



CITY OF  
**GULF BREEZE**  
— 1961 —

**CITY OF GULF BREEZE**  
**Drug Free Workplace Policy**

## I. STATEMENT OF POLICY

The City of Gulf Breeze, hereafter known as the “Employer” strives to provide a safe work environment and encourages personal health. In this regard, the Employer considers the abuse of drugs on the job to be an unsafe counter-productive work practice. Furthermore, we see substance abuse as a serious threat to our staff and the public. With these objectives in mind, the **(Employer)** has established the following policy with regard to the use, possession, and sale of illegal drugs and alcohol at work. **FL Statutes 112.0455 Drug Free Workplace Act.**

Drug addiction is a complex, yet treatable disease. For this reason, our substance abuse program is targeted at alleviating the problem at the community level by involving both our employees and their families. Our commitment to eradicating substance abuse in the community reflects our firm belief that by building this community, we build our county.

The ultimate goal of this policy is to balance our respect for individual privacy with our need to keep a safe and drug free environment within government. Our intention is to prevent and treat substance abuse. We would like to encourage those who use drugs or abuse alcohol to seek help in overcoming their problem.

It is the Employer’s policy that an employee found with the presence of illegal drugs and/or alcohol in his/her system, in possession of, using, selling, trading, or offering for sale illegal drugs during working hours, at government functions, or on county premises (including parking lots) may be subject to disciplinary action up to and including discharge. It also includes reporting to work under the influence of alcohol or with illegal drugs in an employee’s system. The use of any over the counter products that contain cannabinoids (example: hemp seed oil) is expressly prohibited.

Drugs prescribed by employee's physician may be taken during work hours. The employee should notify the supervisor if the use of properly prescribed medication will affect the employee's work performance. Abuse of prescription drugs will not be tolerated.

Employees must be in compliance with all federal drug laws and the Federal Controlled Substance Act and the Florida Drug Free Workplace Act, Chapter 112. Any and all information gathered as a result of the drug testing program is confidential and may not be disclosed except in accordance with procedures allowed under the Federal/State Statute, or county policy.

It is the responsibility of the Employer’s supervisors to counsel an employee whenever they see changes in the performance that suggest an employee may have a problem. The supervisors may suggest that the employee seek help with that problem.

As a condition of employment, employees must abide by the terms of this policy and must notify the Employer in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

## II. DEFINITIONS

- (a) **“Drug”** means alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein.
- (b) **“Drug test”** or **“test”** means any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.
- (c) **“Initial drug test”** means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens. All initial tests must use an immunoassay procedure or an equivalent, or must use a more accurate scientifically accepted method approved by the Agency for Health Care Administration as more accurate technology becomes available in a cost-effective form.
- (d) **“Confirmation test,” “confirmed test,” or “confirmed drug test”** means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test must be different in scientific principle from that of the initial test procedure. This confirmation method must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.
- (e) **“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, storing specimens, and reporting of test results.
- (f) **“Job applicant”** means a person who has applied for a position with an employer and has been offered employment conditioned upon successfully passing a drug test.
- (g) **“Employee”** means a person who works for salary, wages, or other remuneration for an employer.
- (h) **“Employer”** means an agency within state government that employs individuals for salary, wages, or other remuneration.
- (i) **“Prescription or nonprescription medication”** means a drug or medication obtained pursuant to a prescription as defined by s. [893.02](#) 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.
- (j) **“Random testing”** means a drug test conducted on employees who are selected through the use of a computer-generated random sample of an employer’s employees.
- (k) **“Reasonable suspicion drug testing”** means drug testing based on a belief that an employee is using or has used drugs in violation of the employer’s policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion drug testing may not be required except upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question. Among other things, such facts and inferences may be based upon:
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 erratic behavior while at work or a significant deterioration in work performance.

3. A report of drug use, provided by a reliable and credible source, which has been independently corroborated.
  4. Evidence that an individual has tampered with a drug test during employment with the current employer.
  5. Information that an employee has caused, or contributed to, 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.
- (l) **“Specimen”** means a tissue, hair, or product of the human body capable of revealing the presence of drugs or their metabolites.
- (m) **“Employee assistance program”** means an established program for employee assessment, counseling, and possible referral to an alcohol and drug rehabilitation program.
- (n) **“Special risk”** means employees who are required as a condition of employment to be certified under chapter 633 or chapter 943.

### **III. POLICY AND WORK RULES**

The Employer's policy is to employ a workforce free from the use of illegal drugs, either on or off the job, and the abuse of alcohol in the workplace. Any employee determined to be in violation of this policy is subject to disciplinary action up to and including termination, even for the first offense. It is a Standard of Conduct of the Employees of this Employer that employees shall not use illegal drugs or abuse legal ones. In order to maintain this standard, the Employer shall establish and maintain the programs and rules set forth here.

Refusal to take a drug or alcohol test may result in the employee forfeiting his or her eligibility for medical and indemnity benefits under State Workers Compensations and is cause for automatic termination of the employee which may also cause denial of unemployment compensation.

#### **A. General Procedures**

An employee reporting for work visibly under the influence and is unable to properly and safely perform required duties will not be allowed to work. If possible, the supervisor should first seek another supervisor's opinion of the employee's status. Then the supervisor should consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is unfit for duty, the employee should be taken to a collection facility to be tested using a safe method of transportation, and depending on the extent of the observed impairment, accompanied by the supervisor or another employee. An employee such as this should not be allowed to drive to the testing facility or to their home.

## **B. Initial Test**

The initial screen for all drugs except alcohol shall use an immunoassay. For alcohol the initial test may be the enzyme oxidation methodology. The federal mandated guidelines for workplace drug testing shall be used for determining cutoff levels when first screening specimens to find whether they are negative or need to be tested further with the confirmation test. All levels equal to or exceeding the federal mandated guidelines shall be reported as positive. Below is a list of drugs for which the employer will test:

- Alcohol
- Marijuana metabolites
- Cocaine metabolite
- Codeine
- Morphine
- Hydrocodone/
- Hydromorphone
- Oxycodone
- Oxymorphone
- 6-Acetylmorphine
- Phencyclidine
- Amphetamine/
- Methamphetamine
- MDMA/MDA

## **C. Confirmation Test**

A positive finding will generate a confirmation test through the GC/MS (gas chromatography /mass spectrometry) method and the results will be kept confidential. A copy of any positive can be received by the employee by submitting his/her request in writing. As drug testing technology is constantly improving and state and federal laws governing said testing are changing almost as rapidly, the company may change the cut off levels without notice. The cut-off levels in effect for the GC/MS at the time of this printing are as follows:

- Alcohol
- Marijuana metabolites
- Cocaine metabolite
- Codeine
- Morphine
- Hydrocodone/
- Hydromorphone
- Oxycodone
- Oxymorphone
- 6-Acetylmorphine
- Phencyclidine
- Amphetamine/
- Methamphetamine
- MDMA/MDA

#### **D. Pre-employment Drug Screening**

Consistent with the Employer's policy opposing drug abuse and its commitment to a safe working environment, we have implemented a pre-employment drug testing policy. Employees will be required to submit to a pre-employment drug test when it is part of a general physical or as required under Federal DOT Drug & Alcohol regulations. Applicants will be required to voluntarily submit to a urinalysis test at a laboratory chosen by the Employer after signing a consent and release form.

The Employer will not discriminate against applicants for employment because of past substance abuse. It is the current abuse of drugs which prevents employees from properly performing their jobs and which, therefore, the Employer will not tolerate.

All testing will be done by a D.H.H.S. and/or A.H.C.A. certified lab, and positive test results will be reviewed by a Medical Review Officer to assure accuracy. All testing, sample collection, storage, handling and chain of custody will be done in accordance with the State/Federal rules and regulations.

#### **E. Active Employee Drug Testing**

The Employer has adopted screening practices to identify employees who use illegal drugs. It shall be a condition of employment for all employees to refrain from reporting to work, or working with the presence of drugs or alcohol in his or her body and to submit to drug screening:

- (1) when there is reasonable suspicion to believe that an employee is using or has used illegal drugs;
- (2) when there is a report of drug use, provided by a reliable and credible source;
- (3) when an employee is believed to have caused or contributed to an accident;
- (4) upon return from extended absence of 6 months.
- (5) as part of a general physical, if required, to insure fitness for duty.

Circumstances that could be (but are not limited to) indicators of a drug problem and considered reasonable suspicion are:

- (1) observed drug use during work hours on company premises;
- (2) observable physical signs;
- (3) incoherent mental state;
- (4) marked changes in personal behavior that are otherwise unexplainable;
- (5) deteriorating work performance that is otherwise unexplainable;
- (6) accidents or other actions that provide reasonable cause to believe the employee may be under the influence.

The Employer is a Drug Free Workplace for the benefit of all employees, customers and the community. State law provides for the possible denial of workers' compensation benefits for employees who are injured while working and subsequently test positive (for example: Florida rule 38F-9.001(2)(a)W.C. Act 440.102(5), and the denial of unemployment compensation. The use of illegal drugs will not be tolerated or subsidized. See the Drug Free Workplace Act.

An employee bringing onto the Employer's premises or property, having possession of, possessing in the employee's body, blood or urine an amount above the threshold levels established by the Department of H.H.S., or using, consuming, transferring, selling or attempting

to sell, or transfer any form of illegal drug while on county business or at any time during the hours between the beginning and the end of the employee's working day, whether on county property or not, is guilty of misconduct and is subject to discipline including discharge or suspension without pay from employment, even for a first offense. Failure to submit to required medical or physical examinations or tests is misconduct and is grounds for discharge.

#### **F. Testing**

All testing will be conducted by a D.H.H.S. and/or state certified lab; positive and negative results will be checked by a Medical Review Officer to assure accuracy. All testing, sample collection, storage, handling, and chain of custody will be done in accordance with appropriate State and Federal rules and regulations.

The Employer will provide to an employee (upon their request) within 7 days a written report regarding the circumstances that formed the basis for reasonable suspicion. The original and signed report will be maintained in the confidential human resource records for one year.

If a test is not collectable because of possible tampering or adulteration, a second test, will be requested. The second test may be observed. If a test is rejected because of purposeful adulteration - the employee will be terminated.

Documentation of a positive drug test result will be placed in the employee's confidential file within five working days of receipt of the positive. If an employee is tested for reasonable suspicion, documentation of this test will be placed in the employee's confidential file within five working days of the reasonable suspicion test.

All information received in regard to drug testing results will be maintained in separate confidential files and only be used for the purposes spelled out in this document.

#### **G. Rehabilitative Drug-testing**

Employees who successfully complete a rehabilitation program, or as part of their rehabilitation program may return to work. The employee must agree to follow-up drug testing for up to two years following a return to duty and/or completion of a rehab program if he/she continued to work. Testing will consist of a return-to-duty test, then testing once each quarter for up to two years (all post rehabilitative testing will be unannounced). Employees not complying with these conditions, or testing positive at any time during or following rehabilitation, will be terminated from employment.

#### **H. Routine Fitness for Duty**

The Employer will require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled fitness for duty medical examination which is part of the employer's established policy or is required for all employees in a particular employment classification.

#### **I. Medical Review Officer**

Qualified medical personnel shall review with the employee/applicant all positive test results concerning that employee/applicant. An employee/applicant may consult with the MRO, (800)430-3782, after being tested in order to report any prescription or non-prescription drug use. The employee/applicant may use a phone in an office or room to ensure privacy.

## **J. Education**

Education and training will be conducted in a manner required by the appropriate state regulation.

## **K. Employee Assistance**

The management of the Employer is aware that many personal or health problems can and do interfere with an employee's ability to perform on the job. These problems may include emotional and mental illness, family and marital stress, abuse of drugs and others.

Employees whose job performance is not related to a lack of skill and who do not respond to the usual disciplinary procedures are usually in need of the attention of professionals. With proper treatment, many troubled employees can be restored to a satisfactory level of job performance. However, if the underlying problems or illnesses are ignored, they may worsen with time, rendering the person unemployable.

Confidentiality is assured. No information regarding the nature of the personal problem will be made available to a supervisor, nor will it be included in the permanent personnel file. Participation in an Employee Assistance Program, or another mental health or substance abuse counseling program, will not affect the employee's future career advancement or employment, nor will it protect an employee from disciplinary action if substandard job performance continues. An Employee Assistance Program is used in conjunction with discipline, not a substitute for discipline.

The Human Resource Office will have a list of Drug and Alcohol Counselors and other mental health facilities available in your area. The employee may review the EAP list discreetly (and use a phone in private). The costs of these services are to be borne by the employee.

## **L. Grounds for Discipline or Termination**

An employee bringing onto the Employer's premises or property, having possession of, being under the influence of, possessing in the employee's body, blood, or urine in the amount set forth in Section B, purposely tampering or adulterating a specimen, or using, consuming, transferring, selling, attempting to sell or transfer any form of illegal drug as defined above while on county business or at any time during the hours between the beginning and ending of the employee's working day, whether on duty or not, whether on county property or not, is guilty of misconduct and subject to discipline including discharge or suspension without pay from employment, even for the first offense. Failure to submit to required medical and physical examinations or tests is considered refusal to test and is grounds for discharge from employment.

1. The Employer will use the Federal Department of Transportation guidelines to determine a refusal to test in the case of shy bladder or shy lung.
2. In the case of shy bladder or shy lung, the employee will have 7 working days to secure documentation from their physician establishing the physical condition.
3. In the case of psychological cause, the diagnosis must have been made prior to the test. Diagnosis such as typical anxiety is not acceptable.

Employees tested for reasonable suspicion may be suspended without pay or placed in non-safety sensitive jobs pending the results of the required test and/or investigation. An employee with a negative result will be reinstated if suspended (with full back-pay and/or return to previous duties). A positive test will result in immediate action up to and including termination of employment.

**M. *Responsibilities of the Employee***

- (1) As a condition of employment, employees must abide by the terms of this policy and must notify the Employer in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such a conviction.
- (2) The employee must notify his/her supervisor that his/her drug or medication may affect or impair his/her judgment or job performance or safety.
- (3) The employee or job applicant must notify the laboratory of any administrative or civil action planned as a result of a positive test within five working days from receipt of notification.
- (4) The Employee has the right to contest the result of a positive drug test, in writing, within five (5) working days of being notified in writing of the positive test result. The employee has a right to a copy of the test result, upon request, and to have the sample sent to a certified lab to be re-tested at the employee's expense.

**N. *Rights of the Employee/Job Applicant***

- (1) An employee or job applicant who receives a positive confirmed drug test may contest or explain the result to the Medical Review Officer/employer within five working days of receipt of the written test results.
- (2) The employee or job applicant has the right to consult with the Medical Review Officer for technical information regarding the effects of prescription medication on the drug test.
- (3) An employee or job applicant may, by written request, have the original specimen re-tested at the laboratory of their choice, at their expense.
- (4) The employee can request, in writing, within seven (7) days, a written report regarding the circumstances that formed the basis for their reasonable suspicion testing.

**O. Drugs –Will Test for or up to the following:**

The drugs are listed by chemical name and brand or common name.

**Alcohol** (ethanol, beer, wine, booze, alley juice, fire water, grog, hooch, rocket fuel)

**Amphetamines** (methamphetamine, amp, cinnamon, lemon drop, trash, tweak, crystal, crank, biphphetamine, desoxyn, dexedrine, speed)

**Cannabinoids** (marijuana, blunt, columbo, hash, hay, pot, joint, indo, roach, grass, weed, reefer)

**Cocaine** (coke, blast, flake, railers, ringer, toot, blow, nose candy, snow, crack, rock)

**Phencyclidine** (PCP, angel dust, LSD, beast, blaze, Superman, tab, trips, hog)

**Opiodes** (opium, codeine, morphine, heroin, oxycodone, oxymorphone, hydrocodone, hydromorphone, narco, dover's powder, paregoric, parepectolin, school boy, smack, tar, chasing the tiger)

**Barbiturates** (phenobarbital, tuinal, amytal, barbs, downers, tranqs)

**Benzodiazepines** (bennies, rophies, ativan, azene, clonopin, dalmane, diazepam, halcion, librium, poxipam, remestan, serax, tranxene, valium, veratrine, vivol, xanax)

**Methadone** (dolophine, methadose, amidone, fizzies)

**Methaqualone** (Ludes, Sopor, Lemmon, Quaalude)

**Propoxyphene** (darvocet, darvon N, dolene, novopropoxyn)

**Synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein.**

P. **When the (Employer) requires reporting of positive drug tests**, this department will follow state procedures and release positive test results only to the appropriate governing authorities.

**Q. Subcontractor, Vendor, Consultant Requirements (Optional)**

In all future contracts with individuals or organizations that wish to do business with the Employer a stipulation is to be made in the contract or purchase order that requires the subcontractor, vendor, or consultant to have a substance abuse policy. The employees of such subcontractors, vendors, or consultants will be subject to the same rules of conduct and tests as the employees of the company. In the event of an employee of a supplier of goods or services is found to have violated the Substance Abuse Policy, that employee will be denied access to the company's premises and job sites. In addition, if the violation(s) is/are considered flagrant, or the company is not satisfied with the actions of the subcontractor, vendor, or consultant, the company can exercise its right to bar all of the subcontractor's employees from its premises or decline to do business with the subcontractor in the future. All expenses and penalties incurred by a subcontractor, vendor, or consultant as a result of a violation of the company's substance abuse policy shall be borne by the subcontractor, vendor, or consultant.

**TYPES OF TESTING JOB APPLICANT OR EMPLOYEE MAY BE REQUIRED TO SUBMIT TO**

- (a) Job applicant testing.—An employer may require job applicants to submit to a drug test and may use a refusal to submit to a drug test or a positive confirmed drug test as a basis for refusal to hire the job applicant.
- (b) Reasonable suspicion.—An employer may require an employee to submit to reasonable suspicion drug testing.
- (c) Random testing.—An employer may conduct random testing. The random sample of employees chosen for testing must be computer-generated by an independent third party.
- (d) Routine fitness for duty.—An employer may require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the employer’s established policy or that is scheduled routinely for all members of an employment classification or group.
- (e) Follow-up testing.—If the employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the employer may require the employee to submit to a drug test as a follow-up to such program, and on a quarterly, semiannual, or annual basis for up to 2 years thereafter.
- (f) Post-Accident- Will be required as part of the Federal DOT Drug & Alcohol testing program or if drug or alcohol use is thought to be involved.

**IV. CONCLUSION**

The Employer’s Drug Free Workplace Policy is not intended to be abusive or discriminatory nor to come into conflict with any public policy. This county considers drug testing to be only one of several steps to achieve a safe, healthy, and productive atmosphere for its employees. This policy is available for inspection by the job applicant or employees during regular business hours. This policy supersedes any information provided to applicants and/or employees either written or oral and reserves the right to change the provisions of this policy and testing program at any time in the future without prior notice and does not constitute a contract for employment.

**OVER-THE-COUNTER AND PRESCRIPTION DRUGS  
THAT COULD ALTER OR AFFECT**

## **THE OUTCOME OF A DRUG TEST**

**This sheet is for your information only.**

### **ALCOHOL**

All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. For example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex, 20% (40 proof); Listerine, 26.9% (54 proof).

### **AMPHETAMINES**

Obetral, Biphetimine, Desoxyn, Dexedrine, Didrex.

### **CANNABINOIDS**

Marinol (Dronabinol, THC).

### **COCAINE**

Cocaine HCl topical solution (Roxanne).

### **PHENCYCLIDINE**

Not legal by prescription.

### **OPIOIDES**

Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxinol (morphine sulfate), Lorotab/Narco (Hydrocodone), oxycodone (oxymorphone), Percodan, Vicodin, etc.

### **BARBITURATES**

Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fiorecet, Esgic, Butisol, Mebarbal, Butabarbital, Phrenilin, Triad, etc.

### **BENZODIAZEPHINES**

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

### **METHADONE**

Dolophine, Methadose.

### **PROPOXYPHENE**

Darvocet, Darvon N, Dolene, etc.

**Synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein.**

**Should you have any questions regarding this information you may contact:**

**Drug Free Workplaces  
27 W. Romana Street  
Pensacola, FL 32502  
850-434-3782 or 800-430-3782  
help@drugfreeworkplaces.com**