

EMPLOYEE SERVICES

Directive - 0401



Date: 12/30/2016
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Established: 06/20/1998

CITY OF JACKSONVILLE'S DRUG-FREE WORKPLACE POLICY

Overview

This policy is intended to clarify and reinforce the position of the City of Jacksonville (the "City") regarding a Drug Free Workplace. The receipt and acknowledgement of this policy by employees shall be documented on the "Policy Acknowledgments and Loyalty Statement" as part of the new hire process.

Research has shown that employee drug and alcohol abuse can have devastating consequences on an organization. The terms "drug(s)" and "controlled substances" shall have the same meaning and are used interchangeably in the City's policies. These consequences range from loss of productivity to increased financial liability.

Policy

It is the intent of the City to provide a drug-free, healthy, safe, and secure work environment. Employees are expected and required to report to work in an appropriate mental and physical condition. In support of a drug-free work environment, the City administers pre-employment (post-offer) drug testing of applicants for safety-sensitive positions. The City also administers random, reasonable suspicion, post-accident, return to duty, and follow-up drug and alcohol testing programs for all employees in safety-sensitive positions. For all other employees in non-safety-sensitive positions, the City administers reasonable suspicion drug testing, and other testing as appropriate, for alcohol and illegal controlled substances while in the workplace, in City vehicles, while performing job duties or conducting business for the City, on or off City premises.

Alcohol Testing

Employees with a confirmation test of 0.04 alcohol concentration or greater, confirmed by the Medical Review Officer (MRO), will be immediately terminated from City employment.

If a breath alcohol test confirms an alcohol concentration of at least 0.02 but less than 0.04, the employee will be removed from performing safety-sensitive functions for at least twenty-four (24) hours and assigned non-safety sensitive duties (if available). The employee will also be referred to a Substance Abuse Professional (SAP) for evaluation and, at the discretion of the SAP, may be put on a one year follow-up testing program. For an employee to return to work following a positive alcohol test result, he or she must be cleared by the MRO. In addition, the City will take disciplinary action in accordance with applicable disciplinary guidelines. During the one year follow-up testing program, if the employee tests at an alcohol concentration level of 0.02 or above, the employee will immediately be terminated from City employment.

Drug Testing

A urinalysis will be administered with a threshold level or cutoff limit established in accordance with the Department of Health and Human Services (DHHS) standards (73 FR 71880). Depending on job classification, either a 5-Panel or a 7-Panel test will be utilized to screen for the presence of illegal or controlled substances. The initial test will be an immunoassay test. A confirmation test will be performed on all initial positive tests using a Gas Chromatography Mass Spectrometry (GS/MS) test or other method specified by DHHS guidelines. Positive test results, confirmed by the MRO, will result in the employee's immediate termination from City employment.

Having within one's system the metabolites of a non-prescribed controlled or illegal substance, or unlawfully manufacturing, distributing, dispensing, possessing, using, or being under the influence of a controlled substance or alcohol on City premises, in City vehicles, or while performing job duties or conducting City business on or off City premises, is absolutely prohibited. Violations of this policy will result in disciplinary action up to and including termination, consistent with the disciplinary guidelines applicable to the respective employee.

Alcohol and Drug Treatment Programs

Drug and alcohol dependency is recognized by the City as an illness and a major health problem, as well as a potential safety and security problem. Employees are encouraged to use the Employee Assistance Program (EAP) and their health insurance plans, as appropriate, to receive treatment for dependency. Conscientious efforts to seek such help will not jeopardize an employee's job and will not be noted in the employee's personnel record if the efforts are made voluntarily **prior** to any offense for which discipline is prescribed. If the employee holds a safety-sensitive position, he/she will be removed from the position and referred to a SAP for appropriate evaluation and/or treatment. Refer to Section V, "Voluntary Self-Reporting" in Employee Services Directive 0402, entitled *Alcohol and/or Illegal/Controlled Substance Abuse Testing Procedures – Non-DOT Program*, for the process that should be followed when employees voluntarily self-report drug or alcohol dependency.

Reporting Drug Convictions

Employees are required to report any conviction under a criminal drug statute for violations which occurred in the workplace, in City vehicles, or while performing job duties or conducting business for the City on or off City premises. A report of such a conviction must be made within five (5) days after the conviction, as mandated by the Drug-Free Workplace Act of 1988.

Zero-Tolerance Policy

The City's policy reflects a policy of zero-tolerance which prohibits all employees from using, or being under the influence of, alcohol or illegal drugs and having within their system the metabolites of illegal drugs on the job. As part of its zero-tolerance policy, the City will administer random alcohol and controlled substances tests, as well as administer other tests as appropriate, on employees in safety-sensitive positions performing the following duties:

- Performing work which requires certification as a law enforcement officer, firefighter or fire marshal;
- Working with inmates/detainees in the correctional system;
- Performing work for which a Commercial Drivers' License (CDL) is required by DOT;
- Performing emergency or life-threatening procedures;
- Carrying a firearm or working closely with someone who has to carry a firearm;
- Supervising or instructing children or working with or supervising vulnerable adults, such as the elderly or disabled persons, for which a background check per F.S. 110.1127 is required;
- Performing safety inspections;
- Working with confidential Information/documents or the storage of controlled substances;
- Operating heavy or dangerous equipment, machinery or mechanical devices; or
- Performing perilous work or any work where a momentary lapse in attention could result in injury or death to another person.

Prescription and Over-the-Counter Medications

Many medicines, both from a doctor by prescription and those bought over the counter, can cause real dangers. For example, some medications can cause drowsiness, blurred vision, restlessness, and nervousness. Any of these conditions may cause a safety hazard. Before taking any medication, all warning labels should be read and understood. Employees should be informed and know the possible effects of any

medication being taken. Ask questions and never take prescription medication that was not specifically prescribed to you by a medical doctor or authorized health care provider.

When a prescription medication is prescribed, an employee in a safety-sensitive position should advise the physician what kind of work he/she is performing and request a medication that will not impair his/her ability to perform safety-sensitive functions. If an employee in a safety-sensitive position has an existing condition that requires taking medications prescribed by a physician, which may cause a safety hazard or put City property at risk, a supervisor must be contacted immediately. The physician should provide a statement if there is any possibility that a medication may impair his/her ability to perform safety-sensitive functions. The employee must complete the City of Jacksonville Drug/Alcohol Testing Program Medication Disclosure Form, page 1, and if applicable, the employee's physician must complete page 2 (both forms are attached).

This policy also applies to medical marijuana prescribed by a physician. Furthermore, due to these same safety considerations, an employee in a safety-sensitive position must notify his/her supervisor of their use of prescription and over-the-counter medication and/or medical marijuana prescribed by a physician that may impair his/her ability to safely perform the job by completing a City of Jacksonville Drug/Alcohol Testing Program Medication Disclosure Form, page 1, and if applicable, the employee's physician should complete page 2 (both attached). In accordance with progressive discipline policy and disciplinary guidelines and Employee Services Directives 0901 and 0902, an employee in a safety-sensitive position who fails to inform his/her supervisor of his/her use of prescription and/or over-the-counter medications and/or medical marijuana prescribed by a physician that may impair his/her ability to safely perform his/her job may be disciplined, up to and including discharge.

Further Information

For the purpose of this policy, an illegal substance is defined as any substance identified in Schedule I or II of the Controlled Substances Act (21 U.S.C. 812) or any derivative or synthesis of such substances.

Appropriate city wide progressive discipline policies and disciplinary guidelines are published separately. An employee's receipt of this Employee Services Directive acknowledges receipt of the appropriate disciplinary guidelines.

All employees are required to abide by the terms of the above policy as a condition of employment. The City's drug and alcohol policies will be strictly enforced and violators will be disciplined as prescribed.

For questions relating to this policy, please call the Chief of Talent Management or the Medical Desk at 630-1058. For disciplinary issues or questions, please call the Employee and Labor Relations Division.

**CITY OF JACKSONVILLE
DRUG/ALCOHOL TESTING PROGRAM
MEDICATION DISCLOSURE FORM**

Name (First, MI, Last)

Employee ID Number

Job Title

Work Location

Department/Division

Activity Number

Supervisor's Name (First, MI, Last)

Supervisor's Title

I am taking the following medications which may impair my ability to safely perform the safety-sensitive functions of my job.

OVER-THE-COUNTER DRUGS (name):

From:

To:

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

PRESCRIPTION DRUGS (name):

From:

To:

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

Employee Signature

Date

SEE REVERSE SIDE FOR PHYSICIAN'S STATEMENT, IF APPLICABLE

Original to: Employee Services Division, Medical Desk, City Hall-St. James Building, Suite 100

**CITY OF JACKSONVILLE
DRUG/ALCOHOL TESTING PROGRAM
MEDICATION DISCLOSURE FORM
EMPLOYEE'S PHYSICIAN STATEMENT**

Our employee holds a safety-sensitive position and has completed the reverse side of this form, stating the prescription drug(s) listed may affect his/her job performance. Under the City's Drug and Alcohol Testing policy, the use of any drug or substance which would impair an employee's ability to safely perform his/her job is prohibited. Attached is a copy of the job description for the position.

Please complete the following:

Does the prescribed drug impair the employee's ability to perform his/her job duties safely? Yes_____ No_____

How long must the employee take the drug? From_____ To_____

If indefinitely, explain: _____

Is there an alternate drug which would not impair the employee's ability to safely perform the job? Yes_____ No_____

In your medical opinion, has or will the employee's physical or mental capacity preclude him/her from performing safety-sensitive functions? (Will the employee or public be "at risk"?) Yes_____ No_____

Explain: _____

Physician's Signature

Physician's Name (Print /Stamp)

Date (Mo/Day/Yr)