

DRUG-FREE WORKPLACE POLICY SUMMARY

POLICY STATEMENT

The City of Cocoa Beach is committed to providing a safe work environment for our employees, our guests, our community, and the public. The abuse of alcohol and drugs is a national problem which impairs the safety and health of employees, promotes crime, and harms our community. In order to maintain the highest standards of morale, productivity, and safety in our operations, the City establishes this drug and alcohol-free workplace policy. With the cooperation and assistance of our employees, this program will provide a safe workplace environment free from the use and/or abuse of drugs and alcohol.

The City recognizes that alcohol and drug dependency require medical supervision and treatment if there is to be successful rehabilitation. We encourage any employee with alcohol or drug dependency to voluntarily seek assistance via a drug or alcohol rehabilitation program. It is the responsibility of each employee to request and obtain assistance before any difficulties with drug or alcohol affect work performance.

This policy, which applies to all employees, including temporary employees, supervisors, and managers, is available in the Personnel office, each Department Director's office, and will be posted in conspicuous locations throughout City facilities. Notice concerning the maintenance of a drug-free workplace shall be posted on the Personnel Departments employment page.

OBJECTIVE

The objective of this policy is to establish and ensure a workplace free from the influence of controlled substances and alcohol abuse, to better maintain employee reliability, and provide a healthy and safe work environment for all City employees. This policy is designed to ensure employees' fitness for duty and to protect our employees and the public from the risks associated with the use of alcohol and prohibited drugs. Accordingly, the use, possession, sale, distribution, or manufacture of any drugs, and/or the unauthorized possession and/or use of alcohol while working or while on City property, is prohibited. Any policies in any collective-bargaining agreements between the City of Cocoa Beach ("City") and any applicable bargaining unit employees.

STATUTORY AUTHORITY

The City's Drug-Free Workplace Policy shall be implemented consistent with the provisions of applicable statutes, including the following:

Florida Drug-Free Workplace Program (F.S. 440.102, et seq)

Florida Drug-Free Workplace Act (F.S. 12.0455)

U.S. Department of Transportation Regulations governing drivers of commercial vehicles

(Rule 49 CFR, Parts 29, 40, 653. and 654) to include the CDL Driver Drug & Alcohol Clearinghouse requirements effective January 6, 2020.

WORKPLACE RULES GOVERNING DRUGS AND ALCOHOL

It is not the intent of the City to intrude into the private lives of its employees. However, drug and alcohol use, abuse, and/or dependency affect safety, work quality, medical expenses and productivity. This policy is implemented to assure a workplace free from the effects of drugs and alcohol. It is a condition of employment for each employee to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body. Additionally, an employee who sustains an on-the-job injury requiring medical treatment who refuses to submit to a test for drugs and/or alcohol or who tests positive for drugs may

forfeit eligibility for medical and indemnity benefits. Any employee who violates the rules outlined in this policy will be subject to disciplinary action up to and including termination of employment.

Types of Drug and Alcohol Testing:

Pre-Employment Drug - will be conducted on all job applicants, including temporaries, following a conditional offer of employment contingent upon the applicant's successful completion of drug and alcohol testing (if applicable). All position vacancy notices will include a statement of the City's requirement that the applicant successfully complete drug tests prior to final appointment. Any job applicant who tests positive for drugs will be refused employment at that time. Refusal by an applicant to submit to drug testing will result in the conditional offer of employment being withdrawn and the applicant shall be ineligible for hire with the City for a period of six (6) months.

The City will not exclude an applicant from employment because of past addiction to drugs or alcohol; current use/abuse of drugs or alcohol will not be tolerated.

Employee Drug and Alcohol Testing - employees will be required to submit to drug and/or alcohol testing, as follows:

- ❖ upon reasonable suspicion as defined in this policy;
- ❖ during a routine fitness for duty physical examination;
- ❖ following release from a drug or alcohol rehabilitation program;
- ❖ following an on-the-job accident or injury which requires medical treatment;
- ❖ following an at-fault vehicle accident;
- ❖ upon random selection for certified police officers, firefighters and employees whose positions require a commercial driver's license for operation of a commercial motor vehicle or in a safety-sensitive position per Federal DOT regulations.

Additional testing may also be conducted as required by applicable state or federal laws, rules or regulations or as deemed necessary by the City.

If an employee tests positive for drugs and/or alcohol on a confirmation test, the employee will be subject to disciplinary action, up to and including termination of employment. If the City determines that it is appropriate to offer the employee an opportunity to enter a treatment program and the employee refuses the offer of treatment, the employee will be terminated immediately. If the employee enters a treatment program, he/she must meet all requirements of the program, including any required after-care. Failure to follow or complete the treatment and/or rehabilitation program or a subsequent confirmed drug/alcohol test will result in immediate termination.

Drugs To Be Tested

Drug testing may be required for any or all of the following drugs:

- ◆ Alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors
- ◆ Amphetamines
- ◆ Cannabinoids
- ◆ Cocaine
- ◆ Phencyclidine (PCP)
- ◆ Hallucinogens
- ◆ Methaqualone
- ◆ Opiates
- ◆ Barbiturates
- ◆ Benzodiazepines
- ◆ Synthetic Narcotics (Methadone and Propoxyphene)
- ◆ Designer drugs
- ◆ A metabolite of any of the substances listed herein

Medical Marijuana

Use of "medical marijuana" by any employee is not permitted under this policy, even if such use is prescribed by a medical provider. Marijuana is a prohibited drug in Schedule I of the Controlled Substances Act and it remains a violation of City policy for any employee to use or be under the influence of marijuana while at work.

Use of "medical marijuana" by CDL-covered employees is not permitted under DOT regulations as a valid medical explanation for an employee's positive drug test result.

Drug Test Cut-off Levels

The cut-off levels for reporting positive results for both initial and confirmation drug tests are set forth in Chapter 59A-24, Drug-Free Workplace Standards, Florida Administrative Code, and currently are as follows:

Initial Drug Test - Cut-off Levels

All levels equal to or exceeding the following shall be reported as positive:

Alcohol	0.05 g/dl *
Amphetamines	1,000 ng/ml
Cannabinoids (Marijuana)	50 ng/ml
Cocaine	300 ng/ml
Phencyclidine	25 ng/ml
Methaqualone	300 ng/ml
Opiates	300 ng/ml
Barbiturates	300 ng/ml
Benzodiazepines	300 ng/ml
Synthetic Narcotics	
Methadone	300 ng/ml
Propoxyphene	300 ng/ml

Confirmation Drug Test - Cut-off Levels

All levels equal to or exceeding the following shall be reported as positive:

Alcohol	0.05 g/dl*
Amphetamines	500 ng/ml
Cannabinoids (Marijuana)	15 ng/ml
Cocaine	150 ng/ml
Phencyclidine	25 ng/ml
Methaqualone	150 ng/ml
Opiates	300 ng/ml
Barbiturates	150 ng/ml
Benzodiazepines	150 ng/ml
Synthetic Narcotics	
Methadone	150 ng/ml
Propoxyphene	150 ng/ml

* Testing laboratories will report all quantitative alcohol tests results above .05% to the MRO who will be responsible for reporting results to the City. Percent by weight of alcohol in blood is based upon grams of alcohol per 100 milliliters of blood. NOTE: The minimal levels for drugs and alcohol reported to the City may be lower for employees subject to federal drug testing regulations.

Challenges of Test Results of Drug Tests Under Florida Law

An employee or job applicant who receives a positive confirmed test result may submit information to the MRO contesting or explaining the results in writing within **five** working days of receipt of notification of a positive confirmed test result. If the explanation or challenge of the employee or job applicant is unsatisfactory to the MRO, the MRO shall report a positive result back to the City.

Within five working days after receiving notice of a positive confirmed test result from the MRO, the City shall inform the employee or job applicant of the positive test result, the consequences of such results, and the options available to the employee or job applicant. Upon request, the City shall provide a copy of the test results to the employee or job applicant.

Within five working days after receiving notice of a positive confirmed test result from the City, the employee or job applicant may submit information to the City explaining or contesting the test result and explaining why the result does not constitute a violation of the City's policy.

If the explanation or challenge of the employee or job applicant is unsatisfactory to the City, the City shall provide a written explanation, within fifteen days of receipt, as to why the employee or job applicant's explanation is unsatisfactory, along with a copy of the report of the positive confirmed test results. All such documentation will be kept confidential, except as provided in this policy, and will be retained by the City for a least one year.

An employee may further challenge the results of the test in a court of competent jurisdiction or, if the drug test was administered due to a workplace injury, by filing a claim for benefits with a judge of Compensation Claims, pursuant to Chapter 440, Florida Statutes.

If an employee or job applicant contests the drug tests results, he or she will be solely responsible for filing a notice of challenge to the laboratory and the City in writing by certified mail. The notice must include reference to the chain of custody specimen identification number.

An employee or job applicant who receives a positive confirmed test result may, at the employee's or job applicant's expense, obtain a retest of a portion of the original specimen at another licensed and approved laboratory selected by the employee or job applicant, within one hundred eighty days of the notice of the positive test result.

Management's Responsibilities

City Officers, Department Directors, Managers, and Supervisors (hereafter collectively referred to as supervisors") are responsible for implementing the Drug-Free Workplace Policy. It is the responsibility of supervisors to observe employees on the job as a precaution against unstable or unreliable behavior which could threaten the safety and well-being of employees or the public. Supervisors are responsible for maintaining a safe work environment by determining each employee's fitness for duty.

If a supervisor has a reasonable suspicion (as defined in this policy) that an employee may be affected by drugs or alcohol or has otherwise violated this policy, the employee will be sent for drug testing. A form for reporting the reason(s) for drug testing is included in this policy and should be completed as soon as practicable following the incident or observations giving rise to such reasonable suspicion.

When an employee is being removed from duty for drug testing, the immediate supervisor will notify the next level supervisor at the earliest possible time.

Employee's Responsibilities

It is each employee's responsibility to be fit for duty when reporting for work and to inform his or her supervisor if he or she is under the influence of prescription medication which may affect job performance

or safety. If an employee observes behavior which raises a doubt as to the ability of a co-worker to work in a safe and reliable manner, the employee should report this behavior to his/her supervisor.

Employees who voluntarily or, as a condition of continued employment, enter a drug or alcohol treatment and/or rehabilitation program will be responsible for payment for the treatment and/or program to the extent not covered by medical insurance provided by the City. If the employee fails to comply with the treatment and/or the program, the employee will be subject to discipline, up to and including termination.

Reporting of Use of Medication: Employees and job applicants may confidentially report the use of prescription or non-prescription medication both before and after having a drug test. A form for reporting medication use may be obtained from the Personnel Department.

Notice of Common Medications: A list of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may later or affect a drug test, is included in this policy. Employees and job applicants are provided this list for review prior to submitting to a drug test.

Employees or job applicants may consult with the City's MRO or the testing laboratory for technical information regarding prescription and non-prescription medication.

Rights Under Collective Bargaining Agreements

Employees who are covered under any collective bargaining agreement between the City and any certified labor organization will have the right to file a grievance regarding discipline imposed by the City as result of a violation of this policy if said grievance is permitted to be filed pursuant to the collective bargaining agreement.

Employee Drug or Alcohol-Related Criminal Charges or Arrests

Employees are required to notify the Personnel office of any criminal drug statute-related criminal charge or arrest within five days of the charge being filed. Any employee whose position requires operation of a City vehicle must notify the Personnel office of any drug or alcohol-related arrest (including, but not limited to a driving while under the influence arrest) on the next workday. The City will take appropriate action with respect to an employee who is so charged; this action may include transfer to a non-safety-sensitive or nonspecial-risk position in alcohol-related cases and may include disciplinary action in cases related to illegal drugs.

Employees are required to notify the Personnel office of the outcome of all criminal drug statute or alcohol related criminal charges within five days of the outcome or of change in status of such charges. This includes notification of a conviction, a plea of guilty, an adjudication of guilt, a plea of nolo contendere, an adjudication of guilt withheld, an acquittal, or a dismissal of the charges. The City will take appropriate disciplinary action against the employee within thirty days of receiving notice of the outcome or any change in the status of such criminal drug statute of alcohol-related charges.

Rehabilitation Procedures

The City has no interest in restricting social drinking outside of working hours and no intent to intrude upon the private or personal lives of employees. The City is concerned only when the employee's health, job performance, and safety conditions are adversely affected. An employee who is experiencing problems as a result of drug and/or alcohol abuse is encouraged to contact the Personnel office for referral for treatment and/or counseling. This discussion will be kept confidential. Such employee will be subject to testing to verify recovery from substance abuse pursuant to the policy requirements; failure to take or pass such drug and/or alcohol test will result in termination of employment. If an employee voluntarily enters a treatment program before disciplinary action is initiated, the City, in its sole discretion, may elect to waive follow-up drug testing. If follow-up drug testing is required, it will be conducted on an

unannounced basis on a quarterly, semi-annual, or annual basis at the discretion of the City for a two-year period or up to sixty months (for drivers of commercial motor vehicles) after completion of the program.

An employee in a safety-sensitive position who enters a substance abuse rehabilitation program will be assigned to a position other than a safety-sensitive position, or if such a position is not available, will be placed on leave while the employee is participating in the program. The employee shall be permitted to use any accumulated sick or vacation credits before leave without pay.

An employee's decision to seek assistance or referral from the Personnel office prior to any incident warranting disciplinary action will not be used as the basis for disciplinary action or in any disciplinary proceeding. Once a violation of this Policy occurs, subsequent use of a counseling or rehabilitation program on a voluntary basis will not affect the determination of appropriate disciplinary action.

Confidentiality and Records Maintenance

Confidentiality of records concerning drug testing pursuant to the Drug-Free Workplace Policy will be maintained in accordance with statutory provisions. All information, records, drug test results in the possession of the City, laboratories, employee assistance programs, and drug and alcohol rehabilitation programs will be kept confidential. No such programs, information, or records will be released unless written consent, signed by an employee, or job applicant is provided or unless disclosure of such information or records is compelled by court order. The City may also disclose such information when relevant in any civil, disciplinary, or administrative hearing. The City will maintain confidential records concerning drug testing separate from a job applicant's or employee's personnel file. Information on drug testing results will not be released in any criminal proceeding.

Medical Review Officer's Responsibilities for Testing Under Florida Law

The Medical Review Officer (MRO) shall comply fully with all requirements set forth in Rule 38F9.014, Florida Administrative Code, as it may from time to time be amended. The MRO shall be a licensed physician, under contract with the City's drug testing facility, who has knowledge of substance abuse disorders, laboratory testing procedures, chain of custody collection procedures, and medical use of prescription drugs and pharmacology and toxicology of illicit drugs.

The MRO shall review and verify drug test results prior to the transmittal of the test results, either positive or negative to the City. The MRO shall evaluate the drug test result(s), verify the chain of custody forms, and ensure that the donor's identification number on the laboratory report and the chain of custody form accurately identifies the individual.

If the test results reported are negative, the MRO shall notify the City of the negative test result and submit the appropriate documentation to the AHCA.

If the test results reported are positive, the MRO shall notify the employee or job applicant of a confirmed positive test result within three days of receipt of the test results from the laboratory and inquire as to whether prescription or over-the-counter medications could have caused the test result. Within five days after receiving written notification of the positive test result, the employee or job applicant may contest or explain the result of the MRO. If the employee's or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO will report a positive test result back to the City.

Upon contacting an employee or job applicant who has received a positive test result, the MRO shall properly identify the donor, inform the donor that the MRO is an agent of the city whose responsibility is to make a determination on test results and report them to the City, and inform the donor that medical information revealed during the MRO's inquiry will be kept confidential, unless the donor is in a safety-sensitive position and the MRO believes that such information is related to the safety of the donor or to the safety of other employees.

Additionally, the MRO shall outline the rights and procedures for a retest of the original specimen for the donor and process any employee's or job applicant's request for retest of the original specimen within one hundred eighty days of notice of the positive test result in another licensed laboratory selected by the employee or job applicant. The employee or job applicant who requests the additional test shall be required to pay for the cost of the retest, including handling and shipping expenses. The MRO shall contact the original testing laboratory to initiate the test.

Upon receipt of information and/or documentation from the employee or job applicant, the MRO shall review any medical records provided, authorized and/or released by the individual's physician, to determine if the positive test result was caused by a legally prescribed medication. If the donor does not have a prescribed medication, the MRO shall inquire about over-the-counter medications which could have caused the positive test result. The donor shall be responsible for providing all necessary documentation (e.g., a doctor's report, signed prescription, etc.) within the five day period after notification of the positive test result.

If the MRO determines that there is a legitimate medical explanation for the positive test result, the MRO shall report a negative tests result to the City. However, should the MRO feel that the legal use of this drug would endanger the individual or others, then the MRO shall report that the test is negative due to a validated prescription and shall request that the individual be placed in a position which would not threaten the safety of the individual or others.

If the MRO has any question as to the accuracy or validity of a test result or has a concern regarding the scientific reliability of the sample, the MRO may request the individual to provide another sample., As a safeguard to employees and job applicants, once an MRO verifies a positive test result, the MRO may change the verification of the result if the donor presents information which documents that a serious illness, injury or other circumstances unavoidably prevented the donor from contacting the MRO within the specified time frame and if the donor presents information concerning a legitimate explanation for the positive test result.

If the MRO is unable to contact a positively tested donor within three days of receipt of the test result from the laboratory, the MRO shall contact the City and request that the City direct the donor to contact the MRO as soon as possible. If the MRO has not been contacted by the donor within two days from the request of the City, the MRO shall verify the report as positive.

If the donor refuses to talk with the MRO regarding a positive test result, the MRO shall validate the result as positive and annotate such refusal. If the donor voluntarily admits to the use of the drug in question without the proper prescription, the MRO shall advise the donor that a verified positive test result will be sent to the City.

The MRO shall notify the City in writing of the verified test result, either negative, positive, or unsatisfactory and appropriately file chain of custody forms to the City and submit the proper forms to the AHCA.

**CITY OF COCOA BEACH
EMPLOYEE EDUCATION/REFERRAL INFORMATION**

The following "Crisis Information Centers" will provide information regarding employee assistance programs and local alcohol and drug rehabilitation programs available to employees:

Aetna Resources for Living
Employee Assistance Program
1-800-955-6422
www.resourcesforliving.com
Username: Cocoa Beach / Password: EAP

Medical Review Officer (MRO) contact information:

MD&AT
MEDTOX LABORATORIES INC
Dr. Neil J Dash D.R.S.
546 Franklin Ave, Massapequa, NY
1-800-527-9341

Atlantis Urgent Care
Quest Diagnostics
Dr. Steven Paschall, M.D.
7160 Graham Rd.
Indianapolis, Indiana, United States
(317) 547-8620

CITY OF COCOA BEACH

**OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER
OR AFFECT THE OUTCOME OF A DRUG TEST**

Alcohol – All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. Example: Vick's NyQuil is 25% (50 proof) ethyl alcohol; Comtrex is 20% (40 proof); Contact Severe Cold Formula Night Strength is 25% (50 proof); and Listerine is 26.9% (54 proof)

Amphetamines - Obetrol, Biphedamine, Desoxyn, Dexedrine. Didrex. Ionamine. Fastin

Cannabinoids - Marinol (Dronabinol, THC)

Cocaine - Cocaine HCl topical solution (Roxanne)

Phencyclidine - Not legal by prescription

Methaqualone - Not legal by prescription

Opiates - Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APA with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin & Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.

Barbiturates - Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.

Benzodiazepines - Atival, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Vertron, Halcion, Paxipam, Restoril, Centrax

Methadone - Dolophine, Metadose

Propoxyphene - Darvocet, Darvon N, Dolene, etc.

****CONTACT THE PERSONNEL DEPARTMENT FOR A LIST OF LIST OF DRUGS BY TRADE OR
COMMON NAMES**

DEFINITIONS

Alcohol - ethyl alcohol (ethanol) and includes distilled spirits, wine, malt beverages and intoxicating liquors. For purposes of this policy, alcohol is considered to be a drug. Thus, any reference to drugs and/or drug testing includes alcohol and/or alcohol testing.

CG/MS - gas chromatography/mass spectrometry.

Collection Site - a place designated for individuals to provide a specimen to be analyzed for the presence of drugs/alcohol.

Commercial Motor Vehicle - a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

- ❖ has a gross vehicle weight rating (GVWR) of more than 26,000 pounds; has a gross combined weight rating (GC@) of more than 26,000 pounds inclusive of a towed unit with a GVWR of more than 10,000 pounds;
- ❖ is designated to transport 16 or more passengers, including the driver; or transports hazardous materials requiring the vehicle to be placarded.

Controlled substance - any substance which is not legally obtainable, or which can be legally obtained only by prescription from a licensed medical practitioner.

Drugs - alcohol, amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or a metabolite of any of the substances listed in this policy.

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

Drug testing may require the collection of blood, urine, breath, saliva, or hair (if approved by the U.S. Food and Drug Administration [FDA]) of an employee or job applicant. The City has the right to use more accurate, scientifically accepted methods which may be approved in the future by the FDA or the AHCA as such technology becomes available in a cost-effective form.

Initial Drug Test - a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate method in accordance with the Florida Drug-Free Workplace Program, other applicable regulations, and rules of the Florida Administrative Code.

Chain of Custody - the methodology of tracking specified materials or substances for the purposes 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 the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

Drug Testing Methodology - specimens for drug testing will be collected, handled, maintained, and tested in accordance with the Florida Drug-Free Workplace Program, and other applicable regulations. Urine will be used for the initial and confirmation tests for all drugs except alcohol. Saliva may be used for the initial test for alcohol; blood will be used for the confirmation test for alcohol.

Employee Assistance Program (EAP) - 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.

Medical Review Officer (MRO) - a licensed physician who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures. The MRO is responsible for receiving and reviewing all positive confirmed test results, and for contacting all individuals who tested positive in a confirmation test to inquire about possible medications which could have caused a positive result in accordance with Rule 38F-9.014, Florida Administrative Code.

Prescription or Non-Prescription Medication - a drug or medication obtained pursuant to a prescription as defined in F. S. 893.02, or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription for the treatment of human diseases, ailments, or injuries.

Random Drug and Alcohol Testing - employees whose positions involve operation of commercial motor vehicles requiring a Commercial Driver's License (CDL) to operate the vehicles are subject to random testing, in accordance with the Omnibus Transportation Employee Testing Act of 1991. This Act requires, on an annual basis, that 25% of operators of commercial motor vehicles be tested for the presence of alcohol and that 50% of operators of commercial motor vehicles be tested for the presence of drugs. The random selection procedure shall be by a neutral, unbiased method.

Reasonable Suspicion Drug Testing - drug testing based on a belief that an employee is using or has used drugs in violation of this policy, based on specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon the following:

- ◆ 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;
- ◆ abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- ◆ a report of drug use, provided by a reliable and credible source; evidence that an individual has tampered with a drug test during his employment with the City;
- ◆ injury/accident on-the-job which requires medical treatment for the employee;
- ◆ an at-fault vehicle accident while operating a City vehicle;
- ◆ evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working, while on City premises, or while operating a vehicle, machinery, or equipment of the City.

Safety-sensitive Position - a position in which drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires an employee to carry a firearm; to perform procedures necessary in life-threatening situations; to work with confidential information or documents pertaining to confidential investigations; or to work with controlled substances; a position subject to F.S. 110.127; or a position in which a momentary lapse in attention could result in a person's injury or death.

Special-risk Position - a position that is required to be filled by a person who is certified pursuant to F.S. Sections 633 or 943, as amended.

Specimen - a tissue or product of the human body including blood, breath, urine, saliva, and hair that is capable of revealing the presence of alcohol and/or drugs or their metabolites as approved by the FDA or the AHCA.