

RESOLUTION 18-9

A RESOLUTION OF THE BOARD OF SUPERVISORS OF CENTRAL COUNTY WATER CONTROL DISTRICT AMENDING ITS DRUG AND ALCOHOL-FREE WORKPLACE PROGRAM; ADOPTING THE AMENDED PROGRAM; PROVIDING AUTHORITY TO THE DISTRICT MANAGER TO IMPLEMENT AND ENFORCE THE PROGRAM; AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Central County Water Control District (the "District") is a Florida water control district operating and organized under Chapter 298, Florida Statutes; and

WHEREAS, the District Board of Supervisors (the "Board") previously adopted a Drug And Alcohol Free Workplace Program (the "Policy") to promote a healthy workplace and avoid the costs associated with work accidents related to employee drug and alcohol abuse; and

WHEREAS, the Board desires to amend the District's Policy and bring it into conformance with the Board's current desires and the District's need for a drug and alcohol-free workplace.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Central County Water Control District as follows:

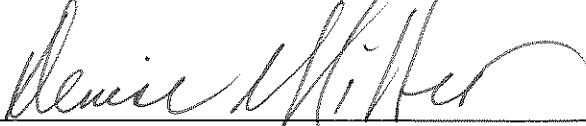
Section 1. The Policy attached and incorporated to this Resolution as Exhibit A is hereby approved and adopted.

Section 2. The District Manager is directed to distribute the Policy to the District's employees, and to implement and enforce the Policy.


Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 25th day of July 2018.

**BOARD OF SUPERVISORS
CENTRAL COUNTY WATER CONTROL DISTRICT**


By: DENISE MILLER, President

APPROVED AS TO LEGAL SUFFICIENCY AND FORM:



By: JOHN J. FUMERO, District Attorney

**CCWCD
DRUG
AND
ALCOHOL-FREE
WORKPLACE
PROGRAM**

Dated July 25, 2018

PURPOSE & INTRODUCTION

The Central County Water Control District (the “District”) is committed to maintaining a safe, healthy, and productive work environment for all its employees. Pursuant to these goals, the District has established Drug and Alcohol-Free Workplace Policy (the “Policy”). By implementing this Policy, the District does not intend to discriminate against any applicant for employment or employee because of the applicant’s or employee’s past, rehabilitated, addiction to drugs or alcohol by way of this Policy. It is the current use and abuse of drugs or alcohol that will not be tolerated by the District.

EMPLOYEES SUBJECT TO POLICY

All Applicants and Current Employees are subject to various requirements, including testing for alcohol and controlled substances, of this Policy.

Job Applicants: All applicants for positions that may be required to operate a motor vehicle, heavy machinery, or supervise children.

All Employees: Are subject to reasonable suspicion and post-accident drug and alcohol testing.

Employees that operate heavy machinery, District vehicles, & Supervise Minors: Employees that operate heavy machinery, District vehicles, and supervise children will be subject to random drug and alcohol testing.

POLICY

It is a condition of employment at the District to abide by the terms of this Policy.

The unlawful/unauthorized possession, use, consumption, sale, purchase, distribution, or manufacture by any employee of alcohol or any illegal drugs or illegally obtained drugs in the workplace, including District parking lots, on or off duty, when operating District vehicles and/or heavy machinery, on or off duty, or in the conduct of District-related work, is strictly prohibited. The foregoing prohibitions apply at all time during the workday, including mealtimes and break periods.

No Employee shall report for duty or remain on duty when the Employee uses any controlled substances, except when pursuant to the instructions of a licensed medical practitioner who has advised the Employee that the substance will not adversely affect the Employee’s ability to safely perform his/her duties. No Employee shall report for duty, or remain on duty, if he/she tests positive or has adulterated or substituted a test specimen for controlled substances.

The District also prohibits the following activities:

- Reporting for duty or remaining on duty to perform safety-sensitive functions or functions involving the supervision of minors while being under the influence of alcohol;

- Being on duty or operating a motor vehicle, heavy machinery, or District equipment while under the influence of alcohol;
- Consuming or being under the influence of alcohol while performing duties, and
- Consuming alcohol within four (4) hours of reporting to work.
- “Alcohol use,” means the consumption of any beverage, mixture, or preparation, including any medication or food containing alcohol.
- For the purpose of this Policy, an employee is presumed to be under the influence of alcohol if a blood test or other scientifically acceptable testing procedure shows a forensically acceptable positive quantum of proof of alcohol usage.

Any Employee who violates the foregoing policies is subject to disciplinary action up to and including discharge.

TYPES OF TESTING

PRE-EMPLOYMENT TESTING

The following individuals must participate in pre-employment testing:

- All candidates for positions that may be required to operate a motor vehicle, heavy machinery, or supervise children.

REASONABLE SUSPICION TESTING

When District management or supervision has reasonable suspicion, based on objective evidence, to believe any Employee is using or has used drugs or alcohol in violation of the District’s Policy, the Employee may be tested.

Reasonable suspicion evidence must be based on contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the Employee, and it may consist of but is not limited to:

- Observable phenomena of drugs or alcohol use while at work;
- Abnormal conduct or erratic behavior while at work (or just prior or just after 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 or her employment with the District.

- Information that an employee has caused, contributed to, or been involved in an accident while at work.
- Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the District's premises while operating a District vehicle, machinery, or equipment.
- An arrest for drug or alcohol abuse off the job.
- Any other objective factors.

Before controlled substance testing results are released and within twenty-four (24) hours of the observed behavior, any employee who recommended reasonable suspicion testing shall provide a written report to the District Manager indicating the circumstances which formed the factual basis of his or her belief that reasonable suspicion existed to warrant testing. A copy of this report shall be provided to the Employee being tested upon request. The original copy of the report shall be kept confidential by the District to the extent permitted by law and retained for at least two years.

POST-ACCIDENT TESTING

As soon as practicable after being involved in any accident involving a District automobile or heavy machinery, each Employee will be tested for the presence of drugs and alcohol when:

- The accident involved a fatality; or
- The Employee received a citation for a moving violation arising from the accident and at least one vehicle was required to be towed from the scene because of sustaining significant damage; or;
- The Employee received a citation for a moving violation arising from the accident in which one or more persons immediately received medical attention away from the accident scene.

Immediately after being involved in an accident, the Employee must contact the District Manager to obtain instructions on receiving required testing for the presence of drugs and alcohol. An Employee who is subject to post-accident testing shall remain readily available for testing or may be deemed by the District to have refused to submit to testing. However, nothing in this program should be construed as to require the delay of necessary medical attention for injured people following an accident, or to prohibit an Employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

No Employee shall consume alcohol until at least eight (8) hours after an accident, or until after the post-accident alcohol test, whichever occurs first. An Employee who consumes alcohol within eight (8) hours after an accident will be deemed to have refused testing.

RANDOM TESTING

Employees in positions that are required to- or may- operate heavy machinery and equipment, District vehicles, or supervise minors will be subject to random drug and alcohol testing selected pursuant to a random selection process must cooperate with instructions to immediately proceed to the testing site.

The District will ensure that random alcohol tests and random controlled substances tests are unannounced and reasonably spread throughout the calendar year. Employees in qualified positions shall have an equal chance of being selected each time selections are made. During the random selection process, an Employee may be selected for drug testing, alcohol testing or both.

RETURN-TO-DUTY TESTING

Before an Employee returns to duty (if permitted by the District), after conduct prohibited by this Policy, the Employee must first be retested.

FOLLOW-UP-TESTING

The Employee is required to submit to as least six unannounced follow-up tests during the first 12 months following return-to-duty. Additional types of testing such as random testing may be required as deemed necessary by the District as part of follow-up testing within the testing plan implemented by the District. Other terms and conditions of continued employment may also be imposed.

CONDITIONS OF TESTING

CONFIDENTIALITY

All information and drug test results received by the District in conjunction with this Policy are considered confidential and such information will not be disclosed or released except as required by law or regulation or written consent by the person tested.

INFORMED CONSENT FORM

The execution of an consent form will be required of each Employee/applicant submitting to a drug/alcohol test. Refusal to sign the form will result in the Employee/applicant's disqualification from further employment consideration, or the Employee's termination from the District.

REFUAL TO SUBMIT TO TESTING

Employees are expected to cooperate fully in providing specimens and explanations, which may be subsequently required by this program. A refusal to submit to testing means:

- Failure to appear for any test ordered by the District;

- Failure to remain at testing site;
- Failure to provide a specimen;
- An attempt to contaminate, adulterate or substitute a specimen;
- Failure to permit observation or monitoring, if applicable;
- Failure to take a second test as directed;
- Failure to undergo any medical examination, or other evaluation or treatment directed; or
- And other interference or failure to cooperate with District or lab/MRO related procedures, rules and/or regulations.

A refusal to submit may be grounds for disciplinary action up to and including discharge or disqualification from further employment consideration.

TESTING PROCEDURES

CERTIFIED LABORATORY

All drug testing will be conducted by a District-designated laboratory, which is certified by applicable state and/or federal agencies, including the U.S. Department of Health and Human Services (“DHHS”) division of Substance Abuse and Mental Health Services Administration, and/or the Florida Agency for Health Care Administration (“AHCA”). The testing will be conducted with appropriate chain of custody procedures to ensure accuracy and continuity in specimen collection, handling, transfer, and storage to protect the Employee and safeguard the validity of the test results, as required by

DRUGS TO BE TESTED

Employees will be tested for alcohol, cannabinoids, phencyclidine (“PCP”), hallucinogens, methaqualone, barbiturates, benzodiazepines, synthetic narcotics, drugs, or a metabolite of any controlled substance, marijuana, cocaine, opiates, amphetamines or phencyclidine. “Alcohol” is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol. “Controlled substance” is defined as any substance, including its metabolites, as defined in § 893.02, Fla. Stat., and as defined by state or federal law. For the purpose of this Policy, an employee is presumed to be under the influence of drugs if a urine test, blood test or other accepted testing procedure shows a forensically acceptable positive quantum of proof of drug usage.

REPORTING MEDICATION, WHICH MAY ALTER, OR AFFECT A DRUG TEST RESULT

- The information provided by the Employee or Employee applicant shall be kept confidential and shall only be reviewed by the District's designated Medical Review Officer (or "MRO") interpreting any confirmed positive results.
- Employee applicants and Employees have the right to consult with the MRO for technical information regarding prescription and nonprescription medication to determine whether the medication affected a drug or alcohol test.

COST OF TESTING

The District shall pay the costs of drug testing. Employees shall pay the cost of any additional drug testing or medical evaluations/explanations when not required by the District.

COLLECTION SITE AND LABORATORY ANALYSIS PROCEDURES

Security of the collection site, chain of custody procedures, privacy of the individual, collection control, integrity and identity of the specimen and transportation of the specimen to the laboratory, as well as all laboratory security, laboratory chain of custody, transporting and receiving of specimens, specimen processing, retesting, storage of specimens, instrument calibration and reporting of results, shall be in accordance with the requirements of DHHS or AHCA.

RELEASE AND REVIEW OF TEST RESULTS

MEDICAL REVIEW OFFICER (MRO)

The District will designate and engage a Medical Review Officer ("MRO"), who has knowledge of substance abuse disorders and will be responsible for receiving and reviewing all confirmed test results from the testing laboratory and reporting them to the District. The MRO will also be responsible for contacting all Employees who are verified for testing positive and inquiring about possible prescriptive or over-the-counter medications or other factors, which could have caused a verified positive test result. The MRO is also responsible for contacting the employee to discuss any adulterated, substituted or invalidated test result. If an Employee declines to discuss the result with the MRO, the test result will be verified as positive or as a refusal to test as applicable. The MRO is responsible for providing technical assistance in interpreting the test result.

ACCESS TO RECORDS

Employees must make a written request to the District's Manager if they seek to obtain copies of records relating to their use of alcohol or controlled substances or any related testing. A copying fee may be charged. Records may also be provided to a specific subsequent employer of the Employee to the extent permitted by law and upon receipt of a written request from the Employee.

CONSEQUENCES OF POSITIVE TEST RESULTS/DISCIPLINARY ACTION

JOB APPLICANTS

If the results of a pre-employment drug test are confirmed positive, the job applicant will be disqualified from further employment consideration at that time but may initiate another application with the District after one (1) year.

EMPLOYEES

It is the District's policy that any employee whose test result is confirmed positive for substance abuse or tests positive for excessive alcohol concentration as defined in this policy may be subject to disciplinary action up to and including termination.

The District reserves the right to suspend an Employee without pay pending the release of the results of a drug/alcohol test or the outcome of an investigation related to a violation of the District's Policy.

If an Employee is injured in the course and scope of employment at the District and has a confirmed positive test result, the Employee will, in addition to other consequences, including but not limited to those discussed in this Program, may forfeit his or her eligibility for all workers' compensation medical and/or indemnity benefits.

**ACKNOWLEDGEMENT OF RECEIPT OF DISTRICT DRUG & ALCOHOL FREE
WORKPLACE POLICY, CONSENT TO DRUG TESTING AND RELEASE FORM**

I hereby acknowledge I have received a copy of the Central County Water Control District's (the "District") Drug and Alcohol-Free Workplace Policy (the "Policy"). I understand it is my responsibility to read the policies and procedures contained in the Policy that I may question the District's Manager regarding any aspect of the Policy that I do not understand. I further understand that compliance with this Policy is a condition of employment with the District. I understand that if my performance or position indicates it is necessary, I will submit a drug and/or alcohol test. Failure to comply with a drug testing request or a positive result may lead to sanctions or termination as set forth in the Policy, including termination. I also understand the District reserves the right to change, modify, or delete any of its policies and procedures in the Program at any time.

I hereby consent to submit to the testing for drugs and/or alcohol as shall be determined by the District in this Policy. I agree the District may collect specimens for tests and may test them through a licensed or certified laboratory designated by the District for analysis. I further agree to and hereby authorize the release of said test results to the District. I further agree a reproduced copy of this consent and release form shall have the same force and effect as the original. I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing of this consent and release form is a voluntary act on my part and that I have not been coerced into signing this document.

Printed Name of Employee

Signature of Employee (Date)

Printed Name of Supervisor

Signature of Supervisor (Date)