

DRUG TESTING POLICY

The Office of the Public Defender (PDO) may utilize the provisions of Section 112.0455, Florida Statutes, to require drug tests of job applicants and full-time, part-time or OPS employees.

Drug screening tests are performed in the following circumstances:

1. Pre-employment Testing
 2. Post Accident
 3. Upon Reasonable Suspicion
1. **Pre-employment Testing:** During the hiring process, applicants are required to undergo a drug screening scheduled by the PDO. Results of the test will be disclosed to the applicant but will otherwise remain confidential (subject to any contrary interpretation under Chapter 119, Florida Statutes). A final determination that the applicant has conclusively tested positive for a controlled substance shall be sufficient cause to deny employment.
 2. **Post Accident:** If, during the course of doing PDO business and/or operating a state owned or rented vehicle, the employee is involved in a vehicular accident, unless he/she requires immediate medical treatment, he/she is required to undergo drug screening immediately following the accident. Upon notification of the accident, the immediate supervisor must notify the Administrative Director who will arrange the testing. The supervisor will transport the employee to the testing site.
 3. **Upon Reasonable Suspicion:** If, during the term of employment, a full-time, part-time or OPS employee is found to be in possession of or using a controlled substance; or reasonable suspicion exists to support a determination that the employee has used, possessed or is using a controlled substance, the office may require the employee to undergo an appropriate drug screening test at the expense of the office. Results of the test will be disclosed to the employee but will otherwise remain confidential (subject to a contrary interpretation under Chapter 119). A final determination that the employee has conclusively tested positive for a controlled substance for the first time during the period of employment with this office will be sufficient cause for requiring the employee to participate in an employee assistance program or a drug rehabilitation program.

Participation in an employee assistance program or a drug rehabilitation program will be at the employee's expense unless the cost is covered by the employee's chosen health insurance plan. Failure to enter a program approved by the office, or failure to successfully complete the program, or failure to sign a written consent form allowing the office to obtain information regarding the progress and successful completion of the program will be sufficient cause to terminate his/her employment. All testing shall be conducted in a manner designed to cause the least possible embarrassment to the applicant or employee. Determinations of reasonable suspicion and testing will be carried out in compliance with the provisions of Section 112.0455. Each applicant required to submit to drug testing shall be given written notice and an opportunity to respond prior to testing.

Depending on the severity of a drug problem and the circumstances of an individual case, drug abuse may serve as the basis for discipline or termination