

## Administrative Order



**Administrative Order No.:** 7-27

**Title:** Alcohol and Drug Screening for Pre-Employment and County Provided Physical Examinations

**Ordered:** 5/5/1987

**Effective:** 5/5/1987

### **AUTHORITY:**

Section 4.02 of the Metropolitan Dade County Charter; Section 2.42 of the Code of Metropolitan Dade County.

### **POLICY:**

Metropolitan Dade County government recognizes that employee substance and alcohol abuse can have an adverse impact on Dade County government, the effective delivery of County Services, the image of County employees and the general health, welfare, and safety of employees and the public. The pervasive presence of alcohol and substance abuse in our society and the adverse effect on employee health, safety and productivity in the workplace requires the establishment of an effective, fair and lawful policy governing Metro-Dade County employees. The need for such a policy has been recognized by each of the county's collective bargaining units and incorporated into each of the County's collective bargaining agreements.

As part of the County's policy for dealing with alcohol and substance abuse, it is the policy of Metropolitan Dade County that pre-employment physicals including alcohol and drug screening will be required as a condition of employment for all new hires. Pre-employment alcohol and substance screening is intended to ensure that the County does not hire employees whose performance might be affected by substance or alcohol abuse.

The County shall also conduct appropriate alcohol and substance detection screening as part of any County provided physical examination for current County employees to determine whether the performance of existing employees may be affected by alcohol or substance abuse.

All alcohol and substance screening shall be conducted in accordance with the provisions of the Scientific and Administrative Protocol Manual for Metropolitan Dade County which is to be utilized in conjunction with this Administrative Order in order to ensure scientifically reliable testing standards, adherence to recognized quality controls, and necessary chain of custody procedures. The Protocol Manual will be

reviewed and updated as required by the County.

## **APPLICABILITY OF THIS ORDER:**

This order shall apply to all County employment candidates who have been selected for possible employment, and to all County employees who are provided physical examinations. This order establishes the guidelines for drug and alcohol testing on all pre-employment, periodic, and other physicals given by the County but does not apply to drug or alcohol testing based upon reasonable suspicion of drug or alcohol use. Testing on the basis of reasonable suspicion will continue to be conducted in accordance with existing collective bargaining agreements and Departmental policies.

## **PRE-EMPLOYMENT TESTING:**

It is the policy of Metropolitan Dade County to conduct breath alcohol and urine screening as a part of the provided pre-employment physical examination given as a condition of employment for all new hires. A positive, confirmed test for excessive alcohol use, misuse of prescription drugs or illicit substances of abuse will be the basis for the automatic rejection of the applicant. Such applicant shall be prohibited from applying or being employed by the county for a minimum of six (6) months from the date of rejection.

The Employee Relations Department shall continue to administer the pre-employment physical examination program in accordance with established procedures. This responsibility shall include a system of centralized applicant tracking in order to ensure enforcement of the six (6) month employment bar to those job applicants who have a positive confirmed test for alcohol or drugs.

## **TESTING OF EXISTING EMPLOYEES DURING COUNTY PROVIDED PHYSICAL EXAMINATIONS**

It is the policy of Metropolitan Dade County to conduct drug and alcohol testing as part of any physical examination provided by the County to existing employees. Positive, confirmed tests for excessive alcohol use, misuse of prescription drugs, or use of unlawful substances will be reported to the employee's department head for administrative and disciplinary action. Upon receipt of positive test results, the concerned department head or designee shall immediately determine whether allowing the employee to continue working could present a danger to the health, safety, or welfare of the public, co-workers or the employee. If such danger is possible, the employee shall be immediately relieved from duty and placed on administrative leave. The department head or designee shall also determine whether disciplinary action is appropriate. Any disciplinary action that is imposed shall be imposed in accordance with existing County and departmental rules. The department head or designee may also consider referring the employee to the County's Employee Assistance Program, but such referral shall not preclude appropriate

disciplinary action.

Employee refusal to submit to a required physical examination may result in disciplinary action up to and including dismissal, in accordance with the applicable provisions of the County Code, the Dade County Personnel Rules and Departmental Rules and Regulations.

This administrative order is hereby submitted to the Board of County Commissioners of Dade County, Florida.

Sergio Pereira  
County Manager

METROPOLITAN DADE COUNTY  
ALCOHOL AND DRUG ABUSE  
WORKPLACE POLICY

PURPOSE

It is the responsibility of Metro-Dade County Government to provide a safe and healthy environment for our citizens and employees, free of alcohol abuse, misuse of prescription drugs and illegal substances. Recognition of the pervasive presence of alcohol and substance abuse in our society and the adverse effect on employee health and public safety in the workplace has led to the establishment of a clear, fair policy for Metro-Dade Employees. The details of policy implementation, operations and reporting are contained separately in administrative orders and other comprehensive procedural documents. These documents address alcohol and substance abuse prevention, education, detection and related treatment and/or administrative actions. Special attention and emphasis will be placed on supervisor and employee education aimed at prevention or elimination of alcohol and substance abuse in the workplace. Likewise, counseling, referral and treatment programs will be developed or strengthened and periodically reviewed to insure that they are adequate, appropriate and available to existing employees. The following are legal clarification and policy statements.

Preface Statements Of Legal Clarification

1. Consistent with existing County policy, State and Federal Statutes, the illegal use, sale or possession of narcotics, drugs or controlled substances by County employees is cause for administrative action that may include dismissal, demotion, or suspension without pay. This is in accordance with Metro-Dade County Personnel Rules, Chapter VIII, Section 7, Item D, "That the employee has violated any lawful or official regulation or order..." and Item I, "that the employee has been guilty of conduct unbecoming an employee of the County whether on or off duty ...".
2. Employees who are under the influence of alcohol, or who possess or consume alcohol on the job, have the potential for interfering with their own as well as their co-worker's safe and efficient job performance. Such conditions will be proper cause for administrative action up to and including termination of employment. This is consistent with Dade County Personnel Rules, Chapter VIII, Section 7, Item N, "That the employee has been intoxicated on duty; or if off duty his conduct brings reproach upon the County service", and Item D "That the employee has violated any lawful or official regulation or order...".

I. Policy Statement - Pre Employment Testing.

It is the policy of Metro-Dade County that pre-employment physicals including alcohol and drug screening will be required as a condition of employment for all new hires. A positive, confirmed\* test for excessive alcohol use, misused prescription drugs or illicit substances of abuse will be the basis for rejection of the applicant. Specific testing protocols are included in procedural documents that address testing technology, timing and source of specimen collection and will apply to the various employment situations. The protocols, test results and overall program effectiveness will be reviewed at least annually.

\* The screening test, if positive, will be confirmed by testing part of the same specimen by a separate, appropriate technology.

II. Policy Statement - Inclusion of Alcohol and Drug Abuse Testing as Part of Periodic Physicals for Existing Employees.

It is the policy of Metro-Dade County to include alcohol and drug abuse testing as part of all required or provided periodic physical examinations conducted on existing employees. Positive confirmed results will lead to discipline and/or administrative actions in accordance with provisions of policy statements III and VI and consistent with negotiated work rules.

III. Policy Statement - Testing of Existing Employees when there is reasonable suspicion.

It is the policy of Metro-Dade County to conduct chemical tests of existing employees when there is reasonable suspicion that alcohol or substance abuse is involved in the workplace. A positive confirmed test will be the basis for immediate personnel action (e.g. reassignment in the workplace or relieved of duty) until an investigative or disciplinary hearing, if deemed necessary by the department, is concluded.

IV. Policy Statement - Post Accident or Injury Testing of Existing Employees when there is reasonable suspicion.

It is the policy of Metro-Dade County to conduct chemical tests on employees immediately following work related incidents that involve serious or repetitive accidents causing death or personal injury to self or others and/or significant property damage, when there is reasonable suspicion that alcohol and/or drug abuse by the employee is involved. This is a special case of reasonable suspicion testing. This policy shall not be construed to abridge applicable sections of any of the County's collective bargaining agreements.

V. Policy Statement - No Random Testing of Existing Employees.

It is the policy of Metro-Dade County not to conduct random testing of existing employees at this time. The County reserves the right to reexamine this issue at some time in the future, if existing policies and programs do not reduce alcohol and substance abuse problems in the workplace. However, the County shall require unannounced retesting of employees who have agreed to such testing as part of a disciplinary action or rehabilitation program.

VI. Policy Statement - Rehabilitation and Discipline of Existing Employees with an Alcohol or Substance Abuse Problem.

Positive results of confirmed substance abuse tests may result in disciplinary action up to and including dismissal. However, it shall be the policy of Metro-Dade County to consider seeking the rehabilitation of existing employees with a self-admitted or detected alcohol or substance abuse problem, in conjunction with, or in lieu of disciplinary action. Exceptions are employees who have previously been referred one or more times for an alcohol or substance abuse problem, and whose current work performance is unsatisfactory. Employees in this category would not be permitted benefits from this policy. Employees who refuse to submit to screening after reasonable suspicion has been established will be considered in violation of Metropolitan Dade County Personnel Rules, Chapter VIII, Section 7, Paragraph (D):

"That the employee has violated any lawful or official regulation or order, or failed to obey any lawful and reasonable direction given to him by a supervisor..."

In such a case, appropriate disciplinary action shall be taken.