

PASCO COUNTY BCC

ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL

SUBJECT: Drug-Free Workplace Policy

SECTION: 800 Risk Management

POLICY NUMBER: 800-23

PREPARED: December 2015

REVISED: N/A

I. **PURPOSE:**

To establish a Countywide Drug-Free Workplace Policy. Concerned for the health and well-being of County employees, and our customers, this policy declares that the Pasco County Board of County Commissioners is designated as a drug-free workplace. The County has determined that drugs, including alcohol, taken for non-medical purposes have no place on the job. This policy addresses legal and illegal use of drugs, penalties/repercussion, rehabilitation availability, and conditions for violation. This policy will be in direct compliance with the Federal Drug-Free Workplace Act of 1988, and the Florida Drug-Free Workplace Act of 1990.

II. **POLICY:**

Taking or being under the influence of any controlled substance or intoxicant, without a prescription, during work time will not be tolerated. It will be prohibited for an employee to unlawfully manufacture, distribute, dispense, possess or use controlled substances in the workplace.

Use of any legally obtained medication to the point where such use adversely affects the employee's job performance is prohibited. Use of alcoholic beverages during working hours or prior to or during the use of a County vehicle or equipment is strictly prohibited.

Use **or possession** of any illegal drugs, including those drugs not legally obtained is strictly prohibited and will result in disciplinary action which may include immediate termination.

III. **PROCEDURE:**

The County may require an employee to submit to drug and/or alcohol tests in certain circumstances including but not limited to: pre-employment, whenever there is a reasonable suspicion that drugs or alcohol are present, as part of the Florida Department of Transportation (FDOT) requirements, post accident/injury or in accordance with any applicable Collective Bargaining Agreement.

It is the responsibility of the supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee has a drug problem.

Although it is not the supervisor's job to diagnose personal problems, supervisors should encourage such employees to seek help and advise them about available resources for getting help.

Everyone shares responsibility for maintaining a safe work environment, and co-workers

should encourage anyone who has a substance abuse problem to seek help. The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at Pasco County.

A. Legal Drug or Alcohol Use

1. For the purposes of this policy legal drugs shall include controlled substances obtained through a valid prescription or uses that are otherwise authorized by law.
2. Arriving on County premises or operating County equipment/vehicles under the effect of any legal drug or alcohol which adversely affects the employee's job performance, including the use of prescribed drugs under medical direction is prohibited. When an employee is required to take prescribed drugs that could possibly affect their job performance, the employee should immediately inform their supervisor.
 - a. Determination of whether a validly prescribed drug will adversely affect the employee's job performance will be coordinated through the employee's supervisor, the Human Resources Department and the employee's attending physician.
 - b. Use of sick leave by the employee is recommended when the physician directs prescription drugs which may affect job performance.
3. Use of alcoholic beverages during working hours, or prior to or while operating a County vehicle, or while wearing a County uniform is prohibited.
4. Use of legal medication that has an adverse performance impact, or the use of alcohol on the job, during working hours or while officially representing the County, including County claimed travel time which could jeopardize the safety of other employees, the public or County facilities/equipment is prohibited.

B. Illegal Drug Use

1. For the purposes of this policy an illegal drug will be defined as a controlled substance included in Schedule I or II, as defined by Section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under Chapter 13 of that Title and/or a controlled substance named or described in Schedules I through V of the Florida Statutes, Section 893.03. The term illegal drug does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.
2. Arriving on County premises under the effect of any illegal drug is prohibited.
3. Use or possession of illegal drugs will result in disciplinary action that may include termination.
4. An employee arrested for unlawfully manufacturing, distributing, dispensing, possessing or using illegal drugs will be considered in violation of this policy.

C. Penalties for Violation of Policy

1. If the employee unlawfully manufactures, distributes, dispenses, possesses or uses controlled substances in the workplace, s/he is in violation of this policy and is subject to disciplinary action, up to and including termination, at the sole discretion of the employer.
2. Violations of this policy will provide disciplinary action practice and procedures that are in addition to the "Disciplinary Process" policy. As with all disciplinary actions, an employee may grieve the action in accordance with the grievance procedure.
3. Any employee engaging in the misuse of legal drugs or the use of alcohol on County premises or during working hours is in violation of this policy and is subject to disciplinary action, up to and including termination, at the sole discretion of the employer.
4. Any employee engaging in the use of illegal drugs on County premises or during working hours is in violation of this policy. Contingent upon the nature of the situation or charge(s), the employee's present job assignment, the employee's record with the County, the County's ability to continue to conduct business, and other factors relative to the impact of the employee's arrest; the employee is subject to disciplinary action, up to and including termination, at the sole discretion of the employer.
5. An employee may be required to submit to an alcohol/drug test if reasonable suspicion exists to believe that they are under the influence of alcohol or illegal drugs. Employees who are directed to submit to such test and refuse or fail to do so when asked, will be subject to immediate termination. Employees who test positive or non-negative for alcohol or illegal drugs may be referred to the Human Resources Department for assistance in recovery treatment. Employees who refuse such assistance or who fail to follow the treatment outlined for their recovery are subject to termination.

D. Determination of Violation - Any employee may be found in violation of this policy on the basis of any appropriate evidence including, but not limited to:

1. Direct observation;
2. Evidence obtained from an arrest or criminal conviction;
3. An employee's voluntary admission.
4. The result of a random DOT or other drug/alcohol test.

E. Voluntary Referral/Admission

1. A fundamental purpose of the County's Drug-Free Workplace Policy is to assist employees who are seeking drug and/or alcohol use treatment.
2. For this reason, an employee that voluntarily admits to drug and/or alcohol use will not be disciplined under this policy. Voluntary admission will require that the employee meet the following conditions:
 - a. Employee voluntarily identifies him/herself as a user of illegal drugs prior to being identified through other means, which includes the announcement of a drug test;
 - b. Employee obtains counseling, rehabilitation and/or participation in an employee assistance program;

- c. Employee thereafter refrains from using illegal drugs and/or alcohol; and
 - d. Employee signs the Last Chance Agreement and abides by all terms of the agreement.
3. All of the above conditions must be met and coordinated through the Human Resources Department before the employee is considered as voluntary referral/admission. It is the responsibility of the employee to assure that the requirements of voluntary referral/admission are met.

F. Employee Drug Education

- 1. The Human Resources Department will offer a drug-free awareness program as part of the wellness program for the employees.
- 2. Drug education should include education and training to all levels of employees beginning with the adoption of this policy and then on a continuing basis through employee orientation, employee communication tools and specific training programs.
- 3. Education will include, but not be limited to the following outline.
 - a. Objectives
 - i. Types and effects of drugs and alcohol;
 - ii. Symptoms of drug use and the effects on performance and conduct;
 - iii. Available, relevant treatment, rehabilitation and confidentiality issues.
 - b. Means of education may include:
 - i. Distribution of written material;
 - ii. Videotapes;
 - iii. Lunchtime forums; and
 - iv. Employee drug awareness days.

G. Rehabilitation

- 1. Employees violating this policy may be required to participate satisfactorily in rehabilitation.
 - a. Satisfactory participation for the purposes of this policy will be the successful completion of relevant counseling, rehabilitation and/or employee assistance programs, as determined through the Human Resources Department.
 - b. Rehabilitation will include an employee refraining from illegal drug use after a first finding or admittance of such use.
- 2. The Human Resources Department will direct and coordinate rehabilitation assistance for employees.

3. Employees will be informed about the dangers of drug and/or alcohol abuse in the workplace.
4. Employees will be required to attend available drug and/or alcohol counseling rehabilitation and employee assistance programs.
5. Employees will be informed of the penalties that may be imposed upon them for drug and/or alcohol abuse violations occurring in the workplace, which may be outlined in a Last Chance Agreement.

H. Conditions for Violation

1. Any employee engaged in work for the County shall abide by the terms of this policy.
2. The employee will be responsible for notifying the County in writing of any criminal drug statute arrest or conviction for a violation occurring in the workplace immediately but no later than three (3) calendar days after such arrest or conviction.
3. In accordance with state and federal law as well as the Drug Free Workplace Act, the County will comply with any notification requirements for employees convicted of criminal drug violations that occur within the workplace.
4. Any employee convicted (including a plea of nolo contendere or no contest) of a criminal drug statute violation, which occurred in the workplace, must provide written notice of such conviction or plea to his/her Department Director immediately upon notification and no later than five (5) days of such conviction or plea. The County will commence disciplinary action proceedings within five (5) days after receiving such notice and appropriate disciplinary action will be determined within thirty (30) days thereafter.
5. Employees who violate any aspect of this policy will be subject to discipline, up to and including termination, at the sole discretion of the employer. At its discretion, the County may require employees who violate this policy to successfully complete a drug or alcohol abuse assistance or rehabilitation program as a condition of continued employment.

TERMS

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

Confirmation Test - a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. This test must be different in scientific principle from that of the initial test procedure and must be capable of providing valid test results. This test is required before a medical review officer contacts the injured worker about test results.

Drug - 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; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed above. An employer may test an individual for any or all such drugs.

Drug Rehabilitation Program - a service provider that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse.

Drug Test - any chemical, biological, or physical instrumental analysis administered by a laboratory licensed by the Agency for Health Care Administration or certified by the U.S. Department of Health and Human Services, for the purpose of determining the presence or absence of a drug or its metabolites.

Employee - any person who works for salary, wages, or other remuneration for an employer.

Employee Assistance Program - an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work.

Employer - a person or entity that employs a person and that is covered by the Workers' Compensation Law.

Initial Drug Test - a sensitive, rapid, and reliable procedure used to identify negative and positive specimens, usually using a chemical procedure or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

Job Applicant - a person who has applied for a position with an employer, and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test. For a public employer, "job applicant" is a person who has applied for a special-risk or safety-sensitive position.

Medical Review Officer (MRO) - a licensed physician, qualified under section 59A-4.008(1)(a)-(e), F.A.C., who evaluates a donor's test result, together with his or her medical history or any other biomedical information, and makes the final determination of the donor's test results.

Prescription or Non-prescription Medication - a drug or medication obtained pursuant to a prescription, 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.

Public Employer - any agency within state, county, or municipal government that employs individuals for a salary, wages, or other remuneration.

Reasonable Suspicion - drug testing based on a belief that an employee is using or has used drugs in violation of the employer's policy. The reasons for "reasonable suspicion" testing must be clearly defined in the employer's Drug-Free Workplace policy. "Reasonable Suspicion" may include the following:

- **1.**Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
- **2.**Abnormal conduct or unpredictable behavior while at work or a significant deterioration in work performance.
- **3.**A report of drug use, provided by a reliable and credible source.
- **4.**Evidence that an individual has tampered with a drug test during his employment with the current employer.
- **5.**Information that an employee has caused, or contributed to, or been involved in an accident while at work.
- **6.**Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

Safety-Sensitive - with respect to a public employer, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety; or such 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 s. 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 - with respect to a public employer, a position that is required to be filled by a person who is certified under Chapter 633 or Chapter 943, Florida Statutes.

Specimen - tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

IMPORTANT PHONE NUMBERS

National Assistance

CSAP Workplace Helpline 1-800-WORKPLACE 1-800-967-5752

This Center for Substance Abuse Prevention's toll free service operates from 9:00 a.m.- 8:00 p.m. EST. Technical assistance is available for business owners, managers, and union leaders on the development and implementation of comprehensive drug-free workplace programs.

National Clearinghouse for Alcohol and Drug Information 1-800-729-6686

This toll-free service has information available on all aspects of substance abuse, from prevention materials and videos to specific program guidelines and resources within your state. Many publications offered are free from the Clearinghouse.

Drug Information Hotline 1-800-662-4357 (Spanish) 1-800-662-9832

Employee Assistance Professionals Association (EAPA) (703) 522-6272

EAPA provides information on how to select EAP's, and the value they can provide.

AIDS Treatment Information Service 1-800-448-0440

Al-Anon/Alateen Family Groups 1-800-356-9996

Alateen (212) 302-7240

Alcoholics Anonymous 1-800-252-6465

American Council on Alcoholism Helpline 1-800-527-5344

800 Cocaine - (Information and Referral Hotline) 1-800-COCAINE

MADD (Mothers Against Drunk Driving) (214) 744-6233

Nar-Anon Family Group Headquarters (310) 547-5800

Narcotics Anonymous (818) 773-9999

National Council on Alcoholism and Drug Dependency 1-800-NCA-CALL

Partnership for a Drug-Free America (212) 922-1560

State Assistance

Drug/Alcohol Abuse Helpline (24 Hours) 1-800-362-2644

Drug Abuse Alcoholism & Cocaine (Toll Free) 1-800-333-4444

Drug/Alcohol Abuse & Information (24 Hour Emergency Service) (850) 487-2930

Drug/Alcohol Abuse (24 Hour Crisis line & Treatment) 1-800-283-2600

Florida AIDS Hotline 1-800-352-2437

EMPLOYEE CERTIFICATE OF AGREEMENT

I do hereby certify that I have received, read and understand the Pasco County BOCC Substance Abuse and Testing Policy, and have had the Drug-Free Workplace Program explained to me. I understand that if my performance indicates it is necessary, I will submit to a drug test. I also understand that failure to comply with a drug testing request or a positive result may lead to sanctions as laid out in the policy, including termination, at the sole discretion of the employer of employment.

Employee ID #: _____

Employee Name: _____

Signature: _____

Date: _____