



**CIVIL SERVICE COMMISSION
MEETING AGENDA
Monday, April 20, 2026 at 4:45 PM
Commission Chambers, 300 Municipal Drive,
Madeira Beach, FL 33708**

This Meeting will be televised on Spectrum Channel 640 and YouTube Streamed on the City's Website.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

Public participation is encouraged. If you are addressing the Civil Service Commission, step to the podium and state your name and address for the record. Please limit your comments to three (3) minutes and do not include any topic on the agenda. Public comment on agenda items will be allowed when they come up.

4. APPROVAL OF MINUTES

A. December 2, 2025, Civil Service Commission Meeting Minutes

5. HR REPORT

6. NEW BUSINESS

A. Employee Safety and Incident-Response Protocols

B. Civil Service Commission Inquiries Regarding Personnel Policy Implementation and Compliance

C. City of Madeira Beach Drug-Free Workplace Policy and Substance Abuse Prevention Program (revised 02-27-2007 through Res 07.06)

D. City of Madeira Beach Safety and Accident Prevention Manual

7. OLD BUSINESS

A. Revisit - Exit Interview for Voluntary Resignations - Developing a standardized approach

8. CIVIL SERVICE COMMISSION - PROGRESS REPORT

A. 2025 - 2026 Progress Report

9. NEXT MEETING

Next meeting is scheduled for Tuesday, June 23, 2026, at 4:00 p.m.

10. ADJOURNMENT

One or more Elected or Appointed Officials may be in attendance.

Any person who decides to appeal any decision of the Civil Service Commission with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the minutes to be transcribed verbatim; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation to participate in this meeting should call City Clerk Clara VanBlargan at 727-391-9951, Ext. 231 or 232 for email a written request to cvanblargan@madeirabeachfl.gov.



MINUTES
CIVIL SERVICE COMMISSION
MEETING
DECEMBER 2, 2025
4:00 P.M.

The City of Madeira Beach Civil Service Commission meeting was scheduled for 4:00 p.m. on December 2, 2025, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT: Jerry Cantrell, Chair/Commissioner
 Judithanne McLauchlan, Vice Chair/Commissioner
 Scott Haufe, Commissioner
 Paul Tilka, Commissioner
 James “Jim” Paul, Commissioner
 Clara VanBlargan, Ex-Officio Secretary

MEMBERS ABSENT: None

CITY STAFF PRESENT: Clint Belk, Acting City Manager
 Megan Powers, Assistant to City Manager/HR Staff
 Attorney Rob Eschenfelder, Trask Daigneault, L.L.P.

1. CALL TO ORDER

Chair Jerry Cantrell called the meeting to order at 4:00 p.m.

2. ROLL CALL

City Clerk Clara VanBlargan called the roll. All were present.

3. PUBLIC COMMENT

There were no public comments.

4. APPROVAL OF MINUTES

A. 08-05-2025, Civil Service Commission Meeting Minutes

B. 10-14-2025, Civil Service Commission Meeting Minutes

Commissioner Tilka motioned to approve the Civil Service Commission Meeting Minutes as written, seconded by Commissioner Paul. The motion carried 5-0.

5. HR REPORT

Ms. Powers presented the HR report, noting several open positions, including:

- Building Official (working with a recruitment firm but focusing on city manager first)
- Engineer I (replacement for an employee promoted to Community Development Director)
- Sanitation Worker (in final hiring stages, expected to start within two weeks)
- Recreation Leader I (replacement for employee who left for school)
- Building Compliance Supervisor (new position)
- Stormwater Grounds Maintenance (replacement needed as the previous hire did not work out)

Ms. Powers reported that both the HR Director and Communications Manager positions would be evaluated after the new city manager is hired.

Recent hires included a Senior Planner recruited from Treasure Island with barrier island experience, and an internal promotion of a Recreation Leader II.

Current HR projects include:

- City manager recruitment
- Creating a list of projects for the new HR Director
- Scheduling sexual harassment training for all employees in January
- Monthly cybersecurity training for state compliance
- Researching leadership training options (found free training through Vector Solutions but exploring paid options as well)

6. NEW BUSINESS

A. Appointment of Chair

Chair Cantrell expressed willingness to serve another term as Chair but stated he was open to other commissioners serving if interested.

Vice Chair McLaughlin motioned to appoint Jerry Cantrell to serve another year as Chair, seconded by Commissioner Haufe. The motion carried 5-0.

Chair Cantrell thanked the commission for their continued trust.

B. Appointment of Vice Chair

Chair Cantrell asked if anyone wished to volunteer for the Vice Chair position before making a nomination.

Commissioner Paul inquired about the responsibilities of Vice Chair. Chair Cantrell explained that the Vice Chair leads the group in the Chair's absence and would become Chair if the current Chair resigned, though he noted there was no risk of his resignation.

Commissioner Tilka motioned to appoint Commissioner Paul as Vice Chair, seconded by Commissioner McLaughlin. The motion carried 5-0.

C. Establishing 2026 Quarterly Meeting Schedule

The commission discussed the 2026 meeting schedule, aiming to schedule quarterly meetings at 4:00 PM.

After checking the calendar and discussing potential conflicts with school breaks, elections, Board of Commissioners meetings, Planning Commission meetings, and holidays, the Commission established the following schedule:

- Tuesday, March 24, 2026 at 4:00 PM
- Tuesday, June 23, 2026 at 4:00 PM
- Tuesday, September 22, 2026 at 4:00 PM
- Tuesday, December 1, 2026 at 4:00 PM (tentative - to be revisited at the September meeting due to proximity to Thanksgiving)

D. Exit Interview for Voluntary Resignations

The Commission reviewed exit interview forms for voluntary resignations. Acting City Manager Belk explained that the Fire Department created an internal form to gather feedback from departing employees, primarily to understand why people were leaving and identify areas for improvement. He noted that salary had been a common reason for departures, but the department had improved its compensation compared to other departments in Pinellas County.

Commissioner Haufe shared his experience that most people do not complete exit interviews unless they are leaving on good terms and suggested that anonymous annual surveys might be more effective for gathering candid feedback. The commission agreed to revisit this topic at the March meeting, potentially involving the new HR Director in developing a standardized approach.

E. New Job Description Format by Gehring Group

The Commission reviewed the new job description format developed by the Gehring Group. Ms. Powers explained that the Gehring Group did not provide a specific format for job descriptions but rather provided content based on survey responses from staff. The formatted job descriptions would be entered into Paycom and made ADA compliant on the city's website.

During the discussion, several commissioners expressed concern about the length of the job descriptions (3-4 pages). City Attorney Eschenfelder explained that the detailed descriptions were necessary for government positions, particularly to identify essential functions for Americans with Disabilities Act compliance.

The Commission made several recommendations:

- Include FLSA status (exempt/non-exempt) on all job descriptions
- Keep salary ranges on descriptions, ensuring they are updated when posted

- Consider adding language to application forms confirming applicants have reviewed job descriptions
- Print job descriptions for personnel files with revision dates clearly marked

F. Salary Recommendation – Board of Commissioners

City Attorney Eschenfelder advised that this topic was outside the jurisdiction of the Civil Service Commission. He noted that, under the city charter, the Commission sets its own salaries by ordinance, and that the Civil Service Commission's duties extend only to classified city positions, not to elected officials.

Chair Cantrell, who had placed the item on the agenda, acknowledged the potential conflict of interest of being married to a sitting commissioner and agreed to address any salary concerns as a private citizen at a future Board of Commissioners meeting.

7. OLD BUSINESS

The commission briefly reviewed three items from the October meeting:

- HR Director position - covered in the HR report by Ms. Powers
- Pay grades - covered in the job description discussion
- Legal advice for employees moving to exempt status

Regarding the third item, Acting City Manager Belk explained that before the FY 2026 budget approval, the Gehring Group had recommended moving several employees from non-exempt to exempt status. After review with the City Attorney, only three positions: Marina Manager, Parking Supervisor, and Fire Marshal were moved to exempt status as they met all the required criteria under the Fair Labor Standards Act. The remaining positions would be reviewed for consideration in next year's budget.

8. CIVIL SERVICE COMMISSION – 2025 PROGRESS REPORT

A. 2025 Progress Report

City Clerk VanBlargan presented the 2025 Progress Report, which included:
Future items scheduled for discussion:

- Employee satisfaction surveys
- Offer letter standardization
- Employee appeal form
- Madeira Beach safety manual
- Department policies (ongoing – to be added to the March 2026 meeting agenda)

Completed items for the year:

- New employee personnel handbook (adopted on 4/2/2025)
- Civil Service Commission rules update (adopted on 4/2/2025)

- Special Magistrate ordinance regarding grievance hearings (adopted on 4/2/2025)

City Attorney Eschenfelder provided an overview of the Special Magistrate ordinance, explaining that for post-termination hearings, the city would contract with qualified attorneys to serve as hearing officers. If an employee is terminated and appeals, the magistrate would oversee a quasi-judicial hearing with authority to issue oaths and summon witnesses. The magistrate would issue a recommended order that becomes final after 10 days unless appealed to the Civil Service Commission, which could then review and recommend changes to the conclusions of law, with final action taken by the city manager.

The Commission agreed to add a discussion item to the March meeting regarding how to fulfill their charter-mandated duty to monitor personnel policy implementation and compliance.

9. NEXT MEETING

The next Civil Service Commission was scheduled for Tuesday, March 24, 2026 at 4:00 PM.

10. ADJOURNMENT

Before adjourning, the Commissioners introduced themselves for the benefit of new Commissioner Haufe. Each shared their backgrounds and connections to Madeira Beach.

Chair Cantrell adjourned the meeting at 5:03 PM.

ATTEST:

Jerry Cantrell, Chair

Clara VanBlargan, City Clerk/Secretary Ex-Officio

Jerry Cantrell
Civil Service Commission, Chair
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

March 19, 2026

Chief Clint Belk
Acting City Manager
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

Subject: Urgent Need to Strengthen Employee Safety and Incident-Response Protocols

Dear Chief Belk,

I am writing to formally express concern regarding recent incidents involving harassment and physical contact directed at City employees, and to recommend immediate improvements to the City's incident-response procedures. These issues implicate both the City's own Personnel Policy and several provisions of Florida law that protect public employees.

The *City of Madeira Beach Personnel Policy, Rules, and Procedures Manual*, adopted by Ordinance 25-01 and effective April 6, 2025, includes a General Policy Statement and an Equal Employment Opportunity (EEO) section that prohibit harassment and discrimination in the workplace. These provisions obligate the City to maintain a work environment free from intimidation, hostile conduct, or any form of harassment directed at employees.

Florida law further reinforces these obligations. The Florida Civil Rights Act (FCRA), §§760.01–760.11, prohibits workplace harassment and hostile work environments within public-sector employment. Additionally, §784.07, Florida Statutes, enhances penalties for assault or battery committed against public employees engaged in lawful duties. Related statutes—including §877.03 (disorderly conduct) and §843.02 (obstruction of public officers)—also apply to conduct that threatens or interferes with employees performing their responsibilities.

Two recent incidents highlight the need for a more consistent and assertive response protocol. In one case, a City employee reported harassment by a group of teenagers, but the responding deputy issued only a warning and did not document the complaint. In

another, a member of the public physically chest-bumped a City employee while the employee was performing their duties. Both incidents fall squarely within the conduct prohibited by City policy and Florida law. Failure to document or escalate such events exposes the City to unnecessary liability and undermines employee safety.

To ensure compliance with our legal obligations and to protect City staff, I respectfully recommend the following actions and will bring this information forward to the Civil Service Commission at its next regularly planned meeting:

- Establish a mandatory reporting and documentation protocol for all incidents involving harassment, threats, or physical contact directed at City employees.
- Coordinate with the Pinellas County Sheriff's Office to ensure deputies understand the City's expectations regarding documentation of incidents involving municipal staff.
- Provide refresher training to supervisors and department heads on the City's anti-harassment obligations and escalation procedures.
- Communicate to all employees that the City will enforce a zero-tolerance approach to harassment and assault, consistent with the Personnel Policy and Florida statutes.

The City has both a legal and ethical responsibility to provide a safe working environment. Strengthening our response protocols will help ensure compliance with state law, reduce liability exposure, and reinforce the City's commitment to protecting its employees.

Thank you for your attention to this matter. I am available to discuss these recommendations further at your convenience.

Sincerely,



Jerry Cantrell
Civil Service Commission, Chair

Section 5.7 - Personnel systems; Civil Service Commission.

- A. *Merit principal.* All appointments and promotions of City employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.
- B. *Civil Service Commission; Membership.* There shall be a Civil Service Commission of the City of Madeira Beach, Florida, which Commission shall be composed of five citizens of said City. The Civil Service Commission shall be appointed by the Board of Commissioners of the City of Madeira Beach, Florida. The term of office for each member shall be three years and shall be staggered so that not more than two terms expire within any one year. Three Commissioners shall constitute a quorum. Members of the Civil Service Commission shall hold no remunerative office or employment under the City of Madeira Beach, Florida. The Board of Commissioners of the City of Madeira Beach, Florida, shall have the authority to remove for cause any and/or all Civil Service Commissioners.
- C. *Personnel Rules.* The Civil Service Commission shall prepare personnel rules. When concurred by the City Manager, the rules shall be proposed to the Board of Commissioners, and the Board of Commissioners may by Ordinance adopt them with or without amendment. These rules shall include, but are not limited to:
1. The classification of all classified City positions, based upon the duties, authority and responsibility of each position, with adequate provisions for classification of any position whenever warranted by circumstances;
 2. A pay plan for all classified City positions;
 3. Methods for determining the merits and fitness of candidates for appointment or promotions;
 4. The policies and procedures regulating reduction in force, demotion, suspension and removal of employees;
 5. The hours of work, attendance regulation and provisions for sick and vacation leave;
 6. Grievance procedures, including procedures for the hearing of grievances by the Civil Service Commission, which may render advisory opinions based on its findings to the City Manager with a copy to the aggrieved employee. In this respect the Civil Service Commission shall have the power to issue subpoenas to compel attendance by witnesses and to administer oaths;
 7. Other practices and procedures necessary to the administration of the City personnel system;
 8. In connection with the aforementioned personnel rules, the Civil Service Commission shall inquire into the implementation of such personnel rules as considered necessary to ensure compliance therewith.
- D.

Duties and powers of the Civil Service Commission. All duties, powers, reservations of power, and functions for the Civil Service Commission may be provided for by Ordinance duly passed by the Board of Commissioners of the City of Madeira Beach, Florida.

E. *Powers to collectively bargain recognized.* Nothing contained in this Charter shall limit the power of the Board of Commissioners of the City of Madeira Beach, Florida, acting through its Manager from entering into collective bargaining negotiations with any officers, employees, or group of employees for the purpose of establishing by contract conditions of employment, rules or compensation of said officers, employees, or groups of employees. For the purposes of this Charter, ARTICLE I, Section 6, of the Constitution of the State of Florida is specifically recognized.

(Ord. No. 446, 1-28-1975; Ord. No. 664, 8-14-1984/11-7-1984; Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)



CITY OF MADEIRA BEACH

DRUG-FREE WORKPLACE POLICY

AND

SUBSTANCE ABUSE PREVENTION PROGRAM

City of Madeira Beach, Florida
300 Municipal Drive
Madeira Beach, Florida 33708
727-391-9951

Prepared: 98-08-06

Implemented: 99-01-05

Revised: 07-02-27, through Resolution 07.06, with Personnel Policies and Procedures

Reviewed: 02-14-11

DRUG-FREE WORKPLACE POLICY AND SUBSTANCE ABUSE PREVENTION PROGRAM

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DRUG-FREE WORKPLACE POLICY AND SUBSTANCE ABUSE PREVENTION PROGRAM

DRUG-FREE WORKPLACE POLICY AND SUBSTANCE ABUSE PREVENTION PROGRAM

I. PURPOSE

The City of Madeira Beach believes the safety and health of its employees and the public is of utmost importance. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work.

Drug and alcohol abuse results in increased absenteeism, tardiness and on-the-job accidents as well as potential danger to fellow employees and the public. It also has legal, economic, social, medical, and political consequence on our society as a whole. Unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, illegal drug or use of alcoholic beverages in the workplace is prohibited. This policy is implemented in compliance with the Workers' Compensation Drug-Free Workplace, Section 440-102 Florida Statute (FS) and Florida Administrative Code (FAC) Rules 38F-9.

II. POLICY

Employees of the City of Madeira Beach are to remain free from influence, possession, or use of drugs, unless prescribed by a health care provider, or alcohol in the workplace. The City understands that employees and applicants under a physician's care may be required to use prescribed drugs. An employee who takes any prescribed or over-the-counter drugs which impair his/her essential job functions or which cause a direct threat to the health or safety of the employee or others in the workplace, must advise his/her supervisor of such use before reporting to work under such medication. The City will try to reasonably accommodate the employee. Failure to report such use may result in disciplinary action. Additionally, reporting to work or working while impaired under the influence of illegal drugs or alcohol or using drugs in a manner other than prescribed or directed is prohibited.

A. Substance abuse testing program will include the following:

1. **Pre-Employment:** The City will conduct pre-employment drug screening. The applicant will be given advance notice that drug testing will be conducted.
2. **Reasonable Suspicion:** If "reasonable suspicion" has been established that an employee is under the influence of alcohol, an illegal drug, or a controlled substance, the employee will be subject to a blood and/or urine test. **Form 5 'Supervisor's Checklist' must be substantiated by a second supervisor.**
3. **Following on-the-job Accidents:** Testing will be performed for on-the-job accidents resulting in personal injury or property damage; NOTE: employees may not use alcohol for eight (8) hours following an accident if

DRUG-FREE WORKPLACE POLICY AND SUBSTANCE ABUSE PREVENTION PROGRAM

a post-accident test is conducted, whichever comes first.

4. Fitness for duty medical examinations.
 5. Employees participating in a substance abuse rehabilitation (subject to random testing for a period of two years).
- B. Professional counseling assistance is provided through the City's Employee Assistance Program (EAP) to help resolve problems that may impact work performance or personal life. The program is strictly confidential. It is the responsibility of each employee to seek assistance from the EAP or any personally-selected counseling professional before drug abuse and/or alcohol problems lead to disciplinary actions.
- C. Employees who the Medical Review Officer determines to be in need of the EAP, will have to undergo follow-up testing after rehabilitation for a minimum of two (2) years.

III. DEFINITIONS

Abuse of a Prescribed Drug: Use of any drug ordered by a physician in a manner not in compliance with the prescription.

Alcohol: Ethyl alcohol (ethanol). References to use of a beverage, mixture or preparation containing ethyl alcohol or a derivative.

Applicant: A person who has applied for a position with the City and has been offered employment conditioned upon successfully passing a drug test.

Appointed Authority: The City's Drug-Free Workplace Coordinator, which is the Human Resource Manager.

Confirmed Positive Test Result: A positive test result that has been confirmed by a second, independent, analytical procedure to identify the presence of a specific drug or metabolite which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. All confirmation tests will be according to "cut-off" levels provided in 38F-9, FAC, unless otherwise dictated by State or Federal regulation.

Controlled Substances: Any mind altering and/or addictive substances included in the current provisions of the U.S. Government Controlled Substance Act of 1970, and any substance described in Schedules I through V of Chapter 893.03 of the FS entitled "Florida Comprehensive Drug Abuse Prevention and Control Act."

Drug: Any controlled substances listed above examples of which may include, but not be limited to: alcohol, including a distilled spirit, wine, 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 metabolic of any of the substances listed in this paragraph.

DRUG-FREE WORKPLACE POLICY AND SUBSTANCE ABUSE PREVENTION PROGRAM

Employee Assistance Program (EAP): Established program capable of providing expert employee assessment of employee personal concerns, short-term counseling and referral services to employees for a wide range of drug, alcohol and mental health problems. Monitors the progress of employees while in treatment and the follow-up services for employees who participate in programs requiring monitoring after return to work.

Illegal Drug: Any drug which is not legally obtained; a drug which may have been legally obtained but has not been used under the care and supervision of a physician or in the manner prescribed; use of a substance listed in § 877.111 FS in a manner which may violate § 877.111 FS.

Medical Review Officer (MRO): Licensed physician, knowledgeable of substance abuse and disorders, laboratory testing procedures and chain of custody whose primary responsibility is to review and verify positive or confirmed positive test results obtained from the laboratory.

Positive Alcohol Test: A blood or urine test that reveals a blood alcohol content of 0.05 g/d 1% or higher.

Positive Drug Test: A blood or urine test that reveals the presence of an illegal drug at a specified level according to FAC Rule 38F-9.007 "cut-off" levels.

Reasonable Suspicion Testing: Drug testing based on a belief that an employee is using or has used drugs in violation of the City's policy, drawn from specific, objective, and articulable facts and reasonable inference drawn from those facts in light of experience. Among other things, such facts and inferences may be based on:

Observable phenomena while at work, such as direct observation of drug use or 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 use, provided by a reliable and credible source.

Evidence that an individual has tampered with a drug test during his or her employment with the City.

Information that an employee has caused, contributed to, or been involved in an accident while at work.

Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the City's premises or while operating the City's vehicle, machinery or equipment.

Safety Sensitive Position: A position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to perform life-threatening procedures; a position similar to state employment positions subject to security checks under FS §110.1127; or a position in which a momentary lapse in attention could result in injury or death to

DRUG-FREE WORKPLACE POLICY AND SUBSTANCE ABUSE PREVENTION PROGRAM

another person.

Special Risk Position: A position that is required to be filled by a person who is certified under Chapter 633, Fire Protection.

Specimen: Tissue, hair or a product of the human body capable of revealing the presence of drugs and/or alcohol or their metabolites as approved by United States Food and Drug Administration and the Agency for Health Care Administration.

Substance Abuse: Inappropriate use of any drug, unless used as prescribed, and/or alcohol in such a manner as to jeopardize the individual's physical or mental health or impair judgment or motor function. A verified positive drug and/or alcohol test result is absolute evidence of substance abuse.

Verified Positive Test Result: Positive or confirmed positive test results that the Medical Review Officer has reviewed and discussed with the individual tested. The Medical Review Officer may obtain all necessary information, including medication history, general medical history, physical examination findings, and other information necessary to verify the results as positive or negative for evidence of the presence of controlled or illegal drugs. The employee shall execute necessary paperwork for the Medical Review Officer to obtain said information. Failure to execute paperwork will result in a positive/confirmed positive test result.

IV. PROCEDURES

A. Types of Drug Testing

1. **Applicants/New Hires:** The City will conduct pre-employment drug screening as a part of the employment selection process. A refusal to take a drug test or a verified positive test result will preclude further consideration for employment for one year from the date of the test. The City shall provide notice of drug testing on all vacancy announcements.
2. **Reasonable Suspicion Drug Testing:** A supervisor who has witnessed any questionable behavior shall consult with the employee to determine the cause for the behavior, as defined under "reasonable suspicion testing" in Section III. Similar consultations may be required by reports from other employees or written correspondence from employees or citizens. A second supervisor shall witness questionable behavior and review the "Supervisors Checklist" (Form 5) and verify same.

Supervisor's Checklist. A supervisor who has witnessed any questionable behavior shall complete the Supervisor's Checklist documenting the behavior. This checklist should be completed prior to the testing but in no case should it be completed later than three (3) days following the observed behavior. If after the consultation, in the opinion of the supervisor reasonable suspicion exists, the employee will be required to sign the checklist and submit to a blood and/or urine test in accordance with the Substance Abuse Testing Procedures. The supervisor shall present the employee with a copy of the checklist upon request.-

DRUG-FREE WORKPLACE POLICY AND SUBSTANCE ABUSE PREVENTION PROGRAM

3. Accident/Injury Drug Testing: Employees who are injured on-the-job will be asked to submit to a drug or alcohol test if the accident
- a. Involves a motorized vehicle.
- or
- b. If the employee received treatment for any injury as a result of any on-the-job accident.
- or
- c. The employee directly contributed to the injury of a fellow employee or a member of the public.

Employees who are injured on-the-job and who refuse to take a drug test may be denied all workers' compensation benefits, both medical and indemnity benefits, as provided in the Florida Worker's Compensation Act and may be terminated from employment. An employee who is injured on-the-job and has a verified positive or confirmed positive drug test may also be disqualified from all worker's compensation medical and indemnity benefits.

4. Follow-up Testing: If the employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the employee must submit to a drug test as a follow-up to such program, at random for up to 2 years thereafter.
5. Return-to-Duty Testing: No employee shall be allowed to return to work until he/she presents a statement from a licensed medical doctor that the employee has tested negative and is fit to return to full duty.

B. Notification/Employee & Applicant Rights

Employees who are requested to undergo a test of their blood and/or urine shall be informed that they may request that the specimen be forwarded for testing to another approved laboratory at the employee's expense if the first test is positive. If this test provides a negative result, the City will bear the expense of the employee's requested test and the results of both tests shall be deemed negative. All laboratories shall be licensed and approved by the Agency for Health Care Administration or certified by the U.S. Department of Health and Human Services.

An employee or applicant who receives a positive or confirmed positive drug test result may contest or explain the result to the MRO within 5 working days of the MRO receiving written notification of the test result. If the employee's or applicant's explanation or challenge is unsatisfactory to the MRO, the MRO shall report the positive test result to the City. If any employee or applicant tests results are verified "positive or confirmed positive", the employee or

DRUG-FREE WORKPLACE POLICY AND SUBSTANCE ABUSE PREVENTION PROGRAM

applicant will be notified in writing within or up to five (5) working days from receipt of test results from the MRO as well as the consequences of the test result and options of appeal available to the employee. The employee or applicant may contest or explain the results to the City within five (5) working days of receipt of notice of the positive test result. If an applicant or employee's explanation or challenge is unsatisfactory to the City, the City will send back a written note explaining why the explanation was unsatisfactory, along with the positive report. The person may contest the test result as provided in 38F-9.009, FAC. Any employee who tests verified positive for the presence of alcohol or drugs may request a meeting with the supervisor and the Human Resource Officer to explain the presence of the alcohol or drugs, and present relevant testimony or documentary evidence. Within 180 days from receipt of test results, the employee or applicant will have the right to have the specimen retested at the applicant's or employee's expense, at a laboratory licensed and approved by the Agency for Health Care Administration or a laboratory certified by the U.S. Department of Health and Human Services.

The employee or job applicant is responsible to notify the laboratory of any administrative or civil actions brought pursuant to Ch. 440 FS. Employees or job applicants have a right to consult the MRO for technical information regarding prescription and non-prescription medication. Employees may have appeal rights under the Personnel Policies and Procedures for discipline relating to drug or alcohol use.

Employees who are employed under a collective bargaining agreement should check the agreement for additional rights in that regard as well.

C. Transportation/Identification

1. Applicants/New Hires: Applicants will be responsible for providing their own transportation to the designated drug testing facility.
2. Other testing: If a supervisor or manager believes the employee to be under the influence of drugs or alcohol or to have consumed drugs or alcohol on City premises, or there is reasonable suspicion of any impairment, the employee shall be taken by an appointed representative of the appointed authority to the designated laboratory for substance abuse testing and thereafter suitable arrangements for transportation home will be made. An employee will be told not to drive home. If the employee insists on driving, the employee shall be told that the police will be notified or called in to assist in the escort of the employee from the premises. After normal laboratory hours, the employee shall be taken to another designated collection site. The collection site person shall require, for identification purposes, that the employee being tested present a photo ID. If the employee does not have proper photo identification, the collection site person shall contact the designated agency authority who can positively attest to the identity of the employee. If the employee cannot be properly identified, the collection site person shall not proceed with the collection.

DRUG-FREE WORKPLACE POLICY AND SUBSTANCE ABUSE PREVENTION PROGRAM**D. Confidentiality**

The results of the test will be treated as confidential and exempt from the Public Records Act to the degree permitted by FS §119.07(1) and §440.102(8). All information, interviews, reports, statements, memoranda, drug test results, written or otherwise received by the City as part of this drug testing program, are confidential communications unless authorized by State law, rules or regulations. The City will not release such information without written consent form signed voluntarily by the person tested in compliance with Rule 38F-9.012, FAC.

E. Return to Work/Leave

Section IV (Procedures), A (Types of Drug Testing), Item 5. (Return-to-Duty Testing), states: "No employee shall be allowed to return to work until he/she presents a statement from a licensed medical doctor that the employee has tested negative and is fit to return to full duty."

The employee will not be allowed to return to work until all test results are received from the Medical Review Officer (MRO). During this time, the employee will be on administrative leave of absence, but must remain reasonably available for contact. If the employee tests negative, he/she can return to work according to schedule. Any annual leave or sick leave used to pay for the administrative leave of absence is subject to reinstatement if the employee has a verified negative or confirmed negative test result.

If the employee tests verified positive and does not hold a safety sensitive or a special risk position and the positive test is the only basis for discipline, the employee will be allowed to return to work provided the employee enters the City's Employee Assistance Program at his/her expense and completes required rehabilitation successfully with follow-up testing for up to two (2) years.

No employee shall be allowed to return to work until he/she presents a statement from a licensed medical doctor that the employee has tested negative and is fit to return to full duty. The City shall test as frequently as it deems appropriate to responsibly monitor the employee's status during this period without any necessity for reasonable suspicion. Disciplinary action, suspension, or termination may still be warranted if the employee committed misconduct in addition to having a positive drug test.

If the employee holds a safety sensitive position and enters an employee assistance program or drug rehabilitation program, the City shall assign the employee to a position other than a safety sensitive position or, if such position is not available, the employee will be placed on leave while the employee is participating in the program. The employee shall be permitted to use any accumulated sick and/or annual leave credits before leave may be ordered without pay. If an employee is in a safety sensitive position, and tests verified positive while in rehabilitation or the EAP, or is a second time offender, the employee shall be terminated immediately.

DRUG-FREE WORKPLACE POLICY AND SUBSTANCE ABUSE PREVENTION PROGRAM

An employee who is employed in a special-risk position may be discharged or disciplined for the first verified positive test result if the drug confirmed is an illicit drug under §893.03 or §877.111 FS. 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 special-risk or safety-sensitive position but may be assigned to a position other than a safety-sensitive position or placed on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated sick and/or annual leave before leave may be ordered without pay.

F. Disciplinary Action

Acts of misconduct committed while under the influence of drugs or alcohol will subject the employee to disciplinary action including discharge. Employees who refuse to take a test under the provisions stated above shall be subject to disciplinary action up to and including discharge. Absent grounds for discipline, employees not holding a safety sensitive position or special risk position who submit to a test shall not normally be subject to discharge the first time they are found in violation provided they enroll in the Employee Assistance Program offered by the City. Employees who are found to be in violation of this policy a second time or who refuse to be properly tested shall be terminated. The supervisor, with the approval of the department head, may indefinitely reclassify or demote affected employees if it is deemed appropriate to prevent the employee from working in a position that could result in harm to the employee, fellow employees, or members of the public.

G. Employee Assistance Program

Through the Employee Assistance Program, the City provides appropriate assessment, referral to treatment, and treatment of drug and alcohol abuse (subject to the provisions of the insurance plan). Such employees may be granted leave of absence with the provision that return to work is conditional upon the successful completion of the agreed treatment regimen which includes an aftercare program.

V. PROHIBITIONS

The City of Madeira Beach Drug-Free Workplace Policy prohibits the following:

- A. Illegal or unauthorized use, possession, manufacture or distribution of drugs or alcohol on City premises, on City time, or in City supplied vehicles or the use of such vehicles or other real or personal City property to facilitate such activities.
- B. Illegal or unauthorized use, possession, manufacture, distribution of drugs or alcohol off City property during working hours.
- C. Testing verified positive for alcohol or drugs a second time under the provisions of this policy.

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- D. Consumption of alcohol or illegal or unauthorized use of drugs during breaks or lunch.
- E. Consumption of alcohol or illegal or unauthorized use of drugs off-duty while wearing a City uniform with City insignia.
- F. Refusing to consent to alcohol or drug testing when requested by management when reasonable suspicion is established.
- G. Refusing to sign a statement agreeing to abide by the City's Drug-Free Workplace Policy.

Violations of these prohibitions may result in disciplinary action, up to and including termination.

VI. RIGHTS/RESPONSIBILITIES OF EMPLOYEES

- A. All employees will be provided a copy of the Drug-Free Workplace Policy and sign a receipt form.
- B. Information about the benefits of the City's Employee Assistance Program services is available from the Human Resource Manager.
- C. Current employees have been provided with a 60-day notice prior to the initial implementation of the Drug-Free Workplace Policy and will be provided a 30-day notice of any changes.
- D. An employee or applicant who receives a positive or confirmed positive drug test result may contest or explain the result to the MRO within 5 working days of the MRO receiving written notification of the test results. If the employee's or applicant's explanation or challenge is unsatisfactory to the MRO, the MRO shall report a positive test result to the City. If there is a "Verified Positive Test Result," the employee or applicant may contest or explain a verified positive test result to the City within five (5) working days after written notification of the result. If the explanation is unsatisfactory, the City must provide a written explanation to the employee or applicant explaining why the explanation was unsatisfactory along with a report of the verified positive or confirmed positive drug test from the MRO. The tested individual may contest the drug test result pursuant to the 38F-9 FAC.
- E. The employee or job applicant will be given an opportunity, both before and after the test to confidentially report the use of prescription or non-prescription drugs that may alter or affect a drug test or by reporting the same to the MRO on the Employee/Applicant Drug Use Information Form or to discuss with the MRO the effect of such substances by calling the MRO.
- F. A copy of all test results will be given to the employee upon request and the original will be kept confidential to the degree permitted by law and retained in Human Resources.

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- G. The City will provide an annual education workshop and new hire orientation for employees of the Drug-Free Workplace Policy to assist employees in identifying personal and emotional problems which may result in the misuse of alcohol or drugs and also the legal, social, physical and emotional consequences of misuse of alcohol or drugs.
- H. An employee may have the right to appeal any disciplinary decisions resulting from a verified positive drug or alcohol test in accordance with the City's Personnel Policy. Further if the employee is employed under a collective bargaining contract, the employee may have the right to appeal under that document.
- I. An employee with a positive test may contest the result pursuant to § 440.102, FS or FAC 38-F9.

VII. TESTING

- A. The laboratory for alcohol or drug testing must be licensed and approved by the Agency for Health Care Administration or certified by the U.S. Department of Health and Human Services. The collection site must have a written chain of custody procedure for sample collection and testing which will eliminate the possibility of tampering and will verify the identity of each sample and test result.
- B. An employee injured at the workplace and required to be tested shall be taken to a medical facility for immediate treatment of the injury. If the employee is not at a designated collection site, the employee shall be transported to one as soon as it is medically feasible and specimens shall be obtained. If it is not medically feasible to move the injured employee, specimens will be obtained at the treating facility under the procedures set forth in this policy and transported to an approved testing laboratory. No specimens for chemical testing will be taken prior to the administration of emergency medical care. Once this condition has been satisfied, and injured employee must release to the City the results of any tests conducted for the purpose of showing the presence of alcohol or drugs.
- C. The initial testing shall use an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. All drug tests will be confirmed by the use of a gas chromatography/mass spectrometry test or an equivalent scientifically accepted method which provides quantitative data about the detected drug. The employee's blood or urine will be deemed positive if the presence of one of the following illegal or prohibited substances is detected:

Alcohol. All liquids 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), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 Proof).

DRUG-FREE WORKPLACE POLICY AND SUBSTANCE ABUSE PREVENTION PROGRAM

Amphetamines: Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex, Delcobese, Mediatric (uppers).

Canabinoids: Marinol (Dronabinol), marijuana (pot, Acapulco Gold, grass, reefer, joint, weed), Tetrahydrocannabinol (THC), Hashish (hash), Hashish Oil.

Cocaine: Cocaine HCl topical solution (Roxanne), coke, flake, snow, crack, nose candy.

Phencyclidine: Not legal by prescription; PCP, angel dust, hog.

Methaqualone: Not legal by prescription; Quaalude.

Opiates: Paregoric, Dover's Powders, Opium, Parepectolin, Donnagel PG, Morphine, Pectoral Syrup, Tylenol with Codeine, Empirin Compound 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, etc.

Barbiturates: Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fiorcet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.

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

Methodone: Dolophine, Methadone, Methadose.

Propoxyphene: Darvocet, Darvon N, Dolene, etc.

Other Narcotics: Heroin, Hydrocodone, Hydromorphone, Oxycodone, LAAM, Fentanyl, Percocet, Tylox, Darvon, Buprenorphine, Meperdine (Pethidine), Demerol, Rohpnl.

Other Depressants: Chloral Hydrate, Glutethimide, Equanil, Miltown, Noludar, Placidyl, Valmid.

Other Stimulants: Amphetamine, Methamphetamine, Methylphenidate, Adipex, Didrex, Ionamin, Melfiat, Plegine, Captagon, Sanorex, Tenuate, Tepanil, Prelu-2, Preludin.

Other Hallucinogens: LSD, Mescaline, Peyote, Bufotenine, Ibogaine, DMT, DET, Psilocybin, Psilocyn.

If circumstances warrant, substances other than those listed above which induce a condition of intoxication or which impair or disturb the auditory, visual or mental processes, may be tested for.

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All confirmation tests will be according to 38F-9.007, FAC "cut-off" levels for positive confirmation testing, unless otherwise dictated by State and/or Federal Regulation, as amended.

- D. A list of the most common drugs or medications by brand or common name, as well as chemical names which may alter or affect a drug test available at the collection site.
- E. The testing facility will ensure that any positive sample is preserved in condition that will permit accurate re-testing within 180 days from the time the employee receives the results of the test.
- F. A verbal report from an MRO of a verified positive or confirmed positive test result shall be followed by a written report

Select Year: 2025

The 2025 Florida Statutes

[Title X](#) [Chapter 112](#) [View Entire Chapter](#)
PUBLIC OFFICERS, EMPLOYEES, AND PUBLIC OFFICERS AND EMPLOYEES: GENERAL RECORDS PROVISIONS

112.0455 Drug-Free Workplace Act.—

- (1) SHORT TITLE.—This section shall be known and may be cited as the “Drug-Free Workplace Act.”
- (2) PURPOSE.—This section is intended to:
- (a) Promote the goal of drug-free workplaces within government through fair and reasonable drug-testing methods for the protection of public employees and employers.
 - (b) Encourage employers to provide employees who have drug use problems with an opportunity to participate in an employee assistance program or an alcohol and drug rehabilitation program.
 - (c) Provide for confidentiality of testing results.
- (3) FINDINGS.—The Legislature finds that:
- (a) Drug use has serious adverse effects upon a significant portion of the workforce, resulting in billions of dollars of lost productivity each year and posing a threat to the workplace and to public safety and security.
 - (b) Maintaining a healthy and productive workforce, safe working conditions free from the effects of drugs, and quality products and services is important to employers, employees, and the general public in this state. The Legislature further finds that drug use creates a variety of workplace problems, including increased injury on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.
 - (c) Certain drug-testing standards are necessary to protect persons participating in workplace drug-testing programs.
 - (d) In balancing the interests of employers, employees, and the welfare of the general public, the establishment of standards to assure fair and accurate testing for drugs in the workplace is in the best interests of all.
- (4) NO LEGAL DUTY TO TEST.—All drug testing conducted by employers shall be in conformity with the standards established in this section and all applicable rules promulgated pursuant to this section. However, employers shall not have a legal duty under this section to request an employee or job applicant to undergo drug testing. No testing of employees shall take effect until local drug abuse assistance programs have been identified.
- (5) DEFINITIONS.—Except where the context otherwise requires, as used in this act:
- (a) “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, storing specimens, and reporting of test results.
 - (b) “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. The confirmation test must be different in scientific principle from that of the initial test procedure. This confirmation method must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.
 - (c) “Drug” means alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein.

(d) “Drug test” or “test” means any chemical, biological, or physical instrumental analysis administered for purpose of determining the presence or absence of a drug or its metabolites.

(e) “Employee” means a person who works for salary, wages, or other remuneration for an employer.

(f) “Employee assistance program” means an established program for employee assessment, counseling, and possible referral to an alcohol and drug rehabilitation program.

(g) “Employer” means an agency within state government that employs individuals for salary, wages, or other remuneration.

(h) “Initial drug test” means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens. All initial tests must use an immunoassay procedure or an equivalent, or must use a more accurate scientifically accepted method approved by the Agency for Health Care Administration as more accurate technology becomes available in a cost-effective form.

(i) “Job applicant” means a person who has applied for a position with an employer and has been offered employment conditioned upon successfully passing a drug test.

(j) “Prescription or nonprescription medication” means a drug or medication obtained pursuant to a prescription as defined by s. [893.02](#) 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.

(k) “Random testing” means a drug test conducted on employees who are selected through the use of a computer-generated random sample of an employer’s employees.

(l) “Reasonable suspicion drug testing” means drug testing based on a belief that an employee is using or has used drugs in violation of the employer’s policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion drug testing may not be required except upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question. Among other things, such facts and inferences may be based upon:

1. 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.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of drug use, provided by a reliable and credible source, which has been independently corroborated.
4. Evidence that an individual has tampered with a drug test during employment with the current employer.
5. Information that an employee has caused, or contributed to, an accident while at work.
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer’s premises or while operating the employer’s vehicle, machinery, or equipment.

(m) “Special risk” means employees who are required as a condition of employment to be certified under chapter 633 or chapter 943.

(n) “Specimen” means a tissue, hair, or product of the human body capable of revealing the presence of drugs or their metabolites.

(6) NOTICE TO EMPLOYEES.—

(a) Employers with no drug-testing program shall ensure that at least 60 days elapse between a general one-time notice to all employees that a drug-testing program is being implemented and the beginning of actual drug testing. Employers with drug-testing programs in place prior to the effective date of this section are not required to provide a 60-day notice period.

(b) Prior to testing, all employees and job applicants for employment shall be given a written policy statement from the employer which contains:

1. A general statement of the employer’s policy on employee drug use, which shall identify:
 - a. The types of testing an employee or job applicant may be required to submit to, including reasonable suspicion or other basis; and
 - b. The actions the employer may take against an employee or job applicant on the basis of a positive confirmed drug test result.
2. A statement advising the employee or job applicant of the existence of this section.

3. A general statement concerning confidentiality.
4. Procedures for employees and job applicants to confidentially report the use of prescription or nonprescription medications both before and after being tested. Additionally, employees and job applicants shall receive notice 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. A list of such medications shall be developed by the Agency for Health Care Administration.
5. The consequences of refusing to submit to a drug test.
6. Names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs.
7. A statement that an employee or job applicant who receives a positive confirmed drug test result may contest or explain the result to the employer within 5 working days after written notification of the positive test result. If an employee or job applicant's explanation or challenge is unsatisfactory to the employer, the person may contest the drug test result as provided by subsections (14) and (15).
8. A statement informing the employee or job applicant of his or her responsibility to notify the laboratory of any administrative or civil actions brought pursuant to this section.
9. A list of all drugs for which the employer will test, described by brand names or common names, as applicable, as well as by chemical names.
10. A statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the Public Employees Relations Commission.
11. A statement notifying employees and job applicants of their right to consult the testing laboratory for technical information regarding prescription and nonprescription medication.
 - (c) An employer shall include notice of drug testing on vacancy announcements for those positions where drug testing is required. A notice of the employer's drug-testing policy shall also be posted in an appropriate and conspicuous location on the employer's premises, and copies of the policy shall be made available for inspection by the general public during regular business hours in the employer's personnel office or other suitable locations.
 - (7) TYPES OF TESTING.—Drug testing must be conducted within each agency's appropriation. An employer may conduct, but is not required to conduct, the following types of drug tests:
 - (a) *Job applicant testing*.—An employer may require job applicants to submit to a drug test and may use a refusal to submit to a drug test or a positive confirmed drug test as a basis for refusal to hire the job applicant.
 - (b) *Reasonable suspicion*.—An employer may require an employee to submit to reasonable suspicion drug testing.
 - (c) *Random testing*.—An employer may conduct random testing once every 3 months. The random sample of employees chosen for testing must be computer-generated by an independent third party. A random sample may not constitute more than 10 percent of the total employee population.
 - (d) *Routine fitness for duty*.—An employer may require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the employer's established policy or that is scheduled routinely for all members of an employment classification or group.
 - (e) *Followup testing*.—If the employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the employer may require the employee to submit to a drug test as a followup to such program, and on a quarterly, semiannual, or annual basis for up to 2 years thereafter.
 - (8) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen collection and testing for drugs under this section shall be performed in accordance with the following procedures:
 - (a) A sample shall be collected with due regard to the privacy of the individual providing the sample, and in a manner reasonably calculated to prevent substitution or contamination of the sample.
 - (b) Specimen collection shall be documented, and the documentation procedures shall include:
 1. Labeling of specimen containers so as to reasonably preclude the likelihood of erroneous identification of test results.

2. A form for the employee or job applicant to provide any information he or she considers relevant to the including identification of currently or recently used prescription or nonprescription medication, or other relevant medical information. Such form shall provide notice 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. The providing of information does not preclude the administration of the drug test, but shall be taken into account in interpreting any positive confirmed results.

(c) Specimen collection, storage, and transportation to the testing site shall be performed in a manner that will reasonably preclude specimen contamination or adulteration.

(d) Each initial and confirmation test conducted under this section, not including the taking or collecting of a specimen to be tested, shall be conducted by a licensed laboratory as described in subsection (12).

(e) A specimen for a drug test may be taken or collected by any of the following persons:

1. A physician, a physician assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, or a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment.

2. A qualified person employed by a licensed laboratory.

(f) A person who collects or takes a specimen for a drug test conducted pursuant to this section shall collect an amount sufficient for two drug tests as determined by the Agency for Health Care Administration.

(g) Any drug test conducted or requested by an employer may occur before, during, or immediately after the regular work period of the employee, and shall be deemed to be performed during work time for the purposes of determining compensation and benefits for the employee.

(h) Every specimen that produces a positive confirmed result shall be preserved by the licensed laboratory that conducts the confirmation test for a period of at least 210 days from the time the results of the positive confirmation test are mailed or otherwise delivered to the employer. However, if an employee or job applicant undertakes an administrative or legal challenge to the test result, the employee or job applicant shall notify the laboratory and the sample shall be retained by the laboratory until the case or administrative appeal is settled. During the 180-day period after written notification of a positive test result, the employee or job applicant who has provided the specimen shall be permitted by the employer to have a portion of the specimen retested, at the employee or job applicant's expense, at another laboratory, licensed and approved by the Agency for Health Care Administration, chosen by the employee or job applicant. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory that performed the test for the employer is responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody during such transfer.

(i) Within 5 working days after receipt of a positive confirmed test result from the testing laboratory, an employer shall inform an employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant.

(j) The employer shall provide to the employee or job applicant, upon request, a copy of the test results.

(k) Within 5 working days after receiving notice of a positive confirmed test result, the employee or job applicant may submit information to an employer explaining or contesting the test results, and why the results do not constitute a violation of the employer's policy.

(l) If an employee or job applicant's explanation or challenge of the positive test results is unsatisfactory to the employer, a written explanation as to why the employee or job applicant's explanation is unsatisfactory, along with the report of positive results, shall be provided by the employer to the employee or job applicant. All such documentation shall be kept confidential and exempt from the provisions of s. 119.07(1) by the employer pursuant to subsection (11) and shall be retained by the employer for at least 1 year.

(m) An employer may not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test.

(n) Upon successful completion of an employee assistance program or an alcohol and drug rehabilitation program, the employee shall be reinstated to the same or equivalent position that was held prior to such

rehabilitation.

(o) An employer may not discharge, discipline, or discriminate against an employee, or refuse to hire a job applicant, on the basis of any prior medical history revealed to the employer pursuant to this section.

(p) An employer who performs drug testing or specimen collection shall use chain-of-custody procedures as established by the Agency for Health Care Administration to ensure proper recordkeeping, handling, labeling, and identification of all specimens to be tested.

(q) An employer shall pay the cost of all drug tests, initial and confirmation, which the employer requires of employees.

(r) An employee or job applicant shall pay the costs of any additional drug tests not required by the employer.

(s) An employer may not discharge, discipline, or discriminate against an employee solely upon voluntarily seeking treatment, while under the employ of the employer, for a drug-related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug-related problems, or entered an alcohol and drug rehabilitation program. However, special risk employees may be subject to discharge or disciplinary action when the presence of illicit drugs, pursuant to s. 893.13, is confirmed.

(t) If testing is conducted based on reasonable suspicion, each employer shall promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept confidential and exempt from the provisions of s. 119.07(1) by the employer pursuant to subsection (11) and retained by the employer for at least 1 year.

(u) If an employee is unable to participate in outpatient rehabilitation, the employee may be placed on leave status while participating in an employee assistance program or an alcohol and drug rehabilitation program. If placed on leave-without-pay status, the employee shall be permitted to use any accumulated leave credits prior to being placed on leave without pay. Upon successful completion of an employee assistance program or an alcohol and drug rehabilitation program, the employee shall be reinstated to the same or equivalent position that was held prior to such rehabilitation.

(9) CONFIRMATION TESTING.—

(a) If an initial drug test is negative, the employer may in its sole discretion and at the employer's expense seek a confirmation test.

(b) Only licensed laboratories as described in subsection (12) shall conduct confirmation drug tests.

(c) All positive initial tests shall be confirmed using gas chromatography/mass spectrometry (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration as such technology becomes available in a cost-effective form.

(10) EMPLOYER PROTECTION.—

(a) No employee or job applicant whose drug test result is confirmed as positive in accordance with the provisions of this section shall, by virtue of the result alone, be defined as a person with a "handicap" as cited in the 1973 Rehabilitation Act.

(b) An employer who discharges or disciplines an employee or refuses to hire a job applicant in compliance with this section shall be considered to have discharged, disciplined, or refused to hire for cause.

(c) No physician-patient relationship is created between an employee or job applicant and an employer or any person performing or evaluating a drug test, solely by the establishment, implementation, or administration of a drug-testing program.

(d) Nothing in this section shall be construed to prevent an employer from establishing reasonable work rules related to employee possession, use, sale, or solicitation of drugs, including convictions for drug-related offenses, and taking action based upon a violation of any of those rules.

(e) Nothing in this section shall be construed to operate retroactively.

(f) If an employee or job applicant refuses to submit to a drug test, the employer shall not be barred from discharging or disciplining the employee, or from refusing to hire the job applicant. However, nothing in this paragraph shall abrogate the rights and remedies of the employee or job applicant as otherwise provided in this section.

(g) An employer who refuses to hire a job applicant based on a positive confirmed drug test result shall not be required to hold the employment position vacant while the job applicant pursues administrative action. However, should the job applicant prevail in the actions, the employer shall provide him or her the opportunity of employment in the next available comparable position.

(h) An employer may discharge or discipline an employee following a first-time positive confirmed drug test result. If the employer does not discharge the employee, the employer may refer the employee to an employee assistance program or an alcohol and drug rehabilitation program in which the employee may participate at the expense of the employee or pursuant to a health insurance plan.

1. If an employer refers an employee to an employee assistance program or an alcohol and drug rehabilitation program, the employer must determine whether the employee is able to safely and effectively perform the job duties assigned to the employee while the employee participates in the employee assistance program or the alcohol and drug rehabilitation program.

2. An employee whose assigned duties require the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, hold a position subject to s. 110.1127, or hold a position in which a momentary lapse in attention could result in injury or death to another person, is deemed unable to safely and effectively perform the job duties assigned to the employee while the employee participates in the employee assistance program or the alcohol and drug rehabilitation program.

3. If an employer refers an employee to an employee assistance program or an alcohol and drug rehabilitation program and the employer determines that the employee is unable, or the employee is deemed unable, to safely and effectively perform the job duties assigned to the employee before he or she completes the employee assistance program or the alcohol and drug rehabilitation program, the employer shall place the employee in a job assignment that the employer determines the employee can safely and effectively perform while participating in the employee assistance program or the alcohol and drug rehabilitation program.

4. If a job assignment in which the employee may safely and effectively perform is unavailable, the employer shall place the employee on leave status while the employee is participating in an employee assistance program or an alcohol and drug rehabilitation program. If placed on leave status without pay, the employee may use accumulated leave credits before being placed on leave without pay.

(i) This section does not prohibit an employer from conducting medical screening or other tests required by any statute, rule, or regulation for the purpose of monitoring exposure of employees to toxic or other unhealthy substances in the workplace or in the performance of job responsibilities. Such screening or tests shall be limited to the specific substances expressly identified in the applicable statute, rule, or regulation, unless prior written consent of the employee is obtained for other tests.

(11) CONFIDENTIALITY.—

(a) Except as otherwise provided in this subsection, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with this section.

(b) Employers, laboratories, employee assistance programs, drug and alcohol rehabilitation programs, and their agents may not release any information concerning drug test results obtained pursuant to this section without a written consent form signed voluntarily by the person tested, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under this section, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:

1. The name of the person who is authorized to obtain the information.
2. The purpose of the disclosure.
3. The precise information to be disclosed.

4. The duration of the consent.
5. The signature of the person authorizing release of the information.

(c) Information on drug test results shall not be released or used in any criminal proceeding against the employee or job applicant. Information released contrary to this section shall be inadmissible as evidence in any such criminal proceeding.

(d) Nothing herein shall be construed to prohibit certifying bodies of special risk employees from receiving information on positive confirmed drug test results for the purpose of reviewing certification.

(e) Nothing herein shall be construed to prohibit the employer, agent of the employer, or laboratory conducting a drug test from having access to employee drug test information when consulting with legal counsel in connection with actions brought under or related to this section or where the information is relevant to its defense in a civil or administrative matter.

(12) DRUG-TESTING STANDARDS; LABORATORIES.—

(a) The requirements of part II of chapter 408 apply to the provision of services that require licensure pursuant to this section and part II of chapter 408 and to entities licensed by or applying for such licensure from the Agency for Health Care Administration pursuant to this section. A license issued by the agency is required in order to operate a laboratory.

(b) A laboratory may analyze initial or confirmation drug specimens only if:

1. The laboratory is licensed and approved by the Agency for Health Care Administration using criteria established by the United States Department of Health and Human Services as general guidelines for modeling the state drug testing program and in accordance with part II of chapter 408. Each applicant for licensure and licensee must comply with all requirements of part II of chapter 408.
2. The laboratory has written procedures to ensure chain of custody.
3. The laboratory follows proper quality control procedures, including, but not limited to:
 - a. The use of internal quality controls including the use of samples of known concentrations which are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy.
 - b. An internal review and certification process for drug test results, conducted by a person qualified to perform that function in the testing laboratory.
 - c. Security measures implemented by the testing laboratory to preclude adulteration of specimens and drug test results.
 - d. Other necessary and proper actions taken to ensure reliable and accurate drug test results.

(c) A laboratory shall disclose to the employer a written test result report within 7 working days after receipt of the sample. All laboratory reports of a drug test result shall, at a minimum, state:

1. The name and address of the laboratory which performed the test and the positive identification of the person tested.
2. Positive results on confirmation tests only, or negative results, as applicable.
3. A list of the drugs for which the drug analyses were conducted.
4. The type of tests conducted for both initial and confirmation tests and the minimum cutoff levels of the tests.
5. Any correlation between medication reported by the employee or job applicant pursuant to subparagraph (8)(b)2. and a positive confirmed drug test result.

No report shall disclose the presence or absence of any drug other than a specific drug and its metabolites listed pursuant to this section.

(d) The laboratory shall submit to the Agency for Health Care Administration a monthly report with statistical information regarding the testing of employees and job applicants. The reports shall include information on the methods of analyses conducted, the drugs tested for, the number of positive and negative results for both initial and confirmation tests, and any other information deemed appropriate by the Agency for Health Care Administration. No monthly report shall identify specific employees or job applicants.

(e) Laboratories shall provide technical assistance to the employer, employee, or job applicant for the purpose of interpreting any positive confirmed test results which could have been caused by prescription or nonprescription medication taken by the employee or job applicant.

(13) RULES.—

(a) The Agency for Health Care Administration may adopt additional rules to support this law and part II of chapter 408, using criteria established by the United States Department of Health and Human Services as general guidelines for modeling drug-free workplace laboratories, concerning, but not limited to:

1. Standards for drug-testing laboratory licensing and denial, suspension, and revocation of a license.
2. Urine, hair, blood, and other body specimens and minimum specimen amounts which are appropriate for drug testing, not inconsistent with other provisions established by law.
3. Methods of analysis and procedures to ensure reliable drug-testing results, including standards for initial tests and confirmation tests, not inconsistent with other provisions established by law.
4. Minimum cutoff detection levels for drugs or their metabolites for the purposes of determining a positive test result, not inconsistent with other provisions established by law.
5. Chain-of-custody procedures to ensure proper identification, labeling, and handling of specimens being tested, not inconsistent with other provisions established by law.
6. Retention, storage, and transportation procedures to ensure reliable results on confirmation tests and retests.
7. 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.

(b) The following standards and procedures are established related to hair testing:

1. Hair cutoff levels for initial drug-screening tests.—The following initial cutoff levels must be used when screening hair specimens to determine whether they are negative for these drugs or their metabolites:
 - a. Marijuana: 10 pg/10 mg of hair;
 - b. Cocaine: 5 ng/10 mg of hair; and
 - c. Opiate/synthetic narcotics and metabolites: 5 ng/10 mg of hair. For the purpose of this section, opiate and metabolites include the following:
 - (I) Codeine;
 - (II) Heroin, monoacetylmorphine (heroin metabolites);
 - (III) Morphine;
 - d. Phencyclidine: 3 ng/10 mg of hair; and
 - e. Amphetamines: 5 ng/10 mg of hair. For the purpose of this section, amphetamines include the following:
 - (I) Amphetamines;
 - (II) Methamphetamine;
2. Hair cutoff levels for drug confirmation testing.—
 - a. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry (GC/MS), mass spectrometry/mass spectrometry (MS/MS) at the following cutoff levels for these drugs on their metabolites. All confirmations must be by quantitative analysis.
 - (I) Marijuana metabolites: 1 pg/10 mg of hair (Delta-9-tetrahydrocannabinol-0-carboxylic acid).
 - (II) Cocaine: must be at or above 5 ng/10 mg of hair. Cocaine metabolites if present will be recorded at the following minimum levels:
 - (A) Benzoylcegonine at 1 ng/10 mg of hair; and
 - (B) Cocaethylene at 1 ng/10 mg of hair.
 - (III) Opiate/synthetic narcotics and metabolites: 5 ng/10 mg of hair; opiate and metabolites include the following:
 - (A) Codeine;
 - (B) 6-Monoacetylmorphine (heroin metabolite); and
 - (C) Morphine.
 - (IV) Phencyclidine: 3 ng/10 mg of hair.

(V) Amphetamines: 5 ng/10 mg of hair. For the purpose of this section, amphetamines include the following

- (A) Amphetamines; and
- (B) Methamphetamines.

b. All hair specimens undergoing confirmation must be decontaminated using a wash procedure which has been published in the peer-reviewed literature which, as a minimum, has an initial 15-minute organic solvent wash followed by multiple (minimum of three) 30-minute aqueous washes.

c. After hair is washed, the drug entrapped in the hair is released either by digestion (chemical or enzymatic) or by multiple solvent extractions. The resulting digest or pooled solvent extracts are then screened and confirmed by approved methods.

d. All confirmation analysis methods must eliminate the melanin fraction of the hair before analysis. If a nondigestion method is used, the laboratory must present published data in the peer-reviewed literature from a large population study which indicates that the method of extraction does not possess a statistically significant hair-color bias.

e. Additional hair samples may be collected to reconfirm the initial report. The recollected sample shall be retested as specified; however, the confirmation analysis must be performed even if the screening test is negative. A second positive report must be made if the drug concentration in the digest by confirmation methods exceeds the limit of quantitation of the testing laboratory's method. A second test must be offered to anyone disputing a positive hair test result.

3. Hair specimen collection procedures.—

a. Designation of collection site.—Each drug-testing program shall have one or more designated collection sites which have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of hair specimens to a licensed drug-testing facility.

b. Security.—While security is important with any collection, in the case of hair, only the temporary storage area in the designated collection site needs to be secure.

c. Chain of custody.—Chain-of-custody standardized forms shall be properly executed by authorized collection site personnel upon receipt of specimens. Handling and transportation of hair specimens from one authorized individual or place to another shall always be accomplished through chain-of-custody procedures. Every effort shall be made to minimize the number of persons handling specimens.

d. Access to authorized personnel only.—The hair collection site need be off limits to unauthorized personnel only during the actual collection of specimens.

e. Privacy.—Procedures for collecting hair should be performed on one individual at a time to prevent substitutions or interference with the collection of reliable samples. Procedures must ensure that the hair collection does not infringe on the individual's privacy.

f. Integrity and identity of specimen.—Precautions must be taken to ensure that the root end of a hair specimen is indicated for the laboratory which performs the testing. The maximum length of hair that shall be tested is 3.9 cm distal from the head, which on average represents a 3-month time window. The following minimum precautions must be taken when collecting a hair specimen to ensure that specimens are obtained and correctly identified:

(I) When an individual arrives at the collection site, the collection site personnel shall request the individual to present photo identification. If the individual does not have proper photo identification, the collection site personnel shall contact the supervisor of the individual, the coordinator of the drug testing program, or any other employer official who can positively identify the individual. If the individual's identity cannot be established, the collection site personnel shall not proceed with the collection.

(II) If the individual fails to arrive at the assigned time, the collection site personnel shall contact the appropriate authority to obtain guidance on the action to be taken.

(III) The collection site personnel shall note any unusual behavior or appearance on the chain-of-custody form.

(IV) Hair shall be cut as close to the scalp or body, excluding the pubic area, as possible. Upon taking the specimen from the individual, the collection site personnel shall determine that it contains approximately 1/2-inch of hair when fanned out on a ruler (about 40 mg of hair).

(V) Both the individual being tested and the collection site personnel shall keep the specimen in view at all times prior to the specimen container being sealed with a tamper-resistant seal and labeled with the individual's specimen number and other required information.

(VI) The collection site personnel shall label the container which contains the hair with the date, the individual's specimen number, and any other identifying information provided or required by the drug-testing program.

(VII) The individual shall initial the container for the purpose of certifying that it is the specimen collected from the individual.

(VIII) The collection site personnel shall indicate on the chain-of-custody form all information identifying the specimen. The collection site personnel shall sign the chain-of-custody form next to the identifying information or the chain of custody on the specimen container.

(IX) The individual must be asked to read and sign a statement certifying that the specimen identified as having been collected from the individual is in fact that specimen the individual provided.

(X) The collection site personnel shall complete the chain-of-custody form.

g. Collection control.—To the maximum extent possible, collection site personnel shall keep the individual's specimen container within sight both before and after collection. After the specimen is collected, it must be properly sealed and labeled. An approved chain-of-custody form must be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose must be documented on an approved chain-of-custody form each time a specimen is handled or transferred, and every individual in the chain must be identified. Every effort must be made to minimize the number of persons handling specimens.

h. Transportation to the testing facility.—Collection site personnel shall arrange to transport the collected specimens to the drug-testing facility. The specimens shall be placed in containers which shall be securely sealed to eliminate the possibility of undetected tampering. The collection site personnel shall ensure that the chain-of-custody documentation is sealed separately from the specimen and placed inside the container sealed for transfer to the drug-testing facility.

4. Quality assurance and quality control.—

a. Quality assurance.—Testing facilities shall have a quality assurance program which encompasses all aspects of the testing process, including, but not limited to, specimen acquisition, chain of custody, security and reporting of results, initial and confirmatory testing, and validation of analytical procedures. Quality assurance procedures shall be designed, implemented, and reviewed to monitor the conduct of each step of the process of testing for drugs.

b. Quality control.—

(I) Each analytical run of specimens to be screened shall include:

(A) Hair specimens certified to contain no drug;

(B) Hair specimens fortified with known standards; and

(C) Positive controls with the drug or metabolite at or near the threshold (cutoff).

(II) In addition, with each batch of samples, a sufficient number of standards shall be included to ensure and document the linearity of the assay method over time in the concentration area of the cutoff. After acceptable values are obtained for the known standards, those values must be used to calculate sample data. Implementation of procedures to ensure that carryover does not contaminate the testing of an individual's specimen must be documented. A minimum of 5 percent of all test samples must be quality control specimens. The testing facility's quality control samples, prepared from fortified hair samples of determined concentration, must be included in the run and must appear as normal samples to drug-screen testing facility analysis. One percent of each run, with a minimum of at least one sample, must be the testing facility's own quality control samples.

5.a. Proficiency testing.—

(I) Each hair drug-testing facility shall enroll and demonstrate satisfactory performance in a proficiency-testing program established by an independent group.

(II) The drug-testing facility shall maintain records which document the handling, processing, and examination of all proficiency-testing samples for a minimum of 2 years from the date of testing.

(III) The drug-testing facility shall ensure that proficiency-testing samples are analyzed at least three times each year using the same techniques as those employed for unknown specimens.

(IV) The proficiency-testing samples must be included with the routine sample run and tested with the same frequency as unknown samples by the individuals responsible for testing unknown specimens.

(V) The drug-testing facility may not engage in discussions or communications concerning proficiency-testing results with other drug-testing facilities, nor may they send proficiency-testing samples or portions of the samples to another drug-testing facility for analysis.

b. Satisfactory performance.—

(I) The drug-testing facility shall maintain an overall testing-event score equivalent to passing proficiency scores for other drug-testing matrices.

(II) Failure to participate in a proficiency-testing event shall result in a score of 0 percent for that testing event.

c. Unsuccessful performance.—Failure to achieve satisfactory performance in two consecutive testing events, or two out of three consecutive testing events, is determined to be unsuccessful performance.

(c) The Department of Management Services may adopt rules for all executive branch agencies implementing this section.

(d) The State Courts Administrator may adopt rules for the state courts system implementing this section.

(e) The Justice Administrative Commission may adopt rules on behalf of the state attorneys and public defenders of Florida, the capital collateral regional counsel, and the Judicial Qualifications Commission.

(f) The President of the Senate and the Speaker of the House of Representatives may adopt rules, policies, or procedures for the employees and members of the legislative branch implementing this section.

This section shall not be construed to eliminate the bargainable rights as provided in the collective bargaining process where applicable.

(14) DISCIPLINE REMEDIES.—

(a) An executive branch employee who is disciplined or who is a job applicant for another position and is not hired pursuant to this section, may file an appeal with the Public Employees Relations Commission. Any appeal must be filed within 30 calendar days of receipt by the employee or job applicant of notice of discipline or refusal to hire. The notice shall inform the employee or job applicant of the right to file an appeal, or if available, the right to file a collective bargaining grievance pursuant to s. [447.401](#). Such appeals shall be resolved pursuant to the procedures established in ss. [447.207\(1\)-\(4\)](#), [447.208\(2\)](#), and [447.503\(4\)](#) and (5). A hearing on the appeal shall be conducted within 30 days of the filing of the appeal, unless an extension is requested by the employee or job applicant and granted by the commission or an arbitrator.

(b) The commission shall promulgate rules concerning the receipt, processing, and resolution of appeals filed pursuant to this section.

(c) Appeals to the commission shall be the exclusive administrative remedy for any employee who is disciplined or any job applicant who is not hired pursuant to this section, notwithstanding the provisions of chapter 120. However, nothing in this subsection shall affect the right of an employee or job applicant to file a collective bargaining grievance pursuant to s. [447.401](#) provided that an employee or job applicant may not file both an appeal and a grievance.

(d) An employee or a job applicant who has been disciplined or who has not been hired pursuant to this section must exhaust either the administrative appeal process or collective bargaining grievance-arbitration process.

(e) Upon resolving an appeal filed pursuant to paragraph (c), and finding a violation of this section, the commission may order the following relief:

1. Rescind the disciplinary action, expunge related records from the personnel file of the employee or job applicant and reinstate the employee.
2. Order compliance with paragraph (10)(g).
3. Award back pay and benefits.

4. Award the prevailing employee or job applicant the necessary costs of the appeal, reasonable attorney's fees, and expert witness fees.

(15) NONDISCIPLINE REMEDIES.—

(a) Any person alleging a violation of the provisions of this section, that is not remediable by the commission or an arbitrator pursuant to subsection (14), must institute a civil action for injunctive relief or damages, or both, in a court of competent jurisdiction within 180 days of the alleged violation, or be barred from obtaining the following relief. Relief is limited to:

1. An order restraining the continued violation of this section.

2. An award of the costs of litigation, expert witness fees, reasonable attorney's fees, and noneconomic damages provided that damages shall be limited to the recovery of damages directly resulting from injury or loss caused by each violation of this section.

(b) Any employer who complies with the provisions of this section shall be without liability from all civil actions arising from any drug testing program or procedure performed in compliance with this section.

(c) Pursuant to any claim alleging a violation of this section, including a claim under this section where it is alleged that an employer's action with respect to a person was based on an incorrect test result, there shall be a rebuttable presumption that the test was valid if the employer complied with the provisions of this section.

(d) No cause of action shall arise in favor of any person based upon the failure of an employer to establish a program or policy for drug testing.

(16) FEDERAL COMPLIANCE.—The drug-testing procedures provided in this section do not apply where the specific work performed requires employees or job applicants to be subject to drug testing pursuant to:

(a) Federal regulations that specifically preempt state and local regulation of drug testing with respect to such employees and job applicants;

(b) Federal regulations or requirements enacted or implemented in connection with the operation of federally regulated facilities;

(c) Federal contracts where the drug testing is conducted for safety, or protection of sensitive or proprietary data or national security; or

(d) State agency rules that adopt federal regulations applicable to the interstate component of a federally regulated activity.

(17) LICENSE FEE.—Fees from licensure of drug-testing laboratories shall be sufficient to carry out the responsibilities of the Agency for Health Care Administration for the regulation of drug-testing laboratories. In accordance with s. 408.805, applicants and licensees shall pay a fee for each license application submitted under this part, part II of chapter 408, and applicable rules. The fee shall be not less than \$16,000 or more than \$20,000 per biennium and shall be established by rule.

History.—s. 1, ch. 89-173; s. 1, ch. 90-238; s. 25, ch. 90-360; s. 1, ch. 91-201; s. 6, ch. 91-279; s. 4, ch. 91-429; s. 40, ch. 92-279; s. 55, ch. 92-326; s. 7, ch. 93-129; s. 2, ch. 95-119; s. 680, ch. 95-147; s. 1, ch. 96-289; s. 32, ch. 96-406; s. 7, ch. 98-136; ss. 5, 71, ch. 98-171; s. 53, ch. 2000-349; s. 25, ch. 2001-53; s. 2, ch. 2001-67; s. 148, ch. 2001-277; s. 37, ch. 2004-267; s. 11, ch. 2006-1; s. 7, ch. 2007-217; s. 1, ch. 2007-230; s. 1, ch. 2012-8; s. 7, ch. 2016-10; s. 23, ch. 2016-145; s. 31, ch. 2023-8.

Employee Use of Prescription Medication in the Workplace



As a fact of life, many individuals take prescription medications to treat episodic or ongoing medical or psychological conditions. It may be medically necessary for an employee to take the medication or treatment before or during work. Unfortunately, some medications may have side effects that could affect one's cognitive or physical abilities and overall fitness for duty. As a result, this impairment may conflict with the employer's efforts to maintain a safe and healthful place of work.

Consider the following:

- The Americans with Disabilities Act, Family and Medical Leave Act, and other employment laws require privacy with respect to employees taking or being under the influence of prescription medication while in the workplace.

As a matter of practice, an employee should not be required to tell his or her supervisor of the specific medications being taken. Rather, employers should require that an employee be able to safely perform the functions of the job with or without prescription medication. When there is a question whether the employee can safely perform the work, be careful not to assume that the cause is the prescription medication. Instead, gather the medical facts from the employee's doctor. If available, a medical representative of the company should confidentially discuss the situation with the physician. The supervisor or human resources representative should not be involved in determining an employee's medical condition or fitness for duty.

- If an employee is on medication, he must use it in accordance with the doctor's order and must have consulted with the doctor to ensure that he can work safely. Only prescriptions issued in the employee's name and stored in the original container should be permitted on the premises.
- Employees who require time away from work or who need extended break periods for the purpose of taking medication or receiving treatment should consult the Human Resources Department. The employee may be eligible for an intermittent leave of absence or disability accommodation.



To communicate the expectations of employees with regard to prescription drug use in the workplace, employers should include a drug and alcohol policy in their employee handbooks and policy manuals and address the topic at new hire orientation.

Drug and alcohol policies and practices should be consistent with federal and state disability and privacy laws and respect each individual's legal rights.

Supervisors and employees should be instructed to notify Human Resources when tardiness, absenteeism, or extended time away from work is necessary due to a medical condition or the treatment of such a condition.


- Employers have a right to subject an employee to drug and/or alcohol testing consistent with the company's established policy for all employees. If it is determined by a certified medical provider that the employee's use of certain prescription medications may pose a safety risk, the company may have the option—or obligation—to deny employment, transfer the individual to a less safety-sensitive position, or even terminate the employment relationship. Each situation should be reviewed on a case-by-case basis, which may include the opinions of medical providers representing both the employee and the employer.
- If an employee voluntarily chooses to notify the supervisor of the use of prescription medication, it is the supervisor's responsibility to keep that information confidential and only share it on a need-to-know basis. Other than in an emergency situation, this information may only be shared with the consent of the employee. An employer may not discriminate in any employment decision, knowingly or inadvertently, based on an employee's medical condition or use of prescription medication unless it is directly relevant to the employee's ability to perform the essential functions of the job or poses a safety risk to the individual or others.

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The fact that an employee has a physical or mental condition that requires medical supervision does not, in itself, preclude him from enjoying all the employment rights offered to other employees. However, a company does have the right to establish and maintain minimum standards of conduct and to enforce those consistently among all employees. A company also has an obligation to provide a safe work environment for its employees. It is essential that each situation be reviewed individually with respect to employee rights, safety, applicable federal and state laws, and general employer standards.

MRA's HR Hotline can help you!

 866-HR-Hotline | 866.474.6854

 InfoNow@mranet.org

 mranet.org/24-7/hr-hotline

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AN EMPLOYER'S GUIDE TO A DRUG-FREE WORKPLACE

This information and resource guide is comprised primarily of materials abstracted from a number of different sources.

This guide is to be used as an overview of a drug-free workplace program, and is being offered as an informational tool only, with the understanding that it is not official language of the Florida Statutes.

It is not intended to replace the original source publications. Information presented in this publication does not necessarily reflect the opinions or policies of the State of Florida, Department of Financial Services, Division of Workers' Compensation.

Revised September 2020

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I. INTRODUCTION

In 1990, legislation was enacted that created the Florida Drug-Free Workplace Program. The intent was to “promote drug-free workplaces in Florida, in order that employers (would) be afforded the opportunity to maximize their levels of productivity, enhance their competitive positions in the marketplace, and reach their desired levels of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from drug abuse by employees.”

This legislation provides standardized criteria for employers and the worker’s rights by ensuring consistent, accurate and reliable test results. The success of a drug-free workplace program largely depends upon the commitment of management and labor to actively contribute to and support the implementation of the program. By using the guidelines set forth in the Workers’ Compensation Law, the workplace will be a safer place. Safer workplaces may mean fewer accidents, and fewer accidents mean lower workers’ compensation costs for the employer.

For questions, comments, or suggestions concerning the contents of this brochure, you may contact the Division of Workers’ Compensation, Customer Service Center at (850) 413-1601 or (850) 921-6966.

Incentives for Employers to Implement a Drug-Free Workplace Program may include:

- Ensuring a safer workplace
- A happier, healthier workforce
- A workplace in which all employees are drug-free
- A premium credit applied to an employer’s workers’ compensation premium
- Premium dollars are spent providing workers’ compensation benefits to workers for bonafide workers’ compensation accidents

II. THE BENEFITS OF GOING DRUG-FREE

If you are in business, it's time you know the facts....

The available data continue to indicate that substance abuse has a significant impact in the workplace, with costs estimated at over \$100 billion annually. Data show that:

- Seventy-one percent of illegal drug users are employed.
- Alcoholism causes 500 million lost workdays each year.
- Drug and alcohol-related problems are one of the four top reasons for the rise in workplace violence.
- Of those who called the cocaine helpline, 75 percent reported using drugs on the job, 64 percent admitted drugs adversely affected their job performance, 44 percent sold drugs to other employees, and 18 percent had stolen from co-workers to support their drug habit.
- A study conducted by the Institute for Health Policy, Brandeis University, found substance abuse to be the number one health problem in the country, resulting in more deaths, illnesses, and disabilities than any other preventable health condition.

While we do not yet have comprehensive data on the specific impact of workplace substance abuse, the data and studies available are compelling. For example:

- Drug-using employees at GM average 40 days sick leave each year compared to 4.5 days for non-users
- Employees testing positive on pre-employment drug tests at Utah Power & Light were 5 times more likely to be involved in a workplace accident than those who tested negative
- The State of Wisconsin estimates that expenses and losses related to substance abuse average 25 percent of the salary of each worker affected

Despite recent news reports about the increased use of drugs, we continue to be encouraged that workplace substance abuse is a problem for which a solution exists. When the issue is addressed by establishing comprehensive programs, it is a "win-win" situation for both employers and employees.

The following examples are illustrative.

- A study of the economic impact of substance abuse treatment in Ohio found significant improvements in job-related performance:

- a 91 percent decrease in absenteeism
- an 88 percent decrease in problems with supervisors
- a 93 percent decrease in mistakes in work; and a 97 percent decrease in on-the-job injuries
- At Southern Pacific railroad, injuries dropped 71 percent
- An electric supply company with 150 employees experienced a 39 percent decrease in absenteeism and a 36 percent increase in productivity
- A construction company with 60 employees reduced workers' compensation claims by \$50,000
- A manufacturer with 560 employees experienced a 30-35 percent decrease of accidents.

Statistics such as these suggest not just that workplace substance abuse is an issue that all employers need to address but also that it is an issue for which there is an answer.

Taking steps to identify those with substance abuse problems and offer a helping hand will not only improve worker safety and health but also increase workplace productivity and competitiveness.

U.S. Department of Labor

No one wants to believe that a friend or a co-worker has a substance abuse problem. Subtle changes in behavior may not be recorded because no one knows how or wants to confront the problem. If there is a problem, ignoring it will not make it go away. Substance abuse problems do not get better if left alone, they only get worse. When these behaviors are ignored, workers who have a substance abuse problem continue to be a risk to themselves and their co-workers.

By taking steps to eliminate drugs in your workplace, you will have a safer work environment, a more productive workforce, reduced workdays lost because of work accidents, and possibly lower workers' compensation costs and premiums.

IMPLEMENTING A WORKERS' COMPENSATION DRUG-FREE WORKPLACE PROGRAM CAN SAVE YOU \$\$\$\$\$

An employer that implements a Drug-Free Workplace Program and becomes a carrier certified drug-free workplace may be protected (in most cases) from workplace accidents that are a result of employees working under the influence of

drugs or alcohol. Studies have shown a well-planned program to reduce substance abuse can increase productivity, reduce accidents, and decrease costs due to insurance claims. An employer implementing this program will also receive additional benefits:

- All employees will become more aware of the importance of safety in the workplace and will benefit from a safer work environment.
- When an employee incurs a work-related injury, and refuses to take a drug test when requested, the injured employee may forfeit eligibility for workers' compensation benefits regardless of the cause of the accident.
- An employee who loses a job or is denied employment as a result of a positive drug/alcohol test, may not qualify for unemployment compensation benefits. In that case, the contributory employer could be relieved of charges in connection with the unemployment claim.
- If drugs are found in the employee's system at or above threshold levels, the injured employee may not be entitled to workers' compensation benefits (Note: Case law may affect the injured employee's eligibility to benefits). This benefit is provided to employers who are carrier certified and in compliance with the program. If the employer is not carrier certified as a drug-free workplace, and the injured employee is able to show that the cause of the accident was not related to the presence of drugs in his/her system (i.e., if a heavy piece of equipment falls on the worker through no fault of his or her own), he or she may still be entitled to benefits.
- If you implement a drug-free workplace program and become carrier certified, you are eligible for a 5 percent credit to your workers' compensation insurance premium.

III. HOW TO BECOME A STATE OF FLORIDA, WORKERS' COMPENSATION DRUG-FREE WORKPLACE

A. Plan And Develop A Clear And Comprehensive Drug-Free Workplace Policy

The first step in becoming a carrier certified workers' compensation drug-free workplace will be to plan, organize and develop your drug-free workplace policy. One time only, prior to any testing, this policy must be provided to all employees and job applicants. There are certain components which must be contained in the written drug-free workplace policy in order to qualify for and be in compliance with the Carrier Certified Workers' Compensation Drug-Free Workplace Program. These are:

1. A General Statement of the Employer's Policy on Employee Drug Use, which must identify the following:

- Employer prohibition of drug use
- Types of tests required (see table titled "Drug Tests")
- Actions an employer may take as a result of a positive test result

2. The Florida Law which gives the Employer the Authority to Require Drug Testing. That Law is found in Section 440.102, of the Florida Statutes (a copy of Section 440.102 can be provided by calling the Customer Services Center at (850) 413-1601)

3. Drug Testing Procedures

- An employer must use a laboratory that is licensed by the Florida Agency for Health Care Administration or certified by the U.S. Department of Health and Human Services. The name and address of the testing laboratory the employer will be using must also be stated in the policy (A current listing of the certified laboratories authorized by the Agency for Health Care Administration can be obtained by calling the Agency for Health Care Administration at (850) 487-3109 or the WC Customer Service Center at (850) 413-1601).
- An employer is required to use a certified medical review officer (MRO) (include name and address, telephone number in your policy). The MRO will be responsible for:
 - a. Interpreting the drug test results,
 - b. Contacting the employee if the drug test is positive.
 - c. The MRO is required to contact the donor who has a confirmed positive test result before reporting the results of the test to the employer.
- If the donor has a plausible explanation for the test result showing positive (i.e., legal use of prescription or nonprescription medication), as determined by the MRO, the MRO will report the test result as negative to the employer.

- The MRO cannot be an employee of the testing laboratory.
- Initial testing cannot begin until 60 days' notice has been provided of the effective date of the program, unless the employer had some type of testing program in place prior to 07/01/90; then no notice period is required. The date of initial testing should also be included in the policy. This gives employees a chance to come to the employer and request assistance. The 60-day notice does not apply to job applicants.
- The employer must include notice to job applicants on vacancy announcements for those positions for which drug testing is required. A notice of the employer's drug-testing policy must be posted in plain view on the employer's premises, and copies of the policy must be made available for the employees or job applicants during regular business hours in the employer's personnel office, or other suitable location.

4. Confidentiality

- All information, interviews, reports, statements, memoranda, and drug test results received by the employer through a drug-testing program are to be considered confidential information.
- An assurance must be provided regarding the confidentiality of test results, as well as information about prescription drugs provided by the employee or job applicant. This statement need only say that all information produced as a result of testing remain confidential unless the employee authorizes the release by written consent. The only exceptions to this are:
 - a) when such a release is compelled by a hearing officer or a court of competent jurisdiction
 - b) for determining qualification for unemployment compensation benefits.
- The written consent form must contain the following information:
 - a) The name of the person who is authorized to obtain the information
 - b) The purpose of releasing the information,
 - c) The duration of the consent (the length of time the release will be needed; complete start and end dates)
 - d) The signature of the person authorizing release of the information.
- Procedures for employees and job applicants to confidentially report to the MRO the use of prescription or nonprescription medications both **before and**

after being tested. You may instruct your MRO to contact each donor prior to testing to ensure that he or she has all of the information necessary to adequately and effectively analyze the test results. This information may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except as provided in the law.

- Information on drug testing shall not be released or used in any criminal proceeding(s) against the employee or job applicant. The employer, agent of the employer, or laboratory may have access to employee drug testing information when consulting with legal counsel in connection with actions relating to defense of a civil action.

5. A List of Over-The-Counter Medications Which May Alter or Affect Drug Test Results

- A list of the most common medications, by brand name or common name, as well as by chemical name, which may alter or affect a drug test must be provided to each donor prior to testing. This will allow the donor to provide necessary information to the MRO to properly analyze the test results. A list of such medications, as developed by the Agency for Health Care Administration, is available by contacting the Agency for Health Care Administration at (850) 487-3109, or the WC Customer Service Center at (850) 413-1601.

6. Consequences and Sanctions of Refusing to Submit to Drug Testing

- Consequences and sanctions for an employee who refuses to submit to a drug test must be described in your policy. If an employee or job applicant refuses to submit to a drug test, the employer may discharge or discipline the employee or refuse to hire the job applicant. Sanctions imposed as a result of refusing to submit to testing, should, however, be consistent with the sanctions imposed on employees or job applicants who have tested positive for drugs or alcohol. Keep in mind, sanctions must be applied consistently to all employees. **All employees must be treated equally.** Firm and consistent application of sanctions stated in your policy is essential for a successful program.

7. A Listing of Employee Assistance Programs in your Local Area, with Addresses and Telephone Numbers

- A list of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs may be found in your local telephone directory, or provided by the county health service, or local Chamber of Commerce. If you need assistance in making your list, contact the Workers' Compensation Customer Service Center at (850) 413-1601.

8. A Statement that an Employee or Job Applicant who is Notified by the MRO of a Positive Confirmed Test Result May Contest the Result to the MRO within 5 Working Days after Receiving Notification of the Test Result

- If the employee's or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO may report a positive test result back to the employer.

9. A Statement Informing the Employee or Job Applicant of His/Her Responsibility to Notify the Laboratory of any Administrative or Civil Action brought Pursuant to Section 440.102, F.S.

10. The Types of Drugs for which Workers will be Tested

- The policy must include a complete list of all of the drugs for which the employer will test, described by brand name or common name (if applicable), as well as by chemical name. The employer has the responsibility for choosing which drugs will be tested for in the testing procedures. The employer has the right to choose **any or all** drugs listed by the Agency for Health Care Administration in Rule Chapter 59A-24, Florida Administrative Code (A copy of Chapter 59A-24 may be obtained by calling the Agency for Health Care Administration at (850) 487-3109, or the WC Customer Service Center at (850) 413-1601).

11. A Statement Regarding any Applicable Collective Bargaining Agreement or Contract and the Right to Appeal to the Public Employees Relations Commission or Applicable Court

Other practices and policies which you might want to consider including in a Drug-Free Workplace Program are:

- Involving employees in the development and implementation of the program
- Determining how the program will be presented to and made available to new and existing employees

B. Once You Have Planned Your Program, How Do You Implement It?

- **Distribute the policy to all employees**
- **Educate your employees about the program.** Meet with your employees to explain the benefits of having a drug-free work place and to answer any questions they may have.

- **Post notification of your drug-free work place program.** Give notice well in advance of policy implementation.

Once you have planned, developed and implemented your Workers' Compensation Carrier Certified Drug-Free Workplace Program, you can complete and submit Form 09-1 (you may obtain a copy of this form, at the back of this brochure, Appendix 1) **to your insurance carrier (do not send the application form to the Division of Workers' Compensation)** to apply for your 5 percent credit on your workers' compensation insurance premium.

If you are individually self-insured, your savings will be evident through reduced incidence of accidents and a reduction in the premium calculations for assessments paid to the Workers' Compensation Administration Trust Fund. For more information regarding assessment reductions for individual self-insureds, please call the Division of Workers' Compensation's Bureau of Monitoring and Audit at (850) 487-4899

- **An Employer is required to conduct the following types of Drug Tests under the Florida Workers' Compensation Drug-Free Workplace Program:**
 - a) **Job Applicant Testing.** All final candidates for jobs (persons to whom you have offered employment) must be tested, although they may begin work pending the results of the drug test. Limited testing of applicants, based on a reasonable job classification basis, is permissible.
 - b) **Reasonable Suspicion Testing.** Drug tests must be conducted following any observed behavior creating "reasonable suspicion." These behaviors must be **clearly** defined in the policy. Some **examples** of reasonable suspicion include:
 - i. Direct observation of drug/alcohol use, or the symptoms of being under the influence of a drug or alcohol.
 - ii. *Abnormal behavior while at work or a significant deterioration in work performance. Be certain that these behaviors are properly documented to avoid any misunderstandings that may arise if this situation is contested by the employee.
 - iii. *A report of drug use, provided by a reliable and credible source.
 - iv. *Evidence that an individual has tampered with a drug test while working for you.
 - v. *Information that an employee has caused, contributed to, or been involved in, an accident while at work.
 - vi. *Evidence that an employee has used, possessed, sold, or

solicited drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery or equipment. If the testing is conducted on a "reasonable suspicion" basis, the employer must promptly record the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation must be provided to the employee on request, and the original documentation must be kept confidential by the employer.

- c) **Follow-up Testing.** If an employer requires an employee to enter an employee assistance program, or a drug rehabilitation program, as a condition of continued employment after a confirmed, positive drug test, the employer must require the employee to submit to a random drug test, at least once per year for a two-year period after completion of the program. Advance notice of the testing date must not be given to the employee being tested. If the employee voluntarily enters the program, the employer has the option to not require follow-up testing.
- d) **Routine Fitness-For-Duty Testing.** If you ordinarily require annual physical fitness for duty examinations, these examinations must include drug testing.
- e) An employer may conduct "random testing" or any other legal types of testing of their employees.

IV. DRUG TESTING STANDARDS

If you have any questions concerning the technical aspects of drug testing, you may contact the Florida Agency for Health Care Administration at (850) 487-3109.

a) EMPLOYER'S RIGHTS AND RESPONSIBILITIES

- Within 5 working days after receipt of a positive confirmed test result from the MRO, an employer must inform the employee or job applicant in writing of the positive test result, the consequences of the positive test result, and the employee's available options.
- If the employee's or job applicant's explanation of the positive test result is unsatisfactory to the employer, the employer must provide a written statement to the employee/job applicant as to why the explanation was not satisfactory, along with the report of the positive test result. This confidential information must be kept by the employer for at least one (1) year.
- The employer must provide a copy of the test results to the employee/job applicant if the employee/job applicant requests a copy.
- An employer may not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee/job applicant on the basis of a positive test result that has not been verified by a confirmation test and by a MRO.
- An employer shall ensure that collection sites and laboratories use chain-of-custody procedures as established by the Agency for Health Care Administration to ensure proper record keeping, handling, labeling, and identification of all specimens tested.
- An employer must pay for all drug tests which the employer requires. An employee/job applicant must pay for all drug tests not required by the employer.
- An employer may not discharge, discipline, or discriminate against an employee because the employee has voluntarily come forth to seek treatment for a drug-related problem if the employee has not previously tested positive for drug use.
- An employer is not required to pay the costs of treatment for an employee with a drug related problem, unless they choose to do so. However, the employer may choose the employee assistance program or rehabilitation center if the employer is paying the costs for the employee's participation.
- If drug testing is performed based on "reasonable suspicion," the employer

must outline and detail in writing the circumstances surrounding the determination that this type of testing is warranted. A copy must be provided to the employee upon request. The original documentation must be kept by the employer for a period of at least one (1) year and must be kept confidential.

- All initial treatment and care provided by a health care provider to an injured employee before workers' compensation benefits are denied must be paid for by the carrier or self-insured employer. However, the carrier/self-insured employer must give reasonable notice to all affected health care providers that payment for treatment to the injured employee after a certain date will be denied.
- An employee/job applicant whose drug test is confirmed as positive shall not be deemed to have a "handicap" or "disability" based on the drug test results alone.
- Be sure that your policy contains necessary information written in clear, concise language for your employees to understand.
- If an employee/job applicant refuses to submit to a drug test, the employer can discharge or discipline the employee or refuse to hire the job applicant.

b) EMPLOYEE'S RIGHTS AND RESPONSIBILITIES

- A drug test can be conducted only to determine "illegal" drug use. A person who tests positive for a lawfully used prescription drug cannot be subject to discrimination.
- The employee's right to challenge the results of a drug test must be spelled out in the employer's written policy.
- The employee has five (5) working days, after receiving written notification of the test result, to contest or explain the results to the MRO. If the explanation is unsatisfactory to the MRO, the MRO shall report a positive drug test result to the employer. The employees and job applicants have a right to consult with the MRO for technical information regarding prescription and/or nonprescription medications.
- An employer cannot ask job applicants what prescription drugs they may be taking before making a conditional offer of employment.
- Every specimen that produces a positive test result must be preserved by

the licensed or certified laboratory that conducted the test for a period of at least 210 days after the result of the test was mailed or otherwise delivered to the MRO. If the employee or job applicant challenges the test result, the laboratory is to retain the sample until the case is settled.

- It is the responsibility of the employee/job applicant to notify the laboratory of any administrative or civil action pursuant to the law. This is important if the donor wishes to contest the results.
- The policy must contain a statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the Public Employees Relations Commission, or applicable court.
- The employee or job applicant has 180 days after receiving written notification of a positive test result, and to have the sample retested at his or her expense at another licensed or certified laboratory chosen by the employee or job applicant.

An employer is not required to allow an individual to submit a new sample for retesting.

c) EDUCATION METHOD

An important part of your Drug-Free Workplace Program for employees should include education. How you inform employees of your policy and how you reinforce its message are important in determining the program's success. There are various methods by which employers may provide education. Employers may provide education on drug abuse on an annual basis.

V. MOST COMMONLY ASKED QUESTIONS AND ANSWERS

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Q: Will becoming a drug-free workplace save me money?

A: Yes. In addition to the premium credits which you will receive, having a Workers' Compensation Drug-Free Workplace Program will make your workplace safer, resulting in fewer accidents, which may reduce your workers' compensation costs.

Q: Am I required to become a carrier certified drug-free workplace?

A: No. Becoming a carrier certified drug-free work place is voluntary. However, without the certification, you are not eligible for any of the benefits provided under this program.

Q: Under the Workers' Compensation Drug-Free Workplace Program, can I conduct random drug testing of my employees?

A: Yes. In addition to the situations in which testing is mandatory, the law does not prohibit an employer from conducting random testing or any other lawful testing of employees.

Q: Can I use a breathalyzer as a valid drug testing method?

A: No. Under the Florida Workers' Compensation Drug-Free Workplace Program, the use of breathalyzers are not valid testing methods for initial or confirmation tests.

Q: What if an employee refuses to take a drug test?

A: If an injured employee refuses to submit to a test for drugs or alcohol, the employee may forfeit eligibility for medical and indemnity benefits, **if this sanction is contained within the employer's written policy**. If an employee or job applicant refuses to submit to a drug test, the employer is permitted to discharge or discipline the employee or may refuse to hire the applicant (if specified in the written Drug-free Workplace Policy), since by law, refusal to submit to a drug test is presumed to be a positive test result.

Q: If a terminated employee files for Unemployment Compensation, may I inform the adjudicator that the employee was terminated as a result of a positive drug test?

A: Yes. The employer is not breaching confidentiality since the adjudication process is confidential. However, if the employee appeals the adjudicator's decision and the case is remanded to an Appeals Referee, the positive test result is no longer confidential and becomes part of the official record.

Q: Can I post the results of my employees' drug tests?

A: No. All information, interviews, reports, statements, memoranda and drug test results, written or otherwise, received by the employer through a drug testing program are confidential.

Q: Am I responsible for payment for services when my employee participates in an Employee Assistance program (EAP)?

A: No, you are not. However, if you choose to do so, you have the right to choose the facility providing treatment. Remember also, if an employee does participate in an Employee Assistance Program, you, the employer, are required to extend the same considerations as reflected under the federal guidelines established for The Americans with Disabilities Act and The Family and Medical Leave Act.

Q: How many days does the employee have to re-test the specimen, if he or she wishes to contest the positive test results?

A: During the 180-day period after written notification of a positive test result, the employee who has provided the specimen shall be permitted by the employer to have a portion of the specimen retested, at the employee's expense, at a licensed or certified laboratory of his or her choice.

Q: Where may I obtain a listing of approved Employee Assistance Programs for my area?

A: The Florida Alcohol and Drug Abuse Association, Inc. publishes a directory designed to provide reference to program listings and services (Please see Section 10 "Important Phone Numbers" for more detailed information).

Q: Who pays for the drug tests?

A: The employer is responsible for payment of all drug tests they may require. If an employee wishes to have the specimen retested, it will be at the employee's expense. In cases where the insurance carrier uses the positive test result to determine eligibility for workers' compensation benefits, the carrier will pay for the test.

Q: What evidence should I take to an unemployment compensation hearing?

A: The original and two copies of the following documents:

- The laboratory report of the drug test results and chain of custody forms
- Documentary proof of qualification for the workers' compensation insurance discount as approved by the insurance carrier or the Division of Workers' Compensation's Self-Insurance Section. In the absence of these documents an employer may arrange to call a qualified representative from the testing laboratory as a witness. Other helpful witnesses would include anyone who saw the worker using drugs or anyone to whom the worker admitted using drugs.

VI. Terms-

Chain of Custody -

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.

Confirmation Test- a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. This test must be different in scientific principle from that of the initial test procedure and must be capable of providing valid test results. This test is required before a medical review officer contacts the injured worker about test results.

Drugs-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 above. An employer may test an individual for any or all such drugs.

Drug Rehabilitation Program - a service provider that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse.

Drug Test- any chemical, biological, or physical instrumental analysis administered by a laboratory licensed by the Agency for Health Care Administration or certified by the U.S. Department of Health and Human Services, for the purpose of determining the presence or absence of a drug or its metabolites

Employee-any person who works for salary, wages, or other remuneration for an employer.

Employee Assistance Program-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.

Employer - a person or entity that employs a person and that is covered by the Workers' Compensation Law

Initial Drug Test - a sensitive, rapid, and reliable procedure used to identify negative and positive specimens, usually using a chemical procedure or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

Job Applicant - a person who has applied for a position with an employer and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test. For a public employer, "job applicant" is a person who has applied for a special-risk or safety-sensitive position.

Medical Review Officer (MRO) - a licensed physician, qualified under section 59A-24.008(1)(a)-(e), F.A.C., who evaluates a donor's test result, together with his or her medical history or any other biomedical information, and makes the final determination of the donor's test results.

Prescription or Non-prescription Medication - a drug or medication obtained pursuant to a prescription, 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.

Public Employer- any agency within state, county, or municipal government that employs individuals for a salary, wages, or other remuneration.

Reasonable Suspicion- drug testing based on a belief that an employee is using or has used drugs in violation of the employer's policy. The reasons for "reasonable suspicion" testing must be clearly defined in the employer's Drug-Free Workplace policy. "Reasonable Suspicion" may include the following:

1. 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.
2. Abnormal conduct or unpredictable behavior while at work or a significant deterioration in work performance.
3. A report of drug use, provided by a reliable and credible source.
4. Evidence that an individual has tampered with a drug test during his employment with the current employer.
5. Information that an employee has caused, or contributed to, or been involved in an accident while at work.
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

Safety-Sensitive -with respect to a public employer, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety; or such position that requires 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 s. 110.1127, Florida Statutes; or a position in which a momentary lapse in attention could result in injury or death to another person.

Special-Risk - with respect to a public employer, a position that is required to be filled by a person who is certified under Chapter 633 or Chapter 943, Florida Statutes.

Specimen - tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

VII. IMPORTANT PHONE NUMBERS

Item 6C.

National Assistance

CSAP Workplace Helpline **1-800-WORKPLACE** **1-800-967-5752**

This Center for Substance Abuse Prevention's toll-free service operates from 9:00 a.m.- 8:00 p.m. managers, and union leaders on the development and implementation of comprehensive drug-free workplace programs.

National Clearinghouse for Alcohol and Drug Information **1-800-729-6686**

This toll-free service has information available on all aspects of substance abuse, from prevention materials and videos to specific program guidelines and resources within your state. Many publications offered are free from the Clearinghouse.

Drug Information Hotline **1-800-662-4357**
(Spanish) **1-800-662-9832**

Employee Assistance Professionals Association (EAPA) **(703) 522-6272**
EAPA provides information on how to select EAP's, and the value they can provide.

AIDS Treatment Information Service **1-800-448-0440**

Al-Anon/Alateen Family Groups **1-800-356-9996**

Alateen **(212) 302-7240**

Alcoholics Anonymous **1-800-252-6465**

American Council on Alcoholism Helpline **1-800-527-5344**

800 Cocaine - (Information and Referral Hotline) **1-800-COCAINE**

MADD (Mothers Against Drunk Driving) **(214) 744-6233**

Nar-Anon Family Group Headquarters **(310) 547-5800**

Narcotics Anonymous **(818) 773-9999**

National Council on Alcoholism and Drug Dependency **1-800-NCA-CALL**

Partnership for a Drug-Free America **(212) 922-1560**

State Assistance

Drug/Alcohol Abuse Helpline (24 Hours) **1-800-362-2644**

Drug Abuse Alcoholism & Cocaine (Toll Free) **1-800-333-4444**

Drug/Alcohol Abuse & Information (24 Hour Emergency Service)	(850) 487-2930	<i>Item 6C.</i>
Drug/Alcohol Abuse (24 Hour Crisis line & Treatment)	1-800-283-2600	
Florida AIDS Hotline	1-800-352-2437	

For information regarding drug testing standards, procedures, laboratory certification, qualifications of Medical Review Officers, collection sites, please call:

The Agency for Health Care Administration..... (850) 487-3109

For information and questions regarding the State of Florida's, Workers' Compensation Drug-Free Workplace Program, please call:

The Division of Workers' Compensation, Customer Service Center (850) 413-1601

For information and questions regarding Unemployment Compensation Hearings, please call:

The Division of Unemployment Compensation, Bureau of Appeals.....(850) 921-3511

For additional copies of the application form 09-1, please call:

Your insurance carrier or The Division of Workers' Compensation, Customer Service Center Section (850) 413-1601

For a listing of Employee Assistance Programs and Drug Rehabilitation Programs in your area, you may:

Check the local listings in your Telephone Directory, Contact your County Health Department, Call your local Chamber of Commerce, or Obtain a Directory of Programs from the Florida Alcohol and Drug Abuse Association, Inc. (for prices call).....(850) 878-2196

AN EXAMPLE OF A SUBSTANCE ABUSE POLICY STATEMENT

Item 6C.

(This substance abuse policy statement is intended for general information purposes only and does not reflect an official opinion of the State of Florida, Department of Financial Services, Division of Workers' Compensation. The Florida Department of Financial Services disclaims any and all responsibility for the implementation of these policies.)

(YOUR COMPANY LETTERHEAD)

(Your Company Name) is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any (Your Company Name) employee illegally uses drugs on the job; comes to work under the influence; possesses, distributes or sells drugs in the workplace; or abuses alcohol on the job. Therefore, (Your Company Name) has established the following policy:

1. It is a violation of company policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on the job.
2. It is a violation of company policy for anyone to report to work under the influence of illegal drugs or alcohol.
3. It is a violation of the company policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications.)
4. Violations of this policy are subject to disciplinary action up to and including termination.

It is the responsibility of the company's supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee has a drug problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help.

Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a substance abuse problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at (Your Company Name).

REMEMBER: Your Substance abuse policy must also contain the necessary criteria as provided in Section III, of this brochure.

**A SAMPLE LETTER TO EMPLOYEES TO ACCOMPANY SUBSTANCE
ABUSE POLICY STATEMENT**

Item 6C.

(This substance abuse policy statement is for general information purposes only and does not reflect an official opinion of the State of Florida, Department of Financial Services, Division of Workers' Compensation. The Florida Department of Financial Services disclaims any and all responsibility for the implementation of these policies.)

(YOUR COMPANY LETTERHEAD)

LETTER TO ALL EMPLOYEES:

The illegal use of drugs and the abuse of alcohol are problems that invade the workplace, endangering the health and safety of the abusers and those who work around them. This Company is committed to creating and maintaining a workplace free of substance abuse without jeopardizing valued employees' job security. To address this problem, our Company has developed a policy regarding the illegal use of drugs and the abuse of alcohol that we believe best serves the interests of all employees. Our policy formally and clearly states that the illegal use of drugs or abuse of alcohol or prescription drugs will not be tolerated. As a means of maintaining our policy, we have implemented pre-employment and active employees drug testing. This policy was designed with two basic objectives in mind:

1.employees deserve a work environment that is free from the effects of drugs and the problems associated with their use, and

2.this Company has a responsibility to maintain a healthy and safe workplace.

*To assist us in maintaining a safe and healthful workplace, we have created an Employee Assistance Program (EAP). The EAP provides employees and their families confidential assessment, referral, and follow-up for personal or health problems.

**To assist us in providing a safe and healthy workplace, we maintain a resource file of information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file, which is located [insert where]. In addition, we will distribute this information to employees for their confidential use. An employee whose conduct violates this Company's Substance Abuse Policy (*and who does not accept the help we offer under the EAP) will be disciplined up to and including termination. I believe it is important that we all work together to make this Company a drug-free workplace and a safe, rewarding place to work.

Sincerely,

President

*Insert if your business has **added** an EAP to its Drug-Free Workplace Program.

Insert if your business has **not added an EAP, but instead provides other means of employee assistance in the community.

**SAMPLE: PRE-EMPLOYMENT DRUG TESTING CONSENT AND
RELEASE FORM**

(This Pre-Employment Drug Testing Consent and Release Form is used for general information purposes only and does not reflect an official opinion of the State of Florida, Department of Financial Services, Division of Workers' Compensation. The Florida Department of Financial Services disclaims any and all responsibility for the implementation of these policies.)

(YOUR COMPANY LETTERHEAD)

I hereby consent to submit to the testing for drugs and/or alcohol as shall be determined by (Your Company Name) in the selection process of applicants for employment, for the purpose of determining the drug and/or alcohol content thereof.

I agree that (Name of clinic or physician)_____

may collect these specimens for these tests and may test them, if qualified, or forward them to a licensed or certified laboratory designated by the company for analysis. I further agree to and hereby authorize the release of said test results to the company.

I understand that my current use of illegal drugs may prohibit me from being employed at this Company.

I further agree that a reproduced copy of this pre-employment consent and release form shall have the same force and effect as the original.

I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing of this consent and release form is a voluntary act on my part and that I have not been coerced into signing this document by anyone.

Applicant:
Print Name: _____ SS#: _____

Applicant Signature: _____ Date: _____

Witness Print
Name: _____

Witness
Signature: _____

SAMPLE: ACTIVE EMPLOYEE CERTIFICATE OF AGREEMENT

(This Active Employee Certificate of Agreement is for general information purposes only and does not reflect an official opinion of the State of Florida, Department of Financial Services, Division of Workers' Compensation. The Florida Department of Financial Services, Division of Workers' Compensation disclaims any and all responsibility for the implementation of these policies and/or agreements.)

(YOUR COMPANY LETTERHEAD)

I do hereby certify that I have received, read and understand the (Your Company Name) Substance Abuse and Testing Policy, and have had the Drug-Free Workplace Program explained to me. I understand that if my performance indicates it is necessary, I will submit to a drug test. I also understand that failure to comply with a drug testing request or a positive result may lead to sanctions as laid out in the policy, including termination of employment.

Name: _____

Signature: _____

Date: _____

NOTICE TO EMPLOYER: If you have a Drug-Free Workplace Program established and maintained in accordance with Florida law, and you would like to apply for the 5% premium credit that is available, please complete this form and forward it to your insurer. Re-certification is required annually.

APPLICATION FOR DRUG-FREE WORKPLACE PREMIUM CREDIT PROGRAM

Name of Employer:

Date Program Implemented:

Testing:

Procedures for drug testing have been established and/or drug testing has been conducted in the following areas:

- Job applicant
- Routine fitness for duty
- Reasonable suspicion
- Follow-up testing to Employee Assistance Program

Notice of Employer’s Drug Testing Policy:

- Copy to all employees prior to testing
- Posted on employer's premises
- Copy to job applicants prior to testing
- General notice given 60 days prior to testing
- Show notice of drug testing on vacancy announcements
- Copies available in personnel office or other suitable locations
- No notice required because the employer had a drug testing program in place prior to July 1, 1990

Education:

- Resource file on providers
- Employee Assistance Program
- Education

Name of Medical Review Officer:

- Name of approved Agency for Health Care Administration Lab or United States Department of Health and Human Services Certified Laboratory: _____
- Phone No.: () _____
- Address: _____

Your certification is subject to physical verification by the insurer. Your policy is subject to additional premium for reimbursement of premium credit, and cancellation provisions of the policy if it is determined that you misrepresented your compliance with Florida law. Any person who knowingly, and with intent to injure, defraud, or deceive any insurer, files a statement of claim or an application containing any false, incomplete, or misleading information with the purpose of avoiding or reducing the amount of premiums for workers compensation coverage is guilty of a felony of the third degree, punishable as provided in Section 775.082, s. 775.083, or s. 775.084, Florida Statutes.

Under penalties of perjury, I declare that I have read the foregoing Application for Drug-Free Workplace Premium Credit Program, and that the facts stated in it are true.

<hr/>	<hr/>	<hr/>
Employer Name	Date	Officer/Owner Signature*

❖ Application must be signed by an officer or owner.

Title

Form 09-01A

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City of Madeira Beach, FL



SAFETY & ACCIDENT PREVENTION MANUAL

SAFETY & ACCIDENT PREVENTION MANUAL

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INTRODUCTION

Safety is the responsibility of **every** employee. Only through the full support of every employee can our Safety Program be successful. You are expected to be concerned with your own safety, the safety of fellow workers and the safety of the general public. This means willing acceptance and active support of approved safety rules or safety procedures.

Accidents don't just happen. They are caused because someone did something he/she shouldn't have done; or because someone failed to do something he/she should have done; or because a hazard was not recognized. These are human failures and can be controlled. By exercising self-control, every employee has an opportunity to demonstrate job skill. By passing on his knowledge to others, an employee demonstrates teamwork. By demanding safe performance and enforcing approved safety procedures, supervisory personnel demonstrate concern for their employees' welfare.

This manual is issued to establish uniform safety procedures for tasks that are performed in multiple activities throughout the City. Additional safety procedures may be required for specialized tasks that are not included in this manual. Your Department Director will prepare these procedures as supplemental procedure for your position as required.

RESPONSIBILITY FOR SAFETY

1. **Management and supervisory personnel** are responsible for ensuring the consistent enforcement of all safety procedures outlined in this manual, special rules issued by department heads, or of any other applicable safety instruction. This responsibility is discharged through the first line supervisory personnel who are generally designated "Supervisor". Wherever the title "Supervisor" is used, it shall apply equally to all other personnel charged with first line supervisory responsibilities, regardless of the actual titles.
2. **Supervisors** are responsible for adequate safety instruction and job training of every employee under their supervision, including operation procedures, tools and equipment, and individual protective equipment.
3. **Supervisors** are responsible for making sure that all tools and equipment used by employees under their direction are maintained in a safe operating condition.
4. **All Employees** are responsible for compliance with safety procedures, standards, and rules outlined in this manual or other applicable directives.
5. **All Employees** are responsible for promptly reporting to their supervisor any hazardous condition or procedure that affects them, their fellow workers, or the general public.
6. **All Employees** are responsible for assisting in every way possible to conduct adequate investigations of all accidents, and to perform realistic job safety analysis to identify and correct hazardous conditions for accident prevention.

SECTION I. GENERAL

Safety must be a part of the planning for every job, equal in importance to all other operational considerations. Observing the safety procedures contained in this manual will make operations safer, and will protect you, the employee, from potential accidents.

Unsafe conditions and unsafe procedures must be identified before they can be corrected. Every employee is responsible for immediately reporting those that are recognized. **All accidents or incidents must be reported, whether or not a personal injury or property damage is involved.** Remember that a "NEAR MISS" is a danger signal. The accident you prevent may be the one that could have injured you.

A. General Safety Procedures Are Established for All City Personnel:

1. **Know your responsibilities.** Recognize hazards and communicate your suggestions for better and safer methods to your supervisor. Always be conscious of the safety of others as well as your own.
2. **Know your job.** Learn the right way by asking, not by trial and error. Always apply safe working practices.
3. **Report all accidents or incidents.** Whenever you or the equipment you operate is involved in an accident/incident, report it to your supervisor immediately.
4. **Obey all rules, signs, and instructions.** If in doubt, **ASK**.
5. **Horseplay and practical jokes that could result in ANY injury are prohibited.** An act in jest can end in disaster. Any employee participating in such activities shall be subject to disciplinary action up to and possibly including discharge.
6. **Alcohol/drugs.** Any employee being in possession of or using alcohol/drugs while on duty, or reporting to work under the influences of alcohol/drugs shall be subject to disciplinary action in accordance with the City's Drug-Free Workplace policy.
7. **Housekeeping.** Keep equipment, tools, materials, and work areas clean and orderly. Disorder causes injury and wastes time, energy and materials.
8. **Clothing.** Wear proper, accepted clothing for the job. Do not wear jewelry, loose clothing or neckties around rotating machinery.
9. **Protective Clothing or Equipment.** Special protective clothing and/or equipment shall be worn whenever specified by your supervisor or department policy, and shall be maintained in good condition.

10. **Machine Guards.** Never operate machinery and equipment with guards removed.
11. **Tools and Equipment.** Always inspect tools and equipment before use. Report defects to your supervisor immediately.
12. **Lifting.** When lifting, bend your knees, grasp the load firmly, then raise the load, keeping your back as straight as possible. **GET HELP** for heavy loads.
13. All tools and equipment shall be used in accordance with manufacturer's guidelines.

MAINTAIN

A POSITIVE MENTAL ATTITUDE

ABOUT SAFETY

AND

IT WILL BECOME

A GOOD HABIT!

SECTION II. EMPLOYEE INJURIES

Prompt, knowledgeable treatment of employee injuries will in many cases prevent minor injuries from becoming major ones, and may save lives. All employees are therefore responsible for immediately reporting to their supervisor all injuries that occur on the job.

Adequate first aid kits shall be maintained in appropriate facilities and in vehicles and equipment used by mobile work units. The kits shall be readily accessible, prominently displayed whenever possible, and their location made known to all potential users.

If medical attention is needed or requested, the employee should be given a Worker's Compensation form and sent for treatment to the medical facility designated to provide medical treatment to employees injured in your department.

The Worker's Comp form authorizes medical treatment, therefore, the top portion of the form must be properly filled out to include date, division, specific job-related duties, and the signature of the referring supervisor, prior to the form being given to the injured employee. After treatment, this form is completed by the treating physician to show the medical status of the injured employee as follows:

1. Full Duty
2. Light Duty (with limitations as shown)
3. No Duty
4. Follow-Up Date (next visit)

The employee should immediately return the completed Worker's Compensation form to the authorized person in their department and a copy sent to Human Resources.

No employee shall be allowed to return to work unless the Worker's Comp form has been returned showing either full duty or light duty. In those cases where an employee is returned to light duty, the department will determine if light duty within the stated restrictions is available.

If such light duty is available, the authorized supervisor or manager should indicate this on the margin of the Worker's Comp form and initial the form. If light duty within the stated restrictions is not available, the authorized supervisor or manager should indicate this on the margin of the Worker's Comp form and initial the form.

If any employee is working on light duty, and light duty becomes unavailable at any time during the period the employee has been medically restricted to light duty, the department must immediately notify the Human Resource office since benefits might be due, and notification of time off must be sent to the State.

The returned Worker's Comp form and a completed Report of an Injury to an Employee (white form) must be sent to the Human Resource Office within one (1) two working day of the injury (or the report of injury). This applies to **all** on-the-job injuries (including first-aid cases). If a department delays sending the Report of Injury and Worker's Comp form to the Human Resource Office, it may result in late payment of benefits to the employee and late reporting of the injury to the State, which would result in monetary penalties being assessed against the City.

If an employee is seriously injured call 911 for fire rescue (paramedics) and/or ambulance service, and be prepared to give the following information:

1. Your name, and department/division.
2. Identify a City employee was injured.
3. Brief description of injury.
4. Exact location.
5. Telephone number from which you are calling.

The following are examples of **serious** injury:

1. Employee is unconscious or apparently in shock.
2. Any fracture of the lower extremities.
3. Any uncontrollable bleeding.
4. Severe abdominal cramps and/or vomiting.
5. Other symptoms of internal injury.

Refer to the colored paper in the back of this manual for a listing of approved medical providers for both non-serious (first aid) and life threatening injuries. As this information changes, each employee will receive new page(s) to update their respective manual.

Currently, prescriptions ordered by an authorized physician for a work-related injury can be obtained without payment at most area pharmacies. The pharmacy may verify coverage by calling the Human Resource Office at 391-9951.

If employees pay for a prescription for a work-related injury, they may submit for reimbursement through the Human Resource Office.

In addition to the above procedures related to employee injuries, the following safety procedures are established:

1. All injuries, including first-aid cases and insect stings shall be reported to the appropriate supervisor.
2. When limited to first-aid treatment on the job, open wounds shall be thoroughly cleaned with soap and water to prevent infection.
3. First-aid, rescue breathing and external heart compression shall be performed only by trained personnel, and only to the extent reasonably necessary to

preserve life and prevent permanent disablement until professional medical attention is available.

4. All animal bites, because of the possibility of rabies, shall receive medical attention and must be reported to the Pinellas County Sheriff's Office.
5. Supervisors are required to take immediate corrective action **to eliminate any unsafe acts or unsafe conditions** which could or would result in an accident.

SECTION III. FIRE PREVENTION

Fire is an ever-present hazard in public works and maintenance operations. In the variety of activities performed in these operations, there are shops and job sites in which potential fire hazards exist. Fires can be prevented by orderly planning, sensible arrangement of fire-producing activities in relation to combustible materials, good housekeeping, and observance of practical controls of smoking habits when flammable substances are present.

It is necessary that shops and fixed activities have a fire plan to combat fire if it should occur. The plan must include: adequate warning measures for alerting all persons in the area of the existence of a fire; rapid reporting to the Fire Department; evacuation of affected personnel from areas involved in a fire; procedures for containing the fire insofar as it is safe to do so, and to maintain safe exit for personnel so engaged; instruction of personnel who regularly work there in the duties they are to perform in given fire situations; and adequate fire extinguishing equipment which is certified and inspected on an annual basis.

A fire, to occur, must have three elements:

FUEL - a substance which will burn;

SOURCE OF IGNITION - heat or chemical reaction; and

OXYGEN - to sustain the fire or keep it burning. Remove any one of these three and fire will not occur.

It is far better to prevent fire from occurring at all. A semi-annual fire prevention inspection and training will be conducted by the Madeira Beach Fire Department to include proper storage and use of extinguishers.

1. Departments/Divisions are responsible to ensure all fire extinguishers are in proper working order at all times and inspected and certified on an annual basis. Contact the Fire/Public Safety Department at 391-9951 for further information related to fire extinguishers.
2. Only approved solvents shall be used when cleaning machinery and equipment during maintenance and repair tasks. Use of gasoline to clean machinery and equipment is prohibited.
3. Cleaning solvents shall be kept in approved metal containers.
4. Gasoline used in small quantities in shops for fueling engines being repaired, tested, adjusted, etc. shall be handled and dispensed only in U.L. approved, explosive-proof safety cans.

5. Oily rags other flammable waste material shall be kept in covered, metal containers. Such debris shall be removed from shops and buildings as soon as possible and, in no case, shall be left unattended in a building overnight.
6. **"NO SMOKING"** shall be enforced in all areas where hazardous substances are stored or used.
7. Supervisors are required to take immediate corrective action to eliminate any unsafe acts or unsafe conditions which could or would result in an accident.

The City provides a source of knowledge and assistance to departments and divisions on safety problems. For instance:

1. Information on chemicals - their hazardous properties and safe handling procedures.
2. Advice or active assistance in evaluation of potential fire hazards and planning to achieve satisfactory fire prevention measures.
3. Trained personnel and specialized equipment for rescue work in the event of an accident are immediately available at all times.
4. And, remember to use the "911" emergency number. If you use another number to reach the Fire Department, you only slow down the response to your emergency.

SECTION IV. HOUSEKEEPING

Item 6D.

An effective safety program is not just a "push broom" effort, but an orderly arrangement of operations, tooling, equipment, storage equipment and supplies.

Set a good example in your own area. Don't hesitate to pick up unused odds and ends or litter from the floor and put them in the trash can. This encourages others to do the same.

A. Base Operations. Practices which will help you attain the maximum degree of orderly housekeeping:

1. Develop a routine procedure for inspecting your work area regularly each job.
2. Check closely on general working conditions. It is the first piece of trash on the window sill or under the bench or desk which invites people to add to it. Act immediately when necessary to keep heat, light, ventilation and sanitation satisfactory.
3. Report conditions which contribute to disorder, so they can be corrected.
4. Maintain work area in a clean and, so far as possible, dry condition. Where wet processes are used, drainage should be maintained, and false floors, platforms, mats, or other dry standing places should be provided where practical.
5. Inspect every floor, working place, and passageway to be sure they are free of protruding nails, splinters, holes, or loose boards.
6. Keep aisles and passageways clear and in good repair, with no obstruction across or into aisles which could create a hazard.
7. Clearly mark permanent aisles and passageways. Do not allow exits to become blocked.
8. Do not allow fire protection equipment to become blocked or inoperative.
9. Keep all electrical control boxes (disconnects, circuit breakers, and distribution cabinets) free of stored items. Be sure control boxes are properly identified as to their functions.
10. Return tools and equipment to their proper place when not in use.
11. Lay out extension cords, air hoses, water hoses, ladders, pipes, tools, etc. in such a way as to minimize tripping hazards or obstruction to traffic.
12. Make sure there are adequate seats or benches where needed. Do not use makeshift seating (such as kegs or boxes).
13. Check equipment which uses coolants to make sure oil, coolant, or water does not leak on the floor. See that absorbents are handy for soaking up spilled liquids.

14. Provide adequate toe boards to prevent objects from rolling over the edge when material is stored overhead.
15. Secure materials stored on racks or hooks from falling and route walkways a safe distance from the surface beneath.
16. Establish and post load limits on loft or mezzanine storage areas.
17. Make sure you have trash containers in strategic locations. They should be plainly marked and emptied when full.
18. Do not store anything on window ledges.
19. Eliminate the practice of keeping excess materials at work places. This is one of the most prevalent poor work habits.
20. Be sure flammable solvents are kept in approved containers and are used only when needed. Do not store more than one day's supply in the work area at any time.

B. Vehicles and Other Equipment. Good housekeeping practices refer not only to fixed base operations, but also to vehicles, tool boxes, tool trailers and all equipment.

1. When transported in the operator compartment, tools and materials must be secured.
2. Form and scrap lumber with protruding nails and all other debris, should be kept clear from all work areas.
3. Combustible scrap and debris should be removed at regular intervals.
4. Containers should be provided for collection of flammable or harmful substances.
5. Waste should be disposed of at frequent intervals.
6. Tools and other equipment should be stored properly when not in use. Do not leave them unsecured in vehicles or trailers.
7. A procedure for the control of tools, such as a check-out system from trailers, should be used.

 **Remember:**

SPECIAL EFFORT IS NEEDED

TO PROMOTE

GOOD HOUSEKEEPING CONDITIONS!

Make these **COMMON SENSE RULES** part of your job:

1. Identify hazards before you start a job.
2. Don't take chances - respect all precautions.
3. When in doubt, ask your supervisor.
4. Know in advance what could go wrong and what to do about it.
5. Know how and where to get help.
6. Learn basic first aid measures.
7. Use the corrective protective clothing and equipment before handling hazardous substances.

SECTION V. RIGHT-TO KNOW

Item 6D.

The Occupational Safety and Health Administration (OSHA) has issued a rule, The Hazard Communication Standard, aimed at keeping you safe and healthy. It says you have a "Right-to-Know" what hazards you face on the job, and how to protect yourself against them.

The City works to protect you against dangers of hazardous chemicals. Safety training and proper storage of chemicals are just a few of the things being done to keep you safe. "Right-to-Know" training is provided for all employees when first hired, and once a year thereafter.

The City has adopted a written hazard communication program which does the following:

- Tells you about the Hazard Communication Standard.
- Explains how it's being put into effect in your work place.
- Provides information and training on hazardous chemicals in your work places, this includes how to:

Recognize, understand and use labels and Material Safety Data Sheets (MSDS): and

Use safe procedures when working with hazardous substances.

As an employee you also have the responsibility to protect yourself. You must read and follow the instructions and warnings on labels and Material Safety Data Sheets (MSDS).

How do you know if something is hazardous?

- ✓ **First**, look on the container of the substance. There are many types of labels, but if a chemical is hazardous, the label should tell you. Play it safe. Get into the habit of reading the labels on all containers -- and follow all instructions. If you have any questions, ask your supervisor or refer to the Material Safety Data Sheet (MSDS). The MSDS gives you the information you need to work safely with chemicals.

- ✓ **Read** the MSDS before you start a job, then way you'll **BE PREPARED!!**

The rest is up to you. The City has gone to a lot of effort to protect you, but the only person who can keep you safe every day on the job is **you**.

SECTION VI. DRUG/ALCOHOL ABUSE

Item 6D.

The consequences of alcoholism and drug abuse to business and industry are realized as hidden costs such as lowered productivity, increased absenteeism, inefficiency, increased employee turnover, increased injury rates and incidents arising from behavioral problems.

The City believes employees with alcohol and/or drug problems require professional assistance. The Employee Assistance Program (EAP) is a professional, confidential and personal counseling service program which is available to assist employees, or eligible family members in resolving personal and job-related problems which are having an undesirable impact on their lives and/or jobs.

Free diagnostic counseling sessions are available to assess personal problems. The City has arranged to provide this benefit with a company whose services are retained by contract. If further assistance is desired, after the first session it may become necessary for the individual to pay for the additional expenses. Further information regarding this program is available from the Human Resource Department at 391-9951.

It is a dismissal offense (Group III First Violation) to consume alcohol while on duty, including breaks and/or while on lunch periods, as is the possession or use of illegal controlled substances while on duty, including breaks and/or while on lunch periods.

SECTION VII. OFFICE SAFETY

Item 6D.

You spend more time in the office than anywhere else -- except in your home, where most of the time you're asleep! While most people assume offices are safe, there are safety hazards .

Trips and falls can be very painful. To avoid them:

1. Keep desk and file drawers closed when not in use. You can trip over opened bottom drawers and hit your head on opened top drawers. Also, never open more than one file drawer at a time, especially the top ones in a stack. The entire unit, becoming top-heavy, could tip over.
2. Make sure computers, typewriters and other machines are securely placed so they cannot fall and hurt you or your co-workers.
3. Stand on a step ladder or step stool — not on a desk or chair — when you must reach things in high places. Do NOT use the top step of a ladder.
4. Sit properly in chairs. To avoid falls, don't sit on the edge of your seat. Be sure to keep your chair flat on the floor never tilt the chair back.
5. Use aisles, don't take short cuts.
6. Watch where you walk. Make sure you can see over a load you are carrying. Don't read while walking.
7. Use handrails on stairways.

Cuts and pinches hurt, too. To prevent them:

1. Use the handle when closing a desk or file drawer. Otherwise, you may pinch or cut your fingers.
2. Sweep up broken glass immediately. Wrap the glass in strong paper, label the package, and dispose in a safe place.
3. Store sharp items separately. Don't leave knives, cutting blades, thumbtacks, etc. lying around.
4. Keep electric and phone cords neat. Make sure they are located out of the flow of traffic.
5. Use office equipment carefully. Disconnect the power before you clean or adjust a power-driven office machine. Electric fans should be guarded so the spinning blades do not injure you. Never handle a fan which is in operation; first, turn it off and wait until it comes to a complete stop.
6. Report poorly lighted work areas or burned out light bulbs.

How can you avoid accidents in your office? Here are some general helpful hints.

Item 6D.

Your office can be a safe place to work if you:

1. Lift carefully. When you lift objects, keep your back straight and let your leg muscles do the work. And when a load is heavy, get help. It's better to wait for help than to strain your back while trying to do the job alone.
2. Prevent fire. Smoke only in designated areas. Use ash trays and discard smoking materials into receptacles provided, not into waste baskets.
3. Know where the fire extinguishers are located and how to use them.
4. Know fire exit locations and learn the emergency procedures of your office.
5. Wear proper clothing. Avoid loose jewelry or ties and wear practical shoes. Tie back long hair when near a machine.
6. Take care of injuries promptly. Remember, even the slightest paper cut needs attention; otherwise it could become infected.
7. Keep blades of paper cutters closed when not in use and always use caution when operating a paper cutter.

SECTION VIII. LIFTING, PUSHING & PULLING

Item 6D.

Analysis of past experience has shown almost one-third of the injuries experienced by employees are related to materials-handling tasks. The tasks involve actions or body motions such as:

Lifting; Pushing; Pulling; Twisting; Carrying; or Lowering.

The objectives of the activities involve a variety of results such as:

1. Moving articles from one place to another.
2. Raising and lower articles.
3. Changing position of an article or portable machine.
4. Adjusting valves, nuts, covers, etc.

Problems are caused by such conditions as: Weight, Size, Shape, Surface of Materials, Working Surface, Sudden Release of Resistance, Position or Location.

Most of the materials-handling accidents can be avoided by taking a little time to plan ahead; using mechanical equipment whenever possible; thinking about the proper way to do the tasks; and using the proper tools.

The following safety procedures are established for all employees:

1. Inspect materials for slivers, jagged edges, burrs, rough or slippery surfaces.
2. Wipe off greasy, wet, slippery, or dirty objects before trying to handle them.
3. Keep hands free of oil and grease.
4. When adjusting or changing a grip, set the object down.
5. Never carry glass under an arm because a fall might sever an artery.
6. Never carry a load you can't see over or around.
7. Carry long objects such as pipe or lumber, on the shoulder with the front as high as possible to avoid striking other employees — especially at corners.
8. Wear appropriate individual protective equipment when handling materials which present health hazards such as acids, corrosive liquids or powders, etc.
9. When opening bales or boxes bound with wire or steel bands, wear heavy gloves and eye protection. Take special care to prevent ends of bindings from flying loose and striking the face or body.
10. When moving materials on hand trucks or dollies, push rather than pull whenever possible.

11. When exerting leverage on large wrenches or prying tools, pull rather than push whenever possible.
12. Check the intended route for adequate clearance and for slipping or tripping hazards.
13. Assume a well-balanced stance, use leg muscles, bend your knees, and keep the back as straight as possible when lifting.
14. Avoid twisting the body trunk while carrying materials; move your feet to change direction.
15. Test the weight of the object first and get help if it is too heavy to handle alone.
16. Get help if the size, bulk, or shape of the article prevents you from maintaining balance and/or puts excessive strain on back or abdominal muscles.
17. When several persons are handling heavy materials, all should face forward whenever possible. If a person must walk backwards, others should be especially alert to slipping, tripping, or bumping hazards and issue appropriate verbal directions if needed.
18. Avoid getting hands or other body parts pinched between the load and other objects around or near it.
19. Use the proper tools such as special wrenches, hooks, pry-bars, or special handling tools to lift heavy covers, operate heavy valves, etc.
20. Supervisors are required to take immediate corrective action to eliminate any unsafe acts or unsafe conditions which could or would result in an accident.

SECTION IX. MOTOR VEHICLES AND MOBILE EQUIPMENT

Item 6D.

Many employees operate cars, trucks and other mobile equipment in the course of their work. Driving places heavy demands upon an employee's alertness, judgement and skill. Driving errors an employee may make can be costly to the City, but even greater importance is the potential which exists for serious injuries to the employee and members of the general public.

City vehicles are easily identified as such and constitute a traveling advertisement seen by many citizens. They have what advertising agencies call "high exposure". This exposure exerts an important influence on public relations for the City, since safe, courteous driving habits build a positive public image. In addition, the application of the principles of defensive driving helps avoid accidents.

A. Established Safety Procedures:

1. An employee will immediately notify the Sheriff's Department (911) and his/her supervisor anytime a City vehicle is involved in a motor vehicle accident. The Sheriff's Department will in turn notify the Human Resource Department of the accident. If the accident occurs outside the jurisdiction of the sheriff's Department, the Department will notify Human Resources.
2. The Department of the employee involved in a motor vehicle accident will insure a City Motor Vehicle Accident Report is forwarded to their Safety Coordinator, who will insure it is sent to the Human Resource Department within one (1) working day after the date the accident .
3. Any City employees involved in a motor vehicle accident with a company vehicle and found at-fault or cited by the investigating officer will be required to attend a Safe Driver Course conducted by the State.
4. No vehicle or mobile equipment shall be operated if it is in defective or unsafe condition.
5. Any employee operating company vehicles or mobile equipment must have a valid Florida license in his/her possession in the appropriate class as required by his/her positions.
6. All persons driving or using company vehicles or mobile equipment shall wear seat belts as required by State law.
7. Every slow moving vehicle or equipment, or other machinery **designed for use at speeds less than 25 miles per hour**, will be equipped with a slow-moving vehicle emblem. This includes all road construction and maintenance machinery. Vehicles or equipment displaying this emblem will not be driven in excess of 25 miles per hour.

8. Flashing or rotating amber lights will be authorized on road/street maintenance equipment, road/street maintenance vehicles and road service vehicles when in operation or to designate a hazard.
9. The driver of company vehicles will conduct a "**Safety Circle Check**" anytime before it is entered or moved. The following procedure will be followed:

B. General Requirements

1. Drivers will visually inspect the perimeter of his/her vehicles prior to putting the vehicle in motion in any direction. This shall be accomplished by the driver walking around his/her vehicle to ensure the area to the rear, sides, and front are clear of all hazards before starting the vehicle.
2. Drivers shall also give an audio warning by horn or backup alarm and check all mirrors before any backward movement is made.
3. Drivers shall back cautiously and be always on the alert for any unexpected event.

C. Additional Requirements. In addition to requirements A, B, and C above, the drivers of vans, trucks, and construction equipment will use safety cones. The following procedures apply to all drivers:

1. Safety cones will meet DOT requirements and will be used to remind the driver to "Safety Circle Check" the vehicle each time it is going to be entered and moved. Tying a rope, wire or anything else to the cone and vehicle is prohibited.
2. Safety cones will be used at all times when parking outside of a fenced-in vehicle storage yard.
3. Placement of cones:
 - a. **Parallel Parking** - the safety cone will be placed adjacent to the rear bumper.
 - b. **Nose-in Parking** - when the nose of the vehicle is pulled in place, the safety cone is placed to the rear of the vehicle and centered.
 - c. **Back-in Parking** - when the vehicle is backed in place, the safety cone is placed in front of the vehicle and centered.

The above procedures in no way change the procedures on placement of safety cones used to direct traffic around work locations where construction or other work is in progress.

All trucks, when backing, will also utilize a ground man when available. The ground man will stand to the left rear of the vehicle and be within sight of the driver **at all times**. The ground man will direct the driver back, ensuring the rear and sides are clear and the movement can be made safely. If no assistance can be obtained or is unavailable, the driver will conduct a "Safety Circle Check" as outlined in the General Requirements.

D. VEHICLE INSPECTION. Motor vehicles must be inspected daily while in use and maintained in mechanically safe condition as follows:

4. Signs of Damage - Look under the vehicle for fluid leaks, loose parts or other signs of damage.
5. Fluid Levels - Check the oil, engine coolant, power steering fluid and other fluids daily. For vehicles equipped with hydraulic systems, check these levels daily as well.
6. Look over the exterior of vehicle for damage.
7. Windshield, Mirrors and Other Glass - Check for cleanliness and defects.
8. Tires and Lug Bolts - Check for tread wear, air pressure and lug bolt tightness.
9. Trailer Connections.
10. Chains, Binders and Other Tie-Downs.
11. Fire Extinguisher - Check to see the charge registers "Full".
12. First Aid Kit.
13. Brakes.
 - a. To check brakes - Press the brake pedal with a light, gradual pressure. If the pedal travels or fades to the floor, then the brakes are not adjusted or the master cylinder is not functioning properly.
 - b. Apply pressure on the brake pedal three times to build up fluid pressure in the system. On the third stroke, apply excessive force and hold for five seconds. If the pedal gradually glides to the floor, do **not** drive the vehicle and report the condition. Report any vehicle problem to your Supervisor who will decide how the repairs will be made.
 - c. Trailer Brakes - Check at low speed before leaving the parking areas or yard.
14. Steering Gear - Check at low speed before leaving the parking area or yard.

15. Lights - Check both low and high beams, brake lights, parking lights and signal lights.
16. Check Windshield Wipers, Washers and Defroster.
17. Test Horn.
18. Check Mirrors for Proper Adjustment.

Do not attempt to drive a vehicle which is in an unsafe condition. Report any vehicle problem to your Supervisor who will decide how the repairs will be made.



SECTION X. PROTECTIVE CLOTHING & EQUIPMENT

Item 6D.

The variety of work operations performed by employees involves many hazards. Much research has been done to develop measures to protect employees from accident injury. When the hazards cannot be engineered out of the machine or process, then protective clothing or equipment has been designed to prevent injury.

An employee who fails to wear protective clothing and use safety equipment becomes a gambler who is betting his/her life, or eyesight, or other physical well-being that "it won't happen to me". Losing the bet becomes more uncomfortable for a lifetime than wearing the equipment for the duration of the job. Safety in this instance is a knowledge of the hazards, knowledge of the protection available, and a frame of mind which makes use of available protection a safe work habit.

A. HEAD PROTECTION. The many construction and maintenance activities performed by employees involve working above or below ground levels, movement of materials overhead, and working near construction machinery. In such operations the hazards of being struck by falling objects, machinery, and loads being moved by machinery constantly exist. Hard hats are provided to protect the head against the danger of head injuries from falling or flying objects. The proper protection is provided by the suspension which gives the helmet its impact-distribution abilities. It is important for it to be adjusted to fit the wearer and keep the hat itself a minimum distance of 1¼ inches above the wearer's head.

Head Protection Safety Procedures:

1. The City will be responsible to supply the proper head protection when required in the performance of the employee's duties to maintain proper safety standards.
2. The construction and shape of hard hats shall not be altered in any manner.
3. Hard hats shall not be painted or have holes drilled into them because it alters the properties and strength of the hat.
4. Hard hats will be worn in any area designated "HARD HAT AREA".
5. All personnel engaged in climbing tasks or working from aerial lifts shall wear head protection which meets the approved standards for dielectric properties (Class B Hard Hat) due to the possibility of contacting overhead electrical hazards.
6. Hard hats of the type approved by the City shall be worn when working in areas where objects are subject to falling, flying or striking the head, e.g. construction projects, material hoisting, inspector inspecting condemned or unsafe houses, trenching or excavation, etc.
7. Long hair should be secured when working with or around machinery.

B. FACE AND EYE PROTECTION. Hazards involving the possibility of injuries to the face and eyes exist in both indoor and outdoor tasks. They range from dust blown into eyes on a windy day to particles of steel, sand, concrete, etc. propelled into the eyes with considerable force by power tools and machinery or splashes of corrosive dust and liquid chemicals.

There are many types of safety glasses, goggles, shields, etc. to protect workers from these hazards. Although the loss of one or both eyes can have extremely serious consequences to an employee, individuals often vigorously resist efforts of management to require this vital protection. This is probably one of the most important protective features of any safety program.

Face and eye protection shall be provided for any task where there is reasonable probability of injury which can be prevented by such protection. Employees assigned to perform tasks which require eye protection shall wear the protector provided.

The City shall make appropriate face and eye protection devices available to the employee and make their use mandatory for specific tasks. Employees authorized by their department director to wear industrial safety lenses for the performance of their duties can be partially reimbursed. Employees should refer to The City's rules and regulations for the proper reimbursement procedures.

Safety glasses, goggles and other eye protective equipment offer a vital protection. If sufficient care is not exercised to maintain them properly, dirty or scratched lenses may provide another hazard from reduced visibility.

Face and Eye Protection Safety Procedures.

1. Face and/or eye protection shall be worn anytime there is a possibility of injury, for example:
 - a. Using air lance, grinding, cutting, milling or drilling with power tools.
 - b. Using impact wrenches and compressed air tools.
 - c. Chipping, scraping, scaling paint, rust or other materials.
 - d. Using punches, chisels or other impact tools.
 - e. Cutting rivets.
 - f. Cutting or breaking glass.
 - g. Cutting or breaking concrete.
 - h. When using powder actuated tools.
 - i. Cleaning dust or dirt from under vehicles, machinery, etc.



- j. Using metal cutting lathes, sharpeners, drill press, power hacksaws and other metal working tools.
 - k. When using corrosive or reactive liquid and/or solid chemicals.
 - l. Using power woodworking machinery, both fixed and portable.
 - m. Operating or in the vicinity of machinery where there is a danger of flying objects or dust to the face or eyes.
 - n. When working on any overhead surface or object which requires the employee to face upward.
2. A full plastic face shield shall be worn when operating air lance, edgers, chippers and chain saws.
 3. A face shield with proper filter lens, or welder's lens or welder's goggles, shall be worn in all welding and cutting operations.
 - a. Welder's helmets with proper filter lenses shall be worn.
 - b. Portable welding screens shall be used to protect the eyes of others in the vicinity whenever potential exposure to others exists.
 - c. Helpers and observers shall wear safety glasses or goggles with the proper filter lenses.
- C. HEARING PROTECTION.** During your work assignment, there may be some machines or equipment which may produce sound levels in the frequencies which could cause hearing loss. Hearing protection is to be worn in compliance with OSHA guidelines.
- D. The following table is taken from existing standards showing the maximum permissible noise exposure in an 8-hour shift:

Permissible Noise Exposure

<u>Duration of Day, Hours</u>	<u>Sound level dBa</u>
8	90
6	92
4	95
3	97
2	100
1 ½	102
1	105
½	110
¼	115

When employees are subjected to sound levels exceeding those listed in the table, attempts should be made to use engineering controls. If the sound level cannot be reduced within the levels set forth in the table, then personal protective equipment shall be provide and shall be worn by employees so exposed.

Ear protection may consist of ear muffs, ear plugs, or some of the newer disposable materials. The type most acceptable to the employees shall be provided whenever possible, so long as it achieves sufficient reduction of noise exposure.

Ear protection will be used when the hours of exposure to excessive noise exceeds the permissible levels for one day. (Example: concrete, chain saws, generators, portable compressed air tools, etc.).

E. HAND PROTECTION. Hands and fingers are exposed to many hazards which can cause cuts, scratches, bruises and burns. Fingers are hard to protect because they are constantly exposed to the actual work surface. You can however, shield them from many common injuries by using proper protective equipment -- **GLOVES**. There are various types of gloves, each with different protective qualities. The proper glove should be selected for each job.

The following safety procedures are established:

1. Gloves shall be worn when handling any objects that may cause injury, such as:
 - a. Handling heavy, sharp, jagged or rough materials and objects.
 - b. Handling corrosive, toxic and/or possible carcinogenic chemicals which may be absorbed through the skin.
 - c. Working with brush, trash, or other debris which could cause injury to the hands.
 - d. Welding.
 - e. Handling any other hazardous or poisonous material.

F. FOOT PROTECTION. Many tasks involve manual lifting or handling of heavy tools and materials. Foot injuries frequently occur when heavy objects are dropped, resulting in bruises, dislocations, fractures or crushes. Shoes reinforced with steel toes or soles will prevent foot injuries from impact of falling objects, stepping on sharp objects, or exposure to blades of power tools.

The wearing of sandals or canvas shoes is prohibited. A leather-type shoe shall be worn. Exception can be made by department directors for those employees whose duties would require them to wear shoes for sports activities, etc. while performing their duties.

If the job description indicates the need for safety shoes, the City will provide the appropriate footwear. Steel-toe shoes or boots purchased by employees must meet the requirements of ANSI Standards.

- G. RESPIRATORY PROTECTION.** There are many tasks in employment involving exposure to fumes, gases, mists, chemical dusts, etc. which are harmful to the human respiratory system, or exposure to environments containing insufficient oxygen to support human life.

These hazards can be avoided by use of appropriate filter action breathing masks, self-contained breathing apparatus, etc. Safe performance is achieved through adequate knowledge of the noxious or toxic effect of substances being handled, the circumstances under which harmful atmospheres may exist in the work environment, adequate testing to determine the nature of the environment before entering it, the type of equipment which will provide adequate protection, and training in the proper way to use the protective equipment.

Respiratory Protection Safety Procedures:

1. Supervisors shall become familiar with the atmospheric properties of all work site environments, particularly those involving any exposure to noxious/toxic substances or an oxygen deficiency. It is the responsibility of the supervisor to recognize potential hazards, the circumstances which these hazards may exist, the proper method of testing for hazardous atmospheres, and how to use the proper protective breathing apparatus. It is further the responsibility of the supervisor to thoroughly instruct his/her employees in the recognition of these hazards.
2. Suitable breathing apparatus shall be conspicuously placed near the work environments or carried with the employee where there is the possibility of exposure to harmful atmospheres. The apparatus shall be kept sterile and used only for the protective function intended.
3. Each time the respiratory equipment is used, a report will be made to the supervisor of the reason for its use and amount of time it was in use. This will aid in the replacement of filters or other equipment.
4. Approved respirators shall be worn in the following instances:
 - a. When welding on brass, bronze, or galvanized iron in confined areas where ventilation is limited.
 - b. When entering manholes, sewers, vaults, or other confined spaces, where tests indicate presence of noxious atmosphere after attempts to purge and ventilate them have been unsuccessful.
 - c. When handling pesticides or other chemicals which can be harmful to the human respiratory system.

- d. When determined by the supervisor to be advisable due to the known or suspected presence of hazardous substances or lack of oxygen in the environment concerned.

Item 6D.

SECTION XI. LADDER SAFETY

Item 6D.

The major hazard in using ladders is a sudden fall, while other hazards include splinters, slivers, and slips. Major causes of falls are excessive load carrying, climbing or descending too fast, jumping and reaching out too far while working from a ladder. The use of metal ladders has introduced another potentially dangerous hazard since they become an electrical conductor when they come into contact with an energized electrical service.

Ladder Safety Procedures:

1. Ladders shall meet OSHA specifications and be maintained in good condition at all times; the joints between the steps and side rails shall be tight, all hardware and fittings securely attached, and the movable parts shall operate freely without binding or undue play.
2. Metal bearings of lock, wheels, pulleys, etc. shall be frequently lubricated.
3. Frayed or worn rope shall be replaced.
4. Safety feet and other auxiliary equipment shall be kept in good condition to insure proper performance.
5. Ladders shall be stored in such manner as to provide ease of access or inspection and to prevent the danger of an accident when withdrawing a ladder for use.
6. Ladders carried on vehicles shall be adequately supported to avoid sagging and securely fastened in position. This will reduce damage due to road shock.
7. Ladders shall not be painted because painting may hide defects. Wood ladders should be sanded to remove splinters.
8. Ladders shall be inspected frequently and those which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "Dangerous, Do Not Use".
9. Straight ladders should form a triangle when placed against a wall or object for climbing. When properly placed, the bottom side of the triangle should be about one-fourth as long as the vertical side (i.e., if the ladder is leaned against a wall 8 ft. high, the feet of the ladder should set 2 feet out from the wall). When standing on the bottom rung, arms should be level and extended and back straight for proper climbing angle.
10. A straight ladder should be long enough to extend at least three rungs above the level to which the user is climbing.

11. A ladder shall not be used as a horizontal plank, platform, or scaffold, except those designed for emergency use, as in the Fire Department. The increased strain placed upon it will weaken it or beat it outright.
12. If the bottom of a ladder must be placed on an insecure surface, it shall be tied at the top, or an assistant must hold it.
13. Employees shall not stand on the top of a stepladder to work.
14. Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked open, locked, or guarded.
15. Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height.
16. Only one person shall be on a ladder at one time.
17. To support the top of a ladder at a window opening, a board should be lashed across the back of the ladder, extending across the window and providing firm support against the building walls or window frame.
18. Short ladders shall not be spliced together to form temporary extensions.
19. Muddy or slippery shoes shall be cleaned before climbing.
20. Rungs and steps shall be kept clean and free of grease and oil.
21. Articles should not be carried by hand while climbing. A hand line should be used to raise or lower tools and materials.
22. All ladders are electrical conductors and caution shall be used in the vicinity of electrical equipment.
23. Areas where portable ladders are used shall be kept clear of rubbish and waste materials. Unused materials shall be safely stored.
24. Supervisors are required to take immediate corrective action to eliminate any unsafe acts or unsafe conditions which could or would result in an accident.
25. Ladders must have all the labeling provided by the manufacturer in place.

SECTION XII. HAND TOOLS

Item 6D.

Accidents are often caused by an employee's failure to use the proper tool for a job, or by the use of a tool which is defective in some manner. Proper use and proper maintenance of tools contributes to safer, more efficient performance.

Hand Tool Safety Procedures:

1. Employees must be made aware of the proper tool for every job.
2. Cutting edges shall be kept sharp, and carried in a suitable sheath or holster.
3. Defective tools shall be promptly reported to the supervisor for repair or replacement.
4. Handles shall be kept free from splinters, burrs, etc. Make sure handles are tight on the head and not weakened by cracks or splits.
5. Impact tools such as hammers, chisels, punches or steel stakes which have burred heads shall not be used. The head should be dressed to remove burrs and chipped edges.
6. Only tools designed with the proper tensile strength shall be used for prying and leverage function.
7. When handing a tool to another person, sharp points and cutting edges shall be pointed away from both the person grasping it and the person offering it.
8. All tools shall be placed in their proper container when not in use.
9. When working above ground level, or above an excavation, tools, equipment and debris shall be secured whenever possible to prevent them from falling on personnel below. Place barricades or warning devices to route pedestrian traffic around any potential drop zone.
10. Only properly insulated tools shall be used when working around energized electrical circuits or equipment.
11. All employees shall avoid using metal measuring tape, fabric tapes containing woven metal strands, rope with wire core, or other tools and equipment containing metal around energized electrical circuits or equipment.
12. Appropriate personal protective equipment shall be used when using tools which create hazards from flying particles, bodily contact with sharp cutting edges, etc.
13. Suitable handles shall be used on all files or tools with pointed tangs.

14. Supervisors are required to take immediate corrective action to eliminate any unsafe acts or unsafe conditions which could or would result in an accident.

Item 6D.

SECTION XIII. PORTABLE POWER TOOLS

Item 6D.

There are several hazards commonly associated with the use of hand-operated power tools. These hazards can be greatly reduced by using the tools properly, keeping guards in place, and by wearing the appropriate protective equipment. When operated properly, these tools save time and physical labor. When operated improperly, they can inflict severe injuries.

The source of power can be electrical, gasoline engine, compressed air, or powder-charged. There are hazards peculiar to each source and hazards which are common to all of them.

A. All Power Tools. All power tools shall be used in accordance with manufacturer's instructions. Most of these tools have a cutting, drilling, or impact function. They are quite powerful and can inflict severe damage to soft body tissue. Most of them do not stop immediately when the power source is cut off – they coast until the momentum dies. Most of them are actuated by a so-called "deadman" switch. That is, the actuating switch is a part of the grip and when the grip is released, the switch disconnects. This is a very important safety feature which should **always** be maintained.

Power Tool Safety Procedures:

1. The actuating switch should never be locked in the "ON" position.
2. Employees will observe and follow departmental lock-out/tag-out procedures to prevent the unexpected energization, start up, or release of stored energy while working on or around equipment.
3. A ground fault receptacle should always be used when operating power tools in the presence of water or moisture. Vehicles should carry portable ground fault receptacles for use with all portable hand tools at wet areas or for use at construction sites.
4. Hands, feet, and other parts of the body shall be kept out of the line of operation.
5. A well-balanced stance on firm footing should be assumed when using power tools.
6. An employee should use only the power tools which he/she has been authorized and trained to use safely.
7. Power tools shall not be operated without the guards which have been provided.
8. Suitable personal protective clothing and equipment shall be worn when operating power tools for protection of the head, eyes, hands, body, trunk, feet, etc.

9. Supervisors are required to take immediate corrective action to eliminate any unsafe acts or unsafe conditions which could or would result in accident.

B. Portable and Fixed Electric Tools. The chief hazards involved in use of electrically powered tools are:

1. Electric shock from a short circuit.
2. Cuts, lacerations, etc. from cutting edges.
3. Burns from bits or blades heated by friction.
4. Being struck by chips, shavings and other debris during operation.

Portable/Fixed Electric Tool Safety Procedures:

1. All portable/fixed electrical tools used shall be grounded by connecting a three-wire cord with polarized, three-prong plug, to a properly grounded, three-hole receptacle. The only exception to this will be the use of double-insulated electric tools which are impressed or embossed "double insulation" and are approved, tested and listed by Underwriters Laboratories, Inc.
2. Extension cords used with portable electric tools must be of the three-conductor type with matching plug and receptacle. Two-wire cord may be used with double insulated tools.
3. Cords from the tool itself and extension cords shall be protected from contamination by oil or acid solutions.
4. Cords shall be protected from damage to wire conductors or terminal connections caused by excessive tension (pulling), kinks, pinching, etc.
5. Electrical hand tools shall be visually inspected each time they are used for damaged cords and ground connections. The most common defects occur at the points where the cord is attached to the tool or where the cord is attached to the plug. Be sure to check for a secure connection as well as proper insulation at these points.
6. Defective portable electric equipment shall be repaired only by qualified maintenance personnel.
7. Adjusting keys or wrenches shall be removed before starting.
8. If it is necessary to use electric equipment in a wet locating, only low voltage equipment shall be used and rubber boots and rubber gloves must be worn.
9. Equipment shall not be overloaded.
10. Tools shall not be operated without the guards which have been provided.
11. Suitable personal protective clothing and equipment shall be worn when using portable/fixed electric tools.

12. Power must be shut off, the machine stopped, and the electric plug disconnected before any adjustments are made or any effort is made to clear jammed objects.
13. Portable electric tools shall not be left unattended with the power cord plugged in.
14. Portable electric tools shall not be carried for any extended distance while plugged in, particularly with a finger on the switch.
15. The flange which abuts circular blades, grinding wheels or abrasive cutting wheels shall be frequently inspected for damage. Nicks or chips which cause the blade or wheel to be mounted off-center cause vibration and possible disintegration of abrasive cutting wheels.
16. The maximum distance between the grinding wheel and the tongue, at the top guard opening, will at no time exceed 1/4 inch.
17. The work rest for a grinding wheel shall be securely fixed in position as close as possible to the wheel, and in no case more than 1/8 inch from the wheel.
18. Each new grinding wheel shall be visually inspected before installation to ensure the rated speed of the wheel is not exceeded. The allowable speed in rpm will be indicated on the wheel.

C. GASOLINE ENGINE-POWERED TOOLS. The chief hazards involved in using gasoline-powered portable tools are:

1. Fire from flammable fuels.
2. Cuts, lacerations, etc. from cutting edges.
3. Burns from hot engines.
4. Being struck by chips, shavings, flying objects, and other debris.

Gasoline Engine-Powered Tools Safety Procedures :

1. The clutch shall be disengaged before starting. Never start under a load.
2. Employees shall always shut off the engine, wait for the machine to stop, and disconnect the spark plug wire before making adjustments or clearing jammed objects.
3. The machine should never be operated without the guards provided for it.
4. Suitable personal protective clothing and equipment shall be worn when operating the machine (see Section X).
5. Pruning equipment shall not be left unattended.

6. Running or hot engines shall not be refueled.

7. Smoking while refueling is prohibited.

D. PORTABLE COMPRESSED-AIR TOOLS. One of the chief hazards of using air hammers for chipping and drilling is noise exposure. All persons on a crew working in close proximity to an air hammer or compressor are exposed to sound levels well above the maximum allowable limit for an 8-hour shift. These noise exposures have been identified as sound frequencies and levels of intensity which can cause some permanent hearing loss. It is essential, therefore, that hearing protection such as ear muffs be worn (Section X).

Other hazards involving use of tools operated by compressed air are:

1. Strains from improper lifting and operation (tools are usual heavy).
2. Cuts, lacerations, etc. from cutting edge.
3. Being struck by chips, shavings and other debris propelled by the tool during operation, or propelled by leaking air under considerable pressure.
4. Being struck by whipping air lines which break or disconnect under pressure.

The following safety rules are established:

1. Much of this equipment is heavy. To avoid strain, employees shall lift properly and assume a well-balanced stance on firm footing when operating it.
2. Air hoses shall be securely coupled before charging with air pressure.
3. Hoses and couples shall be inspected for damage contributing to air leaks before using.
4. The pressure relief valve shall be inspected every time the compressor unit is placed in use. Have the unit checked by qualified maintenance personnel if the pressure relieve valve appears to be defective.
5. The pressure regulator shall be inspected frequently during operation. If the air pressure exceeds the maximum pressure stated for normal operation, the unit should be turned in for repair.
6. The air should be turned off and the air pressure released before disconnecting. Air pressure should not be released if personnel are standing in front of, or over the outlet.
7. Air valves should be opened gradually.
8. If an air hose breaks, pressure should be turned off before an attempt is made to repair it.

9. In order to prevent an air hose from whipping about if it breaks or uncouples, the hose should be attached to the tool housing with a chain.
10. Compressed air should not be used for cleaning or clearing away debris, and compressed air streams should not be directed at another person for any reason.

E. POWDER-ACTUATED TOOLS. Most of these tools have a ram function to drive into compact substances with tremendous force. The hazards involved are:

1. Explosion of improperly stored charges.
2. Accidental discharge.
3. Force of the ram deflected due to improperly setting the tool.
4. Flying particles propelled by shock when the charge is set off.

Bystanders and other workers must be kept a safe distance from the point of operation when setting the charge and exploding it.

Powder-actuated Tools Safety Procedures:

1. This equipment shall be operated only by personnel **authorized and properly trained** to operate it safely.
2. Powder charges shall be kept secure from unauthorized handling and stored in accordance with the manufacturer's recommendation.
3. Exposure of powder charges to heat, chemicals, impact, or dampness shall be prevented.
4. All types of powder charges in common use should be easily identifiable. A charge which is unfamiliar should not be used without adequate instruction in its safe use.
5. Suitable personal protective clothing and equipment shall be worn when using powder-actuated tools.

SECTION XIV. CONSTRUCTION SAFETY

Item 6D.

City employees are often involved in tasks related to the heavy construction industry. Heavy machinery is employed in public works projects to save time and labor, but the potential hazards to workers are multiplied in the process. The operators of construction machinery often do not have sufficient visibility to detect danger to nearby workers, or the ability to avoid an accident by quick reversal of controls. The machinery is designed to handle extremely heavy work, with the result that being struck by, or caught in or between such machinery and its loads, usually entails severe injuries.

An immediate danger to workers lies in the potential for contact with electrical service or rupture of a gas service. Such accidents can be prevented by advance planning. But, if they should occur, prompt reporting to the utility concerned is of prime importance. Escaping natural gas constitutes a potential explosion and the leak must be stopped by trained personnel as soon as possible. Contact with a primary electrical circuit constitutes a shock hazard. An immediate report to the utility affected will avoid compounding the hazard. Additional information on underground or overhead services may be obtained by calling toll free 1-800-432-4770 call Sunshine 48 hours before digging.

Supervisors are required to take immediate corrective action to eliminate any unsafe acts or unsafe conditions which could or would result in an accident. Further, supervisors are to ensure each employee has demonstrated skill in the proper operation of each equipment item.

Some of the principal hazards affecting employees are:

1. Dig-up resulting in gas explosions, electrocution, flash burns, etc.
2. Rupture of gas, water and sewer facilities from using mechanical compaction, boring, or digging equipment.
3. Electrocution resulting from contact with overhead electrical wires.
4. Interruptions of electrical service or communication lines from digups, pole collapse, etc.
5. Fractures, strains, dislocations, death, etc. from cave-ins.
7. Strains from lifting material-handling tasks.
8. Eye injuries from dust and debris propelled by machinery and tools used in the operation.



Construction accidents can be prevented by:

- Constantly including consideration of necessary safety precautions in planning every job.
- Coordinating with other utilities to locate services near the job site by calling 1-800-432-4770.
- Instruction of workers about hazards involved as each job is explained to them.
- Use of approved protective clothing and equipment.
- Adherence to approved safe job procedures.

Construction Safety Procedures. Before work is started, supervisors will:

1. Check plans and other public utilities having service in the area of the job site to secure assistance in locating and protecting all underground or overhead services which may be affected. Additional information on underground or overhead services may be obtained by calling toll free 1-800-432-4770 call Sunshine 48 hours before digging.
2. Make a personal inspection of the job site area to identify what signs, post markers, overhead electrical lines, etc. may be seen, and make this information known to every worker.
3. Obtain the service and repair telephone numbers of all utilities having services in the job site area, so an immediate report may be made to them if an accidental contact is made.

A. Natural Gas Service

1. Inform all crew members of location and depth of buried pipelines.
2. Consult the local gas utility for closely paralleling or crossing buried pipelines.
3. Specifically instruct equipment operator to avoid contacts with buried lines. Do hand digging when in close proximity to buried pipelines.
4. Do not use mechanical compaction equipment when backfilling over buried pipelines.

5. *If a Gas Pipeline is Damaged*

- a. Immediately call 911 and the gas utility service repair office and report the damage.
- b. Shut off all motors in the area.
- c. Remove all flares or lanterns.
- d. Enforce NO SMOKING in the area.
- e. Do not operate gas valves.
- f. **Do not** cover up a damaged pipeline.
- g. Check the buildings in the immediate area for gas odors.
- h. Request occupants to leave the area if gas odors are detected.
- i. Re-direct traffic from the immediate area and notify Public Works and the Sheriff's Office of the situation.
- j. Evacuate the immediate area but maintain eye contact with the area to restrain others from entering the area. Remain available to relay information to the Police, Fire or gas company personnel.



B. Electrical Transmission Service

1. Contact the local electric power utility if work is to be done near electric service and accurately locate any buried service.
2. If excavating near poles or guy wires and the possibility of damage to cables or collapse of a power pole line exists, consult the power company.
3. If excavating beneath buried conduit or cables, arrangements should be worked out in advance with the power company concerning maintenance of electrical service, proper support of exposed conduit, and suitable compacting or backfill.
4. All wires and conduit shall be considered energized and dangerous.
5. Booms and protruding parts of construction machinery shall not be operated closer than 10 feet from overhead electrical lines. When construction machinery is operated in close enough proximity to energize lines that a full traverse of the moving parts could result in contact, a signalman shall be provided to direct the operator. Signalmen in those circumstances shall be especially watchful to prevent movement of machinery any closer than the minimum 10 feet clearance prescribed above.

6. Workers on the ground handling suspended loads, slings, cables, or in contact with the machine, are in the most hazardous position if contact with energized electrical lines occurs. Ground crews shall be repeatedly warned of the hazard and to be especially watchful to prevent such contact.

If Machine Contacts Energize Wires

- a. Have someone immediately contact 911 and the power service's repair office and notify them of the situation.
- b. The primary concern of persons on the rig is to leave the rig immediately. **Jump entirely free, being very careful no part of the body is in contact with the machine and the ground at the same time.**
- c. When jumping clear of energized equipment, aim for dry ground.
- d. Once clear of energized equipment, do not return to it and keep others away from it.
- e. If wires are down, post guards to prevent anyone from touching them.

C. Telephone Service

1. A guide should be posted on the surface to assist the machine operator. The guide should be stationed where he/she can be seen by the operator, outside the range of movement or hazardous area from loads, and should warn the operator of the presence of others who may enter the area.
2. Workers exposed to vehicular traffic shall meet DOT safety requirements wearing warning vests constructed with reflective or high visibility material.
3. Observe the precautions listed for electric power lines.
4. Underground telephone cable is generally buried with a minimum cover of 24 inches. Subsequent grading may have reduced this minimum. Pipe pushers, trenchers, boring tools, air hammers, pins for paving and curb forms, etc. should not be used until determining the depth and location of buried telephone cables and conduit.

D. Excavation and Trenching Operations

1. A guide should be posed on the surface to assist the machine operator. The guide should be stationed where he/she can be seen by the operator, outside the range of movement or hazardous area from loads, ad should warn the operator of the presence of others who may enter the area.
2. Workers exposed to vehicular traffic shall meet DOT safety requirements wearing warnings vests constructed with reflective or high visibility material.

3. All excavations of five (5) feet or more in depth and trenches of four (4) feet or more in depth shall be shored or sloped to the angle of repose in accordance with the State of Florida Industrial Safety regulations.
4. When chains, ropes, cables, slings, etc. are placed under tension, workers and observers shall be warned to stay beyond the range of whipping strands if they should part from the tension.
5. Workers in an excavation which is properly sloped or shored should not be in danger of being buried by cave-ins. However, accidents have occurred where workers standing on the surface at the edge of an excavation were carried into the excavation and buried by a cave-in at the point where they were standing. If such an accident should occur, pull the hard hat over your face to trap a pocket of air.
6. Excavated or other materials shall be stored more than two (2) feet from the edge of the excavation and shall be so stored and retained as to prevent it from falling or sliding into the excavation site.
7. Trenches four (4) feet or more in depth shall be braced and shored unless they are solid rock or the sides are sloped to an angle of repose in accordance with OSHA 1926.652.
8. Trenches and excavations more than four (4) feet in depth shall have ladders placed at intervals which will provide readily accessible means of entrance and exit and each ladder shall extend from the floor of the trench to not less than three (3) feet above the top ground surface.

E. Materials-handling Machinery

1. When moving heavy objects with a crane, proper slings and grips shall be used to secure the load to be suspended.
2. When guiding a suspended load into position, non-conductive rope or nylon tag lines shall be used to permit maintenance of a safe distance from the drop zone in case a suspended load should fall or contact an energized wire.
3. Employees should never crawl under mobile construction machinery during rest or lunch breaks.
4. Suspended load should not be moved over persons on the ground, or above persons working in an excavation.

F. Aerial Platforms and Baskets

The City employees use several kinds of mobile equipment with platforms or baskets which mechanically lift them to work on things too high to reach from the ground.

The following safety procedures are established:

1. All outriggers shall always be in a stabilizing position and locked before raising the basket.
2. Persons near the vehicle shall be given a verbal warning before the outriggers are lowered. DOT cones shall be placed by each outrigger.
3. When employees are working aloft in aerial baskets or platforms, a safety line shall be connected to a fitting or harness secured to the platform, basket or boom and to a safety belt or harness worn by the employees.

G. Working in Public Right-of-ways

City employees are often required to work in and alongside right-of-ways normally used for vehicular or pedestrian traffic in order locate utilities, perform tree trimming or landscaping tasks, edging and other maintenance activities. It is desirable, whenever possible, some continued flow of traffic be maintained with the least possible interference with normal traffic patterns. There are two safety considerations involved:

1. Protecting the employee from being struck by vehicular traffic.
2. Helping the public safely avoid hazardous obstruction, excavations, etc. which interrupt the flow of both vehicular and pedestrian traffic.

When road surfaces are being repaired, manholes opened, or excavations dug, it becomes necessary for adequate warning of hazards to be posted. The minimum amount of the right-of-way must be blocked off consistent with DOT safety requirements, and traffic must be efficiently rerouted.

If repair work obstructs a traffic lane in a street and thus compresses several lanes of traffic into fewer lanes, warning by signs and barricades must be given the motorists well in advance of the obstruction. If manhole openings and excavations constitute a hazard to pedestrians, adequate barricades and rerouting of walkways must be provided.

Excavating utilities in the road may constitute interference with normal traffic in the form of standing or slow-moving vehicles and equipment, or occasional movements into the normal right-of-way. The feature of oscillating or rotating lights, or flashing arrow signs mounted on the vehicles should be used to identify these potential hazards.

The following safety procedures are established:

1. All workers exposed to vehicular traffic shall be provided with and required to wear warning vests meeting DOT requirements marked with or made of reflective or high visibility material.

2. Maintenance or construction activities shall use adequate signs and barricades and shall be placed in accordance with the provisions of the Manual on Traffic Controls and Safe Practices, State of Florida, and Department of Transportation.
3. Road or street maintenance equipment, road or street maintenance vehicles, and road service vehicles shall be equipped with a flashing or rotating amber light.
4. Flagpersons will be utilized under the following conditions:
 - a. To stop traffic intermittently as necessitated by work progress.
 - b. To maintain continuous traffic past a worksite at reduced speeds to help protect the work crew.
 - c. When traffic in both directions must use a single lane for a limited distance.

SECTION XV. CONFINED SPACES

Item 6D.

City employees are frequently required to work in confined spaces. By definition, a confined space is "any space fully or partly surrounded by confining surfaces and any other structures or compartment surrounded by confining surfaces which may contain or permit the accumulation of flammable, explosive, toxic, poisonous or asphyxiant gases, vapors, or other materials or which may not contain sufficient oxygen to support life". Examples are: tanks, digestors, barges, hoppers, bins, vaults, tunnels, ductwork, manholes, shafts, sewers and even open pits where heavier-than-air gases may accumulate (i.e., chlorine rooms).

Records supporting accident statistics are full of stories about people trapped in confined spaces and overcome by gases, fumes, lack of oxygen, etc. Many of these tragedies were compounded when would-be rescuers exposed themselves to the same situation without knowledge of what caused it to begin with, and thus also became casualties.

The hazards include flammable or explosive gases or vapors, toxic gases or vapors, and insufficient oxygen to support life. They can kill with frightening efficiency and lightning speed. Some are colorless, odorless and tasteless. With some, only a very small amount is dangerous.

Confined Space Safety Procedures:

1. Before entering confined spaces, a Supervisor will test to determine whether explosive, poisonous, toxic gases, or vapors are present.
2. Purging of hazardous atmosphere shall be accomplished before entering, whenever possible. Otherwise, proper respiratory equipment must be utilized.
3. Subsequent tests of the atmosphere shall be made at intervals frequent enough to ensure and maintain safe conditions, and a record of all tests shall be made.
4. When using portable blowers to ventilate, they shall be positioned to ensure the air intake will not pick up carbon monoxide fumes from the engine, and shall be placed at the lowest possible level.
5. **SMOKING** is prohibited in any underground operation or in other confined spaces.
6. All confined spaces which have previously contained, or which have the probability of containing toxic or poisonous material which can be absorbed through the skin, shall be entered only by persons properly equipped with protective clothing.
7. The controls of all power drivers, agitators, moving parts and moving equipment are an integral part of the installation within a confined space shall be disconnected, locked-out, or otherwise positively secured against operating while the confined space is occupied.

8. Lines, pipes, ducts and all other devices which may discharge hazardous material into a confined space shall be disconnected, blocked-off, locked-out, or otherwise positively secured against such discharge while the confined space is occupied.
9. A safety belt with lifeline attached shall be used by all persons wearing respiratory protective equipment in confined spaces. If respiratory protective equipment is not required, safety belts with lifelines shall be worn if the space contains water or liquids or other materials which will not safely support a person, or if the probability exists the atmosphere may become dangerous to life.
10. When entry to a confined space is through a top opening, the safety belt shall be of a type which suspends a person in an upright position.
11. When safety belts and lifelines are required, at least two standby attendants shall be designated to remain outside the space immediately available to render emergency assistance. One standby attendant shall have no other duties than to remain available for assistance, and shall be equipped with similar protective equipment as the person(s) inside the space.
12. When opening manholes, barricades and warning signs shall be used to protect pedestrian traffic and to alert vehicle traffic to the hazards as prescribed in Section IV, "Working in Public Right-of-Ways".
13. Employees should not expose their hands or enter any confined space without carefully opening the access plate, cover, lid, or door, and making sure no dangerous reptiles, animals or insects are occupying the space.
14. Exits should never be blocked.
15. Supervisors are required to take immediate corrective action to eliminate any unsafe acts or unsafe conditions which could or would result in an accident.

SECTION XVI. HAZARDOUS MATERIALS

Item 6D.

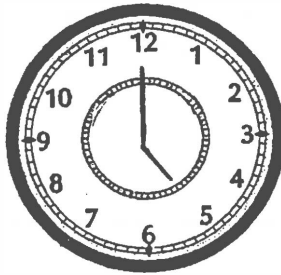
As discussed in Section V, Right-to-Know, the City works to protect you against the dangers of hazardous materials. Although we take the necessary precautions to avoid an accident involving hazardous materials, there may be an occasion where these materials are spilled, are leaking from their containers, or are obsolete and need to be removed from the work site.

The City has entered into a contract with an outside vendor to provide hazardous materials response and collection services. This company is an on call 24 hours a day and will respond to hazardous materials emergencies and is also available for non-emergency clean-up, hazardous waste collection, and contamination assessments.

Should you experience any of these situations, the following procedure is to be followed:

1. **Hazardous Material Emergency** (Chemical spills, leaking tanks or cylinders) - This type of situation will be coordinated by the Fire Department and the emergency should be reported immediately to 911.
2. **Hazardous Material Non-Emergency** (Clean-up, Hazardous Waste Collection, Contamination Assessments) - These services are to be coordinated through the Public Works Administration office. They can be reached at 391-1611 or 391-9951.

SAFETY HAS NO



QUITTING TIME



**CITY OF MADEIRA BEACH
EXIT INTERVIEW**

Date _____

Name _____ Department _____

Position _____ Supervisor _____

Hire Date _____ Term Date _____

Please take a moment and complete the following questionnaire. We regret losing an employee and hope that through this questionnaire we can identify areas for improvement and address any situations needing attention. This form will not become a part of your personnel file and will not affect your rehire status. Your cooperation is appreciated.

1. Reasons for leaving?

- | | |
|--|--|
| <input type="checkbox"/> Other Position | <input type="checkbox"/> Dissatisfaction with Work |
| <input type="checkbox"/> Opportunity for Advancement | <input type="checkbox"/> Dissatisfaction with Type of Work |
| <input type="checkbox"/> Too Demanding or Stressful | <input type="checkbox"/> Working Conditions |
| <input type="checkbox"/> Relocation | <input type="checkbox"/> Benefits and Pay |
| <input type="checkbox"/> Return to School | <input type="checkbox"/> Hours |
| <input type="checkbox"/> Medical | <input type="checkbox"/> Supervisor |
| <input type="checkbox"/> Child Care | Other (specify) _____ |

2. If you are leaving for a new position, what makes it more attractive than the one you are leaving?

- | | |
|--|--|
| <input type="checkbox"/> Wage and Benefits | <input type="checkbox"/> Location |
| <input type="checkbox"/> Opportunities for Advancement | <input type="checkbox"/> Responsibility |
| <input type="checkbox"/> Working Condition | <input type="checkbox"/> Flexibility |
| <input type="checkbox"/> Hours | <input type="checkbox"/> Other (specify) _____ |

3. How would you rate the following?

	Excellent	Good	Poor	Fair
Performance Reviews	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Opportunity for Advancement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Training Received	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Company Policies and Practices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Support by Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work Load	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Salary/Wages	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Benefits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Are there any additional benefits you would like to have received?



CITY OF MADEIRA BEACH
EXIT INTERVIEW

4. Did your Supervisor

	Yes	No
Demonstrate fair and equal treatment?	<input type="checkbox"/>	<input type="checkbox"/>
Provide recognition on the job?	<input type="checkbox"/>	<input type="checkbox"/>
Keep employees well informed?	<input type="checkbox"/>	<input type="checkbox"/>
Make themselves available for discussion of any Problems or potential problems?	<input type="checkbox"/>	<input type="checkbox"/>
Encourage Feedback?	<input type="checkbox"/>	<input type="checkbox"/>
Explain the position and responsibilities of the job you held?	<input type="checkbox"/>	<input type="checkbox"/>

5. What is your opinion of the job you had with us?

6. What were some of the frustrations you experienced in the performance and execution of job responsibilities?

7. Would you be willing to stay with our company under a more satisfactory arrangement?

Do you have a forwarding address where we will mail your next W2?

Thank you for taking the time to complete this information.

CIVIL SERVICE COMMISSION 2025 - 2026 PROGRESS REPORT

ITEMS TO BE SCHEDULED FOR DISCUSSION

- A. **Employee Satisfaction Surveys** *(A structured questionnaire to measure how content and fulfilled employees feel at work regarding aspects of their role, compensation, work environment, and management)*
- B. **Offer Letter** *(An official document from an employer to a candidate that extends a job offer and includes key details like job title, start date, salary, reporting manager or supervisor, brief description of duties and responsibilities, and employment status (full-time, part-time, temporary))*
- C. **Employee Appeal Form** *(An appeal form for a termination hearing officer is a formal, written request submitted by an employee (or their representative) to challenge an employer's decision to terminate their employment. This document initiates a quasi-judicial process in which an independent, neutral adjudicator (the hearing officer) reviews the evidence to determine whether the termination was justified.)*
- D. **Madeira Beach Safety Manual** *(A document that outlines company policies, procedures, and instructions to prevent injuries and ensure a safe working environment. It serves as a single source of truth for safety information, covering topics like hazard communication, emergency procedures, and required personal protective equipment (PPE). Following the manual helps the organization comply with regulations, educate employees, and foster a culture of safety.)*
- E. **Madeira Beach Drug-Free Workplace Policy and Substance Abuse Prevention Program** *(revised 02-07-2007 through Resolution 07.06)*
- F. **Civil Service Commission Continued Duties** *(City Charter, Section 5.7, Personnel Systems; Civil Service Commission): Continue monitoring the personnel policy implementation process to make sure that all Rules, Regulations, and Procedures of the Employee Personnel Policy are working and are followed by everyone; ensure compliance; and recommend changes as needed.)*

08/05/2025, Civil Service Commission Meeting

City of Madeira Beach Safety and Accident Prevention Manual – Chair Cantrell said the document presented in the packet was not the safety manual emailed to them for review for the meeting. Department Operating Procedures were presented instead. The Commission requested that the safety and accident prevention manual they were emailed be brought to them for discussion. This item was added to the April 2026 meeting agenda.

Department Procedures - The Commission reviewed the department procedures and made the following recommendations to all the department procedures:

- Create consistent section numbering across all departments
- Establish uniform formatting and organization
- Include effective dates and revision information
- Remove specific employee names and use position titles
- Ensure procedures are regularly reviewed and updated
- Organize related information together
- Make information about reporting deadlines and submission requirements clearer
- Use sections rather than page numbers for cross-references

The Commission asked that the department policies be brought back to them with the recommended changes for review.

12/02/2025, Civil Service Commission Meeting

A. [Exit Interview for Voluntary Resignations](#)

The commission agreed to revisit this topic at the March meeting, potentially involving the new HR Director in developing a standardized approach.

B. [New Job Descriptions Format by Gehring Group](#)

The Commission said the format looked similar to the old one and then made the following recommendations:

- Include FLSA status (exempt/non-exempt) on all job descriptions
- Keep salary ranges on descriptions, ensuring they are updated when posted
- Consider adding language to application forms confirming applicants have reviewed job descriptions
- Print job descriptions for personnel files with revision dates clearly marked

C. [Legal advice for employees moving to exempt status](#)

Regarding the third item, Acting City Manager Belk explained that before the FY 2026 budget approval, the Gehring Group had recommended moving several employees from non-exempt to exempt status. After review with the City Attorney, only three positions: Marina Manager, Parking Supervisor, and Fire Marshal were moved to exempt status as they met all the required criteria under the Fair Labor Standards Act. The remaining positions would be reviewed before the end of the fiscal year for consideration in next year's budget.

D. [Department Procedures](#)

The Commission requested that the department procedures discussed at the August 2025 Civil Service Commission meeting be brought back to them with the recommended changes for review at the March 2025 Civil Service Commission meeting.

This item will be scheduled for review after the recommended changes have been made.

E. [Monitor the Implementation and Compliance with the Personnel Policy](#)

The Commission agreed to add a discussion item to the March meeting agenda on how to fulfill their charter-mandated duty to monitor the implementation and compliance with personnel policy.

COMPLETED ITEMS

A. [Ordinance 2025-01, New Employee Personnel Handbook](#) (BOC adopted 04/02/2025)

- B. Ordinance 2025-02, Civil Service Commission Rules *(BOC adopted 04/02/2025)*
- C. Ordinance 2025-03, Special Magistrate Ordinance regarding Grievance Hearings *(BOC adopted 04/02/2025)*
- D. New Job Descriptions Format by Gehring Group – the Commission made recommendations for changes.