

Jackson County Board of County Commissioners

Drug-Free Workplace Policy

This will serve as your official notification that the Jackson County Board of Commissioners is implementing a "Drug-Free Workplace" as authorized by F.S. 440.102 and Chapter 38F-9 of the Florida Administrative Code.

As a part of its commitment to safeguard the health of the general public and its employees, to provide a safe place of its employees to work, and to promote a drug-free community, Jackson County Board of County Commissioners has established this guideline on the use or abuse of alcohol and drugs by its employees. Substance abuse while at work or otherwise, seriously endangers the safety of employee, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, absenteeism, health care and benefit costs and increased theft, decreased morale, decreased productivity, and a decline in the quality of services provided. It is the intent of the Jackson County Board of County Commissioners to:

1. Forbid possession, use, distribution or sale of unauthorized alcohol or drugs by employees while on County business, on its property, or during working hours including lunch break, or standby assignments.
2. Forbid being in an impaired physical condition due to alcohol or drugs while on County business or on its property, during working hours including lunch, breaks, or standby assignments.
3. Require employees taking over-the-counter drugs or prescription medication, that may affect their ability to work in a safe and productive manner, to inform their supervisors/department head prior to starting work

As stated above, Jackson County Board of County Commissioners is implementing their guidelines pursuant to the drug-free workplace program under the Florida's Worker's Compensation Act. This act stipulates that an employee who caused or contributed to an accident in the course and scope of his/her employment and tests positive on a drug or alcohol test, forfeits his/her eligibility for medical and indemnity benefits under Florida Worker's Compensation.

(Refusal to take a drug or alcohol test will result in the employee forfeiting his/her eligibility for medical and indemnity benefits under Florida Worker's Compensation and possible termination of employment). We hope this policy will result in a safe working environment for all employees of Jackson County Board of County Commissioners. Drug testing will begin on December 1, 1996 which is 60 days from the date you received your Notice to Employees. Prior to that time, we urge those of you who believe you may have a drug or alcohol problem to voluntarily seek treatment. Worker's Compensation Drug Testing Rule 38F.9.010(6) states:

No employer shall discharge, discipline or discriminate against an employee solely upon the employee's voluntarily seeking treatment while under the employment of the employer for a drug related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug related problems or entered an alcohol and drug rehabilitation program.

Notification and Dissemination

Prior to testing, all employees or job applicants for employment will be given:

- A summary of the drug-free workplace guidelines
- A summary of the drugs which may alter or affect a drug test
- A list of local employee assistance programs and local alcohol and drug rehabilitation programs

A notice of drug testing will be included with all vacancy announcements. A notice of this drug-free workplace policy will also be posted in appropriate and conspicuous locations on county premises. Copies of the policy will be made available to the general public for inspection, during regular business hours, in the office of the Human Resources Department.

Alcohol and Drug Use Prohibitions

1. The consumption of alcohol or drugs on County property, or while on duty, including standby, overtime, lunch, and break periods, is prohibited and may result in disciplinary actions, up to and including dismissal. Off-duty abuse of alcohol or drugs which adversely affects an employee's job performance or adversely affects or threatens to adversely affect other interests of the County is prohibited and may result in disciplinary action up to and including discharge.
2. The sale, purchase, possession, manufacture, distribution, or dispensation of drugs or alcohol on County property, or during working hours, lunch periods, breaks, or standby; is against County policy and will be cause for immediate discharge.
3. The personal possession (ie., on the person, in a desk, locker, or County owned vehicle) of alcohol or drugs on County property or on duty will result in disciplinary action, up to and including discharge.
4. It is against the policy of Jackson County Board of County Commissioners to report to work or to work (including lunch periods, breaks or standby), under the influence of alcohol or drugs.
5. An employee is presumed to be under the influence of alcohol if a blood test or other scientifically acceptable testing procedure shows a forensically positive quantum of proof of drug use (.05%).
6. An employee is presumed to be under the influence of drugs if a urine test or other acceptable testing procedure shows a forensically acceptable positive quantum of proof of drug use.
7. An employee who is reasonable suspected to be under the influence of alcohol or drugs will be removed immediately from the workplace and will be tested by medical personnel.
8. Prescription drugs may also affect the safety of the employee, fellow employees, or members of the public. Therefore, any employee who is taking any prescription drug which might impair safety, or performance, or any motor functions must advise his/her supervisor **before** reporting to work under such medications. A failure to do so may result in disciplinary action. If Jackson County Board of County Commissioners determines that such use does not pose a safety risk, the employee will be permitted to work. If such use impairs the employee's ability to safely or effectively perform his/her job, the County may temporarily reassign the employee or grant Suck Leave, Annual Leave or Leave Without Pay during the

period of treatment. Prescription medication must be left in its original container if such medication is taken during working hours or on County property.

Before a Positive Drug Test

If you are experiencing problems with drugs or alcohol, you are encouraged to contact an Employee Assistance Program. You may use your Employee Assistance Program or request a referral to another agency. In either case; the information will be kept strictly confidential.

If you voluntarily come forward and seek help prior to being requested to submit to a drug or alcohol test, no disciplinary action will be taken against you. However, you will still be expected to perform your job and report for work unless your treatment program counselor requires you to miss work. Enrollment in a treatment program or attending counseling will not grant you a license to violate any County policies of shield you from disciplinary action for such violations. The County reserves the right under certain circumstances including, but not limited to, safety and security to reassign you to another position.

After you return to work, follow-up testing for drug or alcohol use will occur on a quarterly, semi-annual or annual basis for a period up to two years. If you test positive for drug or alcohol following the completion of the primary phase of your treatment program, you will be terminated and your unemployment benefits may be denied. If you do not complete your drug or alcohol treatment program, or do not comply with the terms of your treatment program, you will be terminated and your unemployment benefits will be denied.

Types of Drug Testing Performed

Employees will be subjected to the following tests:

Pre-Employment Testing: All applicants for a position with Jackson County Board of County Commissioners will be tested and refusal to submit or a positive confirmed test result will be used as basis to reject the applicant for employment at that time.

Reasonable Suspicion Testing: An employee may be required to submit for testing when the employer has reasonable suspicion, as defined in the ACT, that an employee is using or has used drugs in violation of the employer's policy. The County has a reason to suspect an employee when it has an articulable 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 creditable source as using drugs; has tampered with a drug test; has caused or contributed to or been involved in an accident while at work, or is engaged in abnormal conduct or erratic behavior while at work, or shows significant deterioration in work performance. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working. 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 may be asked to submit to a drug test as 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. Jackson County Board of County Commissioners initially established two employment

classifications which require routine fitness for duty testing. Those classifications are operators of hazardous equipment or machinery, and County vehicle driver's. Along with this class, all personnel who are classified as being in a safety-sensitive position will also submit to routine fitness for duty testing.

Follow-up Testing: An employee who in the course of employment enters an employee assistance program 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.

Drug Tested: You may be tested for any or all of the following:

Alcohol	Amphetamines	Barbiturates	Benzodiazepines
Cannabinoids	Cocaine	Methadone	Methaqualone
Opiates	Phenolphthalein	Propoxythene	

After a Positive Test Result

If you have a confirmed positive test result, we will send you a letter within five (5) days of our receipt of notification form the Medical Review Officer (MRO) notifying us of your positive test results. The letter will outline your rights and manner in which you may challenge a positive test result. *You are responsible for any costs associated with the challenge.*

Challenges to Test Results

You have the right to challenge any confirmed test result. All challenges must be filed within five (5) working days of receiving notification of such results. The first stages require that you explain or contest the results in writing to the Human Resources Department. If your explanation is unsatisfactory, you will be notified of such in writing within fifteen (15) days of the date your challenge was received. At that time, you will be provided with a copy of your positive test results and the name and address of the laboratory. If you were involved in an accident and denied medical and/or indemnity benefits, you may file an administrative challenge by filing a claim for benefits with a judge of compensation claims. If no workplace injury occurred, you may challenge the test results in a court of competent jurisdiction. If you decide to challenge the test result, it is your responsibility to notify the laboratory that you are challenging the test result. You will be solely responsible for all costs associated with such a challenge.

- Within 180 days after written notification of a positive test result, the applicant/employee shall be permitted by Jackson County Board of County Commissioners to have a portion of the specimen re-tested, at the expense of the applicant/employee. This should be explained in detail in the initial letter of notification to the applicant/employee.
- If the applicant/employee desires to have the specimen tested at another laboratory, have the first laboratory transfer the specimen to the second laboratory. Jackson County Board of County Commissioners will not make the transfer.
- The employee/applicant can administratively challenge the results of a drug test by filing a claim with a judge or Compensation Claims within thirty (30) days after receipt of the employer's response to his explanation.

Cost of Testing

Jackson County Board of County Commissioners shall pay the cost of initial and confirmation drug tests which it requires of employees. An employee shall pay the cost of any additional drug tests not required by the employer.