



CITY OF CORAL GABLES

DRUG AND ALCOHOL FREE WORKPLACE

POLICY AND WORK RULES

INDEX

<u>SECTION</u>	<u>PAGE</u>
A. Policy Statement.....	<u>3</u>
B. Definitions.....	<u>4</u>
C. Rules on Drugs and Alcohol	<u>7</u>
D. Testing Pursuant to the Drug and Alcohol Free Workplace Policy	<u>15</u>
E. Drug and Alcohol Testing of Commercial Motor Vehicle Drivers	<u>24</u>
Over-the-Counter and Prescription Drugs Which Could Alter or Affect the Outcome of a Drug Test.....	Appendix 1
List of Drugs by Trade or Common Name	Appendix 2
Form for Reporting the Use of Prescription or Non-Prescription Medication	Appendix 3
Drug & Alcohol Test Direction Form	Appendix 4
Applicant/Pre-Employment Drug Testing Agreement and Release.....	Appendix 5
Certificate of Agreement and Release for Drug Testing.....	Appendix 6
Notice (form) to Insurer of Denial of Employee Benefits.....	Appendix 7
Summary of Drug and Alcohol Free Workplace Policy.....	Appendix 8
Employee Acknowledgment of Receipt of Summary of Drug and Alcohol Free Workplace Policy.....	Appendix 9
Employee Random Drug Testing Notice.....	Appendix 10-A
Random Drug and Alcohol testing notification for employees who hold “safety sensitive” positions.....	Appendix 10-B
List of Positions to be Tested.....	Appendix 11
Incorporated Provisions of Miami-Dade County’s Transit Drug Use and Alcohol Policy.....	Appendix 12

A. POLICY STATEMENT

This Drug and Alcohol Free Workplace Policy is established pursuant to the authority granted by 49 CFR Parts 40 and 655 and the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. § 31306, Chapter 440, Florida Statutes, City Commission Resolution No. 6866, Article 35 (Drug & Alcohol Free Workplace Policy) of the collective-bargaining-agreement (“CBA”) between the City of Coral Gables and Teamsters Local Union No. 769, Article 42 (Drug & Alcohol Free Workplace Policy) of the CBA between the City of Coral Gables and International Association of Firefighters, Local 1210, Article 44 (Drug and Alcohol Policy) of the CBA between the City of Coral Gables and Fraternal Order of Police, Lodge No. 7, and the City of Coral Cables Personnel Rules & Regulations, October 2007, as amended. The City of Coral Gables (“City”) 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, we are instituting a drug and alcohol free workplace policy.

Our desire and intent is to encourage any employee with alcohol or drug dependency to voluntarily enter a drug or alcohol rehabilitation program. It is the responsibility of each employee to initiate and obtain assistance before any difficulties with drugs or alcohol affect his or her work. Accordingly:

EMPLOYEES ARE HEREBY NOTIFIED THAT 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. IF AN EMPLOYEE TESTS CONFIRMED POSITIVE OR REFUSES TO SUBMIT TO A TEST FOR DRUGS OR ALCOHOL, THE EMPLOYEE IS SUBJECT TO DISCIPLINARY ACTION, INCLUDING TERMINATION, AND MAY FORFEIT ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS.

Our Policy complies with the Florida Drug-Free Workplace Program, as provided in Section 440.101, et seq., Florida Statutes, and the applicable Administrative Rules, as amended. This Drug and Alcohol Free Workplace Policy and Work Rules requires all employees to be free from the influence of drugs and alcohol while working or while on City property. 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.

All job applicants for mandatory-testing or special-risk positions will be tested for drugs prior to beginning work. All employees will be subject to drug and alcohol testing upon reasonable suspicion, after an accident or injury which requires medical attention, as a follow-up to release from a rehabilitation program, and as part of a routine fitness for duty (physical) examination. Certain employees may be subject to random drug and alcohol testing pursuant to federal law or collective bargaining agreements. All employees are encouraged to be aware of the effects of and to advise their supervisor when taking prescription medication which may affect their performance at work.

To ensure a workplace free from the influence of illegal drugs and alcohol abuse, the following Policy has been established. The Policy applies to all employees, supervisors and managers. Any violation of the Policy will result in discipline, up to and including termination of employment.

B. DEFINITIONS

- 1.0 Drug: means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine, phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph. The City may test job applicants and employees for any or all such drugs.
- 2.0 Drug rehabilitation program: means a service provider established pursuant to Florida law that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse.
- 3.0 Employee assistance program: means 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.

- 4.0 Job Applicant: means a person who has applied for a mandatory-testing or special-risk position with the City. Under some circumstances, such a job applicant may begin work pending the results of the drug test.
- 5.0 Employee: means an individual who works for the City on a full-time or part-time basis and receives salary, wages, or other remuneration.
- 6.0 Drug Test:
- 6.1 "Drug test" means any chemical, biological or physical instrumental analysis administered by a laboratory certified by the United States Department of Health and Human Services (HHS) or licensed by the Agency for Health Care Administration (AHCA) for the purpose of determining the presence or absence of a drug or its metabolites, including alcohol.
- 6.2 Drug testing may require the collection of blood, urine, breath, saliva, or hair 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 United States Food and Drug Administration (FDA) or the AHCA as such technology becomes available in a cost effective form.
- 6.3 "Chain of custody" refers to the methodology of tracking specified materials or substances for the purpose 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.
- 6.4 "Initial Drug Test" means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States FDA or the AHCA, as such more accurate technology becomes available in a cost effective form.
- 6.5 "Confirmation test," "confirmed test," or "confirmed drug test" means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity and quantitative accuracy. All tests to confirm an initial positive result for drugs other than alcohol shall use a gas chromatography/mass spectrometry or equivalent

method. All tests to confirm positive results for alcohol use a gas chromatography method.

- 6.6 **Drug Testing Methodology:** Specimens for drug testing will be collected, handled, maintained and tested in accordance with the Florida Drug and Alcohol Free Workplace Program. Urine will be used for the initial and confirmation tests for all drugs except alcohol. Blood will be used for the initial and confirmation tests for alcohol.
- 7.0 **Mandatory-testing Position:** means a position, including a supervisory or managerial position, in which drug impairment constitutes an immediate and direct threat to public health or safety. This includes, but is not limited to, positions such as those that require the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to Section 110.1127, Florida Statutes; or a position in which a momentary lapse in attention could result in injury or death to another person.
- 8.0 **Medical Review Officer:** "Medical Review Officer" (MRO) means a licensed physician, employed or contracted with the City, who has knowledge of substance abuse disorders, laboratory testing procedures and chain of custody collection procedures; who verifies positive confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.
- 9.0 **Prescription or Non-Prescription Medication:** means a drug or medication obtained pursuant to a prescription as defined by Section 893.02, Florida Statutes, or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.
- 10.0 **Reasonable Suspicion Drug Testing:** means drug testing based on a belief that an employee is using or has used drugs in violation of this Policy drawn from 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:
- (a) 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;

- (b) Abnormal conduct or erratic behavior while at work or a significant deterioration of work performance;
 - (c) A report of drug use, provided by a reliable and credible source, which has been independently corroborated;
 - (d) Evidence that an individual has tampered with a drug test during his or her employment with the City;
 - (e) Information that an employee has caused, contributed to, or been involved in an accident while at work; or
 - (f) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the City's premises or while operating a vehicle, machinery, or equipment of the City.
- 11.0 Random Drug Testing: a drug test chosen to be conducted based on a computer generated random sampling of employees within each group subject to random drug testing. All employees within a group subject to random drug testing shall have an equal chance of being selected each time selections are made. Federal law or a collective bargaining agreement may set forth further restrictions or rules on random drug testing.
- 12.0 Special-Risk Position: means a position that is required to be filled by a person who is certified under Sections 633 or 943, Florida Statutes, as amended.
- 13.0 Specimen: means tissue, hair, or product of the human body capable of revealing the presence of drugs or their metabolites as approved the FDA or the AHCA.

C. RULES ON DRUGS AND ALCOHOL

EMPLOYEES ARE HEREBY NOTIFIED THAT 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. IF AN EMPLOYEE TESTS CONFIRMED POSITIVE OR REFUSES TO SUBMIT TO A TEST FOR DRUGS OR ALCOHOL, THE EMPLOYEE IS SUBJECT TO DISCIPLINARY ACTION, INCLUDING TERMINATION, AND MAY FORFEIT ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS.

It is not the City's intent to intrude into the private lives of its employees. However, the effect of drug and alcohol use, abuse and/or dependency on safety, work quality, increased medical expenses and lost productivity requires that this Policy be implemented. Any employee who violates any of these rules will be subject to disciplinary action up to and including termination of employment. The following rules apply under the City's Policy.

1.0 Pre-Employment Conditions

- 1.1 The following pre-employment conditions are established to determine the suitability of employees to work for the City.
- 1.2 All job applicants for mandatory-testing or special risk positions must submit to a drug test prior to starting employment in that position. Any job offer which a job applicant may receive from the City for such a position is contingent upon the applicant's successfully completing the drug and/or alcohol test.
- 1.3 Any job applicant for a mandatory-testing or special risk position who refuses to submit to drug and alcohol testing as part of the pre-employment testing process will be refused employment. Any such job applicant who tests positive for drugs or alcohol on a confirmation test will be refused employment at that time. Confidentiality will be maintained pursuant to this Policy.
- 1.4 The City will not discriminate against an applicant for employment because of the applicant's past addiction to drugs or alcohol. It is the current use/abuse of drugs or alcohol that will not be tolerated.

2.0 Conditions of Continuing Employment

It is a condition of continuing employment for each employee to receive a copy of the City's Drug and Alcohol Free Workplace Policy and Work Rules, and to abide by the Policy. The rules contained in the Policy are to be considered conditions of continuing employment and are to be consistently followed. Any violation of these conditions of continuing employment will result in disciplinary action, up to and including termination.

3.0 Prohibition of Possession, etc.

The unlawful manufacture, distribution, dispensation, possession, sale or use of any drug or non-prescribed, controlled substances and/or the unauthorized possession or usage of alcohol by employees while working or when on any City property, including parking lots, are strictly prohibited.

4.0 Prohibition of Drug Use

All employees are prohibited from being at work or on City property, including parking lots, with the presence of any drug or its metabolite, as set forth herein, in the employee's body. Any employee who has a confirmed positive test of a drug or its metabolite at the levels defined herein will be presumed to be under the influence of the drug and in violation of City Policy.

5.0 Requirement to Report Medication Use

5.1 The City does not prohibit the use of prescribed medications which have currently accepted medical uses, provided:

- (a) The drug is prescribed or authorized for an employee by a medical doctor; and
- (b) The use of the drug at the prescribed or authorized level is consistent with the safe performance of the employee's duties; and
- (c) The drug is used at the dosage prescribed or authorized.

5.2 Employees are encouraged to notify their immediate supervisor when reporting for work or during the course of a work shift if the use of any prescription or non-prescription medication may adversely affect his or her ability to satisfactorily and safely perform his normal job duties (e.g., including but not limited to drowsiness). A form for reporting the use of prescription or non-prescription medication is attached. Additional forms are available from the Human Resources Department. Employees in mandatory-testing or special-risk positions are required to provide their supervisor with such information.

6.0 Employee Drug and Alcohol Testing

6.1 All employees will be required to submit to drug testing upon reasonable suspicion as defined in this policy; during a routine fitness for duty (physical) examination; after release from a drug or alcohol rehabilitation program; and after an accident or injury which requires medical treatment. Certain employees may be subject to random drug testing pursuant to federal law or collective bargaining agreements.

- 6.2 An employee who refuses to submit to a drug test will be subject to discipline, up to and including termination. A refusal to complete and sign a Drug Testing Chain of Custody Form or the failure to appear at the collection site within the specified time frame will be considered a refusal to submit to a drug test and will be subject to discipline, up to and including termination.
- 6.3 An employee who tests positive on a confirmation test will be subject to discipline, up to and including termination.
- 6.4 Refusal of a Treatment Program: If the employee is offered an opportunity to enter into a treatment program and refuses to do so, the employee will be immediately terminated.
- 6.5 Treatment Program Requirements: Employees who have been provided with an opportunity to enter a treatment and/or rehabilitation program must meet all requirements of that program including any required after-care. Failure to follow or complete the treatment and/or rehabilitation program or a subsequent positive confirmed drug test will result in immediate termination.
- 6.6 Confidentiality will be maintained at all times except to the extent necessary to comply with these policies and to the extent permitted by law.

7.0 Employee Drug or Alcohol Related Criminal Charges, Arrests or Convictions

- 7.1 Employees are required to notify the Human Resources Department of any drug or alcohol related criminal charge or arrest no later than five days after such charge has been filed. Employees in positions which require driving a City vehicle or a personal vehicle on City business must notify the Human Resources Department of any alcohol or drug related arrest (e.g., including but not limited to Driving While Under the Influence) on the next workday.
- 7.2 The City will take appropriate action with respect to an employee who is so charged, which action may include transfer to another position and/or discipline.
- 7.3 Employees are required to notify the Human Resources Department of the outcome of all drug or alcohol related criminal charges no later than five days after any change in status of such charges. This includes notification of a conviction, a plea of

guilty, an adjudication of guilty, a plea of nolo contendere, an adjudication withheld, an acquittal or a dismissal of the charges.

- 7.4 The City will take appropriate disciplinary action against such employee within thirty days of receiving notice of the outcome or any change in the status of such drug or alcohol related charges.

8.0 Rehabilitation Procedures

- 8.1 An employee who is experiencing problems as a result of drug and/or alcohol abuse should contact the Human Resources Department for referral to the Employee Assistance Program 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 and failure to take or pass a drug test will result in termination of employment. Where 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 must be conducted on a periodic basis, at least quarterly, for a two-year period after completion of the program. Advance notice of a follow-up testing date to the employee to be tested is strictly prohibited.
- 8.2 An employee in a mandatory-testing 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 leave credits before leave will be ordered without pay.
- 8.3 An employee in a special-risk position is subject to discipline or discharge for the first positive confirmed test result if the drug confirmed is an illicit drug under Section 893.03, Florida Statutes. A special-risk employee who is participating in an employee assistance program or drug rehabilitation program may not be allowed to continue to work in any safety-sensitive or special-risk position, but may be assigned to a position other than a safety-sensitive position or special-risk position, or placed on leave while the employee is participating in the program. The employee shall be permitted to use any accumulated annual leave credits before leave will be ordered without pay.

9.0 Employee Education and Referral Program

- 9.1 It is the responsibility of each employee to seek assistance before drugs and alcohol use or abuse leads to disciplinary problems. Employees who may require assistance for substance dependency and related programs are encouraged to seek assistance and information from the Human Resources Department regarding the Employee Assistance Program.
- 9.2 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.
- 9.3 An employee's decision to seek assistance or referral from the Human Resources Department prior to any incident warranting disciplinary action will not be used as the basis for disciplinary action or in any disciplinary proceeding.
- 9.4 Upon successful completion of a drug treatment program an employee may be released to resume work but, except as provided in Section 8 above, will be subject to follow-up drug testing on a periodic basis, at least quarterly, for a two-year period as a condition of continued employment.
- 9.5 An individual's participation in an alcohol or drug treatment program will not be made part of any personnel records and will remain confidential except to the extent necessary to comply with this Policy and to the extent permitted by law. Medical and insurance records, if any, will be preserved in the same confidential manner as all other medical records. Program participation records will be maintained by the Human Resources Department.

10.0 Employee Education Information

- 10.1 The following "crisis information centers" will provide information regarding employee assistance programs and local alcohol and drug rehabilitation programs available to employees:

Dade County
Switchboard of Miami
(305) 358-4357

Humana
Information Line
1-800-448-6262

Broward County
Crisis Information Line
(954) 537-0211

Palm Beach County
Center for Information and Crisis Services, Inc.
(561) 383-1134

10.2 Other available resources include:

1-800-356-9996	Al-Anon
1-800-527-5344	American Council of Alcoholism Helpline
1-800-662-HELP	National Institute on Drug Abuse Hotline
1-786-466-3020	Miami-Dade County Human Services Central Intake

10.3 Employees may obtain further information regarding available drug and alcohol assistance and rehabilitation programs by contacting the Human Resources Department.

11.0 Management's Responsibilities

11.1 The City Officials, Managers, and Supervisors (hereafter collectively referred to as "supervisors") are responsible for implementing the Drug and Alcohol Free Workplace Policy. It is the responsibility of supervisors to observe the behavior of 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.

11.2 Supervisors are responsible for maintaining a safe work environment by determining each employee's fitness for duty.

11.3 In the event 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 attached and should be completed as soon as practicable following the incident or observations giving rise to such reasonable suspicion. Where reasonable suspicion is based upon observed irregular behavior, two supervisors will confirm the suspicious behavior.

11.4 Employees sent for drug or alcohol testing must be transported by a supervisor, or another employee, to and from the testing facility. In no instance shall an employee suspected of being

under the influence of drugs or alcohol be permitted to operate a vehicle, whether City owned or personal.

- 11.5 In all cases when an employee is being removed from duty for drug testing, the supervisor should notify his superior at the earliest possible time.

12.0 Employees' Responsibilities

- 12.1 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 medication, whether prescription or non-prescription medication, which may affect job performance or safety.
- 12.2 In the event 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.
- 12.3 Employees who voluntarily or, as a condition of continued employment, enter a drug or alcohol treatment and/or rehabilitation program must participate and complete recommended treatment. Any employee who enters 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.

13.0 Employee Education

- 13.1 Employees and supervisors will be required to participate in a drug-free awareness program on an annual basis. The program will inform employees about the following:
- (a) The legal, social, physical and emotional consequences of the use, misuse and/or abuse of alcohol or drugs;
 - (b) The City's commitment to maintain a drug-free workplace;
 - (c) Available drug counseling, rehabilitation and employee assistance programs;

- (d) Assistance in identifying personal and emotional problems which may result in the misuse of alcohol or drugs; and
- (e) The penalties which may be imposed by the City on employees for drug abuse violations occurring in the workplace.

14.0 Rights Under Collective Bargaining Agreements:

Employees who are covered under any collective bargaining agreement between the City and any certified labor organization may have the right to file a grievance regarding discipline imposed by the City as a result of a violation of this policy if said grievance is permitted to be filed pursuant to the collective bargaining agreement. Such collective bargaining agreements may set forth further rules and/or restrictions regarding employee testing.

D. TESTING PURSUANT TO THE DRUG AND ALCOHOL FREE WORKPLACE POLICY

1.0 Types of Testing: In order to maintain a drug and alcohol free work environment and in accordance with Florida's Drug-Free Workplace Program, Section 440.101, et seq., Florida Statutes, as amended, and applicable Administrative Rules, the City will test for the presence of drugs and/or alcohol in the following circumstances:

- 1.1 Pre-Employment: All job applicants for a mandatory-testing or special-risk position who have been offered a position of employment must submit to a drug and/or alcohol test before beginning employment or work for the City. In the event that an employee is permitted to begin working prior to receipt of the results of drug or alcohol testing such employment shall be contingent upon passing the drug or alcohol test.
- 1.2 Random: Eligible employees will be chosen based on a computer generated random sampling of employees within each group subject to random testing. All employees within each group shall have an equal chance of being selected each time a selection is made. Federal law or the collective bargaining agreement may set forth further restrictions or rules on random drug testing.
- 1.3 Reasonable Suspicion: Employees who are determined to be under reasonable suspicion of drug or alcohol use (as defined in this policy), will be required to submit to a drug and/or alcohol test.

- 1.4 Fitness-For-Duty: All employees who are subject to a routine fitness for duty medical examinations must take a drug and/or alcohol test as part of their medical examination.
- 1.5 Follow-up: All employees who have entered an employee assistance program or rehabilitation program for drug abuse must take drug tests on at least a quarterly basis for two (2) years after returning to work. This requirement may be waived in the sole discretion of the City in cases where an employee voluntarily enters a drug treatment program before disciplinary action has been taken.
- 1.6 Post Accident or Injury: All employees who are involved in an accident or occupational injury to an employee which requires medical treatment occurring while at work which was caused by, contributed to or involved an employee must take a drug test after administration of emergency medical treatment. If it cannot be determined who was driving a City's vehicle at the time of an accident, then anyone who was driving the vehicle during the applicable time period will be required to submit to testing. Employees involved in an accident must not use alcohol for eight (8) hours following an accident or until a post-accident test is conducted, whichever comes first.

2.0 Consequences of Refusing a Drug Test

- 2.1 An employee who refuses to submit to a drug test will be subject to discipline, up to and including termination. An employee who refuses to submit to a drug test following an occupational injury which requires medical treatment forfeits his eligibility for all workers' compensation medical and indemnity benefits in accordance with Florida law.
- 2.2 A job applicant who refuses to submit to a drug test will not be hired.

3.0 Actions Following Positive Confirmed Test: The City may institute disciplinary action, up to and including termination, for any employee who has a positive, confirmed drug test.

4.0 Reporting of Use of Medication: Employees and job applicants may confidentially report the use of prescription or non-prescription

medication to the MRO during the testing process. A form for reporting medication use is attached.

5.0 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 alter or affect a drug test, is attached. Employees and job applicants should review this list prior to submitting to a drug test.

6.0 Medication Information: An employee or job applicant may consult with the City's MRO or the testing laboratory for technical information regarding prescription and non-prescription medication.

7.0 Drugs To Be Tested And Cut-Off Levels

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

- (a) Alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors
- (b) Amphetamines
- (c) Cannabinoids
- (d) Cocaine
- (e) Phencyclidine (PCP)
- (f) Methaqualone
- (g) Opiates
- (h) Barbiturates
- (i) Benzodiazepines
- (j) Synthetic narcotics (Methadone and Propoxyphene)
- (k) A metabolite of any of the substances listed herein
- (l) Hallucinogens
- (m) Any other abused substances as added by federal law or Florida Statutes

A list of drugs by brand names or common names is attached at Appendix 2.

The cut-off levels for reporting positive results for both initial and confirmation drug tests are set forth below.¹

7.2 Drug Cut-Off Levels - Initial Drug Test:

¹ NOTE: The types of testing as well as the levels on initial and confirmation testing may change pursuant to Federal or state law or regulations. Further, the minimal levels for drugs and alcohol reported to the City may be different for employees subject to federal drug testing regulations. The City intends that its policy be in accordance with applicable laws at all times.

All levels equal to or exceeding the following for urine specimens shall be considered to be presumptively positive and submitted for confirmation testing:

Alcohol	0.04 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	2000 ng/mL
Barbiturates	300 ng/mL
Benzodiazepines	300 ng/mL
Methadone	300 ng/mL
Propoxyphene	300 ng/mL

All levels equal to or exceeding the following for hair specimens shall be considered presumptively positive on initial screening and submitted for confirmation testing:

Amphetamines	5 ng/10mg of hair
Cannabinoids (Marijuana)	10 pg/10mg of hair
Cocaine	5 ng/10mg of hair
Phencyclidine	3 ng/10mg of hair
Opiate/Synthetic Narcotics	
And metabolites	5 ng/10mg of hair

7.3 Drug Cut-Off Levels* - Confirmation Drug Test:

All levels for urine specimens which are equal to or exceeding the following shall be reported as positive:

Alcohol	0.04g/dL%2*
Amphetamines	500 ng/mL
Cannabinoids (Marijuana)	15 ng/mL
Cocaine	150 ng/mL
Phencyclidine	25 ng/mL
Methaqualone	150 ng/mL
Opiates (codeine, morphine)	2000 ng/mL
Barbiturates	150 ng/mL
Benzodiazepines	150 ng/mL
Methadone	150 ng/mL
Propoxyphene	150 ng/mL

All levels for hair specimens which are equal to or exceeding the following shall be reported as positive:

Amphetamines	5 ng/10mg of hair
Cannabinoids (Marijuana)	1 pg/10mg of hair
Cocaine	5 ng/10mg of hair
Phencyclidine	3 ng/10mg of hair
Opiate/Synthetic Narcotics And metabolites	5 ng/10mg of hair

8.0 Random Drug Testing

- 8.1 The Human Resources Department shall be responsible for maintaining updated employee lists within each group subject to random drug testing and shall submit lists to the MRO for random generation of employees' names to be tested. It is within the discretion of the City to decide when and how often lists will be submitted to the MRO for random generation of employees' names.
- 8.2 The MRO shall notify Human Resources with the list of employees to be tested.
- 8.3 The Human Resources Department shall complete the referral form and schedule each employee for the test.
- 8.4 Once an employee is randomly selected and scheduled for a test under the provisions of this procedure, the Human Resources Department shall:
 - (a) Give selected employees no more than 24 hours notice of the scheduled drug test.
 - (b) Notify the employees of the collection or testing site.
 - (c) Meet with the employees to notify them that they are to be drug tested, require the employee to read and sign the Employee Random Drug Testing Notice attached at Appendix 10 and answer any questions. The City shall keep the original copy and give a copy to the employee.
 - (d) Complete a referral form indicating the drug test time range, approved collection site and location, type of testing required, and advise the testee to return the signed and dated referral form to the Human Resources Department.

- 8.5 Employees shall not be excused from random drug testing unless they are on prior approved leave of absence.
- 8.6 Additional rules and restrictions may apply to particular groups of employees based upon federal law and/or the provisions of a collective bargaining agreement.

9.0 Reasonable Suspicion Drug Testing

Employees will be required to submit to drug and/or alcohol testing when a supervisor has "reasonable suspicion," as defined in this policy, to believe that an employee is using or has used drugs or alcohol in violation of this Policy. The supervisor will document the circumstances which formed his or her determination of "reasonable suspicion" in writing within seven days from the date of his determination. A form for the use of a supervisor to specify the reason(s) for the test is attached at Appendix 4. A copy of this documentation will be given to the employee upon request within seven (7) days from the date of the supervisor's determination of "reasonable suspicion."

10.0 Confidentiality and Records Maintenance

- 10.1 Confidentiality of records concerning drug testing pursuant to the Drug and Alcohol Free Workplace Policy will be maintained in accordance with Florida law. 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 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 an administrative law judge, hearing officer, or court of competent jurisdiction. The City may also disclose such information when relevant to its defense in any civil, disciplinary or administrative hearing. The City will maintain records concerning drug testing separate and apart from a job applicant or employee's personnel file.
- 10.2 Information on drug testing results will not be released in any criminal proceeding.

11.0 Challenge of Test Results of Drug Test Under Florida Law

- 11.1 An employee or a job applicant who receives a positive confirmed test result may submit information to the Medical Review Officer ("MRO") contesting or explaining the results in writing within five (5) working days of receipt of notification of a positive confirmed test result.

- 11.2 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.
- 11.3 Within five (5) working days after receiving notice of a positive confirmed test result from the MRO, the City shall inform the employee or job applicant in writing 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 result to the employee or job applicant.
- 11.4 Within five (5) 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.
- 11.5 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 (15) days of receipt) as to why the employee or job applicant's explanation is unsatisfactory, along with a copy of the report of positive confirmed test results. All such documentation will be kept confidential except as provided in Section 9, above, and will be retained by the City for at least one (1) year.
- 11.6 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.
- 11.7 If an employee or job applicant contests the drug test results, he or she will be solely responsible for notifying the laboratory and the City in writing by certified mail and provide a copy of the written notice, by certified mail, to the City. The notice must include reference to the chain of custody specimen identification number.
- 11.8 An employee or a 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 (180) days of the notice of the positive test result.

11.9 An employee or job applicant has the responsibility of notifying the drug testing laboratory of any administrative or civil action brought pursuant to Chapter 440, Florida Statutes. The test laboratory will preserve specimens of confirmed positive results for at least two hundred ten (210) days after the result was mailed to the MRO. If timely notified of such action, the testing laboratory will maintain the sample until the case or administrative appeal is resolved.

12.0 Medical Review Officer's Responsibilities for Testing Under Florida Law

12.1 The MRO shall fully comply with all of the requirements set forth in applicable Administrative Rules. The MRO shall be a licensed physician, under contract with the City, 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.

12.2 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.

12.3 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 ACHA.

12.4 If the test results reported are positive, the MRO shall notify the employee or job applicant of a confirmed positive test result within three (3) days of receipt of the test result from the laboratory and inquire as to whether prescriptive or over-the-counter medications could have caused the positive test result. Within five (5) days after receiving written notification of the positive test result, the employee or job applicant may contest or explain the result to the MRO. If the employee or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO will report a positive test result back to the City.

12.5 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 other employees.

- 12.6 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 (180) 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 retest.
- 12.7 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 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 (i.e., a doctor's report, signed prescription, etc.) within the five (5) day period after notification of the positive test result.
- 12.8 If the MRO determines that there is a legitimate medical explanation for the positive test result, the MRO shall report a negative test result to the City. However, should the MRO feel that the legal use of the 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.
- 12.9 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 that 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.

- 12.10 If the MRO is unable to contact a positively tested donor within three (3) days of receipt of the test results 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 (2) days from the request of the City, the MRO shall verify the report as positive.
- 12.11 If the donor refuses to talk with the MRO regarding a positive test result, the MRO shall validate the result as a positive and annotate such refusal in the remarks section. If the donor voluntarily admits to the use of the drug in question without a proper prescription, the MRO shall advise the donor that a verified positive test result will be sent to the City.
- 12.12 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 ACHA.

E. DRUG AND ALCOHOL TESTING FOR SAFETY SENSITIVE TRANSPORTATION EMPLOYEES

In addition to the policies and procedures set forth above, it is also the City's policy that City employees who are connected with the operation of commercial motor vehicles and are considered safety-sensitive transportation employees are subject to drug and alcohol testing as required by the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. § 31306, and pursuant to all applicable procedures and regulations promulgated by the Department of Transportation, the Federal Highway Administration and the Federal Transit Administration, as well as any additional policy adopted by the City pursuant to those federal laws and regulations. These policies include, but may not be limited to, all applicable provisions of 49 CFR Parts 655 and 40, which provisions are incorporated herein by reference as if fully set forth. A copy of 49 CFR Part 40 is available from the City's Human Resources Department and can be found on the internet at http://www.dot.gov/ost/dapc/NEW_DOCS/part40.html. Part 655 is also available from the City's Human Resources Department and can be found on the internet at <http://ecfr.gpoaccess.gov>. The City's policy pursuant to the federal laws and regulations is included at Appendix 12.

In cases where the requirements of both federal and state drug and alcohol laws and regulations and the City's Drug and Alcohol Free Workplace Policy may be applicable, the requirements of federal drug and alcohol laws and regulations will control if a conflict arises between federal law and regulations and the requirements of state law or the City's Drug and Alcohol Free Workplace Policy.

Employees performing any of the following functions are considered safety-sensitive pursuant to the above-stated federal laws and regulations and are covered by the applicable provisions:

- Operating a revenue vehicle, in or out of revenue service.
- Operating a non-revenue vehicle that requires a possession of a CDL license.
- Controlling dispatch or movement of a revenue service vehicle.
- Maintenance of a revenue service vehicle or equipment used in revenue service.
- Carrying a firearm for security purposes.

The following are highlights from 49 CFR Parts 655 and 40 that are applicable to safety-sensitive transportation employees.

1. Education and Training.

The City believes that education and training in the effects and treatment of substance abuse will contribute to a safer and more efficient workplace for everyone. Therefore, educating and informing employees about the dangers of drug abuse or alcohol misuse and the possible penalties for violation of the City's Drug and Alcohol Policies and Procedures are essential components of our program

The education components shall include display and distribution to every covered employee of informational material and community service hot-line telephone numbers for employee assistance, if available.

Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations under this policy shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use, and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

2. Testing.

Pre-employment testing will include verification of previous DOT employer drug and alcohol tests results. If an applicant failed a DOT drug and alcohol test from another employer, the employee must provide proof of successfully completing a rehabilitation program with a Substance Abuse Professional ("SAP"), including all follow-up testing. Covered employees who have not performed a safety-sensitive function for 90 consecutive calendar days, regardless of the reason, must

successfully pass a pre-employment drug and alcohol test before performing any safety-sensitive duties. Any bus or trolley operators that have been out of work for thirty (30) consecutive calendar days due to illness or injury must pass a complete physical prior to resuming safety-sensitive driving.

In addition to pre-employment testing, safety-sensitive transportation employees will be subject to post-accident, reasonable suspicion, random, return to duty and follow-up alcohol and drug testing. There are restrictions on drug and alcohol use that apply to such employees prior to, during and immediately after performing their job duties. Covered employees are prohibited from using alcohol or drugs while on duty. Covered employees are prohibited from using alcohol within four (4) hours of reporting for duty. Covered employees are required to take a post-accident alcohol test and are prohibited from using alcohol for eight (8) hours following an accident or until the employee undergoes a post-accident alcohol test, whichever occurs first. Covered employees whose alcohol test results are 0.02 or greater but less than 0.04 will be removed immediately from safety-sensitive functions.

Post-accident, reasonable suspicion, random, return to duty and follow-up testing will be completed as set stated in Miami-Dade County's Transit Drug Use and Alcohol Misuse Prevention Program Policy at pages 9 through 14. Provisions of those sections that are not in italics are incorporated herein by reference as if fully set forth. Those pages are also included at Appendix 12. These provisions also set forth what constitutes a refusal to test.

Any confirmed failed drug or alcohol test may lead to disciplinary action, up to and including termination, or may result in an applicant not being hired for the job. Any refusal to take a drug or alcohol test may also result in disciplinary action, up to and including termination.

In addition to the drugs that all other employees are tested for, as set forth in this policy at section 7.1, safety-sensitive transportation employees will also be tested for MDMA, MDA and MDEA for Ecstasy; Delta9-THCA for marijuana metabolite; and BZE for cocaine metabolite.

All drug and alcohol testing of safety-sensitive transportation employees will be conducted in accordance with 49 CFR Part 40.

3. General Information.

Appendix 13 contains the name and contact of the departmental representative, the MRO, the SAP, the collection facility, and the laboratory. Appendix 11 contains the classification name of the City's safety-sensitive positions. Those positions that are highlighted are the positions that are safety-sensitive transportation employees. Additional classifications may be added from time to time.

In cases where the requirements of both federal and state drug and alcohol laws and regulations and the City's Drug and Alcohol Free Workplace Policy may be applicable, the requirements of federal drug and alcohol laws and regulations will control if a conflict arises between federal law and regulations and the requirements of state law or the City's Drug and Alcohol Free Workplace Policy.

APPENDIX 1

CITY OF CORAL GABLES

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. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

AMPHETAMINES

Obetrol, Biphentamine, 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, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.

BARBITURATES

Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phenrinin, Triad, etc.

BENZODIAZEPINES

Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

METHADONE

Dolophine, Metadose

PROPOXYPHENE

Darvocet, Darvon N, Dolene, etc.

LIST PRESCRIPTION DRUGS TAKEN WITHIN THE PAST 30 DAYS. THIS IS FOR YOUR USE ONLY AT THIS TIME BUT MAY BE PROVIDED TO THE MRO IN THE EVENT OF A POSITIVE TEST RESULT TO ASSIST THE MRO IN THE TESTING PROCEDURE.

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APPENDIX 2

CITY OF CORAL GABLES

LIST OF DRUGS BY TRADE OR COMMON NAMES

DRUGS	TRADE OR COMMON NAMES
<u>Narcotics</u>	
Opium	Dover's Powder, Paregoric, Parepectolin, Laudanum
Morphine	Morphine, Pectoral Syrup, Roxanol, Duramorph
Codeine	Tylenol with Codeine, Empirin Compound with Codeine, Robitussin A-C, Fiorinal with Codeine
Heroin	Diacetylmorphine, Horse, Smack
Hydromorphone	Dilaudid
Meperidine (Pethidine)	Demerol, Mepergan
Methadone	Dolophine, Methadone, Methadose, Amidone
Other Narcotics	LAAM, Leritine, Numorphan, Percodan, Tussionex, Fentanyl, Darvon, Talwin, Lomotil
<u>Depressants</u>	
Chloral Hydrate	Noctec, Somnos
Barbiturates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Barbs
Benzodiazepines	Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Rohypnol, Roofies, Tranks, Xanax
Methaqualone	Quaalude, Ludes
Glutethimide	Doriden
Other Depressants	Equanil, Mil, Noludar, Placidyl, Valmid, Alcohol

Stimulants

Cocaine
Amphetamines

Coke, Flake, Snow, Crack, Rocks
Biphetamine, Delcobese, Desoxyn,
Dexedrine, Mediatric, Black Beauties,
Crosses, Hearts

Phenmetrazine
Methylphenidate
Methamphetamine
Other Stimulants

Preludin
Ritalin
Desoxyn, Crank, Crystal, Glass, Ice, Speed
Adipex, Bacarate, Cylert, Didrex, Ionamin,
Plegine, Pre-Sate, Sanorex, Tenuate,
Tepanil, Voranil

Hallucinogens

LSD
Mescaline and Peyote
Amphetamine Variants

Acid, Microdot
Mesc, Buttons, Cactus, Peyote
2,5-DMA, PMA, STP, MDA, MDMA, TMA,
DOM, DOB, Adam, Ecstasy, STP, XTC

Phencyclidine
Phencyclidine Analogs
Other Hallucinogens

PDP, Angel Dust, Hog
PCE, PCPy, TCP
Bufotenine, Ibogaine, DMT, DET, Psilocybin

Cannabis

Marijuana

Pot, Acapulco Gold, Grass, Reefer,
Sinsemilla, Thai Sticks, Blunt, Herb, Smoke,
Weed

Tetrahydrocannabinol
Hashish
Hashish Oil

THC, Marinol
Hash
Hash Oil

APPENDIX 3

CITY OF CORAL GABLES

**FORM FOR EMPLOYEES TO CONFIDENTIALLY REPORT THE USE
OF PRESCRIPTION OR NON-PRESCRIPTION MEDICATION THAT
MAY AFFECT THEIR ABILITY TO SAFELY PERFORM THEIR JOB**

NAME:

SIGNATURE:

DATE:

PRESCRIPTION MEDICATION:.....

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.....

NON-PRESCRIPTION MEDICATION:

.....

.....

.....

.....

RECEIVED BY:

NAME: _____

POSITION: _____

DATE: _____

APPENDIX 4

CITY OF CORAL GABLES

DRUG AND ALCOHOL TEST DIRECTION FORM

I direct[ed] _____ [Name of Employee] to take a drug and alcohol test pursuant to the City of Coral Gables' Drug and Alcohol Free Workplace Policy and Work Rules. This drug and alcohol test [is\was] required because of the following reason(s) (e.g., grounds for reasonable suspicion, accident, etc.):

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.....

The above stated reason(s) was\were also witnessed by:

.....
.....
.....

Name(s) of Supervisor(s). Two Supervisors are required if reasonable suspicion is based upon observed irregular behavior. For accident or occupational injury, only one Supervisor is necessary.

Name
Position
Date
Signature

(If applicable)

Second Supervisor's Name
Position
Date
Signature

APPENDIX 5

CITY OF CORAL GABLES

APPLICANT/PRE-EMPLOYMENT DRUG TESTING
AGREEMENT AND RELEASE

PLEASE READ CAREFULLY

I acknowledge that I have received and read a copy of the City of Coral Gables' "Drug and Alcohol Free Workplace Policy and Work Rules." I further acknowledge that I have been advised that drug testing is required for the position for which I am applying.

I voluntarily consent to submit to a drug test of my urine and/or blood and/or hair prior to starting employment. I hereby authorize and give full permission to have the City's contracted medical provider, their staff, and/or their associates send a specimen of my urine and/or blood and/or hair to a laboratory for screening tests for the presence of drugs. I authorize these results, positive or negative, to be given to a Medical Review Officer selected by the City and the City's Human Resources Department.

I understand that either my refusal to submit to the drug test or my failure to qualify according to the minimum standards established by the City for this drug test may disqualify me from further consideration for employment at this time.

I will hold the City and all concerned parties harmless and waive any legal rights for any alleged harm to me or for interfering with my ability to be hired as a result of the test reports, or my nonsubmission to the tests. This includes possible clerical or laboratory error.

I have read in full and understand the above statements and conditions of employment.

NAME (Please Print)

APPLICANT'S SIGNATURE

DATE

WITNESSED BY

DATE

APPENDIX 6

CITY OF CORAL GABLES

**CERTIFICATE OF AGREEMENT AND RELEASE FOR DRUG
TESTING**

I hereby certify that I have received and read the City of Coral Gables' "Drug and Alcohol Free Workplace Policy and Work Rules."

I hereby consent to submit to drug and alcohol testing of my urine and/or blood and/or hair at any time requested by the City pursuant to the City's Drug and Alcohol Free Workplace Policy and Work Rules. I hereby authorize and give full permission to have the City's contracted medical provider, their staff, and/or their associates send a specimen of my urine and/or blood and/or hair to a laboratory for screening tests for the presence of drugs and/or alcohol. I authorize the release of the results of such tests, positive or negative, to a Medical Review Officer selected by the City and to the Human Resources Department.

I understand that failure to comply with a request to submit to a drug and/or alcohol test by an authorized City representative, or that a positive confirmed result from a drug and/or alcohol test may lead to termination of my employment.

I will hold the City and all concerned parties harmless and waive any legal rights for any alleged harm to me (including discipline and termination of employment) or for interfering with my employment with the City as a result of the test reports, or my nonsubmission to the tests. This includes possible clerical or laboratory error.

NAME (Please Print)

APPLICANT'S SIGNATURE

DATE

WITNESSED BY

DATE

APPENDIX 7

CITY OF CORAL GABLES

**NOTIFICATION TO WORKERS' COMPENSATION CARRIER OR SELF-INSURER
RE: NOTICE OF DENIAL OF MEDICAL INDEMNITY BENEFITS BECAUSE OF AN
INJURED EMPLOYEE'S POSITIVE DRUG TEST.**

A notification similar to this one should be sent to the City's workers' compensation carrier upon receipt of written confirmed positive drug test results, if the City decides to deny medical and indemnity benefits.

Date:

Dear Worker's Compensation Carrier:

The employee listed below, who may have suffered an on-the-job injury on _____ [date of accident], has tested positive for drugs pursuant to the City's Drug and Alcohol Free Workplace Policy.

_____ [Employee's name]
_____ [Employee's social security no.]

The specimen/sample collected from the employee at the time of the accident was tested twice by the laboratory. In addition, the test results were verified by the City's Medical Review Officer in order to ensure the accuracy of the test.

Pursuant to Florida Statutes § 440.102(5)(p), carriers [or self insurers] are required to give "reasonable notice" to all affected health care providers that payment for treatment, care and attendance provided to the above-named employee after a future date certain may be denied.

We hereby request that you immediately provide reasonable notice to all affected health care providers that the payment for treatment, care and attendance provided to the above-employee will be denied. We also request that you deny payment for any other medical or indemnity benefits to the above named employee, after you have provided the above described reasonable notice.

Please call if you need more information. Thank you for your cooperation in this matter.

Respectfully submitted,

[Appropriate City Official]

APPENDIX 8

CITY OF CORAL GABLES

SUMMARY OF DRUG AND ALCOHOL FREE WORKPLACE POLICY

EMPLOYEES ARE HEREBY NOTIFIED THAT 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. IF AN EMPLOYEE TESTS CONFIRMED POSITIVE OR REFUSES TO SUBMIT TO A TEST FOR DRUGS OR ALCOHOL, THE EMPLOYEE IS SUBJECT TO DISCIPLINARY ACTION, INCLUDING TERMINATION, AND MAY FORFEIT ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS.

The City of Coral Gables ("City") 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, we are instituting a drug and alcohol free workplace policy.

1. WHAT IS THE DRUG AND ALCOHOL FREE WORKPLACE PLACE POLICY?
 - a. In accordance with Florida's Drug Free Workplace law, Section 440.101, et seq., Florida Statutes, the City of Coral Gables ("City") prohibits the illegal use, possession, sale, manufacture, or distribution, of drugs, alcohol, or other controlled substances on its property. For purposes of this policy, alcohol is considered to be a drug.
 - b. It is also against City policy for employees to report to work or to work under the influence of drugs. This includes prescription drugs which induce an unsafe mental or physical state. Any employee who is taking any prescription drug which might impair safety, performance, or any motor functions should advise his or her supervisor before commencing work under such medication.

- c. For the purpose of this policy, an individual is presumed to be under the influence of drugs if a confirmed drug test is positive.
- d. The use, sale, purchase, possession, distribution, or dispensing of drugs on duty or on City property is cause for discharge.
- e. The City may suspend employees without pay under this policy pending the results of a drug test or investigation.
- f. The City has contracted with a Medical Review Officer (MRO) who is a licensed physician with knowledge of substance abuse disorders, laboratory testing procedures, chain of custody collection procedures, the medical use of prescription drugs and the pharmacology and toxicology of illicit drugs. The purpose of the MRO is to ensure to the maximum extent possible that all test results are accurate. Applicants or employees can discuss any technical questions regarding testing with the MRO prior to or after the test.
- g. Any violation of the policy will result in discipline, up to and including termination of employment.

2. WHO IS TESTED?

The City tests all applicants and employees as described below:

- a. Applicants:
 - (1) Applicants who are considered final candidates for a mandatory-testing or special-risk position will be tested for the presence of drugs as part of the application process.
 - (2) Such applicants will be asked to sign a Pre-employment Drug Testing Agreement, consenting to the drug test. If an applicant refuses, he or she will not be considered for employment and the employment application process will be terminated.
 - (3) If an applicant's test is confirmed positive, the applicant will not be considered for employment at that time and will be informed that he or she has failed to meet employment standards.

b. Employees:

- (1) **Random Drug Testing:** A drug test chosen to be conducted based on a computer generated random sampling of employees within each group subject to random drug testing. All employees within a group subject to random drug testing shall have an equal chance of being selected each time a selection is made. Federal law or a collective bargaining agreement may set forth additional restrictions or rules on random drug testing.
- (2) **Reasonable-Suspicion Testing:** Employees will be tested when there is a reasonable suspicion that an employee is or has used, possessed, sold, solicited, or transferred drugs while on the City's premises or while operating its vehicles, machines, equipment or when there is evidence that an employee has tampered with a drug test during his employment.
- (3) **Post On-the-Job Accident or Injury Testing:** Employees who sustain an on-the-job injury which requires medical treatment, or who have caused, contributed to or have been involved in an accident or injury while at work will be tested at the time medical treatment is administered, or as soon as possible. Employees involved in an accident must not use alcohol for eight (8) hours following an accident or until a post-accident test is conducted, whichever comes first.
- (4) **Routine Fitness-for-Duty Testing:** Employees will be drug tested as part of any routinely scheduled employee fitness-for-duty medical examination.
- (5) **Follow-up and Return to Duty Testing:** Employees who have failed a test and who are permitted by the City to return to work after completing treatment for alcohol or drug abuse will be tested prior to returning to work and will be subject to unannounced follow-up tests for a period of two (2) years.
- (6) **Additional Testing:** Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations or as deemed necessary by the City.

3. WHAT IF AN APPLICANT OR EMPLOYEE REFUSES TO BE TESTED?

- a. A job applicant who refuses to submit to the pre-employment drug test will be ineligible for hire.
- b. Any employee who refuses to submit to a drug test may be terminated from employment or otherwise disciplined. An employee involved in a

workers' compensation accident/incident who refuses to submit to a drug test, or who has a confirmed positive test result, in addition to any disciplinary action, may forfeit his or her eligibility for workers' compensation medical and indemnity benefits.

- c. A refusal to complete and sign a Drug Testing Chain of Custody Form or the failure to appear at the collection site within the specified time frame will be considered a refusal to submit to a drug test and will be subject to discipline, up to and including termination.
4. WHAT IF SOMEONE TESTS POSITIVE?
- a. Tests will be conducted only by laboratories licensed and approved by the proper state and/or federal agencies. Test specimens will be collected, tested, and stored pursuant to the requirements of Florida law. No physician-patient relationship is created between an employee or job applicant and the City or any person performing or evaluating a drug test.
 - b. The City's MRO will initially receive and verify that test results were properly analyzed and handled by the laboratory testing. The MRO will then contact the job applicant or employee to give the person an opportunity to explain or challenge a positive test result to determine whether prescription or other legitimately taken drugs could have caused the positive test result. If the MRO decides that the applicant or employee's explanation is unsatisfactory, the MRO will report a positive test to the City. The City will notify the job applicant or employee of confirmed positive test results within five (5) working days after receipt of the result from the MRO.
 - c. A job applicant or employee who receives a positive confirmed drug test result may contest or explain the result to the MRO or the City within five (5) days after written notification of the positive test result. If the explanation or challenge is unsatisfactory, a written explanation will be given to the applicant or employee. If the applicant's or employee's challenge is unsatisfactory to the MRO or the City, the applicant or employee may have the right to contest the test results pursuant to rules adopted by the Florida Division of Workers' Compensation or in a court of competent jurisdiction.
 - d. Employees who are covered under a collective bargaining agreement between the City and any certified labor organization may have the right to file a grievance regarding discipline imposed by the City as a result of a violation of this policy if said grievance is permitted to be filed pursuant to the collective bargaining agreement.

- e. The testing laboratory will preserve specimens of confirmed positive test results for at least two hundred ten (210) days after the result was mailed to the MRO. A job applicant or employee has the responsibility of notifying the drug testing laboratory of any administrative or civil action brought pursuant to Chapter 440, Florida Statutes. If timely notified, the testing laboratory will maintain the sample until the case or administrative appeal is settled.
- f. Any applicant or employee who elects to have a portion of his or her specimen retested at another licensed testing laboratory (at his or her expense) must notify the testing laboratory and make a request to the City within one hundred eighty (180) days after written notification of a positive test result.

5. EMPLOYEE ASSISTANCE AND REHABILITATION

- a. It is the responsibility of each employee to seek assistance before drug and alcohol use or abuse leads to disciplinary problems. Employees who require assistance for substance dependency and related programs are encouraged to seek assistance and information from the Human Resources Department.
- b. For complete information regarding the City's procedures for employees who seek or enter a substance abuse rehabilitation program, please review sections 8.0 and 9.0 of the City's Drug and Alcohol Free Workplace Policy.
- c. A list of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs are on file with the City's Human Resources Department. This information will be provided to any person upon request. Information about local assistance programs and/or rehabilitation programs may also be obtained at:

Dade County
Switchboard of Miami
(305) 358-4357

Humana
Information Line
1-800-448-6262

Broward County
Crisis Information Line
(954) 537-0211

7. WHAT TYPE OF DRUGS ARE TESTED?

The following is a list of drugs (described by brand name, common name and/or chemical name) for which the City may test. Also listed and identified are those most common medications which may alter or affect a drug test:

Alcohol (booze, drink, distilled spirits, wine, malt beverages, beer, intoxicating liquors, alcoholic beverages, etc.)

Amphetamines (Binhetamine, Desoxyn, Dexedrine)

Cannabinoids (marijuana, hashish, hash, hash oil, pot, joint, roach, spleaf, grass, weed, reefer)

Cocaine (coke, blow, nose candy, snow, flake, crack)

Phencyclidine (PCP, angel dust, hog)

Methaqualone

Opiates (opium, dover's powder, paregoric, parepectolin)

Barbiturates (Phenobarbital Tuinal, Amytal)

Benzodiazophines (Ativan, Azene, Klonopin, Dalman e, Diazepam, Halcion, Librium, Poxipam, Restoril, Serax, Tranxene, Valium, Vertron, Xanax)

Methadone (Dolophine, Methadose)

Propoxyphene (Darvocet, Darvon N, Dolene)

Metabolites of any substances listed above.

8. WHAT ELSE SHOULD I KNOW ABOUT THE POLICY?

- a. The complete Drug and Alcohol Free Workplace Policy is available for review and download on the City's website (under the Human Resources Department tab). Employees may also request a paper copy of the complete policy from the Human Resources Department.
- b. Employees with questions about the policy should contact the Human Resources Department during regular business hours.
- c. The contents of this policy constitute statements of the City's current policy and may be changed and updated by the City at any time. Nothing in this policy is intended to create a contract between the City and any employee. Nothing in these guidelines binds the City to a

specific or definite period of employment or to any specific policies, procedures, actions, rules, or terms and conditions of employment.

- d. As a condition of employment and continued employment, all employees are required to abide by the Drug and Alcohol Free Workplace Policy. Any violation of the policy will result in discipline, up to and including termination of employment.

- e. An employee is required to notify the City's Human Resources Department of any drug or alcohol related criminal charge or arrest within five (5) days after such charge or arrest or on the next workday after the charge or arrest if the employee holds a position that requires driving either a City vehicle or a personal vehicle while on City business. An employee is also required to notify the City's Human Resources Department of any criminal drug conviction no later than five (5) days after the employee receives notice of the conviction.

APPENDIX 9

CITY OF CORAL GABLES

**EMPLOYEE ACKNOWLEDGMENT OF RECEIPT OF
SUMMARY OF DRUG AND ALCOHOL FREE WORKPLACE POLICY**

I, _____ (Employee's Name), hereby acknowledge that I received a copy of the City of Coral Gables' Summary of Drug and Alcohol Free Workplace Policy, consisting of this page and the six (6) preceding typewritten pages on the date indicated below. I acknowledge that the complete Drug and Alcohol Free Workplace Policy is available for review and download on the City's website (under the Human Resources Department tab). I also acknowledge that I may request a paper copy of the complete policy from the Human Resources Department.

I agree to abide by the terms of the City's Drug and Alcohol Free Workplace Policy. I understand that it is a condition of my employment to refrain from reporting to work or working with the presence of drugs or alcohol in my body.

I agree that I will notify the City's Human Resources Department of any drug or alcohol related criminal charge or arrest within five (5) days after such charge or arrest or on the next workday after the charge or arrest if I hold a position that requires driving either a City vehicle or a personal vehicle while on City business. I further agree, as a condition of my employment, that I will notify the City's Human Resources Department of any criminal drug conviction no later than five (5) days after I receive notice of the conviction.

(Employee's Signature)

DATE:

APPENDIX 10-A

CITY OF CORAL GABLES

EMPLOYEE RANDOM DRUG TESTING NOTICE

You, _____, have been randomly selected to undergo a random drug test. This random drug test is authorized under Section 440.102(4)(b), Florida Statutes, the City's Drug and Alcohol Free Workplace Policy and Work Rules, federal law and/or a collective bargaining agreement between your representative and the City.

The City selects employees for random drug testing by a scientifically valid method such as a computer generated random number table. Each employee within a group subject to random drug testing shall have an equal chance of being selected each time selections are made. Additional rules and/or restrictions may be set forth in federal law or the applicable collective bargaining agreement.

If you refuse to complete and sign a Drug Testing Chain of Custody Form, you will be considered to have refused to submit to random drug testing. This refusal is subject to disciplinary action up to and including dismissal.

If you do not appear at the collection site within the specific time frame, you will be considered to have refused to submit to drug testing. You will be subject to disciplinary action up to and including dismissal for failure to report to the collection site unless you provide sufficient justification for failure to appear, subject to approval by the Human Resources Director.

An employee who receives a positive confirmed drug test result may contest or explain the result to the MRO or the City within five (5) days after written notification of the positive test result. If the explanation or challenge is unsatisfactory, a written explanation will be given to the employee. If the employee's challenge is unsatisfactory to the MRO or the City, the employee may have the right to contest the test results pursuant to rules adopted by the Florida Division of Workers' Compensation or in a court of competent jurisdiction.

All information, interviews, reports, statements, memoranda, and drug test results (written or otherwise) received by the City through a drug testing program are confidential communications and will not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, unless brought pursuant to this policy or otherwise allowed by law.

The names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs are available from the Human Resources Department.

Any questions regarding this drug testing policy statement should be directed to Human Resources.

I hereby certify that I understand the conditions of random drug testing.

Name

Date

Print Name

cc: Employee; File

APPENDIX 10-B

CITY OF CORAL GABLES

**RANDOM DRUG & ALCOHOL TESTING NOTIFICATION
FOR EMPLOYEES WHO HOLD "SAFETY SENSITIVE" POSITIONS**

Employee:
Employee Number:
Job Title:
Division Number:

You have been selected for random Drug & Alcohol Testing.

You must report to Physician Health at 7887 N Kendall Dr., Miami, Florida (The Collection Site) **within the ONE HOUR time limit indicated below.** The telephone number for Physician Health Medical Center is (305) 279-7722.

Report to Physician Health Medical Center:

This form must be returned to your supervisor as soon as you return to work.

You should retain ALL FORMS labeled "EMPLOYEE RETAINS" for your records. Physician Health Medical Center will provide the City of Coral Gables with all "EMPLOYER COPIES".

<i>For official use by Physician Health Center Only -</i>	
<i>Stamp here once completed</i>	→
Tests should be conducted within the US Department of Transportation Drug & Alcohol Testing regulations	
Write down the time the Employee arrived at Physician Health Center:	
Write down the time the Employee left Physician Health Center:	
Was there anything unusual noted during the testing of this employee: Yes or No	

Your cooperation is greatly appreciated.

Winsome Gardner
Insurance Specialist
(305) 460-5527 – Phone
(305) 460-5518 – Fax

<i>For official use by the City of Coral Gables only</i>

APPENDIX 11

CITY OF CORAL GABLES

The following list includes the classifications of employees required to be tested pursuant to the United States Department of Transportation (“USDOT”), Florida Statutes, or collective-bargaining agreement(s) due to the mandatory-testing or special risk nature of the position. Additional classifications may be added from time to time based upon the safety sensitive nature of the position(s). Classifications marked with an asterisk (“*”) are considered safety-sensitive and must also conform with the USDOT regulations set forth in Appendix 12.

AUTO. SERV. WKR. II*

AUTOMOTIVE BODY WORKER*

AUTOMOTIVE BODY WORKER II*

AUTOMOTIVE BODY WORKER FOREMAN*

AUTOMOTIVE MECHANIC*

AUTOMOTIVE SUPERVISOR*

BUILDING INSPECTOR

CARPENTER

CODE ENFORCEMENT LEAD

CODE ENFORCEMENT OFFICER

COMMUNICATION OPERATOR

COMMUNICATION SUPERVISOR

COMMUNICATION TRAINEE

CONSTRUCTION INSPECTOR

CRIME ANALYST

CRIME SCENE TECHNICIAN

ELECTRICAL INSPECTOR

ELECTRICIAN

EQUIPMENT OPERATOR I

EQUIPMENT OPERATOR II

EQUIPMENT OPERATOR III

FIRE EQUIPMENT MECHANIC*

FIRE INSPECTOR

FIRE INSPECTOR II

FOREMAN

INFORMATION TECHNOLOGY ANALYST

LANDSCAPE FOREMAN

LANDSCAPE MAINT. DIV. SUPT

LANDSCAPE SERVICES DIV. SUPT

MAIL CLERK DRIVER
MAINTENANCE DIV.SUPERINTENDENT
MAINTENANCE REPAIR LEAD*
MAINTENANCE REPAIR WORKER
MAINTENANCE WORKER I
MAINTENANCE WORKER II
MASTER ELECTRICIAN
MASTER PLUMBER
MASTER REFRIGERATION MECHANIC
MECHANICAL INSPECTOR
PARKING ENFORCEMENT SPECIALIST
PARKING ENFORCEMENT SPECIALIST LEAD
PARKING ENFORCEMENT SUPERVISOR
PLUMBING INSPECTOR
RECREATION MARKETING SPECIALIST
RECREATION SPECIALIST
REFRIGERATION MECHANIC
SANITATION CRANE OPERATOR*
SANITATION DIV COORDINATOR
SANITATION DIV. SUPERINTENDENT
SANITATION OPERATOR I
SANITATION OPERATOR II*
SANITATION OPERATOR III*
SANITATION WORKER
SENIOR AUTOMOTIVE MECHANIC*
SENIOR CRIME SCENE TECHNICIAN
SENIOR FOREMAN
SENIOR INFORMATION TECH. ANALYST
SENIOR SERVICES COORDINATOR
SEWER LINE TECHNICIAN II
SEWER MAINTENANCE MECHANIC
SPRAY SERVICE WORKER
STREETS DIV. SUPERINTENDENT
SUPERINTENDENT OF GREENS
TROLLEY MANAGER*
UTILITIES DIV. SUPERINTENDENT
VENETIAN POOL ASST. SUPERVISOR
VENETIAN POOL SUPERVISOR
WELDER MECHANIC FOREMAN*
WELDER MECHANIC II*

YOUTH CENTER ASST. SUPERVISOR

YOUTH CENTER SUPERVISOR

APPENDIX 12

CITY OF CORAL GABLES

Drug and Alcohol Testing for Safety-Sensitive Transportation Employees and Contractors Pursuant to Federal Law and Regulations

General

Promulgation of Policy

This policy complies with the Federal Transit Administration's (FTA) drug and alcohol testing regulations (49 CFR Parts 40 and 655) and the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. § 31306. This policy is provided to help safety-sensitive transportation employees and contractors better understand the requirements of the drug and alcohol testing procedures and regulations. This policy is an Addendum to the City of Coral Gables Drug and Alcohol Free Workplace Policy and Work Rules promulgated pursuant to the Florida Drug-Free Workplace Program, Section 440.101, et. seq., Florida Statutes (hereinafter, "Drug-Free Workplace Program").

A copy of the City of Coral Gables Drug and Alcohol Free Workplace Policy and Work Rules and this Appendix shall be provided to all covered employees, representatives of employer organizations, and contractors as required by Part 655. Copies of this policy can be obtained at the City of Coral Gables Human Resources Department, 2801 Salzedo Street, 2nd Floor, Coral Gables, FL 33134.

Applicability

The federally required provisions of this policy apply to all safety-sensitive transportation employees for the City of Coral Gables ("CCG"). Appendix 11 to the City's Drug-Free Workplace Program contains a list of the job titles for safety-sensitive employees as well as safety-sensitive transportation employees for the City. Safety-sensitive transportation employees must also comply with the city's Drug-Free Workplace Program. In cases where the requirements of both federal and state drug and alcohol laws and regulations apply and are in conflict, the requirements of the federal law and regulations will control.

This policy also applies to companies and their employees under contract that perform a safety-sensitive function for CCG. All contractors shall be issued a copy of this policy at the time their contract is approved. Contractors performing a safety-sensitive function are required to have a drug and alcohol policy that meets the requirements of the Federal Transit Administration's (FTA) drug and alcohol testing regulations (49 CFR Parts 40 and 655) and Florida's Drug-Free Workplace Act and must provide a copy to their employees. Contractors must submit a summary of their drug and alcohol testing data for each quarter to CCG for audit, and for the calendar year as required by FTA regulation. Failure of a contractor to follow the FTA's drug and alcohol testing regulations can jeopardize federal funding and can result in the contract being canceled.

Each contractor is responsible for ensuring that any agency or person hired (collection agency, medical review officer, substance abuse professional, etc.) to perform a drug or alcohol testing function is performing that function as required in 49 CFR Parts 40 and 655.

This policy applies to all CCG safety-sensitive transportation employees and contractors when on transit property or when performing any transit related business; when such employees are involved in CCG business while not on CCG property; and when on off-site lunch periods or breaks when an employee is scheduled to return to work.

Application of the Policy and Employee Responsibility

All covered employees have the responsibility of being knowledgeable regarding the requirements of the employer's policies and procedures and to fully comply with the provisions thereof. All covered employees are hereby put on notice that the City enforces a zero tolerance policy.

Education and Training Programs

The City believes that education and training of all employees in the effects and treatment of substance abuse will contribute to a safer and more efficient workplace for everyone. Therefore, educating and informing employees about the dangers of drug abuse or alcohol misuse and the possible penalties for violation of the City's policies essential components of our program.

The City has established an employee education and training program for all covered employees, including:

Education

The education components shall include display and distribution to every covered employee of informational material and community service hot-line telephone numbers for employee assistance, if available.

Training

Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

Supervisors and / or other company officers authorized by the employer to make reasonable suspicion determinations under this policy shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use, and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

PROHIBITED DRUG AND ALCOHOL CONDUCT

Covered employees

Employees performing any of the following functions are considered safety-sensitive and covered by all the provisions of this policy:

- Operating a revenue vehicle, in or out of revenue service.
- Operating a non-revenue vehicle that requires a possession of a CDL license.
- Controlling dispatch or movement of a revenue service vehicle.
- Maintenance of a revenue service vehicle or equipment used in revenue service.
- Carrying a firearm for security purposes.

Contractors performing safety-sensitive functions at any Transit facility or on any vehicle are also covered by the provisions of this policy.

Prohibited Alcohol Use

Alcohol Testing

Covered employees must submit to alcohol tests in accordance with 49 CFR Part 655 as amended.

All CCG safety-sensitive employees are subject to alcohol testing prior to, during, and immediately after performing their job duties. CCG shall test for alcohol in the following circumstances:

- Post-accident
- Reasonable suspicion
- Random
- Return to duty
- Follow-up

Confirmed alcohol breath concentrations of 0.04 or greater are considered positive. A covered employee with a confirmed positive alcohol test will be relieved from duty immediately. (See Employer Action on Positive Test Result and Refusal to Test.)

On-Duty Use

Covered employees are prohibited from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

Pre-Duty Use

Covered employees are prohibited from using alcohol within four (4) hours of reporting for duty. No employer having actual knowledge that a covered employee has used alcohol within 4 hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

Covered employees who are on-call, or called to return to work overtime, are prohibited from consuming alcohol during their specified on-call hours. Employees who have consumed alcohol and are asked to come back to work should inform the caller and decline the assignment. Employees who do not accept an assignment will not be

adversely affected. Employees who accept the assignment and present themselves ready to work will be subject to alcohol testing.

Use Following an Accident

Covered employees required to take a post-accident alcohol test are prohibited from using alcohol for eight (8) hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

Other Alcohol-Related Conduct

Covered employees whose alcohol test results are 0.02 or greater but less than 0.04 will be removed immediately from safety-sensitive functions.

Disciplinary action for positive test results shall be in accordance with applicable collective bargaining agreements, the CCG Personnel Rules and Regulations and/or the CCG Drug and Alcohol Free Workplace Policy and Work Rules.

Prohibited Drug Use

Covered employees must submit to drug tests administered in accordance with 49 CFR Part 655 as amended.

CCG is required to screen covered employees for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, return to duty and follow-up.

Covered employees shall be tested for the following prohibited drugs and any updates to drug testing made by the Department of Transportation (DOT):

- Marijuana (delta 9-THCA)
- Cocaine (BZE)
- Opiates (Codeine, Morphine, 6-AM, Heroine)
- Amphetamines (MDA, MDEA, Methamphetamine)
- Phencyclidine (PCP)

The use and consumption of the five illegal drugs is **prohibited at all times** and employees can be tested for drugs anytime while on duty.

A covered employee that has a confirmed positive drug test result on a required test will be relieved from duty immediately. (See Employer Action on Positive Test Result and Refusal to Test.)

If a drug test is canceled on a pre-employment, return to duty, or follow-up test, the employee or applicant must re-take the drug test and produce a negative drug test result.

An immediate observed collection will occur when an employee produces a sample out of the temperature range, shows evidence of tampering/adulterant, and will be required on all return to duty and follow up tests.

See Prohibited Drug and Alcohol Testing Procedures section for new collection procedures.

Required Tests

Pre-Employment Testing

Requires:

- DOT drug tests.
- Request For Drug and Alcohol Information From Previous Employer Form.

All applicants must produce a negative drug test result prior to being hired. If a test is cancelled by the MRO, the prospective employee must retake the test as soon as applicable.

An employee may not transfer from a non-safety sensitive position to a safety-sensitive position until they take a pre-employment drug and alcohol test with verified negative results.

Covered employees, who have not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, must take a pre-employment drug and alcohol test with negative results before performing safety-sensitive duties.

Post-Accident Testing

Requires:

- DOT drug and alcohol tests.
- Supervisor must transport and escort the employee into the testing site and return the employee to the workplace.
- FTA Post-Accident Report completed by the supervisor at the scene of the accident and a copy sent to Human Resources.
- Employee may be relieved of duty pending receipt of test results.

Definition of Accident

Testing for prohibited drugs and alcohol will be conducted in the case of certain mass transit accidents. An accident by the FTA is an occurrence associated with the operation of a vehicle in which:

- An individual dies, or
- An individual receives injuries requiring immediate transport to a medical treatment facility, or
- Any time one or more vehicles (transit vehicle or private vehicle) receives disabling damage and is towed away from the scene of the accident or removed

from service. "Disabling damage" does not include damage to headlights, turn signals, horn, windshield wipers, and tires or other damage that could be remedied temporarily at the scene of the occurrence if special tools or parts were available.

Fatal Accidents

Covered employees must be tested for prohibited drug and alcohol concentration as soon as practicable following an accident involving the loss of human life, regardless of circumstances. Each surviving covered employee operating the mass transit vehicle at the time of the accident shall be tested. The employer shall also test any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

Nonfatal Accidents

Covered employees shall be tested for prohibited drug and alcohol concentration as soon as practicable following an accident not involving the loss of human life. The employer shall test each covered employee operating the mass transit vehicle at the time of the accident unless the employer determines, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident. All decisions related to post accident testing must be documented in detail, using the CCG / FTA Post Accident Report Form including the decision-making process used to reach a decision not to test. The employer shall also test any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

If an alcohol test is not administered within **two hours (2)** following the accident, the employer shall prepare and maintain on file a record stating the reason that the test was not promptly administered. If an alcohol test is not administered within **eight hours (8)** following the accident, attempts to administer an alcohol test shall cease and a record shall be maintained. Records shall be submitted to the FTA upon request of the Administrator.

A post-accident drug test is required as soon as practicable but within **32 hours** of the accident. If a required drug test is not administered within 32 hours following the accident, the employer shall prepare and maintain on file a record stating the reason that the test was not promptly administered.

A covered employee is not prohibited from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

A covered employee subject to post-accident testing who fails to remain readily available for such testing, including notifying his supervisor or department director of his/her location if he/she left the scene of the accident prior to submission to such test, may be deemed by CCG as having refused to submit to such test.

The employer may use the results of blood, urine, or breath tests for the use of determining prohibited drugs or the misuse of alcohol, conducted by Federal, State, or local officials having independent authority for the tests. Such tests may be used only when the employer is unable to perform a post-accident test within the required time period.

Random Testing

Requires:

- DOT drug and alcohol tests.
- FTA Random Drug and Alcohol Notification Form.
- Employee may be relieved of duty pending test results.

CCG is required to randomly test covered employees at the minimum annual rate set by the FTA Administrator.

The selection of employees for random alcohol testing and prohibited drug testing shall be made by a scientifically valid method, such as random number table or a computer based random number generator that is matched with the employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

The employer shall randomly select a sufficient number of covered employees for testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate for random alcohol and prohibited drug testing determined by the Administrator. Safety-sensitive employees covered under Appendix 12 will not be placed in the same testing pool as non-safety sensitive employees.

The employer shall ensure that random tests are immediate, unannounced and unpredictable, and that the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of day when safety-sensitive functions are performed.

Once notified of selection for random testing, a covered employee must proceed to the test site immediately. If the employee is performing a safety-sensitive function at the time of the notification, the employer shall instead ensure that the employee ceases to perform the safety-sensitive function and proceeds to the testing site immediately.

Covered employees not available on the day of their selection will be tested on the first day back to work unless the covered employee is on a long-term absence.

Reasonable Suspicion Testing

Requires:

- DOT drug and alcohol test.

- Reasonable Suspicion Checklist completed by the supervisor making the determination to send the employee for testing.
- Employee must be in the supervisor's presence at all time. The supervisor must transport the employee and escort the employee into the testing site and return the employee to their workplace.
- Employee must be removed from duty pending the results of the drug and alcohol test.

Covered employees displaying the signs and symptoms of drug use or alcohol misuse are required to submit to reasonable suspicion drug and alcohol testing when directed.

A decision to test for reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odor of the covered employee. **Only supervisor(s) or other company official(s) trained in reasonable suspicion testing can make the required observations for DOT reasonable suspicion tests.**

Alcohol testing is authorized by this section only if the observations required by this section are made during, just preceding, or just after the period of the workday that the covered employee is required to be in compliance. An employer may direct a covered employee to undergo reasonable suspicion testing for alcohol only while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions.

Time Requirements

If a reasonable suspicion alcohol test is not administered within two (2) hours following determination of reasonable suspicion, the employer shall prepare and maintain on file a record stating the reason the alcohol test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight (8) hours following determination of reasonable suspicion, the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not completing the test.

Return to Duty Testing

Requires:

- DOT drug and alcohol test.
- Requires clearance by the Substance Abuse Professional to return to work.

Covered employees that were removed from duty because of a refusal to test or because of a positive drug or alcohol test result must take and pass a return to duty test before returning to work. A return-to-duty test will include testing for both prohibited drugs and alcohol. The employee must have a negative drug test and an alcohol test result of less than 0.02 to return to a safety-sensitive function.

See Prohibited Drug and Alcohol Testing Procedures section for new collection procedures.

Follow-up Testing After Return to Duty

Requires:

- DOT drug and alcohol tests.
- FTA Random Drug and Alcohol Notification Form.

Covered employees that have passed a return to duty test will be subject to unannounced follow-up testing for at least 12 but not more than 60 months. The duration of the follow-up testing will be recommended by the Substance Abuse Professional with a minimum of six (6) tests performed during the first twelve (12) months after the employee has returned to duty.

See Prohibited Drug and Alcohol Testing Procedures section for new collection procedures.

Consequences Refusal to Test Violations

The following behaviors displayed, but not limited to, by covered employees or applicants during drug or alcohol testing shall constitute a refusal to test:

- Failure to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer;
- Failure to remain at the testing site until the testing process is complete;
- Failure to provide a urine specimen, breath or saliva sample for any drug and alcohol test required by DOT or FTA regulations.
- Failure to permit a direct observation or monitoring of your provision of a specimen;
- Failure to provide a sufficient amount of urine or breath without an adequate medical explanation;
- Failure or decline to take a second test the employer or collector requests you to take;
- Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the shy bladder or insufficient breath procedures;
- Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process)

- When evidence is found that the employee is wearing a prosthetic device that could be used to interfere with the collection process;
- When an employee admits to have adulterated his/her sample or substituting a specimen to the MRO or the collector;
- If the MRO reports that your urine sample is determined to be a verified adulterated or substituted specimen;
- A covered employee who leaves the accident scene without proper authorization prior to submitting to a drug or alcohol test.
- Failure to sign the certification at Step 2 of the Alcohol Testing Form
- Refusing to wash his or her hands
- Admitting to adulterating or substituting a specimen

Discipline for a refusal to test shall be in accordance with City of Coral Gables Drug and Alcohol Free Workplace Policy and Work Rules, the City of Coral Gables Personnel Rules and Regulations and any applicable collective bargaining agreement.

Employer Action on Positive Test Result and Refusal to Test

Immediately after receiving notice from a Medical Review Officer (MRO) that a covered employee has a verified positive drug test, the employer shall remove the covered employee from safety-sensitive duty immediately.

Immediately after receiving notice from a Breath Alcohol Technician (BAT) that a covered employee has a confirmed alcohol test result of 0.04 or greater, the employer shall remove the covered employee from safety-sensitive duty immediately.

If a covered employee refuses to submit to a required drug or alcohol test, the employer shall remove the covered employee from safety-sensitive duty immediately. (See also Refusal to Test Violations.)

A covered employee that was removed from duty because of a refusal to test or because of a positive drug or alcohol test result must be referred to a Substance Abuse Professional (SAP).

The employee must also meet the requirements for returning to duty, including taking a return to duty test. (See also Referral, Evaluation and Treatment; Return to Duty Testing; Follow-up Testing After Return to Duty.)

Referral, Evaluation, and Treatment

Employees that refuse to test or test positive for prohibited drug and alcohol will be advised of resources available for evaluating and resolving problems associated with

substance abuse and alcohol misuse, including the names, addresses, and telephone numbers of the substance abuse professional (SAP) and counseling and treatment programs.

Employee Support Services

Information regarding support services is found in the City's Drug Free Workplace Program at section 10.0 and appendices 8 and 13. An employee may also contact the Human Resources Department.

Retention of Records

CCG shall maintain all alcohol and prohibited drug testing information including test results and other appropriate records in a secure manner to prevent the disclosure of such information to unauthorized personnel. The records shall be maintained in a secure location with controlled access.

Period of retention – In determining compliance with the retention period requirement, each record shall be maintained for the specified period of time, measured from the date of the creation of the document or data. Records shall be maintained in accordance with Section 655.71.

Access to facilities or records will be allowed as required by law or expressly authorized in Section 655.71.

Employees must submit a written request to CCG Human Resources for copies of their drug and alcohol test results. Employees must request in writing to have their drug and alcohol records released / forwarded to any agency or business requesting verification of previous drug and alcohol test results.

Prohibited Drug and Alcohol Testing Procedures

Covered employees and applicants must submit to drug and alcohol collection procedures in accordance with 49 CFR Part 40 as amended.

Covered employees and applicants must follow directions given for the purpose of collecting their drug, alcohol, or saliva sample. Failure to comply constitutes a refusal to test and the employee or applicant will be subject to disciplinary action up to and including dismissal.

Drug testing will be conducted using urine samples as referenced in 49 CFR Part 40. Alcohol testing will be conducted using breath or saliva samples as referenced in 49 CFR Part 40.

DOT Part 40 regulations require that all follow up tests and return-to-duty tests must be directly observed. Employees must raise their shirts, blouses, or dresses/skirts, as appropriate above the waist and lower their pants and underpants to show the observer, by turning around that they do not have a prosthetic device on their person. After this is done, they may return their clothing to its proper position and contribute a specimen in

such manner that the observer can see the urine exiting directly from the individual into the collection container, as required under current regulations.

An immediate observed collection will also occur when: an employee produces a sample out of the temperature range; shows evidence of tampering/adulterant; if the original specimen appeared to have been tampered with; is required on all return to duty and follow up tests; if the laboratory reported to the MRO that a specimen is invalid and the MRO reported that there was not an adequate medical explanation for the result; the MRO reported that the original positive, adulterated or substituted test result had to be canceled because the split specimen could not be performed. (See Part 40.67 for additional instructions.)

All insufficient breath alcohol test results (shy lung) and all inability to produce urine samples (shy bladders) will result in the employee being relieved from duty immediately pending a medical evaluation. If there is no valid medical reason for not providing a breath sample or urine sample, the employee will be considered a refusal to test. (See Employer Action on Positive Test Result and Refusal to Test.)

The covered employee relieved from duty because of a shy lung or shy bladder cannot return to safety-sensitive duty until they are cleared by the Medical Review Officer.

Covered employees that are informed by the Medical Review Officer of a confirmed positive drug test result, or a verified refusal to test because of adulteration or substitution, have 72 hours to request a test of the split specimen sample. If an employee requests an analysis of the split specimen within 72 hours of notification of a verified positive test, or a verified refusal to test because of adulteration or substitution, the Medical Review Officer shall direct the laboratory in writing to provide the split specimen sample to another Department of Health and Human Services (DHHS) certified laboratory for analysis as required in Part 40 procedures.

The employee can only resume safety-sensitive functions if the MRO declares the test is negative. If the MRO declares the test is positive, the employee will be relieved of duty immediately. (See Employer Action on Positive Test Result and Refusal to Test.)

A copy of 49 CFR Part 40 may also be found along with the City of Coral Gables Drug and Alcohol Free Workplace Policy and Work Rules on the City's webpage located at www.coralgables.com.

Appendix 13 of the City's Drug Free Workplace Program has the name and contact of the department representative, the City's MRO, the SAP, the collection facility and the laboratory used by the City.

DOT Definitions

Accident An occurrence associated with the operation of a vehicle, if as a result –

(1) an individual dies; or

(2) an individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or

(3) with respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle.

(4) with respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus, or vessel, the mass transit is removed from operation.

Administrator The administrator of the Federal Transit Administration or the Administrator's designee.

Anti-drug Program – A program to detect and deter the use of prohibited drugs as required by this part.

Breath Alcohol Technician (BAT) – An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Certification – A recipient's written statement, authorized by the organization's governing board or other authorizing official that the recipient has complied with the provisions of this part. (See 49 CFR Part 655.82 and 655.83 for certification requirements.)

Contractor – A person or organization that provides a safety-sensitive service for a recipient, sub-recipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.

Covered Employee – A person, including an applicant or transferee, who performs or will perform a safety-sensitive function for an entity subject to this part; however, a volunteer is a covered employee if:

- (1) The volunteer is required to hold a commercial driver's license to operate the vehicle; or
- (2) The volunteer performs a safety-sensitive function for an entity subject to this part and receives remuneration in excess of his or her actual expenses incurred while engaging in the volunteer activity.

Disabling Damage – Damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

- (1) Inclusion. Damage to a motor vehicle, were the vehicle could have been driven, but would have been further damaged if so driven.
- (2) Exclusion.
 - (i) Damage that can be remedied temporarily at the scene of the accident without special tools or parts.
 - (ii) Tire disablement without other damage even if no spare tire is available.
 - (iii) Headlamp or tail light damage.

(iv) Damage to turn signals, horn, or windshield wipers which make the vehicle inoperable.

DOT or The Department – The United States Department of Transportation.

DOT Agency – An agency (“or operating administrator”) of the United States Department of Transportation administering regulations requiring drug and alcohol testing (see 14 CFR part 95; 46 CFR parts 4,5,and 16; and 49 CFR parts 199, 219, 382, and 655).

Employer – A recipient or other entity that provides mass transportation service or which performs a safety-sensitive function for such recipient of other entity. This term includes sub-recipients, operators and contractors.

FTA – The Federal Transit Administration, an agency of the United States Department of Transportation.

CCG – Miami-Dade Transit

Medical Review Officer (MRO) – A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individuals’ confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Performing a safety-sensitive function – A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive rate – The sum of the annual number of positive results for random drug test conducted under this part plus the annual number of refusals to submit to a random drug test authorized under this part divided by the sum of the annual number of random drug tests conducted under this part plus the annual number of refusals to submit to a random drug test authorized under this part.

Prohibited Drugs – marijuana, cocaine, opiates, amphetamines, or phencyclidine.

Railroad:

- (1) all forms of non-highway ground transportation that run on rails or electromagnetic guide ways, including;
 - (i) commuter or other short-haul rail passenger service in a metropolitan or suburban area, as well as any commuter rail service that was operated by the Consolidated Rail Corporation as of January 1, 1979, and
 - (ii) High speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads.

- (2) Such term does not include rapid transit operations within an urban area that are not connected to the general railroad system of transportation.

Recipient – An entity receiving Federal financial assistance under 49 U.S.C.5307, 5309, or 5311; or under 23 U.S.C. 103(e)(4).

Refuse to Submit – Any circumstances outlined in 49 CFR 40.191 and 40.261.

Safety-sensitive function – Any of the following duties performed by employees of recipients, sub-recipients, operators, or contractors:

- (1) Operating a revenue service vehicle, including when not in revenue service;
- (2) Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License (CDL);
- (3) Controlling dispatch or movement of a revenue service vehicle;
- (4) Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service. This section does not apply to the following: an employer who receives funding under 49 U.S.C. 5307 or 5309, is in an area less than 200,000 in population, and contracts out such services; or an employer who receives funding under 49 U.S.C. 5311 and contracts out such services;
- (5) Carrying a firearm for security purposes.

Substance Abuse Professional (SAP) – A licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.

Vehicle – A bus, electric bus, van, automobile, rail car, trolley car, trolley bus or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate – The sum of the annual number of results from the random alcohol tests conducted under this part that have alcohol concentration of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the annual of random alcohol tests conducted under this part plus the annual number of refusals to submit to a drug test authorized under this part.

APPENDIX 13

CITY OF CORAL GABLES

Name and Contact Information of City Representative:

Elsa Jaramillo-Velez
Director of Human Resources
2801 Salzedo Street; 2nd Floor
City of Coral Gables, FL 33134
(305) 460-5523 or (305) 460-5530

Name and Contact Information of the City's Medical Review Officer:

Dr. Chapnick; Dr. Diaz; Dr. Mirabal
Physicians Health Center
4483 N.W. 36th Street
Miami, FL 33166
(305) 888-7555

Name and Contact Information of the City's Substance Abuse Professional:

Humana
1-866-440-6556

Name and Contact Information for the City's Collection Facility:

Physicians Health Center
4483 N.W. 36th Street
Miami, FL 33166
(305) 888-7555

Name and Contact Information for the Laboratory used by the City:

Quest Diagnostics
1777 Montreal Circle
Tucker, GA 30084