

**CITY OF KEY WEST
DRUG-FREE WORKPLACE POLICY**

I. PURPOSE

The City of Key West ("the City") has a compelling obligation to eliminate alcohol and illegal drug use in its workplace because of its responsibility for the safe, effective and efficient delivery of public services. Drug or alcohol use in the workplace may result in or contribute to on-the-job accidents, motor vehicle accidents and personal injury to City employees and the public. The illegal use of drugs by City employees, on or off-duty, and the state of being under the influence of alcohol while on duty are inconsistent with both the law-abiding behavior expected of all citizens and the special trust placed in City employees as public servants. Moreover, City employees who illegally use drugs tend to be less productive, less reliable, and prone to greater absenteeism than their fellow employees. This impairs the efficiency of City departments, creates a greater burden on reliable employees and undermines public confidence in all City employees.

A. Policy Statement

It is the policy of the City to maintain a drug-free workplace. It is a condition of employment with the City that employees refrain from reporting to work or working with the presence of drugs and/or alcohol in his or her body and for each City employee to abide by this policy. In addition to possible disciplinary action, up to and including termination as a result of any violation of this Drug-Free Workplace Policy, an employee injured in the course and scope of employment who refuses to submit to a test for drugs and/or alcohol, or is tested and has a positive confirmation of drug use or alcohol, forfeits his or her eligibility for medical and indemnity benefits under the Workers Compensation Act.

B. Legal Authority

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace is prohibited by Sections 440.101 and 440.102 of the Florida Statutes and set forth the requirements with which the City's drug-free workplace policy must comply. The City is also subject to the Drug-Free Workplace Act of 1988 and to the U.S. Department of Transportation's Federal Transit Authority ("FTA") drug and alcohol testing requirements with respect to certain employees (Alcohol and Drug Testing Program for Commercial Motor Vehicle Drivers). This FTA program is separate from this policy.

C. Effective Date of Policy

The City's Drug-Free Workplace Policy is effective June 2, 1999. All new employees will be provided with this policy on their hire date. It shall be the responsibility of all personnel to familiarize themselves with this policy.

II. TYPES OF DRUG TESTS

A. City Authority to Test

The authority to order an applicant or employee to submit to a drug and/or alcohol test pursuant to this policy is vested in the City and its officials acting in the interests of the City.

B. Required Types of Drug Tests

For purposes of this policy, the term "drug" also includes alcohol unless specified otherwise.

Employees and applicants will be subjected to the following types of drug tests:

1. Job Applicant Testing

a. "Mandatory-testing position"¹ All applicants for ~~positions with~~ safety-sensitive positions with the City must undergo a pre-employment drug test and must pass a 10-panel drug test before he or she is hired as an employee and before completing the City's orientation process. The list of safety-sensitive positions would include, but are not limited to, a job assignment that requires 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 confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to s. 110.1127, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.² The applicants whom the City intends to hire will be given a conditional offer of employment and requested to submit to a drug and/or alcohol test. Refusal to submit to the drug and/or alcohol test or a positive confirmed test result will result in rejection of the applicant for employment at that time. The City may choose not to perform applicant alcohol testing for some classifications.

b) Job applicant drug testing does not require authorization from a City official or representative.

2. Reasonable Suspicion Testing

a) An employee may be required to submit to a drug and/or alcohol test when the City has a reasonable suspicion that an employee is using or has used drugs or alcohol in violation of City policy. "Reasonable suspicion" will be determined from specific, objective, and articulable facts and reasonable inferences drawn

from those facts in light of experience.

b) Among other things, such facts and inferences may be based upon:

- observable phenomena while at work, such as direct observation of drug and/or alcohol use or the physical symptoms or manifestations of being under the influence of a drug or alcohol;
- abnormal conduct, irrational or incoherent mental state or erratic behavior while at work or a significant deterioration in work performance;
- increased inattentiveness, absentmindedness, drowsiness or mood swings;
- increased unexplained absenteeism;
- impairment of motor functions and lack of physical coordination;
- a report of drug and/or alcohol use, provided by a reliable and credible source;
- evidence that an individual has tampered with a drug and/or alcohol test during his or her employment with the City;
- information that the employee has caused, contributed to or been involved in an accident while at work;
- evidence that the employee has used, possessed, sold, solicited or transferred drugs and/or alcohol while working or while on the City's premises, or while operating City vehicle(s), machinery or equipment;
- discovery of drugs and/or alcohol in the workplace; or
- employees' confirmation of drug and/or alcohol use.

The City may decide not to test all employees involved in work related accidents. However, it will test all employees where there is some information or evidence upon which a reasonable person could conclude that the employee was at fault to some degree, either by the employee's action or inaction. This decision is to be made as a part of the reasonable suspicion determination by a Department Director his or her designee or Assistant City Manager or City Manager (a higher ranking employee).

- c) If an employee has information upon which there may be a reasonable suspicion of another employee's drug and/or alcohol use in violation of City policy, he or she must immediately report the information to his or her supervisor, the Director of that Department, that Director's designee or to the Assistant City Manager or City Manager (a higher ranking City employee). If a supervisor has information upon which there may be a reasonable suspicion of an employee's drug and/or alcohol use in violation of City policy, he or she must immediately report the information to his or her supervisor, the Director of that Department, that Director's designee or to the Assistant City Manager or City Manager (a higher ranking City employee). If a Department Director has information upon which there may be a reasonable suspicion of an employee's drug and/or alcohol use in violation of City policy, he or she must immediately report the information to the Assistant City Manager or City Manager (a higher ranking City employee). The higher ranking City employee must consider the information the employee, supervisor or Department Director reported in making his/her own reasonable suspicion determination.
- d) If the higher ranking City employee concludes that a reasonable suspicion testing is justified, he or she must consult with the Director of Human Resources, a City attorney or both, prior to his or her final reasonable suspicion determination. Reasonable suspicion testing may only be authorized by a Department Director, his or her designee or by the Assistant City Manager or City Manager. The order for an employee to submit to reasonable suspicion testing may be given by any supervisory employee the City deems appropriate.
- e) The City must document, in writing, the circumstances which formed the basis of its reasonable suspicion testing within five (5) days after the testing.
- f) Employees shall be transported to the specimen collection site by a supervisor.

3. Routine Fitness for Duty Testing

- a) An employee may be asked to submit to a drug and/or alcohol test as part of a routinely-scheduled fitness for duty medical examination that is either part of the City's established policy or that is scheduled routinely for all members of an employment classification or group.

- b) Drug and/or alcohol testing which is conducted pursuant to a routine fitness for duty examination does not require particular authorization from any designated City official beyond that required for the examination itself.

4. Follow-Up Testing

- a) If an employee enters an employee assistance program or rehabilitation program for drug and/or alcohol related problems, the employee may, at the City's discretion, be required to submit to a follow-up drug and/or alcohol test on a monthly, quarterly, semiannual or annual basis for two (2) years thereafter. Advance notice of the follow-up testing will not be given to the employee.
- b) Except to the extent modified by other City policies or collective bargaining agreements, follow-up testing may be authorized by a Department Director, his or her designee or by the Assistant City Manager or City Manager.

5. Random Testing

- a) Employees in the following job categories are subject to random, unannounced drug and/or alcohol testing:
 - Certified Firefighters and Sworn Police Officers: Public safety positions are subject to random drug testing pursuant to the procedures set forth in the Police Department and Fire Department Policies and Procedures. The illegal use of a controlled substance by a certified firefighter or a police officer sworn to enforce the law is a criminal act that directly threatens the integrity and effectiveness of the Fire and Police Departments. Certified firefighters and sworn police officers who test positive for illegal drugs in a random test are subject to discharge.
 - Commercial Drivers: Employees subject to the drug and/or alcohol testing requirements of the Department of Transportation are subject to random drug and alcohol testing. Drug and/or alcohol use by employees in safety-sensitive positions is dangerous, illegal, and could result in or contribute to on-the-job accidents, motor vehicle accidents, and personal injury to City employees and the public. Covered commercial drivers who test positive for illegal drugs and/or alcohol in a random test are subject to discharge.

III. DRUG TESTING PROCEDURES

A. Drug Specimen Collection Site

As of the effective date of this policy, the specimen collection site for the City is:

The Clinic
1503 Government Road
Key West, Florida 33040

This drug specimen collection sight is subject to change and is dependent upon which facility the City contracts as its drug specimen collection site.

B. Testing Laboratories

Testing of specimens for the presence of illegal drugs and/or alcohol is performed by the following laboratory, which is licensed by the Florida Agency for Health Care Administration:

DSI Laboratories
12700 Westlinks Drive
Fort Myers, Florida 33913
Phone 941-561-8200

This testing laboratory is subject to change and is dependent upon which facility the City contracts as its testing laboratory.

C. Methods of Testing

1. Tests for the presence of illegal drugs will use urine specimens.
2. Tests for the presence of alcohol will use blood specimens.
3. A split sample testing shall be taken by the drug specimen collection site. The primary specimen will be tested by the testing laboratory. The split specimen will be sealed and reserved in case of appeal.

D. Drugs Tested

The drug test is a 10-panel drug screen test. You may be tested for any or all of the following²

<u>Alcohol:</u>	Beer, Wine, Booze, Liquor, Distilled Spirits, Malt Beverages, etc.
<u>Amphetamines:</u>	Speed, Uppers, Biphetamine, Desoxyn, Dexedrine, etc.
<u>Cannabinioids:</u>	Marijuana, Hashish, Hash, Hash Oil, Pot, Joint, Reefer, Spleaf, Roach, Grass, Weed, etc.
<u>Cocaine:</u>	Coke, Blow, Snow, Flake, Crack, etc.
<u>Opiates:</u>	Heroin, Codeine, Morphine, Opium, Dover's Powder, Paragoric, Parepectolin, etc.
<u>Phencyclidine:</u>	PCP, Angel Dust, Hog, etc.
<u>Methaqualone:</u>	Not legal by prescription
<u>Barbiturates:</u>	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, etc.
<u>Benzodiazepines:</u>	Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax, etc.
<u>Methadone:</u>	Dolophine, Metadose, etc.
<u>Propoxyphene:</u>	Darvocet, Darvon N, Dolene, etc.

E. Reporting Use of Prescription and/or Non-Prescription Medications

An employee or job applicant may confidentially report information concerning the use of prescription and/or non-prescription medications to the specimen collection site before testing and to the Medical Review Officer (MRO) after testing. The presence of prescription and/or non-prescription medications in the body may affect the outcome of the test.

² Cutoff levels to be used in testing are those established by Standard Industrial Drug Panel 10

The City's MRO is:

Dr. Seth Portnoy
3300 University Drive, Suite 903
Coral Springs, Fl. 33065
Phone 954-341-2525

The City's certified MRO is subject to change and is dependent upon which MRO the City contracts to perform MRO services.

F. Right to Consult Laboratory

All applicants and employees may consult with the testing laboratory or MRO for technical information regarding the effects of prescription and non-prescription medications on drug testing. Any consultation by an applicant or employee with the testing laboratory or MRO for the purpose of gaining technical information shall be confidential. An MRO must apply technical information to any employee who fails a drug test.

G. Over-the-Counter and Prescription Drugs Which Could Alter or Affect Drug Test Results

The following is a list of over-the-counter and prescription drugs which could alter or affect drug test results (NOTE: Due to the large number or obscure brand names and the constant marketing of new products, this list cannot be and is not intended to be all-inclusive):

- Alcohol:** all liquid medications containing ethyl alcohol (ethanol).
Please read the label for alcohol content. As an example, Vicks 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)
- Amphetamines:** Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin
- Cannabinoids:** Marinol (Dronabinol, THC)
- Cocaine:** Cocaine HCl topical solution (Roxanne)
- Phencyclidine:** Not legal by prescription
- Methaqualone:** Not legal by prescription
- Opiates:** Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin

with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Diluadid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.

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

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

Methadone: Dolophine, Metadose, etc.

Propoxyphene: Darvocet, Darvon N, Dolene, etc.

H. Test Results

1. Negative Test Results

- a) If the applicant or employee's primary specimen tests negative, the MRO will inform the City of the negative result.

2. Positive Test Results

- a) The applicant or employee whose primary specimen tests positive has the right to contest the positive result. The employee or applicant who receives a positive test result may explain or contest the result to the MRO within five (5) working days after receipt of written notification of the positive result. If the employee's or applicant's explanation or challenge is unsatisfactory to the MRO, the MRO must report a positive confirmed test result back to the City and employee or applicant and include a copy of the positive test result.
- b) Within five (5) working days after receipt of the positive confirmed test result from the MRO, the City will notify the employee or applicant in writing of the positive test result, the consequences of such result and the options available to the employee or applicant.

I. Challenging a Positive Test Result

1. Notification of Challenge and Information Presented

- a) Any employee or applicant challenging a positive test result must notify the City and the MRO of such challenge in writing within five (5) working days of receiving the City's notification letter. If employee or applicant does not notify the City and the MRO of his or her challenge in writing within that 5 working day time period, the employee or applicant's challenge to the positive test result is barred. Employee's written challenge must include his or her desire to have the split specimen tested at a different lab. This split specimen test and all costs associated with a challenge to the split specimen test result are at the applicant's or employee's exclusive expense. The City shall be notified of the split specimen test result by the MRO in writing and shall receive a copy of the result.
- b) If the primary specimen tests positive and the split specimen tests negative, the applicant or employee shall have five (5) working days to present information that contests the result of the primary specimen to the City, which may include the results of the split specimen. After the City's review of the information presented, the City will advise the applicant or employee of its findings in writing.

2. Administrative Challenge

- a) If an employee is involved in an accident and denied medical and/or indemnity benefits, he or she may administratively challenge the action by filing a Claim for Benefits with a Judge of Compensation Claims.

J. Confidentiality of Drug Test Results

All drug and/or alcohol test results and information, interviews, reports, statements and memoranda, written or otherwise received or produced as a result of the drug and/or alcohol testing will be maintained in a confidential manner by the City. Further, information on drug and/or alcohol test results may not be used in any criminal proceeding against the employee or job applicant. There are some exceptions to this confidentiality:

1. Written Consent

- a) The City will release information concerning drug and/or alcohol test results if it receives a written consent form signed voluntarily by the person tested.

2. Compelled by Court Order

a) Drug and/or alcohol test results may be released without consent if compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal under this statute or if it is deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

3. Legal Actions

a) The City, its agents, MRO and drug-testing laboratory may have access to employee drug and/or alcohol test information or use such information when consulting with legal counsel in connection with actions brought under this statute or when the information is relevant to a defense in a civil or administrative matter.

IV. ENFORCEMENT OF DRUG-FREE WORKPLACE POLICY

A. Pending Test Results

An employee who undergoes reasonable suspicion testing, routine fitness for duty testing, follow-up testing or random testing may be placed on administrative leave with pay pending confirmation of his or her test results. This decision is at the City Manager or his or her designee's sole discretion.

B. Actions the City May Take Based Upon a Positive Test Result

1. An applicant with a positive drug and/or alcohol test result will not be hired for the position applied for or any other position for which he or she has contemporaneously applied.

2. An employee with a positive drug and/or alcohol test result is subject to disciplinary action up to and including dismissal. The City may take one or more of the following actions:

- require the employee to attend educational seminars and courses and/or participate in an employee assistance program;
- require the employee to be evaluated by a Substance Abuse Professional (SAP);
- require the employee to attend a rehabilitation program;

- discipline, including, but not limited to, suspension (if permitted by the FLSA), probationary employment, transfer to another or less hazardous position and/or reduction in compensation;
- discharge from employment;
- employees disciplined pursuant to this policy will be given reasonable notice of the right to a disciplinary hearing (by the Department Director or Director of Human Resources) in writing. The City's Policy and Procedures Manual, Civil Service Rules and collective bargaining agreements will be observed where applicable.

3. If an employee is injured in the scope of his or her employment and drug tests and/or other medical evidence indicate the presence of illegal drugs and/or alcohol in the employee's body at the time of the accident, the employee may be required to forfeit any medical or indemnity benefits available under the Florida Worker's Compensation statute and may also forfeit eligibility for unemployment benefits. These penalties are in addition to any other penalties that may apply either under this policy or under applicable law.

C. Refusal to Take Drug Test When Required

1. Job Applicant Refusal

a) Any job applicant who refuses to submit to drug and/or alcohol testing, or who alters, adulterates or otherwise interferes with drug testing collection, samples, or analysis is immediately disqualified from City employment.

2. Employee Refusal

a) Any employee who refuses to submit to a drug and/or alcohol test when required under this policy, or who alters, adulterates or otherwise interferes with drug testing collection, samples, or analysis is subject to termination and may forfeit eligibility for medical and/or indemnity benefits under Florida's Worker's Compensation statute.

3. Injured Employee's Refusal

a) Any injured employee who refuses to submit to a drug and/or alcohol test when required under this policy, or who alters, adulterates or otherwise interferes with drug testing collection, samples, or analysis is subject to termination and may forfeit eligibility for medical and/or indemnity benefits under Florida's Worker's Compensation statute.

D. Conviction for Violating Drug or Alcohol Statute

It is a condition of employment with the City that any employee who pleads guilty, pleads "nolo contendere" or is convicted of any criminal drug and/or alcohol violation occurring either in the workplace or off-the-job, must report such conviction to his supervisor within five (5) calendar days of such conviction. Any employee who pleads guilty, pleads "nolo contendere" or is convicted of any criminal drug and/or alcohol violation may be disciplined or terminated.

E. Off-Duty Hours

Any City employee who is called in to work during off-duty or unscheduled work hours must notify his or her supervisor if he or she is unable to perform his or her job duties due to alcohol consumption before reporting for work. The City may accept the City employee's admission of alcohol consumption during off-duty or unscheduled work hours and may not require his or her attendance for work.

F. Voluntary Identification

The City will not discharge, discipline or discriminate against an employee solely upon an employee's voluntarily seeking treatment for a drug and/or alcohol-related problem if the employee has not previously tested positive for drug and/or alcohol use, entered an employee assistance program for drug and/or alcohol-related problems or entered a drug and/or alcohol rehabilitation program while employed with the City (excluding sworn law enforcement officers).

If an employee voluntarily identifies a drug and/or alcohol-related problem and the employee has not previously tested positive for drug and/or alcohol use, entered an employee assistance program or drug rehabilitation program while employed with the City and as specified above, he or she shall enter into a licensed substance abuse program under the guidance of a SAP. The employee will be evaluated by the SAP for the purpose of determining what assistance, if any, the employee needs in resolving drug and/or alcohol-related problems.

Any treatment program the SAP prescribes shall be at the employees' expense unless covered by the City's insurance program. While undergoing treatment, the employee, if eligible, will be placed on FMLA (family/medical leave) and allowed to use sick leave, annual leave or any paid leave to maintain his or her usual compensation and benefits.

The SAP will determine if and when the employee is fit to return to duty. Upon the SAP's fitness determination, the employee must do the following:

- a) Pass a follow-up drug test; and b) Sign and comply with all requirements of a Re-entry Contract .

If an employee executed a Re-entry Contract within the previous twenty-four (24) months, and he or she tests positive for drugs and/or alcohol and his or her challenge to the test, if any, is unsatisfactory or he or she refuses to submit to follow-up testing, he or she will be terminated.

G. Rehabilitation/Substance Abuse Professionals

If you are experiencing problems with drugs and/or alcohol, you are encouraged to contact a rehabilitation facility and/or substance abuse professional, which provides confidential drug and/or alcohol abuse counseling and referral to residential or support treatment centers for all City employees and their eligible family members. The following is a representative sampling of drug and/or alcohol abuse counseling and treatment programs available in this area:

Key West/ Lower Keys

Care Center for Mental Health
1205 Fourth Street
Key West, FL 33040
(305)292-6843

DePoo Chemical Dependency Unit
1200 Kennedy Drive
Key West, FL 33040
(305) 294-5531, Ext. 320

Marathon/Middle Keys

Guidance Clinic of the Middle Keys
3000 41st Street, Ocean
Marathon, FL 33050
(305) 289-6150

Tavernier/Upper Keys

Guidance Clinic of the Upper Keys
92140 U. S. Highway
Tavernier, FL 33070
(305) 853-3284

South Miami Area

South Miami Hospital Addiction Treatment Program
6200 SW 73rd Street
Miami, FL 33143
(305) 662-8118

H. Administration and Oversight of Policy

1. Human Resources Department

The City's Drug-Free Workplace Policy is administered by the City's Department of Human Resources.

2. Drug-Free Workplace Steering Committee

A labor/management steering committee shall be established under the direction of the Department of Human Resources. Participants will include members from City management, City non-union employees and one representative from each recognized bargaining unit.

The purpose of the committee is to ensure consistent application of policy as appropriate to the work group (i.e., police, fire, safety sensitive employees, recreation employees, etc.). This committee shall operate in an advisory capacity to Human Resources and shall recommend policy and procedure changes when necessary. Opinions and decisions recommended by this Committee are never binding on the City. Participation on the drug free workplace steering committee will ensure that employees work in partnership with the City to effectively implement the objectives set forth herein.

RE-ENTRY CONTRACT

The City of Key West ("City"), the _____ ("Union") and _____ ("Employee") of the City voluntarily enter into this Re-Entry Contract this _____ day of _____ 201____. The City, Union and Employee will be collectively referred to as the "Parties". For the purposes of this contract, the term "drug" includes alcohol.

Employee is voluntarily seeking treatment for a drug and/or alcohol-related problem. Employee has not previously tested positive for drug or alcohol use, entered an employee assistance program for drug and/or alcohol-related problems or entered a drug and/or alcohol rehabilitation program while employed with the City.

Prior to returning to work for the City, Employee shall:

- 1) Provide City with a "Release to Work Statement" to be completed by a City approved Substance Abuse Professional ("SAP").
- 2) Submit to a drug and/or alcohol test with a City approved testing facility and provide City with documents establishing a confirmed negative drug test result.
- 3) Agree to follow the rehabilitation program prescribed by the SAP.

Upon enrollment in the prescribed rehabilitation program and return to work:

- 1) Employee will be reinstated to his or her former position if he or she returns to work within ninety (90) days of taking leave.
- 2) Employee shall be on probation for twenty-four (24) months following his or her return to work.
- 3) During Employee's twenty-four (24) month probationary period, Employee will be required to submit to a follow-up drug and/or alcohol test on a monthly, quarterly, semiannual or annual basis. Advance notice of the follow-up testing will not be given to Employee.
- 4) Employee's failure to submit to any unannounced drug and/or alcohol test during the twenty-four (24) month probationary period shall be a breach of this contract and shall constitute Employee's voluntary resignation from employment.
- 5) If Employee tests positive for unauthorized drug and/or alcohol use anytime after the execution of this contract, Employee shall be terminated.

The Parties agree that violation of any provision of this Re-Entry Contract shall be grounds for Employee's termination.

CITY OF KEY WEST

City Manager/Designee

Employee

Union

LAST CHANCE AGREEMENT

The City of Key West ("City"), the _____ ("Union") and _____ ("Employee") of the City enter into this Last Chance Agreement this _____ day of _____, 201_. The City, Union and Employee will be collectively referred to as the "Parties". For the purposes of this agreement, the term "drug" includes alcohol.

A positive drug test (or refusal to submit to drug test) was returned on _____.

The City and Employee enter into this Last Chance Agreement subject to the following:

Prior to returning to work for the City, Employee shall:

- 1) Provide City with a "Release to Work Statement" to be completed by a City approved Substance Abuse Professional (SAP")
- 2) Submit to a drug and/or alcohol test with a City approved testing facility and provide City with documents establishing a confirmed negative drug test result.
- 3) Agree to follow the rehabilitation program prescribed by the SAP.

Upon enrollment and/or completion of the prescribed rehabilitation program and return to work:

- 1) Employee will be reinstated to his or her former position if he or she returns to work within ninety (90) days of taking leave.
- 2) Employee shall be on probation for twenty-four (24) months following his or her return to work.
- 3) During Employee's twenty-four (24) month probationary period, Employee will be required to submit to a follow-up drug and/or alcohol test on a monthly, quarterly semiannual or annual basis. Advance notice of the follow-up testing will not be given to Employee.
- 4) Employee's failure to submit to any unannounced drug and/or alcohol test during the twenty-four (24) month probationary period shall be a breach of this agreement and shall constitute Employee's immediate voluntary resignation from employment.
- 5) If Employee tests positive for unauthorized drug and/or alcohol use anytime after the execution of this agreement, Employee shall be terminated.

The Parties agree that violation of any provision of this Last Chance Agreement shall be grounds for Employee's termination.

City Manager/Designee

Employee

Union