

**ARTICLE 22**  
**SUBSTANCE ABUSE**

**East Lake Tarpon Special Fire Control District is a Drug Free Workplace**

**Section 1:** Bargaining unit employees shall not possess, dispense or sell any drug/chemical substance not prescribed for use by a licensed physician and shall use said medication only as prescribed.

**Section 2:** When an employee uses a controlled substance that has been prescribed or administered by a physician, which may affect performance of job duties, the employee shall inform the Employer contracted medical review officer or if not possible then the employees Division Chief. If contact with the testing agency cannot be made, the Division Chief shall contact the Employer's Physician for consultation. If needed the employee shall be placed on sick leave until such time as they can be cleared for duty.

**Section 3:** The consumption of any alcohol while on duty, reporting to work impaired by the use of alcohol or reporting for duty in a condition where prior usage can be observed or detected are prohibited.

**Section 4:** Any employee in this bargaining unit will be subject to a urinalysis and/or blood testing by an independent accredited testing laboratory when there is reasonable suspicion based upon actions or appearances observed by the employee's co-workers and/or Employer that the employee is under the influence of alcohol, drugs or controlled substances while on duty.

**Section 5:** Reasonable suspicion of controlled substance or alcohol abuse as defined in FS 440.102 shall be guided by, but not limited to the provided "Supervisor's Check List".

**Section 6:** Any employee subjected to urinalysis or blood tests under this Article shall be removed from duty pending the results of such tests, and such employee shall continue to receive regular pay and benefits until the results are obtained. This section shall not apply to random drug testing. Prior to testing the employee shall be furnished a copy of the completed supervisor's check list that is part of this article.

Also a completed copy shall be forwarded to the Union.

**Section 7:** At the time of the testing, two separate samples shall be received simultaneously.

Where the urinalysis of an employee is positive for drug/chemical substance; a second test shall be performed using the specimen from the separate sample.

**Section 8:** The gas chromatography mass spectrometry or equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration for the United States Food & Drug Administration as such technology becomes available in a cost effective form will be run on the second sample providing the initial urinalysis was positive. If the second test does not detect the presence of a drug/chemical, the second test shall prevail.

**Section 9:** Refusal to submit to testing may result in discharge. Submission to a test shall not act as a waiver of the employee's right to challenge the grounds for the test or the accuracy of the results.

**Section 10:** A test result indicating the employee is under the influence of alcohol, or indicating the use of illegal drugs or controlled substances when taken without prescription issued to the employee or without being under the care of a physician, or being taken other than in complete conformance to the prescription while on duty will result in the employee being required to attend and complete an appropriate detoxification, alcohol or drug abuse program. Failure to complete such program may subject the employee to discipline up to and including discharge. The employee shall be allowed to utilize recognized time off policies, (vacation, sick leave, trade time) for absence from duties to attend any such appropriate program.

**Section 11:** After completion of any mandatory rehabilitation the employee shall be subject to three random urinalyses, anytime during a twelve-month period. A positive test on any one of the three tests will subject the employee to discipline up to an including discharge.

**Section 12:** In the event that the employee informs the Employer, they will seek assistance for drug/alcohol abuse prior to, or without testing; no disciplinary action shall be taken against the employee. Successful completion of an approved rehabilitation shall result in no disciplinary action against the employee. This applies to the first

offense only.

**Section 13:** The following standards shall be used to determine what levels of detected substances shall be considered as positive:

Amphetamines	1000 ng/mL	Methadone	300 ng/mL
Barbiturates	300 ng/mL	Methaqualone	300 ng/mL
Benzodiazepines	300 ng/mL	Opiates (heroin, Morphine, Codeine)	300 ng/mL
Benzoyllecogine (Cocaine)	300 ng/mL	Phencyclidine (PCP)	25 ng/mL
Cannabinoids (Marijuana)	50 ng/mL	Propoxyphene	300 ng/mL
Ethanol (Alcohol)	0.04 g%		

Results to urine and blood tests performed hereunder will be considered medical records and held confidential to the extent permitted by law.

All testing shall conform to Mandatory Guidelines for Federal Workplace Drug Testing Programs, published by the Substance Abuse and Mental Health Services Administration (SAMHSA).. If testing levels should be changed during the term of this agreement, the District shall notify the Union as soon as they are aware of said change.

**Section 14:** Each bargaining unit employee has an absolute obligation to report to their supervisor any employee who is suspected to be under the influence of alcohol, drugs or controlled substances while on duty, and must thereafter cooperate in the investigation program, or blood tests any of these and any related disciplinary proceedings. Any employee who fails to do so shall be subject to disciplinary action. An anonymous “tip” shall not discharge a bargaining unit member’s obligation hereunder nor shall it be the sole basis for the imposition of testing under this article. A bargaining unit employee who maliciously files a false report that another bargaining unit member is under the influence of alcohol, drugs or controlled substances while on duty shall be subject to disciplinary action.

**Section 15: Substance Testing**

**Purpose:** Employer recognizes its responsibility to provide a safe and healthy working environment for all employees and its obligation to the citizenry to hire and offer continued employment only to those employees who remain drug free.

**Section 16: Policy Statement**

All employees are prohibited from using, being under the influence of, having residual amounts in their system, possessing, or distributing controlled substances,

un-prescribed narcotics, and other mind-altering substances at any time while on-duty because of their illegality and the risk to fellow employees and the public.

- A. Employees arrested or implicated in the use, sale or possession of un-prescribed controlled substances, drugs, or other mind-altering substances will be immediately suspended without pay pending investigation and resolution, and may be subject to discipline up to and including discharge.
- B. If un-prescribed controlled substances, narcotic, or other mind-altering substances are found on Employer's property or suspected on Employer's property, the proper law enforcement officials will be notified immediately.

### **Section 17: Procedures**

- A. Employees shall be required to sign the Consent to Substance Screen form and submit to urinalysis testing upon reasonable suspicion as defined in Florida Statute 440.102.
- B. All employees shall be subject to random unannounced drug testing. Such testing shall be equal to thirty percent (30%) of the total number of covered employees each year. Such testing shall be during on-duty time. The method of random selection will be agreed to by the Employer and the Union.
- C. No employee shall be required to sign the Consent to Substance Screen or submit to urinalysis testing except as specified in the Agreement.
- D. Any employee who refuses to sign the Consent to Substance Screen form and submit to urinalysis testing because of reasonable suspicion will be terminated without notice and without severance pay.
- E. Any temporary employee, or any new employee who has not completed their probationary period, who signs the Consent to Substance Screen form and tests positive, will be terminated.
- F. Any regular employee who tests positive will be suspended (with pay for the first 28 days) until the Employer's Physician has examined the employee and certified the employee fit for duty. The employee will be reassigned to original duties as deemed necessary by the Fire Chief based on the Employer

Physician's statement. The District Physician will examine the employee as soon as possible upon receipt of a positive test result. The employee will also be mandated to the EAP for treatment, and will be put on a six (6) month probationary period during which time they will be carefully monitored for reasonable suspicion and shall submit to unannounced follow-up urinalysis testing. The employee will receive Appraisals at a 3 and 6 month period by their immediate supervisor.

- G. Any employee who refuses EAP treatment, refuses to sign the Release of Information form, or refuses to keep scheduled EAP appointments may be terminated without notice and without severance pay.
- H. The sole purpose of the EAP Release of Information form is to enable the Employer to discover and monitor the level of an employee's participation and completion of the program. Both urinalysis test results and EAP participation information will be maintained in a file separate from the Personnel file and will not be available to the general public, other employees, or to management except on strict need-to-know basis.
- I. If the results of any unannounced follow-up tests are positive, the employee will be terminated without notice and without severance pay.
- J. All test results shall become the property of the Employer's Physician and shall be maintained there as part of the employee's confidential medical history.
- K. All tests for an unlawful drug or drug of abuse will be by the scientifically accepted method approved by the Agency for Health Care Administration for the United States Food & Drug Administration as such technology becomes available in a cost effective form.

### **Section 18: General**

- A. While at the work site, employees are prohibited from possessing controlled substances, narcotics, or alcohol on their person, in their locker, desk, and personal vehicle or Employers vehicles. Vehicles utilized by employees are Employer's property and, with reasonable suspicion, may be searched. If any

employee places a personal lock on a locker, desk, cabinet, or other storage areas, upon reasonable suspicion, he/she must remove such lock upon request and permit a search by Department Management.

- B. The approved use of prescription drugs prescribed by a physician is not prohibited; however, employees may be subject to discipline up to and including discharge for the abuse of prescription drugs. Any employee using drug at the direction of a physician, will immediately notify his/her supervisor when the use of these substances may affect his/her job performance, such as causing drowsiness.

**Section 19: Right of Union Participation**

At any time, the Union, upon request, will have the right to inspect and observe any aspect of the drug testing program with the exception of individual test results. The Union may inspect individual test results if the release of this information is authorized by the employees involved.

**Section 20: Union Held Harmless**

This drug program is solely initiated at the request of the Employer. The Employer shall be solely liable for any obligations and costs arising out of the provisions and/or application of this collective bargaining Agreement relating to drug testing. The Union shall be held harmless for the violation of the drug testing program.

**Section 21: Conflict with Other Laws**

This Article is in no way intended to supersede or waive an employee's Federal or State Constitutional Rights.

SUPERVISOR'S CHECK LIST

Employee Name: \_\_\_\_\_ Department \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

Indicate and describe which of the following apply to the Reasonable Suspicion of controlled substance or alcohol abuse.

1. Erratic and/or Reckless behavior by an individual.

Y \_\_\_\_\_ N \_\_\_\_\_ Describe Observations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Otherwise Unexplained slurred speech; signs of altered motor function including inability to stay awake, poor co-ordination or staggering gait, or extreme emotional states Y \_\_\_\_\_ N \_\_\_\_\_

Describe Observations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Observance of an individual consuming what appears to be alcohol or a controlled substance.

Y \_\_\_\_\_ N \_\_\_\_\_ Describe Observations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The odor of alcohol or any controlled substance on the individual.

Y \_\_\_\_\_ N \_\_\_\_\_ Describe Observations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Has the employee been given a chance to explain any of the above observations?

Y \_\_\_\_\_ N \_\_\_\_\_ What was the employee's response?

\_\_\_\_\_  
\_\_\_\_\_

6. Action taken: (Include times, dates, places, persons, and pertinent information)

\_\_\_\_\_  
\_\_\_\_\_

7.. List Witnesses:

_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time