

**DRUG AND ALCOHOL FREE WORKPLACE – COMPLIANCE AND ENFORCEMENT PROGRAM**

**Purpose:**

To establish and maintain a drug and alcohol-free, healthy, and productive workplace in the interest of public safety, by prohibiting the use, consumption, influence, possession, distribution, or sale of illegal drugs or controlled substances and/or alcoholic beverages while on duty, or reporting for duty with detectable levels of said substances in one's system.

**Scope:**

This policy applies to all existing personnel and to all applicants who have received offers of employment, conditional or otherwise, with the district.

**Policy:**

It is the policy of the district to maintain a drug and alcohol-free work environment for our personnel, and assist in establishing safe, healthy, and productive working conditions. The maintenance of such an environment justifies the establishment of a Substance Abuse Program and the use of a reasonable employee drug and alcohol-testing program. Any employee failing to meet the provisions of this policy will be subject to discipline, up to and including termination. To ensure that district personnel function in a safe, healthy, and productive manner, the district will stress education, prevention, intervention, and rehabilitation as it relates to drug and alcoholic beverage use or abuse.

**Definitions:**

- A. Illegal Drugs – Any controlled substance, medication, or other chemical substance that (1) is not legally obtainable; or (2) is legally obtainable, but is not legally obtained, is not being used legally, or is not being used for the purpose(s) for which it is prescribed or intended by the manufacturer. Thus “illegal drugs” may include over-the-counter medications if they are not being used for the purpose(s) for which the manufacturer intended them.
- B. Legal Drugs – Prescribed or over-the-counter drugs that are legally obtained by personnel and used for the purpose(s) for which the manufacturer intended them.
- C. District property and district equipment, machinery, and vehicles – All property, machinery, and vehicles owned, leased, rented, or used by the district.

- D. On Duty – All working hours, as well as meal periods and break periods, regardless of whether on district property, and all hours when an employee represents the district in any capacity.
- E. Medical Review Officer – The physician designated by the assigned drug testing laboratory to evaluate all test results.
- F. Alcohol – Pure spirit of wine; pure or highly rectified spirit (called also [ethyl alcohol](#)); the spirituous or intoxicating element of fermented or distilled liquors, or more loosely a liquid containing it in considerable quantity. It is extracted by simple distillation from various vegetable juices and infusions of a saccharine nature, which have undergone vinous fermentation.

### **Drug and Alcohol Free Workplace Rules:**

- A. Substance Abuse by Personnel.
  - 1. Alcoholic Beverages/Illegal Drugs.
    - a. Personnel may not use, possess, sell, or transfer alcohol while on duty, while working, while on district property, while in uniform, or while operating district equipment, machinery, or vehicles, or personal vehicles while on duty.
    - b. Personnel may not work or report to work with detectable levels of alcohol/illegal drugs or the metabolites of alcohol/illegal drugs in their systems.
    - c. Personnel may not manufacture, distribute, dispense, transfer, or sell illegal drugs; nor may they manufacture, distribute, dispense, transfer, or sell alcoholic beverages while on duty.
    - d. Personnel who violate these rules will be subject to discipline, up to and including termination.
  - 2. Legal Drugs/Medication.
    - a. Personnel who have reason to believe that the *legal* use of drugs may pose a safety risk to any person or interfere with the employee's performance of their job must report such legal drug use to the district physician. The district's physician shall then determine whether any work restriction or limitation is indicated and inform the district and the employee of such restriction. Failure to report the legal use of a drug that may pose a safety risk may result in disciplinary action up to and including termination.
- B. Criminal Drug Convictions.  
Personnel convicted of violating any criminal drug statute or governing ordinance while in the workplace may be subject to discipline up to and including immediate termination.
- C. Drug Paraphernalia.

Personnel are prohibited from bringing items which could reasonably be constructed as drug paraphernalia involved in the use of illegal drugs to the workplace at any time. A member who possesses or distributes such paraphernalia in the workplace may be subject to disciplinary action, up to and including termination.

D. Reporting Violations.

All personnel have the responsibility to immediately report unsafe working conditions or hazardous activities that may jeopardize their safety, the safety of fellow members, and the safety of the public we serve. This includes the responsibility to immediately report any violations of this Drug and Alcohol Free Workplace policy. Personnel who fail to report such a violation are subject to disciplinary action up to and including termination.

**Guidelines:**

A. Circumstances under which testing may be required:

1. Pre-Employment and Volunteer membership – All prospective personnel will be required to pass a drug screen as part of their pre-employment and volunteer membership physical.
2. For Cause/Reasonable Suspicion – Suspicion of drug or alcoholic use as determined by good faith behavioral observation, performance problems, or employee complaints that are not confirmed by a third party. Examples of situations that could constitute reasonable suspicion include:
  - a. Uncharacteristically slurred or exaggerated speech.
  - b. Uncharacteristically staggering or uncoordinated movements.
  - c. Passing out while in the workplace, or on duty.
  - d. Sleeping while in the workplace or while on duty (except in the case of operations personnel who generally sleep during the night hours of the 24-hour shift).
  - e. A supervisor's direct observation that an individual is groggy, disoriented, lightheaded, or glassy-eyed.
  - f. A supervisor's direct observation of the smell of alcohol or marijuana on an individual's breath or person.
  - g. A supervisor's direct observation of alcohol, drugs, or drug paraphernalia in an individual's possession or among the member's belongings.
  - h. A supervisor's direct observation of an individual's use of alcoholic beverages/drugs on duty.
  - i. A supervisor's overhearing of a discussion by an individual in question of his alcoholic beverage or drug use on duty.

- j. Evidence that the individual in question tampered with their urine specimen in connection with a previous drug or alcohol test; or,
    - k. The report of a reliable witness who is willing to document their report in writing, that the employee in question is exhibiting any of the behaviors described above while on duty.
  - 3. Post-Accident/Incident Involvement – Personnel involved in on duty accidents or other work-related incidents where it is reasonably possible that drug/alcoholic beverage use could be a contributing factor. Decisions regarding “involvement” and/or “reasonably possible” are at the sole discretion of the Chief, or in his/her absence, another designated officer.
  - 4. Physical – As part of semi-annual physical evaluation required in accordance with policy or guideline.
  - 5. Reclassification – As part of any promotion or re-assignment within the district.
  - 6. Treatment Program Testing – Personnel referred by the district for chemical dependency treatment or evaluation or who is participating in a chemical dependency treatment program under an employee benefit plan may be required to undergo drug and alcohol testing without prior notice during the evaluation or treatment period and for up to two years following their return to work.
  - 7. Return to Duty/Reinstatement – Personnel who leave the district’s active employment for a period exceeding 30 days will be subject to drug and alcohol testing prior to return to work.
- B. Substances for which testing may be required:  
Schedule “A” includes the substances and the screening and confirmation cut-off levels. Substances (or the metabolite of the substance) that are added to the Controlled Substances Act (21 U.S. Code Section 21) will also automatically be considered as part of the list.
- C. Testing methods and collection procedures:  
The testing method will include the following provisions:
- 1. Collection will be performed under reasonable and sanitary conditions.
  - 2. Employee to be tested will have an opportunity to provide relevant medical, prescription, or other information to medical personnel prior to being tested.
  - 3. Collections will be documents through proper labeling and chain of custody procedures to preclude the possibility of contamination, adulteration, or misidentification.
  - 4. Testing shall be by scientifically accepted methods and procedures.
  - 5. A laboratory approved or certified by the U.S. Department of Health and Human Services, the College of American Pathologists, or the Department of Health Services shall do sample testing.

6. Positive tests will be confirmed using a different chemical process from the initial test method.
7. All positive tests will be reviewed by a Medical Review Officer prior to notification to the district. No other parties shall be apprised of results at any time during the testing or verification process.
8. A two-step, screen, and confirmation will be utilized.

The collection procedure requires that when the conditions of testing have been met, the employee will be sent to a predetermined facility while on paid time. At the district's expense, testing will proceed as quickly as possible. Medical facility personnel will do collection of the sample. Specific procedure information is provided within this policy, under "Procedure".

D. Consequences of testing refusal:

1. Refusal by an employee to cooperate under this policy will be grounds for termination. Refusal by a prospective employee to cooperate under this policy will be grounds for the district to refuse to hire the individual.
2. Personnel who attempt to interfere with, alter, substitute, or in any way affect the outcome of the drug and alcohol screening process shall be subject to disciplinary action up to and including termination.

E. Employee's right to obtain written test results:

If requested in writing to the Chief, an employee or prospective employee that has been tested will receive a copy of the written test results.

F. Employee's right to explain positive test results:

An employee testing positive will have an opportunity to meet with the Chief to contest or explain the positive results before any employment/membership status action is final. Once the district is notified of a positive test result, the employee will be scheduled to meet with the Chief or his/her designee before being allowed to return to work.

G. Confidentiality of test results:

All information, communications, and/or documents obtained by the district in association with the testing portion of this policy shall become a part of the employee's confidential medical file (separate from the standard personnel file), with access only by the Chief, Assistant Chief, or administrative staff with responsibility for maintaining such files, and shall not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceeding, unless related to an action taken by the district or the employee, except disclosure to:

1. The tested employee, prospective employee, or other person designated in writing by that employee or prospective employee.
2. Individuals designated by the district to receive and evaluate test results or hear the explanation of the employee or prospective employee.

3. An Arbitrator, Mediator, Court, or Governmental Agency as authorized by State or Federal law.

Except as otherwise permitted by law, no sample taken for testing under this policy shall be tested for any substance or condition except the drugs/alcohol defined in this policy.

H. Actions that may be taken based upon test results:

1. A confirmed positive test result will cause one of the following actions:
  - a. First Offense, with good performance and behavior record – Leave of absence will be granted (without pay, after any and all leave has first been utilized) for a maximum of 30 calendar days to participate in a rehabilitation program approved by the district. Any out of pocket costs associated with a rehabilitation program will be at the employee’s expense. Failure to fully comply with the terms of a rehabilitation program may subject the employee to termination of employment/membership. Upon successful completion of treatment, the member will be returned to active status without reduction of pay or seniority.
  - b. First Offense, with poor performance and behavior record – Subject to disciplinary suspension without pay, followed by Leave of Absence (without pay, after any and all leave has first been utilized) for a maximum of 30 calendar days to participate in a rehabilitation program approved by the district. Any out-of-pocket expenses associated with the program will be borne by the employee. Failure to fully comply with the terms of a rehabilitation program may subject the employee to termination of membership. After successful completion of treatment, the member may be returned to active status without reduction of pay or seniority.

In both First Offense scenarios, personnel will be required to sign an appropriate “last chance” agreement with the district governing substance abuse testing. In addition, the individual shall be subject to random drug and alcohol testing during the treatment period and for a two year period following the completion of said program. Personnel who fail to appear for a chemical dependency evaluation when directed by the district, fail to complete the terms of any prescribed treatment program, fail in any way to cooperate with the chemical dependency referral and/or treatment process, or violate any rules set forth in this policy, will be subject to discipline up to and including termination of employment/membership.

- c. Second Offense – Termination of employment/volunteer membership.
- d. Return to Duty – Information regarding the employee’s participation, progress, and successful completion of the rehabilitation program, as well as readiness for return to duty, shall be communicated to the Chief through the coordinator of the rehabilitation program. Personnel shall be subject to periodic testing for a period of two years after they return to duty for treatment of drug or alcohol abuse or addiction.

I. Compliance/Awareness:

- 1. The district will conduct drug-free awareness programs periodically. These programs will inform employees regarding the following:
  - a. The dangers of drug and alcohol abuse in the workplace.
  - b. The district policy of maintaining a drug and alcohol-free workplace.
  - c. Available drug and alcohol counseling, rehabilitation, and employee assistance programs; and,
  - d. The sanctions that may be imposed for drug and alcohol abuse violations.

Personnel are encouraged to approach their supervisor, the Chief, or Assistant Chief at any time with any questions they have about the district’s Drug and Alcohol Free Workplace policy.

**Guidelines:**

- A. Management Procedure: If an officer of the district has knowledge of or reasonably suspects that an individual meets the requirements for drug/alcohol testing as stated within this policy, the following procedure is to be followed:
  - 1. After noting and documenting the time, the Officer shall remove the employee from any work area and/or responsibility while maintaining visual contact of the subject employee at all times. If the employee has been involved in an accident or incident, any injuries will be addressed and resolved as a number one priority. The test procedure is not to be pursued until and unless the employee is safe and stable. If an employee must receive outside medical attention, emergency medical personnel will be told of the district’s drug/alcohol testing policy so proper samples may be retained when it is safe to do so.
  - 2. The employee will be told the appropriate district officials are going to be contacted for assistance in initiating the testing procedure.
  - 3. The officer on duty will notify the Assistant Chief and the Chief, or if none of the forgoing individuals are available the Shift

Supervisor will make the final decision. After obtaining basic information, the supervisor will make arrangements for transportation to the medical facility. A supervisor will maintain visual contact until the employee has been transferred to medical facility personnel. Consent forms will be completed in the presence of a supervisor or appropriate medical personnel.

4. If an employee fails to submit to a test, the employee will be required to immediately meet with the Chief or his/her designee. If the Chief or his/her designee is not immediately available, the employee will be suspended until further notice, at which point the employee will be told when to report to meet with the Chief or his/her designee. The employee will be subject to termination for failure to submit to a drug/alcohol test. Accordingly, the Chief will follow the procedures for dismissal as outlined in the Disciplinary Action policy.
5. Any employee who is directed to undergo the drug/alcohol test will be placed on paid Administrative Leave pending notification of the test results.

B. District notification procedure:

1. The medical facility will contact the Assistant Chief or Chief with confidential verbal notification of the test results. If the test is positive, the results of the confirmation test will also be provided. Written documentation of any test results will be forwarded by confidential fax or mail. If faxed, the Assistant Chief or Chief should be contacted immediately preceding the fax transmission to assure that only he or she, or his/her designee, receives the fax directly from the machine.
2. The Assistant Chief and/or Chief will notify the tested employee by phone or the results of the test. If requested by the tested employee, a copy of the written test results will be made available for the employee.
3. In the case of negative test results, the employee will be notified of the test result and the return-to-work schedule. The employee's personnel file will be purged of any information related to the test, and documentation of the negative test result will be maintained in the employee's separate medical file.
4. In the case of a confirmed positive result, the Chief will meet with the employee to discuss the matter and to then determine the level of disciplinary action. The Chief will follow the procedures regarding disciplinary action as outlined in the Disciplinary Action policy. Information regarding any disciplinary action will be maintained in the employee's personnel file. Information specifically regarding the testing will be maintained in the employee's separate medical file.