

**RESOLUTION 2025-012**

**A RESOLUTION OF THE BOARD OF FIRE COMMISSIONERS OF THE IMMOKALEE FIRE CONTROL DISTRICT ADOPTING DISTRICT POLICIES SECTIONS 1026 – DRUG- AND ALCOHOL-FREE WORKPLACE AND 1051 - HOLIDAYS**

The undersigned, being all of the Fire Commissioners of the Board of Fire Commissioners of the Immokalee Fire Control District, a governmental entity, by this instrument at a meeting of the Board of Fire Commissioners, hereby consent to the following resolutions:

**WHEREAS**, the Board of Fire Commissioners of the Immokalee Fire Control District desires to adopt the following revised policies, attached hereto as Attachments 1 through 2:

1. Section 1026 – Drug- and Alcohol-Free Workplace (Attachment 1)
2. Section 1051 – Holidays (Attachment 2)

**NOW THEREFORE**, BE IT RESOLVED BY THE BOARD OF FIRE COMMISSIONERS OF THE IMMOKALEE FIRE CONTROL DISTRICT that the following District Policies are adopted:

1. Section 1026 – Drug- and Alcohol-Free Workplace (Attachment 1)
2. Section 1051 – Holidays (Attachment 2)

This resolution shall take effect immediately upon its adoption.

The foregoing resolution was offered by Commissioner Goodnight who moved for its adoption. The motion was seconded by Commissioner Halman, and the Vote was as follows:

Commissioner Joseph Brister  
Commissioner Robert Halman  
Commissioner Donald Gunthner  
Commissioner Bonnie Keen  
Commissioner Patricia Anne Goodnight

JP  
RH  
DK  
BK  
PA

Duly passed and adopted on this 24th day of July, 2025.

Board of Commissioners of the Immokalee Fire Control District

By: Joseph Brister  
Joseph Brister, Chair

**Immokalee Fire Control District**  
**Policy Manual**

## **Policy 1026**

### **Drug- and Alcohol-Free Workplace**

#### **PURPOSE AND SCOPE**

The Immokalee Fire Control District prohibits the use of drugs and alcohol in the workplace in order to provide a safer work environment for members and protect the public's safety and welfare. This policy applies to all members when they are on district property or when performing district- related business elsewhere (41 USC § 8103).

#### **POLICY**

It is the policy of the Immokalee Fire Control District to provide a drug- and alcohol-free workplace for all members. This policy is implemented pursuant to Florida Statute Sections 440.101 and 440.102.

#### **GENERAL GUIDELINES**

Alcohol and drug use in the workplace or on district time can endanger the health and safety of district members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or a combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Fire Chief or the appropriate supervisor as soon as they are aware that they will not be able to report to work. If the member is unable to make the notification, a representative must contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

## **DEFINITIONS**

“Adversely affected” is defined as having a level of impairment that does or would result in a positive drug or alcohol test.

“Drug” is defined as alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); opiates; hallucinogens; methaqualone; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein.

“Mandatory Testing Position” – A position that requires the employee to carry 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 investigators, or work with controlled substances, or a position in which a momentary lapse in attention could result in injury or death to another person.

“Special Risk Position” –a position that is required to be filled by a person who is certified as a firefighter.

## **USE OF MEDICATIONS**

Members shall not use any medications that will adversely affect their ability to safely and completely perform their duties.

## **PRESCRIPTION MEDICATIONS**

Members who are medically required as evidenced by a prescription to take any such medication shall report their use to their immediate supervisor prior to commencing any on-duty status. The District reserves the right to change the member’s job assignment during any term of treatment requiring such medication. In situations when the health care provider has issued an opinion that the medication will not adversely affect their ability to safely and completely perform their duties, the employee must retain the drug in its original container identifying the date of the prescription and the

prescribing physician.

Note: a recommendation by a healthcare provider to use “medical marijuana” by issuing a certification to the patient is not a prescription because the FDA does not recognize marijuana as a medically recognized medicine or treatment.

## **OVER-THE-COUNTER MEDICATIONS**

Some over-the-counter medications may adversely affect a member’s ability to safely and completely perform their duties. To the extent an employee needs to use an over-the-counter medication, the medication must be reported to the immediate supervisor prior to commencing any on-duty status if the medication may adversely affect the member’s ability to safely and completely perform their duties.

## **CANNABINOIDS/CANNABIS**

Possession, use, or being under the influence of cannabinoids/cannabis on-duty is prohibited and may lead to disciplinary action, up to and including termination. “Under the influence” is defined as having received a positive drug test.

Members should be aware that CBD use is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result. Members should exercise caution when considering whether to use products labeled as “CBD” products because the products could contain higher levels of THC than what the product label states. Members assume the risk of using such products.

## **MEMBER RESPONSIBILITIES**

Members shall come to work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, using, or being adversely affected by or under the influence of controlled substances or alcohol on district premises or on district time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition, provided the member notified the immediate

supervisor in advance of reporting to duty and a physician determined the use would not adversely impact the employee's ability to safely and completely perform the duties.

Members shall notify a supervisor immediately if they observe behavior or other evidence they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction (41 USC §8103).

All members are prohibited from:

- Selling any drug, including alcohol or prescription drugs, whether on or off duty, unless the employee is legally entitled to sell the substance in question under the circumstances.
- Possessing any alcoholic beverage or drug while on duty or on district premises at any time.
- Using any illegal drug, at any time. ("Illegal drugs" includes prescription drugs prescribed for someone else or used contrary to prescribed dosages.)
- Using any other substance (including legal drugs, prescription drugs, alcohol, or any other substance), which runs an unnecessary risk of adversely affecting job performance. This includes use while on duty and any actual effect on job performance, which occurs or can be demonstrated. It includes the use of any substance which use creates an unnecessary risk of absenteeism, tardiness, or safety hazards.

## **EMPLOYEE ASSISTANCE PROGRAM**

A voluntary employee assistance program may be available to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that

provides treatment for drug and alcohol abuse also may be available. Employees should contact the Administration, their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

## **WORK RESTRICTIONS**

If a member informs a supervisor that the member has consumed any alcohol, drug, or medication that could adversely affect safe and efficient job performance, the member may be required to obtain clearance from a physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is adversely affected by the consumption of alcohol or other drugs or under the influence of either, the supervisor shall prevent the member from continuing work and request that a Battalion Chief respond to the location of the member. The Battalion Chief shall ensure the member is transported to a safe location to perform reasonable suspicion drug testing and that the continuity of district operations is maintained.

## **CIRCUMSTANCES WHEN TESTING IS REQUIRED**

### **Job Applicant Testing**

Testing is required of all job applicants for mandatory testing and special risk positions. If an applicant refuses to submit to a drug test or a positive confirmed drug test results, the applicant will not be hired. The district may allow a job applicant to begin work pending the results of the drug test. Any applicant with positive test results will be denied employment at that time but may initiate another inquiry with the district after six months. Any job applicant who refuses to submit to drug testing, refuses to sign a consent form releasing the district from liability, fails to appear for testing, tampers with the test, or fails to pass the pre-employment drug test will be ineligible for hire.

## **REASONABLE-SUSPICION TESTING (Includes Post-Accident)**

Drug testing based on a belief that a member is using or has used drugs in violation of the district's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience, or as otherwise defined in sec. 440.102 of the Florida Statutes. Reasonable suspicion drug testing must be approved by the Battalion Chief or higher rank. Such facts and inferences may be based upon:

- 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.
- 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
- Information that a member has caused, contributed to, or been involved in an accident while at work.
- Evidence that a member 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.

If the district tests a member for reasonable suspicion of drug or alcohol use, the Battalion Chief will transport the member immediately to a collection site where a sample will be taken. Such member may be placed on paid leave until the results of the drug test have been determined. The supervisory members who observed the member must document the member's actions, which raised suspicion within 24 hours of the incident or before the release of the test results, whichever is earlier. A copy of this documentation shall be given to the Fire Chief, and to the member upon request, and the original documentation shall be kept confidential by the district and shall be retained for at least 1 year.

For example, a supervisor or Battalion Chief may request that an

employee submit to a screening test under any of the following circumstances:

- (a) The supervisor or Battalion Chief reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) During the performance of duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to the employee or another person or substantial damage to property.

### **Battalion Chief Responsibility**

The Battalion Chief shall ensure written records are prepared documenting the specific facts that led to the decision to request the reasonable suspicion test, and shall inform the employee in writing of the following:

- The test will be given to detect either alcohol or drugs, or both.
- The result of the test is not admissible in any criminal proceeding against the employee.
- The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

### **Follow-up Drug Testing**

If the member in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the member must submit to a drug test as a follow-up to such program. Follow-up drug testing must be conducted on a quarterly, semi-annual, or annual basis for two (2) years thereafter. Advance notice of testing shall not be given to the employee.

If an employee who is employed in a mandatory testing or special risk position enters an employee assistance program or drug rehabilitation program, the employer must assign the employee to a position other than a mandatory testing or special risk position. If a position that is not classified as mandatory testing or special risk is not available, the district may place the employee on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated vacation or sick leave credits balances before leave may be ordered without pay.



## **Routine Fitness-For Duty Drug Testing**

Testing conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the district's established policy or that is scheduled routinely for all members of an employment classification group.

## **Drugs to be Tested**

The District will test for the following: ALCOHOL, AMPHETAMINES, CANNABINOIDS, COCAINE, PHENCYCLIDINE (PCP), METHAQUALONE, OPIATES, BARBITURATES, METHADONE, PROPOXYPHENE, and BENZODIAZEPINES

## **TESTING PROCEDURES**

All specimen collection and testing for drugs will be performed in accordance with the procedure as set forth in Section 440.102(5) of the Florida Statutes. Any positive test results that the District later determines have been refuted will have affixed thereto the subsequent refutation. Test results are considered confidential medical records.

An employee may confidentially report the legitimate use of prescription or non-prescription medications both before and after being tested to the testing laboratory and Medical Review Officer.

Employees have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

## **MEDICATIONS, WHICH MAY ALTER, OR AFFECT THE DRUG TEST**

Some common medications may alter or affect a test result. They are listed below for your information. Due to the large number of obscure brand names and the marketing of new products, this list cannot 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,  
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).

### **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, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (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.

**Methadone**

Dolophine, Metadose.

**Propoxyphene**

Darvocet, Darvon N, Dolene, etc.

**CONSEQUENCES OF VIOLATIONS**

Employees may be subject to disciplinary action if they:

- (a) Fail drug or alcohol test. Note that employees or job applicants have 180 days after receiving written notification of a positive confirmed drug test result to have the sample retested at his/her own expense at another licensed or certified laboratory chosen by the employee or job applicant.
- (b) Refuse to submit to a drug or alcohol test. Refusal is defined as:
  - Failed to appear for any test within two (2) hours of being directed to report by the District. This includes the failure of an employee to appear for a test when called by a consortium or third-party administrator;
  - Failed to remain at the testing site until the testing process is complete;

- Failed to provide a urine specimen for any drug test, or failed to provide a blood specimen for alcohol testing;
- In the case of a directly observed or monitored collection in a drug test, failed to permit the observation or monitoring of the employee's provision of a specimen;
- Failed to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Failed or declined to take a second test that the District or collector has directed the employee to take;
- Failed to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the District;
- Refused to allow collection of specimens for drug and/or alcohol testing by a treating medical facility during the course of treatment following an "accident", or refusal to allow the District access to medical records containing the results of such tests, or any attempt by an employee to block the release of such specimens or medical records;
- Failed to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process); or  
Is reported by the MRO as having a submitted or attempted to submit a verified adulterated, diluted, or otherwise altered or substituted specimen.

(c) Violate any other provisions of this policy.

**Prior to Testing:** If you are experiencing a problem with drugs or alcohol you are encouraged to contact an Employee Assistance Program.

**Challenging Test Results:**

Within five (5) working days of a positive confirmed test result from the testing laboratory, the District will inform the employee in writing of such positive results and the consequences of such results. The District shall provide to the employee, upon request, a copy of the test results.

Within five (5) working days after receiving notice of a positive confirmed test result, an employee or job applicant may submit information to the District explaining or contesting the test results, and explaining why the result should not constitute a violation of this policy. If the employee's or job applicant's explanation or challenge is unsatisfactory to the District, the employee will be notified by the District in writing within 15 days of the date the challenge was received and will be subject to discipline under this policy. At that time, the employee will be provided with a copy of the confirmed positive test result and the name and address of the laboratory. Any employee or job applicant may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

All employees or job applicants must notify the laboratory of any administrative or civil action brought pursuant Florida's Drug Free Workplace Act.

Employees are solely responsible for all costs associated with any challenge.

**TESTING LOCATION AND MEDICAL REVIEW OFFICER**

Employees and Applicants will be sent for drug testing at:

Quest Diagnostics  
681 Goodlette Road North, Suite 120  
Naples, FL 34102  
(239) 430-0101

The District's Medical Review Officer is:  
Dr. Paul Hobaica  
First Care Clinic  
120 Piper Boulevard, Suite 24  
Naples, FL 34110

## **COMPLIANCE WITH THE FEDERAL DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the District will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### **Confidentiality**

The District recognizes the confidentiality and privacy due its members.

written, received or produced as a result of the drug-testing program is considered a confidential medical record and shall be maintained separately from the employee's other personnel files (Sec. 440 102, Fla. Stat).

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 communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Chapter 440, F. S., or in determining compensability under the workers' compensation or unemployment benefit laws.

The District, laboratories, medical review officers, employee assistance programs, drug and alcohol rehabilitation programs, and their agents who receive or have access to information concerning drug test results shall keep all information confidential. Release of such information under any other circumstances shall be solely pursuant to a written consent form signed voluntarily by the person tested, unless such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal, or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

Notwithstanding the foregoing, the District and the laboratory conducting a drug test are permitted to have access to

employee drug test information when consulting with legal counsel in connection with actions brought under or related to this section or when the information is relevant to the District's defense in a civil or administrative matter.

## EMPLOYEE ASSISTANCE PROGRAMS

The District maintains an Employee Assistance Program, which provides help to employees who suffer from drug and alcohol abuse. However, it is the responsibility of each employee to seek assistance from the Employee Assistance Program before alcohol and drug problems lead to disciplinary actions. The employee's decision to seek prior assistance from the EAP program will not be used as the basis for disciplinary action and will not be used against the employee in a disciplinary proceeding. Once a violation of this policy occurs, subsequently using the EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action, including immediate termination. Employees may obtain the contact information for the District's EAP provider from Administration

Employees may also consult other programs such as:

- Alcoholics Anonymous (239-262-6535) [www.aa.org](http://www.aa.org); [www.aanaples.org](http://www.aanaples.org)
- Cocaine Anonymous (866-819-5346) [www.caflorida.org](http://www.caflorida.org)
- Narcotics Anonymous (888-435-7301) [www.nar-anon.org](http://www.nar-anon.org); suncoastna.com

The District does not promote or recommend any specific program or organization for treatment. Other options for treatment can be located online or through various social service organizations.

**ATTACHMENT 2**  
**IMMOKALEE FIRE CONTROL DISTRICT**  
**DISTRICT POLICY**

**Immokalee Fire Control District**  
**Policy Manual**

**Policy 1051 HOLIDAYS**

**PURPOSE:** To identify the holidays recognized by the District for bargaining unit and non bargaining unit positions.

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Recognized holidays for Bargaining Unit Employees will be in accordance with the Collective Bargaining Agreement, which incorporates any holidays identified in District Policy.

The following holidays are recognized:

1. New Years Day (January 1)
2. Martin Luther King Day (3<sup>rd</sup> Monday in January)
3. Presidents' Day (3<sup>rd</sup> Monday in February)
4. Easter Sunday (Variable Date)
5. Memorial Day (Last Monday in May)
6. Juneteenth (June 19)
7. Independence Day (July 14)
8. Labor Day (First Monday in September)
9. Veterans Day (November 11<sup>th</sup>)
10. Thanksgiving (4<sup>th</sup> Thursday in November)
11. Day after Thanksgiving
12. Christmas Eve (December 24)
13. Christmas Day (December 25)

For 40 hour employees, when a holiday falls on a non-workday (Saturday or Sunday) the holiday may be observed on Monday or Friday, at the employee's discretion and with the approval of the Fire Chief. If a holiday falls mid-week, upon approval of the Fire Chief, the employee may observe the holiday on a Monday or Friday. If a 40 hour

**ATTACHMENT 2**  
***IMMOKALEE FIRE CONTROL DISTRICT***  
***DISTRICT POLICY***

employee works a 10 hour day, thereby working only 4 days per week, they are permitted to take their holiday accordingly (if the employee normally is off on the day of the designated holiday, he/she would have their next normal work day off for the holiday). If the holiday falls in the middle of a work week, non-bargaining unit 40 hour employees are permitted to take the holiday during that same week on either Monday or Friday, subject to approval of the Fire Chief.

Non-bargaining unit employees shall be paid eight (8) hours at straight time for each of the above holidays.

Bargaining unit employees shall be paid in accordance with the Collective Bargaining Agreement.

September 11<sup>th</sup> will be recognized as a holiday not qualifying for holiday pay or time off, but will be recognized to honor those lost in the 09/11/2001 terrorist attack. Forty hour employees will be required to work, but may attend memorial services and other official functions during work hours.