

**SUBJECT
MAINTAINING A DRUG
AND ALCOHOL FREE
WORKPLACE**

**POLICY NUMBER
3.07**



POLICY MAINTENANCE ADMINISTRATOR: Chief , Bureau of Personnel Services

PURPOSE/SCOPE: To promote a drug and alcohol free workplace by establishing when and how applicants and members may be tested for drugs including alcohol.

I. AUTHORITY

Section 112.0455, Florida Statutes, Drug-Free Workplace Act

Section 59A-24, Florida Administrative Code, Drug-Free Workplace Standards

Governor's Executive Order 19-11 on Ethics, Open Government, and Preventing Sexual Harassment, effective January 8, 2019

II. DEFINITIONS

- A. Applicant – A person who has applied for a special risk or safety sensitive position with the Department and has been offered employment conditioned upon successfully passing a drug test.
- B. Drugs – Any reference to drugs, for the purpose of this policy, includes alcoholic beverages and/or the unlawful manufacture, distribution, dispensation, possession, sale or use of controlled substances as described in Florida and federal law. It also specifically includes the use or misuse of substances which are medically prescribed to a member, but cause the member to be impaired while at work.
- C. Drug Test – Any analysis as authorized by Section 59A-24, F.A.C, administered for the purpose of determining the presence or absence of drugs.
- D. Employee Assistance Program (EAP) – The Department's Employee Assistance Program used for member assessment, counseling, and possible referral to an appropriate rehabilitation program.
- E. Reasonable Suspicion Drug Testing – Drug testing based on a belief that a member is using or has used drugs in violation of department policy. This belief must be drawn from specific, objective facts and reasonable inferences.

Executive Director SIGNED ORIGINAL ON FILE	Effective Date 12/01/1990
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- F. Safety Sensitive Positions – Any positions, including supervisory or management positions, in which drug impairment would constitute an immediate and direct threat to public health or safety.
- G. Special Risk Positions – Any positions for which the member is required, as a condition of employment, to be certified under Chapter 943, F.S.

III. POLICY

It is the policy of the Department to require a drug-free workplace. All members will be informed about the Department's commitment to a drug free workplace and about its drug testing policy.

Members may not abuse drugs as this subjects all members and the public to unacceptable safety risks and undermines the Department's ability to operate effectively and efficiently. The abuse of drugs, which negatively affects a member's performance, or the unlawful manufacture, distribution, dispensation, possession, sale or use of drugs in the workplace or while engaged in department business while off the Department's premises, is strictly prohibited.

Such conduct is also prohibited during non-working hours to the extent that, in the judgment of the Department, it impairs a member's credibility or ability to perform on the job or threatens the reputation or integrity of the Department.

Any instance of drug abuse by a sworn officer, duty officer or other safety sensitive designated classification is considered to interfere with job performance.

IV. ROLES AND RESPONSIBILITIES

- A. Supervisors are expected to monitor their members for signs of drug abuse and report concerns to their chain of command and to the Office of Employee Relations at 850-617-3202.
- B. The Chief of Personnel Services will administer drug testing procedures specified in this policy for the agency.
- C. Division Directors or their designees, in conjunction with the Office of Employee Relations (when possible during regular business hours) will authorize reasonable suspicion drug testing procedures for their respective divisions.

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- D. The Office of Employee Relations, within the Bureau of Personnel Services, will serve as the Department coordinator for the drug testing program, will receive and refer results of drug tests to department officials and maintain the Department's official confidential records of members and applicants who have tested positive.

V. PROCEDURES

AUTHORIZED DRUG TESTING OF APPLICANTS AND MEMBERS

NOTE: Testing of DHSMV Commercial Motor Vehicle drivers is handled separately and in accordance with department Policy 5.02, Commercial Motor Vehicles Applicant/Operator Medical Exam Requirement.

The following categories represent the only situations which are authorized for drug testing by the Department:

- A. Applicants, including current members, for initial appointment to positions designated as special risk will be required to pass a drug test prior to appointment to the position. Applicants for safety sensitive positions may be required to pass a drug test.
- B. Reasonable suspicion- A member may be required to submit to a drug test when it is believed that the member is using or has used drugs in violation of department policy. Reasonable suspicion drug testing will not be conducted until the circumstances calling for such test have been reviewed by the respective Division Director or designee and, if the episode occurs during normal business hours, the Office of Employee Relations.

[CLICK HERE FOR THE OFFICE OF EMPLOYEE RELATIONS \(OER\)
SUPERVISOR GUIDE TO REASONABLE SUSPICION DRUG-TESTING
PROCEDURES INCLUDING "REASONABLE SUSPICION INTAKE SHEET"](#)

VI. RIGHTS AND RESPONSIBILITIES OF MEMBERS AND APPLICANTS

- A. If a member refuses to submit to a drug test or does not report for the drug test as scheduled, without an acceptable reason, the Department will have cause to discipline the member, up to and including dismissal from employment.

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- B. If an applicant refuses to submit to a pre-employment drug test or does not report for the drug test as scheduled, without an acceptable reason, the Department will have cause to refuse to hire the applicant.
- C. Except for members in a special risk or safety sensitive position, the Department will refer a member who has a first-time positive confirmed drug test result to the EAP. The member treatment costs for the EAP will be paid by the member. The Division Director and the member will sign a confidential agreement called a "Conditions of Employment Agreement" incorporating the provisions of the EAP treatment program for the member, any additional department requirements and providing that failure to comply with the agreement will result in dismissal from employment.
- D. Special risk or safety sensitive members who test positive for drugs will be subject to discipline up to and including dismissal.
- E. Except for a member in a special risk or safety sensitive position, the Department will not discharge or discipline a member solely upon voluntarily seeking treatment for a drug related problem if the member has not previously tested positive for drug use, entered the EAP for drug related problems or entered an alcohol and drug rehabilitation program.
- F. A Career Service member who is disciplined or who is not selected on the basis of a positive drug test may file an appeal to the Public Employee Relations Commission (PERC). Alternatively, any Career Service member covered by a collective bargaining agreement may file a grievance under that contract. A member may not file both an appeal and a grievance.