

**EAST COUNTY FIRE & RESCUE**  
**Policies, Procedures, and Guidelines**

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**SUBJECT: Drug & Alcohol Free Workplace**

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**APPROVED BY:**

  
Board Chair

**REVIEWED: \_\_\_\_\_**

**BY: \_\_\_\_\_**

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**POLICY:**

**DRUG & ALCOHOL FREE WORKPLACE POLICY**

**I. PURPOSE:**

It is the policy and intent of the District to maintain a safe and healthy working environment for all employees, to ensure efficient and safe community service, to protect employees and the District from liability, to safeguard District property and assets, and to comply with all applicable laws and regulations governing drug and alcohol abuse.

The District is committed to operating a drug and alcohol free workplace and has an obligation to ensure public safety and trust in its services and programs. Accordingly, the manufacture, distribution, dispensation, possession or use of controlled substances, the unauthorized use of prescription drugs, drugs not medically authorized, or the use of any other substance, including marijuana and alcohol, which would impair job performance or pose a hazard to the safety and welfare of the employee, the public, or other employees is strictly prohibited. Employees who possess or use drugs or alcohol in violation of this policy are subject to disciplinary measures up to and including termination.

It is imperative that employees who abuse drugs or alcohol be aware of the seriousness of such misconduct and the potential penalties. In addition to law enforcement measures that would be invoked for criminal violations, such employees are subjecting themselves to major discipline because of the serious safety, health, and service risks that they create. By avoiding drug and alcohol abuse, such risks and penalties may be averted. All employees are strongly urged to follow the guidelines in this policy and utilize rehabilitation services if drug or alcohol abuse is a personal problem.

This policy provides for pre-employment drug testing of prospective employees in public safety positions, and post-accident, reasonable suspicion, "return-to-duty" and "follow-up" drug and alcohol testing for all employees.

**II. DEFINITIONS:**

- A. ACCIDENT: Any incident in which an employee was involved in that results in injury or harm to the employee, other individuals, equipment, or property.

- B. CFR: Code of Federal Regulations.
- C. CHIEF'S DESIGNEE: a representative appointed by the Fire Chief.
- D. DOT: Federal Department of Transportation.
- E. DRUG: amphetamines, cocaine, opiates, marijuana (THC), phencyclidine (PCP) or other substances including alcohol, the use of which impairs an employee's ability to perform a job or duty, or poses a threat to the safety of an individual or others.
- F. DRUG AND ALCOHOL ABUSE PROFESSIONAL (SAP): licensed physician with knowledge of drug and alcohol abuse disorders.
- G. DRUG TEST: a blood, breath, hair follicle and/or urinalysis test (as appropriate) for the presence of drugs or alcohol.
- H. EMPLOYEE: any full-time, part-time, volunteer, probationary or temporary member of the District.
- I. FAILING A DRUG TEST: a test result, as determined by the District's MRO, documenting positive evidence of the presence of any alcohol at a level greater than 0.04 in an employee's system or the presence of a drug or drug metabolite that is at or above the determined threshold cutoff level. Failing a drug test shall be referred to as "testing positive."
- J. IMPAIRED: a diminishing or worsening of an employee's mental or physical condition, which is the result of using alcohol or drugs.
- K. MEDICAL REVIEW OFFICER (MRO): a licensed physician with knowledge of substance abuse disorders and appropriate medical training as designated by the District.
- L. ON THE JOB: an employee is considered "on the job" whenever employee is: either on duty or on district property, driving a district vehicle or whenever employee is working for the District or conducting district business.
- M. PASSING A DRUG TEST: a test result, as determined by the District's MRO, documenting no evidence of the presence of any alcohol at a level of 0.04 or greater in the employee's system, or no presence of a drug or drug metabolite that is at or above a pre-determined threshold cutoff level.
- N. PUBLIC SAFETY POSITION: any employee or volunteer in a firefighter or emergency medical services position.
- O. PROPER MEDICAL AUTHORIZATION: a prescription or other written approval from a licensed practitioner/physician or dentist for the use of a drug in the course of medical treatment, which must include the name of the substance, the period of authorization, and whether the prescribed drug may impair job performance.

P. **REASONABLE SUSPICION:** A belief based on objective facts sufficient to lead a reasonable person to suspect that an employee is under the influence of drugs or alcohol to the extent that the employee is unable to safely and efficiently perform a job or duties, or poses a threat to the safety of the employee or others.

Q. **SAMHSA:** Substance Abuse and Mental Health Services Administration

R. **UNDER THE INFLUENCE:** condition which is the result of using drugs or alcohol, the result of which limits an individual employee's ability to safely and efficiently perform a job or duties, or poses a threat to the safety of the employee or others.

### **III. RESPONSIBILITIES:**

A. **The Board of Commissioners:** The Board of Commissioners is responsible for:

- i. Adopting this Policy and for establishing a drug free workplace in compliance with applicable laws and regulations.
- ii. Adopting a drug and alcohol awareness information program and associated policies and procedures for the employees.
- iii. Providing adequate drug and alcohol training for management to allow for the appropriate implementation of this policy and its procedures including but not limited to training in the detection of drug and alcohol use and the behaviors which may indicate drug or alcohol abuse by an employee.

B. **Management:** The Chief or designee is responsible for:

- i. Implementing and enforcing this policy and applicable procedures.
- ii. Insuring that all employees have access to this policy and information concerning the impact of the use of alcohol and drugs on job performance.

C. **Employees:** Employees shall comply with this policy as a condition of employment. Employees are responsible for:

- i. Not reporting to duty while under the influence of drugs or alcohol.
- ii. Not being under the influence of drugs or alcohol while On The Job.
- iii. Fully informing themselves of the content of this policy and the District's drug and alcohol testing procedures.
- iv. Seeking appropriate assistance with chemical dependency or drug and alcohol abuse problems before such problems result in a violation of this Policy.
- v. Cooperating and complying with applicable testing procedures established in this policy.

- vi. Any employee who is taking a drug or medication, whether or not prescribed by the employee's physician, which may reasonably adversely affect that employee's ability to perform work in a safe or productive manner is required to report such use of medication to the employee's supervisor. This includes drugs that are known or advertised as possibly affecting judgment, coordination, or any of the senses, including those that may cause drowsiness or dizziness. Employee's using prescription drugs may be required to provide Proper Medical Authorization prior to working while taking prescription medications. The supervisor in conjunction with the chief then will determine whether the employee can remain at work and whether any work restrictions will be necessary.

#### IV. TESTING:

- A. **Pre-Employment Testing:** Public Safety Position applicants seeking District employment who have been offered conditional employment must successfully pass a Drug Test. An applicant who fails the Drug Test will be informed of test results and will not be eligible for employment with the District at that time. Applicants who test positive will be notified that they have not met the standards for employment. An applicant that tested positive may request a re-test in accordance with Section V.
- B. **Reasonable Suspicion Testing:** When reasonable suspicion exists to believe that an employee may be under the influence or impaired by alcohol or drugs, the following procedure shall be followed:
  - i. The employee shall be informed of reasonable suspicion, removed from assignment (active duty) and placed on paid administrative leave status pending results of interview and/or testing.
  - ii. A supervisor assigned by the District and a witness, at the discretion of the employee in question, shall accompany said employee at all times during the interviewing and testing procedure.
  - iii. If a questionable substance is present, an appropriate sample shall be secured.
  - iv. Immediate notification of the Chief or designee.
  - v. The supervisor assigned shall, if circumstances permit, interview the employee to verify that a reasonable suspicion exists.
  - vi. If, after interview, reasonable suspicion still exists:
    - a. A supervisor shall transport the employee to the testing facility and the appropriate testing procedures will be implemented.
    - b. The employee will be required to sign a consent form for the testing.
    - c. Following the test a supervisor shall transport the employee to the employee's residence.

- d. If test results are positive, the time off will be charged to the employee's earned/accrued time off bank.
  - e. If test results are negative, the time off will be charged to paid administrative leave.
  - vii. If, after interview, a determination is made that the employee is impaired but not in violation of this policy, implement sick leave procedures.
  - viii. If a determination is made that there is no violation or impairment, for any reason, this process shall be immediately discontinued and all operations returned to original status. Furthermore, all documentation and records of the event shall immediately be destroyed.
- C. **Post-Accident Testing:** Employees shall be subject to post-accident testing if they are involved in an Accident, while on the job. The following procedure shall be followed:
- i. The employee shall be tested as soon as possible, but not more than eight hours after the accident for alcohol testing and 32 hours for drug testing after the time of the accident.
  - ii. Employees involved in accidents shall refrain from alcohol or drug use following the accident or until a drug test is administered.
  - iii. Employees who leave the scene of an accident without appropriate authorization prior to the testing shall be considered to have refused the test and shall be subject to disciplinary action, up to, and including termination.
  - iv. If a post-accident alcohol test is not administered within two hours following an Accident, the supervisor at the scene of the Accident shall document the reasons why the test was not administered within two hours. If the post-accident alcohol test is not administered within eight hours after the Accident, the supervisor at the scene shall cease efforts to test and document the reasons the test was not conducted. In both cases, the documentation shall be forwarded to the Chief or designee.
- D. **Follow-up/Return to Duty Testing:** As part of a follow-up to counseling or rehabilitation for drug or alcohol use, an employee may be required to submit to a drug test. The following Procedure shall be followed:
- i. If an employee has been placed on leave through use of counseling or rehabilitation services, the employee will not be permitted to return to work until the employee has passed a drug test as documented by the SAP, has the approval of the appropriate rehabilitation program coordinator, medical review officer, and the concurrence that the Chief or designee determines that the employee is fit to return to duty.
  - ii. Such employees may be required to undergo frequent drug and/or alcohol testing for a period of time to be determined on a case-by-case basis by the SAP.

- E. **Voluntary Request For Treatment:** The District shall not discipline employees who voluntarily come forward and ask for assistance to deal with a drug or alcohol problem. No disciplinary action will be taken against an employee unless the employee refuses the opportunity for rehabilitation and/or fails to comply with the Follow-up/Return to Duty procedures.
- F. **Post Treatment:** If, after an initial positive test in violation of this policy or voluntarily entering a treatment program, an employee again violates this policy he/she will be terminated.

## V. Methodology

- A. **General:** To ensure the accuracy and fairness of the testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration SAMHSA/DOT guidelines where applicable and will, at a minimum include using SMHSA certified laboratories, chain of custody procedures, and equipment. Testing procedures may include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.
- B. **Positive Test Results.** All positive test results shall first be reviewed by the District Medical Review Officer (MRO). The MRO shall review the employee's medical history and afford the employee with an opportunity to offer any clarifying information that would explain the positive test.
- C. **Compliance with Testing:** Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately pending further investigation. Refusal can include an inability to provide a specimen or breath sample without a valid medical reason or delaying arrival at the collection site. Such refusals will be treated as insubordination and recorded as a positive test when considering appropriate disciplinary action.
- D. **Re-Tests and Observed Tests.** Any employee who tests positive for drugs may request, within 72 hours of notification, a test of the split sample, as all specimens are split and the untested portion stored for a period of time. The employee must notify the MRO of his/her request and the employee will be responsible for the cost of the split sample test. There are certain situations that may require the employee to provide, at the collection site, another urine or breath sample, e.g., when insufficient volume or breath provides an inadequate sample or the technician has reason to suspect tampering with the sample. Under the latter circumstances, a second collection may be under observed conditions.

## VI. Search Notice and Conditions.

- A. When a supervisor or the Chief or designee has reasonable suspicion to believe that an employee possesses drugs or alcohol in violation of this policy, the employee will be required, at the Chief or designee's direction, to submit to a search of any room, desk, file,



locker or other container provided by the District, law enforcement may be used. Any search conducted beyond these parameters shall be conducted in accordance with applicable state or federal laws.

- B. Any drugs or alcohol discovered on District premises in violation of this policy will be confiscated and the District will coordinate with appropriate law enforcement officials as necessary. Before any search may be conducted, except in an emergency situation, there must be concurrence by a supervisor and the Chief or designee that there is reasonable suspicion of the presence of drugs or alcohol in violation of this policy. Prior to the search occurring, the employee shall be informed of the suspected situation with an explanation of reasonable suspicion at that time.

## **VII. Disciplinary Action.**

- A. Violations of this policy will be grounds for appropriate disciplinary action on a case-by-case basis, up to and including, termination. Additionally, law enforcement authorities will be notified in appropriate situations. Employees who fail to cooperate and voluntarily participate in such provided programs shall be considered as testing positive and in violation of this policy.

## **VIII. Reporting Violations.**

- A. An employee who has reasonable suspicion of drugs or alcohol on District property or in District vehicles, or observes or has knowledge of another employee who either (1) violates this policy; or (2) is in a condition which might impair that employee's ability to perform job duties or which poses a hazard to the safety and welfare of others, shall promptly report the situation to his or her supervisor. To the degree possible, the reporting individual's identity will be kept confidential and there shall be no retaliation for such reasonable suspicion reporting.
- B. If an employee has reasonable suspicion that the Chief or designee is violating this policy, the employee shall report this to the Chairperson of the Board of Commissioners. To the degree possible, the reporting individual's identity will be kept confidential and there shall be no retaliation for such reasonable suspicion reporting.

## **IX. Rehabilitation Program**

- A. Any employee who tests positive for drugs or alcohol shall be medically evaluated, counseled and treated for rehabilitation as recommended by the SAP. Employees who complete a rehabilitation program may be required to undergo frequent drug and/or alcohol testing for a period of time to be determined on a case-by-case basis by the SAP. An employee may voluntarily enter a rehabilitation program without prior testing. The all or a portion of the treatment and rehabilitation may be paid for by the employee's health insurance program if available. Employees will be allowed to use their accrued and earned leave for the necessary time off involved in the rehabilitation program. If an employee does not have available insurance or have available accrued or earned leave, the District will not be responsible for any costs associated with treatment or loss of wages from missed work.

## **X. Privacy**

- A. Confidentiality shall be maintained throughout the testing process. Records of test results of employees receiving treatment for chemical dependency or of employees or applicants involved in other situations related to this policy will be maintained and used by the District with the maximum respect for individual confidentiality and privacy. The District shall retain such records relating to the sample collection process and positive test results. The District shall retain positive test results for at least (1) year. Only the Chief, the Human Resources Manager and the employee's immediate supervisor will be made aware of the test results. Such information will not be released to a third party without specific written authorization by the individual, or upon court order. The District shall maintain records and reports as required by appropriate government authorities.

## **XI. Policy Commitment, Notice, and Training**

- A. All employees shall receive a copy of this Policy. The District shall make training available for Employees to help prevent drug and alcohol abuse problem situations and appropriately deal with such problems should they occur.

## **XII. Right of Appeal**

- A. The employee has the right to appeal the results of the drug or alcohol tests. To initiate an appeal, the employee must fill out and sign the attached "Drug Test Appeal" (Appendix C) form within 5 business days of being notified of a positive test result. The appeal process will be conducted without cost to the employee. The employee will be scheduled to meet with the Chief or designee or the MRO within 14 calendar days to review the appeal. Following the meeting the Chief, designee or MRO will issue a written report of findings and conclusions.

## **XIII. Conflict with other laws**

- A. This Policy is in no way intended to supersede or waive any constitutional or other rights that the employee may be entitled to under Federal, State, or Local statutes.

## **APPENDIX**

Appendix A: Pre-employment Drug Testing Consent Form

Appendix B: Employee Drug and Alcohol Testing Consent Form

Appendix C: Drug Test Appeal Form



**Appendix A**

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*APPLICANT CONSENT FORM AND AUTHORIZATION FOR SPECIMEN COLLECTION,  
SUBSTANCE TESTING, AND RELEASE OF INFORMATION*

I, \_\_\_\_\_ as a public safety position job applicant, voluntarily consent to provide a urine specimen at the designated Drug testing services provider, or any other site designated by East County Fire & Rescue. I understand that the urine specimen will be tested for the presence of drugs or controlled substances prohibited by East County Fire & Rescue’s Drug & Alcohol Free Workplace Policy. I give my consent for the release of such test results to East County Fire & Rescue’s Medical Review Officer, who shall interpret such results for East County Fire & Rescue’s Chief and/or the Chief’s designee. I further authorize East County Fire & Rescue and its management to use this information as necessary in considering my application for employment. I understand that I may not be hired if I test positive for drugs or controlled substances prohibited by this policy. Upon request, East County Fire & Rescue shall give me a copy of written test results it receives.

\_\_\_\_\_  
**Applicant Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Witness**

\_\_\_\_\_  
**Date**

**Appendix B**

***East County Fire & Rescue***

**EMPLOYEE**

***CONSENT AND RELEASE FORM FOR DRUG/ALCOHOL TEST PROGRAM***

I acknowledge that I have received a copy of, have been duly informed, and understand the Fire District's drug and alcohol testing policy and procedures. I have been provided with information concerning the impact of the use of alcohol and drugs on job performance. In addition, I have been informed on how the tests are conducted, what the tests can determine, and the consequence of testing positive for drug use. I give consent for the release of such test results to the Chief or his designee.

I understand that if I voluntarily come forward and ask for assistance to deal with a drug or alcohol problem through the Substance Abuse Program I will not be disciplined by East County Fire & Rescue

I understand how drug/alcohol tests are collected and further understand that these are medical tests that are conducted under the auspices of a Medical Review Officer. I understand that the MRO will review and interpret any positive test results, and that I will have the opportunity to be interviewed by the MRO to review my status, my medical history, and any relevant biomedical factors prior to the District being informed whether I passed or failed the test. The District will maintain the findings in a confidential manner and will not divulge the information to any outside source without the consent of the employee.

I understand that a confirmed positive drug or alcohol test will result in my referral to a Drug and Alcohol Substance Abuse Professional. Provided I have come forward voluntarily, I will be required to complete a rehabilitation program. No disciplinary action will be taken against me unless I refuse to take a drug/alcohol test, refuse the opportunity for rehabilitation, fail to complete a rehabilitation program successfully, or again test positive for drugs/alcohol within one (1) year of completing an appropriate rehabilitation program. I understand that such disciplinary action, as described herein, may include dismissal from the District.

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Printed or typed name of employee

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Signature of employee

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Date

