

EXHIBIT "B"

TOWN OF CALLAHAN, FLORIDA

ORDINANCE NO.: 2-O-1993

**AN ORDINANCE ESTABLISHING
A COMPREHENSIVE
DRUG AND ALCOHOL ABUSE
POLICY FOR THE TOWN OF CALLAHAN, FLORIDA
AND PROVIDING AN EFFECTIVE
DATE:**

**BE IT HEREBY ORDAINED BY THE TOWN COUNCIL OF
THE TOWN OF CALLAHAN, FLORIDA, that:**

STATEMENT OF POLICY

It is the policy of the Town to maintain a work environment that is free from the influence of alcohol and/or illegal controlled substances.

Employee applicants for regular positions and temporary positions will be subject to a pre-employment drug test and shall be disqualified for employment with the Town for six months if they test positive for an illegal controlled substance.

Employees on duty or on Town property shall not use or be under the influence of alcohol and/or illegal controlled substances; shall not purchase or possess alcohol and/or illegal controlled substances; shall not sell, facilitate the sale of, or otherwise provide alcohol and/or illegal controlled substances to any person; shall not manufacture alcohol and/or illegal controlled substances; and shall not in any manner have their ability to work impaired as a result of the use of alcohol and/or illegal controlled substances. Violations of this policy shall be grounds for disciplinary action, up to and including dismissal.

All employees will be subject to an annual drug test as a periodic

monitoring tool, because impaired performance increases risk to life or catastrophic loss of public or private property, and the need to protect their well being.

Town is committed to providing reasonable accommodation to those employees who voluntarily participate in a rehabilitation program or whose drug and/or alcohol problem classifies them as handicapped under federal law.

An employee who voluntarily participates in a rehabilitation program or who is deemed handicapped due to his use of alcohol and/or drugs may be retained and allowed to seek rehabilitation if the Town determines the employee's continued employment would not cause a direct threat to property or safety or erode public confidence in the function of the Town.

When an employee is injured, disabled or dies from an accident arising out of and in the course of his employment, and the injury, disability, or death is occasioned primarily by the intoxication of the employee by alcohol or an illegal controlled substance or a narcotic drug, barbiturate or other stimulants not prescribed by a physician, the employee may not be eligible for workers' compensation benefits.

PURPOSE

The Town is committed to the protection of its citizens and to the maintenance of a safe, healthy, and productive work environment for its employees. Consequently, the Town will not tolerate any condition which increases the potential for accidents, substandard performance, or harm to

people or property.

APPLICABILITY

This policy shall apply to all Town employees in both temporary and regular positions.

REQUIREMENTS OF EMPLOYEES

All employees are expected to report to work in a state of mind and physical condition so as to perform their assigned duties safely and competently. To this end, employees must:

- A. Report to work and be able throughout the work day to perform job duties in a manner that is not impaired or influenced by the use of alcohol and/or illegal controlled substances;
- B. Not use or be under the influence of alcohol and/or illegal controlled substances while on duty.
- C. Not possess or purchase alcohol and/or illegal controlled substances at any time while on duty, on Town property or in Town vehicles other than for a work related reason.
- D. Not manufacture alcohol and/or illegal controlled substances while on duty, on Town property, or in a Town vehicle or equipment.
- E. Neither directly nor indirectly sell or otherwise provide illegal controlled substances to any person while on duty, on Town

property, or in Town vehicles or equipment, nor sell or otherwise provide alcohol for consumption on the job;

- F. Submit immediately to an alcohol/drug test under the circumstances described in this policy when required by an appropriate designated supervisor:
- G. If using an over-the-counter or prescription drug which is in any way influencing the employee's ability to perform his job (i.e., causing drowsiness, slowing reaction times, distorting perception, etc. . .) he must request temporary reassignment or leave as appropriate. Under no circumstances shall an employee work in a condition which increases risk to life, limb or property.

An employee who fails to advise his supervisor of legal drug use which is negatively affecting his job performance is subject to disciplinary action.

- H. Immediately report any observed violation of this policy to the Mayor. This report can be made anonymously and should include the name of the employee who is allegedly violating this policy as well as the type of violation and any relevant information concerning the violation (i.e., *where, when and what kind of violation*).
- I. Notify the Mayor within five calendar days if they have

been arrested for or convicted of an alcohol or drug offense occurring at the workplace, or of a conviction for a drug offense occurring outside the workplace, or if their license has been suspended or revoked for a drug or alcohol offense and a valid driver's or commercial license is required for their jobs.

- J. Insure that any information handled by the employee regarding alcohol and drug tests, investigations or infractions is discreetly handled with information may result in disciplinary action up to and including dismissal.

REQUIREMENTS OF SUPERVISORS

The implementation of this policy is the responsibility of the Mayor and supervisors. The Town reserves the right to use whatever means the law allows to provide a workplace which is free of alcohol and/or illegal controlled substances.

Supervisory employees shall be responsible for the consistent enforcement of this policy. To that end, a supervisor must:

- A. Insure that all information handled by the supervisor regarding alcohol and drug tests, investigations or infractions is discreetly handled with information not being communicated beyond those who have a need to know. Failure to properly handle alcohol and drug information may result in disciplinary action up to and including dismissal.

- B. Require that an employee submit to an alcohol/drug test, when there is reasonable suspicion that the employee is under the influence of alcohol and/or an illegal controlled substance.

"Reasonable suspicion" is a belief based on objective facts which would reasonable lead an observer to further investigation. Conditions which may constitute reasonable suspicion include, but are not limited to, any of the following, alone or in combination:

1. Slurred speech
2. Bloodshot eyes
3. Odor of alcohol
4. Inability to walk a straight line/staggering gait
5. An accident while on duty
6. Physical or verbal altercation
7. Bizarre or erratic behavior
8. Extreme lethargy or excitation
9. Dramatic mood swings
10. Information obtained from a reliable person with personal knowledge
11. Observation of the ingestion of alcohol and/or an illegal controlled substance during working hours.

- C. Document in writing the facts constituting reasonable

suspicion that the employee in question is under the influence of alcohol and/or an illegal controlled substance. An Alcohol/Drug Test Reasonable Suspicion (ADRS) form may be used for this purpose.

- D. Inform, with appropriate witness (another supervisor or management personnel), any employee being required to submit to an alcohol/drug test that failure to submit to an alcohol/drug test shall be considered insubordination and shall be grounds for disciplinary action of not less than a suspension without pay, up to an including dismissal.
- E. Accompany the employee in question to the appropriate testing facility. An employee may be tested for both alcohol and/or illegal controlled substances in connection with the same incident.

The supervisor shall remain with the employee until the test administration is completed and upon completion of the test, may place the employee on leave without pay for the remainder of the employer's work day.

In the event that the employee tests negative and there were no work infractions associated with the incident leading to the test, the employee shall be compensated for the leave without pay period.

- F. Arrange for the tested employee to be escorted safely home.
- G. If an employee is exhibiting violent or threatening behavior, the supervisor should not attempt to transport the employee for testing, but should notify the Nassau County Sheriff's Office of the disturbance.
- H. Notify the Nassau County Sheriff's Department when there is a reasonable suspicion to believe that an employee may be selling, purchasing, trafficking, manufacturing, or in possession of an illegal controlled substance while on duty or at any time while on Town property or in a Town vehicle.

COMMUNICATION OF POLICY TO APPLICANTS/EMPLOYEES

- A. All Town employees will receive a copy of this policy.
 - 1. Mayor shall be responsible for communicating this policy to newly hired regular employees and employees as a part of the orientation process. The Town will provide a copy of the policy to each new regular employee.
- B. The Mayor shall display this policy and any related informational material on all employee bulletin boards.
- C. The Mayor shall conduct an ongoing drug-free awareness program to inform employees about the Town's alcohol and

drug policy; the dangers of drugs/alcohol abuse; penalties for the use, sale possession or manufacture of drugs/alcohol at work; the availability of drug/alcohol counseling.

TESTING, NOTIFICATION AND CONSEQUENCES OF POSITIVE TEST

RESULTS

The alcohol test will test for the blood alcohol level. A blood alcohol level of .10 or above is considered a positive test result for an on-duty employee. In some cases, however, taking into consideration the employee's job and on-the-job behavior, a lower level of alcohol may be deemed unacceptable.

The drug test will test for the presence of various controlled substances at or above the minimum levels established by the State of Florida, Department of Health and Rehabilitative Services Chapter 10E-18, Florida Administrative Code, including but not limited to:

amphetamines

cocaine or cocaine metabolite

cannabis or cannabinoids

opiates

phencyclidine

barbiturates

benzodiazepines

methaqualone

methadone

propoxyphene

Evidence of any illegal controlled substance at or above the minimum State HRS levels is considered a positive test result.

A. Pre-Employment Testing

1. Applicants: Mayor, upon identifying the top applicant, will call the applicant and schedule a qualified job offer interview. The job offer interview. The applicant should be instructed that his interview may take up to two hours. This interview will include a qualified offer of employment and the drug test.

A qualified offer of employment is notice to an applicant that he/she is the top candidate for a vacancy and that upon successful completion of a drug test, the employment offer will be confirmed.

2. The cost of the drug test will be paid by the Town.
3. Drug test results will be submitted by the testing facility to the Mayor.
4. Applicants receiving positive test results, confirmed by a second test using a different methodology, will not be eligible for employment

with the Town for six months following the date the positive test was administered.

5. The Mayor shall notify the applicant in writing of his disqualification due to failure to pass the drug test.

B. During Employment Testing

The Authorization and Consent for Alcohol/Drug Test form must be completed by the supervisor and signed by the employee prior to test administration. Sections A and B of the Alcohol/Drug Test Reasonable Suspicion form must be completed as soon as possible.

1. Employees suspected of being under the influence of alcohol are to be taken to the Nassau County Sheriff's Office for testing.
2. Employees suspected of being under the influence of an illegal controlled substance are to be taken to a testing facility approved by the Town.
3. An employee may be tested for both alcohol and drug use.
4. An employee who has not successfully completed an initial probationary period and who has a confirmed positive test result for alcohol and/or drugs, shall be

dismissed.

5. An employee who has obtained permanent status in any position, and who has a confirmed positive test result of alcohol and/or drugs, shall be subject to disciplinary action up to and including dismissal.

Conditions which may warrant consideration being given to the retention of a permanent employee with positive test results may include but not be limited to: nature of job, length of service, quality of job performance, professionally documented degree of alcohol/drug dependency, cooperation with treatment program.

6. Each employee shall be required to undergo an annual drug/alcohol test at no cost to the employee. The dates of the annual physical will be determined by the Town and will be made known to the employee at least Forty-eight (48) hours in advance. An employee who refuses or fails to take such a test as directed will be terminated. An employee who tests positive shall be subject to the disciplinary action set forth in this policy.

REFUSAL TO COOPERATE WITH ALCOHOL/DRUG TEST

An applicant's tampering with the drug test or failing to submit to

the required pre-employment drug test shall be considered as a request for withdrawal from consideration for the position for which he has applied.

An employee's tampering with the drug test or failing to submit to an alcohol/drug test shall be considered insubordination and shall be grounds for disciplinary action of not less than a suspension without pay, up to and including dismissal.

CONSEQUENCES OF VIOLATION OF THE ALCOHOL AND DRUG

POLICY

An employee found to be in violation of any provision of this policy shall be subject to disciplinary action up to and including dismissal.

Conditions which may warrant the retention of said employee may include but not be limited to: nature of job, length of service, quality of job performance, and nature of offense.

CONFIDENTIALITY

- A. The hard copy of a pre-employment drug test shall not be included in an applicant's file, but shall be retained by Town Clerk in a separate medical file for a period of one year.
- B. The hard copy of a during-employment alcohol/drug test and any ancillary medical materials shall not be included in an employee's personnel file, but shall be retained by the Town Clerk in a separate medical file. Reference to alcohol/drug test results may be made if disciplinary action is taken against the

employee. Any conditions of employment which may be established as a result of the drug test will become part of the employee's personnel file.

C. Test results and ancillary material may be disclosed to any person upon the written consent of the employee or applicant.

D. Disclosures, without applicant or employee consent, may occur when:

1. The information is compelled by law, or by judicial or administrative process;
2. The information has been placed at issue in a formal dispute between the Town and an employee or applicant;
3. The information is needed by medical personnel for the diagnosis or treatment of a patient who is unable to authorize disclosure.

NOTIFICATION OF GRANTOR AND/OR CONTRACTING AGENCIES

In compliance with the Drug-Free Workplace Act of 1988, the Mayor will inform the appropriate grantor and/or contracting agency of the conviction of any employee involved in a workplace drug crime within ten days of learning of the conviction.

RIGHT TO APPEAL

An applicant or employee who feels he has not been treated fairly in

regards to this policy may file a complaint pursuant to the Town Council of the Town of Callahan, Florida.

EFFECTIVE DATE

This ordinance shall be effective upon coming law, but no current employee shall be required to undergo testing until general notice of the provisions of this ordinance has been given to all town employees and a period of Sixty (60) days has elapsed.

Adopted this 2nd day of August, 1993.

TOWN OF CALLAHAN,
FLORIDA

BY: Martin A. Wilkerson
PRESIDENT, CALLAHAN
TOWN COUNCIL

ATTEST:

Shaw R. Sawyer

APPROVED:

Christy Ann Johnson