

EMPLOYEE SERVICES

Directive - 0527



Date: 1/24/2019

Previously Revised: 10/10/2017

Established: 02/18/2015

POLITICAL ACTIVITIES – WHAT IS ACCEPTABLE/ NOT ACCEPTABLE

Scope: This Directive applies to all City of Jacksonville departments including City Council, Courts, the Constitutional Offices, and departments that fall under boards or commissions.

During elections, citizens have an opportunity to exercise rights as Americans to participate in the democratic process. It is the policy of the City of Jacksonville to recognize and honor employees' rights to participate in the political process. Employees are encouraged to express their opinions on any issue or candidacy or participate in any political campaign in accordance with Civil Service and Personnel Rules and Regulations, Rule 11, Chapter 350 of the Ordinance Code and the City's Code of Ethics under Section 602.1206 of the Ordinance Code. However, as public employees, certain restrictions apply regarding political activities.

Sections 350.301 and 350.302 of the Municipal Ordinance Code place restrictions on campaigning by City employees during work hours. It is unlawful and a class C offense for an officer or employee of the City or an independent agency to take any active part in political management or in political campaigns during work hours. No leaves of absence, excluding previously accumulated vacation leaves, shall be granted to officers or employees for the purpose of participating in a political campaign.

All employees have a right to vote and may take time to vote on election-day in accordance with the applicable collective bargaining agreement or employment plan.

Employees who have accrued leave who plan to engage in political activities may do so while on leave. Leave should be requested through the normal process.

In general, as a city employee, you may:

- Participate in any political campaign during off-duty hours.
- Vote and express personal opinions on a political topic or candidate.
- Wear campaign buttons or campaign attire (e.g. polo shirts) during off-duty hours away from the place of work.
- Display political bumper stickers on personal vehicles, except when the use of your vehicle is required as a condition of employment and/or if you receive mileage reimbursement from the city.

However, as a city employee, you may not:

- Participate in a political campaign or discuss political issues while on duty or during any time you are being paid to perform services for the City of Jacksonville.
- Wear campaign buttons or campaign attire while on duty, or at the place of work.
- While on duty or in a city issued uniform, request, in person, that any individual contribute any time, money or other thing of value to any candidate, political party or committee of continuous existence.
- While on duty or in a city issued uniform, solicit, in person, support or votes for any candidate, party or public measure.
- Take an active part in the management of a political campaign while on duty.
- Use any city property, including but not limited to, city issued cell phone, computers, faxes, e-mail systems or office phones for any political purpose other than official job related functions.
- Make, solicit or knowingly accept any campaign contribution in a building owned by the city or an independent agency (Note: this prohibition is not applicable if the building is specifically rented or reserved for purposes of holding a campaign fundraiser).
- Post campaign material in your work cubicle (s. 350.304, Ordinance Code, prohibits the placement of political signs or advertisements on public property).
- Except for legal and authorized union activity, a superior of a civil service employee may not request a civil service employee to contribute any time, money or other thing of value to any candidate, political party or committee of continuous existence; solicit, in person, support or votes for any candidate, party or public measure; take an active part in the management of a political campaign.
- Employees governed by the Federal Hatch Act (*those employees whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency*) may not be candidates for public office in a partisan election; use official authority or influence to interfere with or affect the results of an election or nomination; or directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes. If you are an employee subject to the Hatch Act, please note that further restrictions apply to you. For more information (including frequently asked questions), please see <https://osc.gov/Pages/HatchAct.aspx>.

If a political candidate visits your work station, he/she should be treated as if he/she was a private citizen. Specifically, if you would allow a private citizen to come into your workplace, you should allow the candidate and vice versa.

The above information is provided to you as general guidance; however, it is difficult to summarize permitted activities for various types of employees. For example, there are different and more restrictive requirements applicable to those persons characterized as an "election worker." Therefore, if you are uncertain about a proposed activity, please check with your supervisor or contact the city's Labor Relations office at LaborRelations@coj.net. If you believe that an ethical violation has occurred, contact the Ethics Office at 630-1476.

Also, if, as a city employee, you are considering running for an elective office, you are advised to contact the Supervisor of Elections at 630-1414 for additional guidance that may pertain to your particular situation.

Listed below are some examples of frequently asked questions that you may find useful.

FREQUENTLY ASKED QUESTIONS

Q. I receive a call on my work phone asking for my support of a particular candidate. What should I do?

A. If you choose to take the call, offer your private phone number for contact when off-duty.

Q. I would like to distribute a candidate's political bumper stickers to my co-workers. How can I do this?

A. You may do so when you are off-duty, not on city property, and not in uniform (if applicable).

Q. Are political activities, such as seeking support for my candidate, acceptable during my established break and lunch periods?

A. Breaks are considered paid work periods and therefore no activity is permissible. You may engage in political activities during an unpaid lunch break (because you would then be off-duty), and as long as you are off city property and not in uniform.

Q. I received an e-mail on my city computer from a political organization asking for my support. What should I do?

A. If you choose to consider the e-mail, forward the e-mail to your personal e-mail account for viewing when off duty.

Q. Can I wear a City badge at night when I am working on a campaign?

A. NO. Remove anything identifying you as a city employee.

Q. Can I wear clothing in a campaign that looks like a city uniform?

A. You may not take an active part in political management or campaigns while in uniform. However, you may appear in uniform in promotional materials so long as the production of those materials does not occur during on-duty hours;

Q. Can I bring campaign items into my work area?

A. No. No stickers, flyers, buttons, etc. If you see some in the work area, the person should be immediately told to take them to their car.

Q. Can I decorate my car with campaign stickers/wraps, etc.?

A. Yes, even if it is parked in a city owned parking space.

Q. What if the campaign calls me with an emergency during my duty hours?

A. You will be required to take leave time to attend to the matter.

Q. Can candidates visit city offices to understand the function of the office?

A. Yes. Treat them just like any other citizen. If you want to do one group orientation for candidates, that is better than showing favorite or special treatment to just one candidate. Candidates can take part in any regular tours you do for citizens.

Q. I received a blast email from a candidate asking for financial contributions, what should I do?

A. This is not allowed; forward the email to the Office of General Counsel or the Supervisor of Elections so the campaign can be trained on the law.

Q. Can pamphlets on a campaign be left on City property?

A. No

Q. Is it OK to give someone (either in person or a caller) information about who to contact for a particular campaign?

A. No. Direct them to the Supervisor of Elections.

Q. What if you bring in something (money, brochures) for a campaign into City offices by mistake?

A. As soon as you discover it, leave immediately and put it in your car.

Q. Can any campaign activity take place on city property?

A. In Senior Citizen Centers (check for their specific rules) or in rooms that are open for all citizens to conduct activities in (Library meeting rooms, etc.) or that can be rented by any group if the campaign has rented or reserved that space for a campaign purpose.

Q. What could happen if I do not abide by the rules and law?

A. Penalties can include civil penalties, criminal charges, and/or disciplinary actions in accordance with established disciplinary procedures.

Directives 0401 and 0402
Summary of Changes

As an employee with the City of Jacksonville you are responsible for reading and acknowledging the policies and directives of employment. The City's Drug and Alcohol Directives, 0401 and 0402 have recently changed. A summary of the major changes is provided below.

- **Directives 0401 and 0402 have been changed to inform all employees that medical marijuana is prohibited. Previously only Directive 0403, The DOT Drug and Alcohol program, included the federally mandated ban on medical marijuana usage.**

As a reminder:

- **In addition to other controlled substances, all employees are strictly prohibited from using, possessing, being under the influence of, unlawfully manufacturing, distributing, or dispensing marijuana or having within their system the metabolites of marijuana, even if medically prescribed or recommended.**

If you have any questions regarding either directive 0401 or 0402, please call Employee Services Medical Desk at 630-1058.

EMPLOYEE SERVICES

Directive – 0401



Date: 02/20/2019

Previously Revised:
02/01/2018

Established: 06/20/1998

CITY OF JACKSONVILLE'S DRUG-FREE WORKPLACE POLICY

Overview

This policy is intended to clarify and reinforce the position of the City of Jacksonville (the "City") regarding a Drug Free Workplace. The receipt and acknowledgement of this policy by employees shall be documented on the "Policy Acknowledgments and Loyalty Statement" as part of the new hire process.

Zero-Tolerance Policy

It is the intent of the City to provide a drug-free, healthy, safe, and secure work environment. Employees are expected and required to report to work in an appropriate mental and physical condition. Research has shown that employee drug and alcohol abuse can have devastating consequences on an organization. These consequences range from loss of productivity to increased financial liability.

While on City premises, in City vehicles, or while performing job duties/conducting City business on or off City premises, all employees are strictly prohibited from:

- using, possessing, being under the influence of, unlawfully manufacturing, distributing, or dispensing alcohol;
- using, possessing, being under the influence of, unlawfully manufacturing, distributing, or dispensing controlled substances/drugs (as defined in this policy) or having within their system the metabolites of controlled substances/drugs;
- using, possessing, being under the influence of, unlawfully manufacturing, distributing, or dispensing marijuana or having within their system the metabolites of marijuana, even if medically prescribed or recommended.

The violation of this policy may result in discipline, up to and including termination, consistent with the disciplinary guidelines applicable to the respective employee.

In support of a drug-free work environment, the City administers pre-employment (post-offer) drug testing of applicants for safety-sensitive positions. The City also administers random, reasonable suspicion, post-accident, return to duty, and follow-up drug and alcohol testing programs for all employees in safety-sensitive positions. For all other employees in non-safety-sensitive positions, the City administers reasonable suspicion drug testing and other testing as appropriate.

Controlled Substance/Drug

For the purpose of this policy, the terms "controlled substance" and "drug" are interchangeable and constitute any substance/drug, legal and/or illegal, as defined in the Controlled Substances Act, 21 U.S.C. § 801 et seq.

Alcohol Testing

Employees with a confirmation test of 0.04 alcohol concentration or greater, confirmed by the Medical Review Officer (MRO), will be immediately terminated from City employment.

If a breath alcohol test confirms an alcohol concentration of at least 0.02 but less than 0.04, the employee will be removed from performing safety-sensitive functions for at least twenty-four (24) hours and assigned non-safety sensitive duties (if available). The employee will also be referred to a Substance Abuse Professional (SAP) for evaluation and, at the discretion of the SAP, may be put on a one year follow-up testing program. For an employee to return to work following a positive alcohol test, he or she must be cleared by the MRO. In addition, the City will take disciplinary action in accordance with applicable disciplinary guidelines. During the one year follow-up testing program, if the employee tests at an alcohol concentration level of 0.02 or above, the employee will immediately be terminated from City employment.

Drug Testing

A urinalysis will be administered with a threshold level or cutoff limit established in accordance with the Department of Health and Human Services (DHHS) standards (73 FR 71880). Depending on job classification, either a 5-Panel or a 7-Panel test will be utilized to screen for the presence of controlled substances. The initial test will be an immunoassay test. A confirmation test will be performed on all initial positive tests using a Gas Chromatography Mass Spectrometry (GS/MS) test or other method specified by DHHS guidelines. Positive test results, confirmed by the MRO, will result in the employee's immediate termination from City employment.

Alcohol and Drug Treatment Programs

Drug and alcohol dependency is recognized by the City as an illness and a major health problem, as well as a potential safety and security problem. Employees are encouraged to use the Employee Assistance Program (EAP) and their health insurance plans, as appropriate, to receive treatment for dependency. Conscientious efforts to seek such help will not jeopardize an employee's job and will not be noted in the employee's personnel record if the efforts are made voluntarily **prior** to any offense for which discipline may be prescribed. If the employee holds a safety-sensitive position, he/she will be removed from the position and referred to a SAP for appropriate evaluation and/or treatment. Refer to Section V, "Voluntary Self-Reporting" in Employee Services Directive 0402, entitled *Alcohol and/or Controlled Substance Abuse Testing Procedures – Non-DOT Program*, for the process that should be followed when employees voluntarily self-report drug or alcohol dependency.

Reporting Drug Convictions

Employees are required to report any conviction under a criminal drug statute for violations which occurred in the workplace, in City vehicles, or while performing job duties or conducting business for the City on or off City premises. A report of such a conviction must be made within five (5) days after the conviction, as mandated by the Drug-Free Workplace Act of 1988.

Employees in Safety-Sensitive Positions

As part of its zero-tolerance policy, the City will administer random alcohol and controlled substances tests, as well as administer other tests as appropriate, on employees in safety-sensitive positions performing the following duties:

- Performing work which requires certification as a law enforcement officer, firefighter or fire marshal;
- Working with inmates/detainees in the correctional system;
- Performing work for which a Commercial Drivers' License (CDL) is required by the U.S. Department of Transportation (DOT);
- Performing emergency or life-threatening procedures;
- Carrying a firearm or working closely with someone who has to carry a firearm;
- Supervising or instructing children or working with or supervising vulnerable adults, such as the elderly or disabled persons, for which a background check per F.S. 110.1127 is required;
- Performing safety inspections;
- Working with confidential Information/documents or the storage of controlled substances;
- Operating heavy or dangerous equipment, machinery or mechanical devices; or
- Performing perilous work or any work where a momentary lapse in attention could result in injury or death to another person.

Prescription and Over-the-Counter Medications

Many medications, prescribed or bought over the counter, can cause real dangers. For example, some medications can cause drowsiness, blurred vision, restlessness, and nervousness. Any of these conditions may cause a safety hazard. Before taking any medication, all warning labels should be read and understood. Employees should be informed and know the possible effects of any medication being taken. Ask questions and never take prescription medication that was not specifically prescribed to you by a medical doctor or authorized health care provider.

Employers whose job duties require a CDL (commercial driver's license) are subject to federal Department of Transportation (DOT) requirements.

If an employee in a safety-sensitive position must take over-the-counter medication that may impair his/her ability to safely perform the safety-sensitive functions of his/her job, the employee must complete the attached Medication Disclosure Form and submit it to the Employee Services Medical Desk at least 24 hours before the employee reports to work after taking the medication. If 24 hours' notice is not possible, the employee must report it immediately upon reporting to work and the employee must not perform any safety-sensitive functions until the Employee Services Medical Desk instructs the employee that he/she may perform specific safety-sensitive functions.

When medication is prescribed, an employee in a safety-sensitive position should advise the physician what kind of work he/she is performing and request a medication that will not impair his/her ability to perform safety-sensitive functions. An employee in a safety-sensitive position who has been prescribed medication that may impair his/her ability to safely perform the safety-sensitive functions of the job must complete the attached Medication Disclosure Form and submit it to the Employee Services Medical Desk at least 24 hours before reporting to work after taking the medication. If applicable, the employee's physician must complete page 2 of the form. If it is not possible to submit the Medical Disclosure Form to the Employee Services Medical Desk at least 24 hours before the employee reports to work after taking the medication, the employee must not perform any safety-sensitive functions until the Medical Desk is advised and instructs the employee that he/she may perform specific safety-sensitive functions.

In accordance with the City's progressive discipline policy and disciplinary guidelines and Employee Services Directives 0901, an employee in a safety-sensitive position who fails to inform the City of his/her use of over-the-counter and/or prescription medications (that may impair his/her ability to safely perform his/her job may be disciplined, up to and including discharge.

Further Information

Refer to Employee Services Directive 0402 for pertinent definitions, the types of testing the City performs, and the procedures governing the tests. DOT employees should also refer to Employee Services Directive 0403 for additional information.

Appropriate City-wide progressive discipline policies and disciplinary guidelines are published separately. An employee's receipt of this Employee Services Directive acknowledges receipt of the appropriate disciplinary guidelines.

All employees are required to abide by the terms of the above policy as a condition of employment. The City's drug and alcohol policies will be strictly enforced and violators will be disciplined as prescribed.

For questions relating to this policy, please call the Chief of Talent Management or the Medical Desk at 630-1058. For disciplinary issues or questions, please call the Employee and Labor Relations Division.

**CITY OF JACKSONVILLE
DRUG/ALCOHOL TESTING PROGRAM
MEDICATION DISCLOSURE FORM**

Name (First, MI, Last)

Employee ID Number

Job Title

Work Location

Department/Division

Activity Number

Supervisor's Name (First, MI, Last)

Supervisor's Title

I will be taking / am taking the following medications which may impair my ability to safely perform the safety-sensitive functions of my job.

OVER-THE-COUNTER DRUGS (name):

From:

To:

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

PRESCRIPTION DRUGS (name):

From:

To:

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

Mo/Day/Yr

Employee Signature

Date

SEE REVERSE SIDE FOR PHYSICIAN'S STATEMENT, IF APPLICABLE

Original to: Employee Services Division, Medical Desk, City Hall-St. James Building, Suite 100

**CITY OF JACKSONVILLE
DRUG/ALCOHOL TESTING PROGRAM
MEDICATION DISCLOSURE FORM
EMPLOYEE'S PHYSICIAN STATEMENT**

Our employee holds a safety-sensitive position and has completed the reverse side of this form, stating the prescription drug(s) listed may affect his/her job performance. Under the City's Drug and Alcohol Testing policy, the use of any drug or substance which would impair an employee's ability to safely perform his/her job is prohibited. Attached is a copy of the job description for the position.

Please complete the following:

Does the prescribed drug impair the employee's ability to perform his/her job duties safely? Yes _____ No _____

How long must the employee take the drug? From _____ To _____

If indefinitely, explain: _____

Is there an alternate drug which would not impair the employee's ability to safely perform the job? Yes _____ No _____

In your medical opinion, has or will the employee's physical or mental capacity preclude him/her from performing safety-sensitive functions? (Will the employee or public be "at risk"?) Yes _____ No _____

Explain: _____

Physician's Signature

Physician's Name (Print /Stamp)

Date (Mo/Day/Yr)