

QCL

ARTICLE 34

SUBSTANCE ABUSE CONTROL

34.1 Both parties to this Agreement acknowledge the importance of establishing and maintaining a drug free workplace and complying with all federal, state, and local legislation and regulations related to drug use, especially the Federal Drug Free Workplace Act of 1988 and Comprehensive Economic Development Act of 1990 (440 F.S.). In this regard, the City has full right to establish drug training, drug avoidance programs, drug testing and drug policies, as permitted under the law, to preserve a drug free workplace. The standards to be used for employee drug testing will be in accordance to generally accepted National Institute of Drug Administration (NIDA) toxicology standards.

A. Drug and/or alcohol testing will be conducted in the following situations:

1. For employees contractually required to receive annual physicals, e.g., for those employees who are required to possess a commercial driver's license (CDL) and/or regularly operate City vehicles including light, medium, and heavy equipment.
2. For employees voluntarily transferring interdepartmentally.
3. Whenever an on-the-job-injury occurs, and it is suspected drugs or alcohol was used by the employee to the extent it could have impaired his/her normal faculties.
4. Reasonable suspicion-testing, as defined under the conditions and procedures in Policy and Procedures, Section 808.4, Drug Testing Policy.
5. Scheduled and random testing for those individuals undergoing drug or alcohol rehabilitation. Such testing will not extend beyond twenty-four (24) months from the last positive test.
6. Employee returning from an extended absence from work or reinstated after sixty (60) or more consecutive calendar days.
7. Any testing as required by law

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B. Violation of the City's drug testing program may result in disciplinary action ranging up to termination of employment, and may include required

participation in a drug abuse assistance or rehabilitation program, as may be determined pursuant to the City's Policies and Procedures, 808.4. upon a first positive drug test, an employee permitted to enter into a Return to Work Agreement who follows all guidelines, terms and conditions of the required treatment program may be allowed to return to his/her safety sensitive job duties after the first negative test and upon recommendation of the Department Director, treating professional and approval by the Human Resource Division Manager.

C. The City will make every reasonable effort to schedule routine or required drug testing in order to avoid redundant testing of employees who are not under a Continued Employment Contract for Substance Use.

34.2 Drug Free Workplace Statement of Policy

A. The City intends to maintain a drug free work place. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance by an employee on any of the City's premises or facilities, or while in any City vehicle, is strictly prohibited. For purposes of this Statement of Policy, the term "controlled substance" means a controlled substance in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined at 21 C.F.R. 1308.11 through 1308.15.

B. As a term and condition of employment with the City, all employees must:

1. Abide by the terms of this Drug Free Workplace Policy; and
2. Notify the City within five (5) days of any conviction of a drug violation.

C. The City will make every reasonable effort to schedule routine or required drug testing in order to avoid redundant testing of employees who are not under a Continued Employment Contract for Substance Use


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