Inc. 395 South Wickham Road West Melbourne, FL 32904 321-953-9981

Alcohol Testing Collection Site: Melbourne Urgent Care
395 South Wickham Road
West Melbourne, FL 32904

EAP Referral: Horizon Health
1-888-293-6948

For a list of treatment programs in the area, visit www.211brevard.org

Employees being tested because of causing or contributing to an accident will ensure that both the urine and blood specimens are sent to the laboratory named above.