

EIGHTEENTH JUDICIAL CIRCUIT DRUG FREE WORKPLACE POLICY

This policy provides Eighteenth Judicial Circuit employees with guidelines pertaining to drug and/or alcohol use during the normal course of employment. This policy applies to all Eighteenth Judicial Circuit employees (state-funded and Brevard County court support staff) at all court locations.

The Eighteenth Judicial Circuit complies with the Drug Free Workplace Act, Section 112.0455, Fla. Stat. If there are any inconsistencies between this policy and the Drug Free Workplace Act, the Act will control. Nothing in this section is to grant any greater right or benefit than is provided bylaw.

POLICY STATEMENT

The Eighteenth Judicial Circuit provides a safe and productive work environment for all employees. It is the policy of this Circuit that our employees shall not be involved in the unlawful use, possession, manufacture, distribution, dispensation or sale of illegal drugs, drug paraphernalia, or the illegal use of prescription medication. The use of alcohol at work, while performing work duties on or off work property or during lunch or work breaks; or the performance of work duties while under the influence of alcohol is prohibited. An employee will be determined to be under the influence of alcohol if he or she tests positive for alcohol under this policy. The specific purpose of this procedure is to outline methods for maintaining a work environment free from the effects of drug and/or alcohol use or other substances that adversely affect the mind or body. If we are to continue to fulfill our responsibility to provide reliable and safe service to the public, and a safe work environment for our employees, employees must be physically and mentally fit to perform their duties safely and efficiently.

DEFINITIONS

For the purpose of this policy, the following terms are defined as follows:

1. Drug: means alcohol, including distilled spirits, wine, malt beverages and any other intoxicating liquors; amphetamines; cannabinoids; cocaine; phenycyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of these substances.
2. Drug Screen: means any chemical, biological or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolite. Drug screens may only be administered by a provider approved by this Circuit as defined by the statute.
3. Reasonable Suspicion: means 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:
 - Observable behavior while at work, such as direct observation of drug/alcohol use, or of the physical symptoms or manifestations of being under the influence of a drug.
 - Abnormal conduct or erratic behavior while at work, or a significant deterioration in work performance.
 - A report of drug/alcohol use, provided by a reliable and credible source, which has been independently corroborated.

- Evidence that an employee has tampered with a drug/alcohol test during employment with the Circuit.
 - Information that an employee has caused, or contributed to, an accident while at work, while believed to be under the influence of a drug/alcohol.
 - Evidence that an employee has used, possessed, sold, solicited, or transferred drugs/alcohol while working or while on the Circuit's premises, or while operating the Circuit's vehicle, machinery, or equipment.
4. Safety Sensitive position: means any position, including a supervisory or management position, in which a drug/alcohol impairment would constitute an immediate and direct threat to public health or safety.

PROCEDURES

- A. Employees are expected to report for work and remain at work in condition to perform assigned duties free from the effects of drugs and alcohol. The use of drugs or alcohol during working hours is strictly prohibited.
1. Alcohol or illegal drug use and its physiological effects represent a threat to the well being and security of all employees and could cause extensive damage to the Circuit's reputation and community standing.
 2. Any involvement with drugs/alcohol that adversely affects the workplace or the work environment will not be tolerated.
 3. Off the job illegal drug activity or alcohol abuse that could have an adverse effect on the employee's job performance or that could jeopardize the safety of other employees, the public, the Circuit equipment, or the Circuit's relations with the public will not be tolerated.
- B. Drug and alcohol tests will be conducted as a routine part of the pre-employment process for all applicants receiving tentative employment offers for positions deemed safety sensitive. Offers of employment will be made, contingent upon satisfactorily passing a drug screen prior to reporting to work. If the drug screen results indicate the presence of drugs or controlled substances, the applicant will not be considered further for employment.
- C. Any employee reporting to work visibly impaired will be deemed unable to properly perform required duties and will not be allowed to work. If reasonable under the circumstances, the employee's supervisor should first seek the opinion of Court Administration, Designated Administrative Judge and/or Chief Judge to confirm the employee's impairment. The supervisor must discuss with the employee the observations and inquire whether the employee is under the influence of drugs or alcohol.
- D. If a supervisor has reasonable suspicion that an employee is using or has used drugs/alcohol in violation of this policy and determines that a drug/alcohol screen is necessary, prior approval from Court Administration, Designated Administrative Judge and/or Chief Judge is required.
- E. Once required approval has been obtained for a drug/alcohol screen the employee should be sent directly to an approved drug screen provider to submit for a drug/alcohol screen. Transportation will be coordinated thru Court Administration. The employee in question shall be accompanied by the supervisor and/or designated staff member. An impaired employee shall not be allowed to drive.
- F. The employee will receive the results of the drug/alcohol screen in writing within five (5) working days from the date the Circuit receives the results. If the drug screen was positive, the written notice will also include the consequences and options available to the employee.

1. An employee who has a positive confirmed drug/alcohol screen will be required to participate in an Employee Assistance Program (EAP) (if available) or other alcohol or drug treatment program, pursuant to the requirements of Section 112.0455(10)(h), Fla. Stat., at the employee's own expense.
2. An employee who has a positive confirmed drug/alcohol screen will be required to submit to random drug screens, at least once annually for up to two years after admission to appropriate treatment or program. A subsequent positive confirmed drug screen result may result in discharge.

In the event of a dispute regarding the validity of a confirmed positive test result, the employee may, within five (5) working days of receiving the notice, submit information to the Court Administrator explaining or contesting the test results. The employee must also explain why the test results do not constitute a violation of this policy.

CONSEQUENCES FOR VIOLATION OF POLICY

An employee found to be in violation of the Eighteenth Judicial Circuit Drug Free Workplace Policy will be subject to appropriate disciplinary action up to and including termination based on the severity of the offense. Eighteenth Judicial Circuit state-funded employees, as well as Brevard County court support staff are "at will" employees and are not subject to grievance procedures.

The use, sale, or personal possession (e.g., on the person or in a desk or vehicle) of illegal drugs while on the job or on Circuit property is a dischargeable offense and may result in criminal prosecution. Any illegal drugs found will be turned over to the appropriate law enforcement agency.

ADDITIONAL NOTICES TO EMPLOYEES

1. Statutory References
All employees are advised of the existence of Florida Statute, Section 112.4055, Drug-Free Workplace Act.
2. Confidentiality
All information, interviews, reports, statements, memoranda, and drug/alcohol test results, written or otherwise, received or produced as a result of the Circuit's drug-screening program are confidential and exempt from public disclosure pursuant to Rule of Judicial Administration 2.051, s. 119.07(1), Fla. State., and Article I, section 24, Florida Constitution. See Section 112.0455 (11), Fla. Stat. Unless otherwise authorized, such information will not be released without a written consent form, signed voluntarily by the person tested.
3. Medications that affect drug testing
Employees will be given an opportunity, prior to and after testing, on a confidential basis, to provide any information to the medical review officer at the testing laboratory that they consider relevant to the test including identifications of currently or recently used prescription and non-prescription medications or other relevant medical information. Employees may consult the testing laboratory for technical information regarding prescription or non-prescription medication.
4. EAPs and local alcohol and drug rehabilitation programs
County-funded employees with substance abuse problems may seek services from the EAP for confidential consultation and, if appropriate, referral for help to a treatment resource in the community. For more information, county-funded employees should contact their Human Resource department.