

# SOUTHERN STONE COUNTY FIRE PROTECTION DISTRICT

TITLE: Drug and Alcohol Testing

REVISED: 01/17/2008

APPLIES TO: All Personnel

POLICY: # 200.5

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## SECTION ONE - PURPOSE

We recognize that drug and alcohol abuse is a serious problem present in today's society. We also recognize the importance of maintaining a safe, efficient, and healthy work environment for our employees and volunteers. We are committed to the safety and well-being of our employees, and recognize that employee use and abuse of illegal drugs and alcohol, either separately or together, can cause serious economic loss and personal tragedies. To protect our employees and the public, and to promote the overall efficiency of our employees, we have established this policy regarding the use of alcohol and illegal drugs ("Policy").

Nothing in this Policy shall be construed as creating or constituting a contract, either expressed or implied. Rather, the District and its employees shall use this Policy as a guide for dealing with issues of substance use and abuse in the workplace. As such, this Policy may be evaluated and revised periodically by the District as required by law, or to otherwise accommodate changes within the workplace.

## SECTION TWO - DEFINITIONS

1. **"Alcohol"**. The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl and isopropyl alcohol.
2. **"District Property"**. Any and all property, including buildings, facilities, land, parking areas, offices, desks, file cabinets, lockers, District vehicles, personal or other vehicles while on District business, or any other location where an employee may be performing services for, or otherwise on behalf of, the District. Employees and volunteers do not have a reasonable expectation of privacy in personal vehicles, offices, desks, lockers, lunch boxes, or any personal items brought by the employee or volunteer onto District property.
3. **"Illegal Drug"**. Any substance deemed "illegal" under federal law, regardless of its legality under state or local law, or any substance which is legally obtainable but has been illegally obtained and/or is not being used for its prescribed purpose, and any drug paraphernalia.
4. **"Safety-Sensitive Position"**. Involves work that could result in injury to the employee or to other persons if performed in an impaired condition (*driving, emergency response, machinery operation, etc.*).
5. **"Under the Influence"**. Any detectable level of illegal drugs or alcohol in an employee's urine or blood, or any noticeable or perceptible impairment of the employee's physical or mental capacities.

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**SECTION THREE - PROHIBITED CONDUCT**

The District absolutely prohibits the manufacture, sale, purchase, transfer, possession, use, distribution, or being under the influence of alcohol or any illegal drug during work hours, or while on District property at any time.

**SECTION FOUR - CONSEQUENCES OF VIOLATION**

Any employee found in violation of this Policy shall be suspended by the officer in charge, and will be subject to discipline according to District's personnel policies. Law enforcement may be notified where criminal activity is suspected.

Any employee who is suspected of being under the influence will be suspended by the officer in charge from his or her duties pending an investigation for verification of the condition, according to District's personnel policies.

**SECTION FIVE - PRESCRIPTION DRUGS**

Taking legally prescribed medications or over-the-counter medications is permitted to the extent that the use of such medications does not adversely affect an employee's job performance or safety, or the safety of others. If an employee is using prescription or over-the-counter medications that could impair the employee's ability to perform the employee's job safely, that employee must report such use to the appropriate officer before starting or resuming work. If an employee experiences side effects which affect the employee's ability to safely perform the employee's duties, that employee must immediately stop working and report such information to the officer in charge. Failure to comply with this section could result in disciplinary action, according to District's personnel policies.

**SECTION SIX - ALCOHOL CONSUMPTION AT WORK**

The consumption of alcohol on District property or while wearing District items is forbidden except at District-sponsored functions. Such functions are only considered "District-sponsored" if management is in attendance and has furnished the alcohol. Consumption of alcohol when management is not in attendance or has not furnished the alcohol will be considered a violation of this Policy, subject to discipline according to District's personnel policies. Employees who drink alcohol at District-sponsored events are expected to do so in moderation. If, while attending such an event, an employee believes that he or she may have overindulged, the employee must seek assistance from a superior officer.

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In such situations, the District will provide and pay reasonable expenses for transportation to the employee's home or other place of lodging. In the rare event that an employee becomes intoxicated at a District-sponsored event, our primary concern is the employee's safety and the safety of others. An employee will not be disciplined for acknowledging the overindulgence and asking a superior officer for transportation to the employee's home or other place of lodging. This section also applies to District-sponsored social events held off District premises.

### **SECTION SEVEN - DRUG OR ALCOHOL TESTING**

All applicants and District employees are subject to drug and/or alcohol testing under the circumstances outlined below (the cost of such testing will be paid by the District).

1. **Pre-employment Testing.** All applicants for employment or a volunteer position may be subject to a drug test as a pre-qualification condition. Only candidates who test negative for drugs are eligible for appointment. An applicant who refuses to be tested is not eligible for a position with the District.

2. **Reasonable Suspicion Testing.** Where a "reasonable suspicion" exists that an employee is under the influence of drugs and/or alcohol while on District property or while performing job-related duties, the employee will be referred for reasonable suspicion testing. A "reasonable suspicion" is based on the observation of objective facts and circumstances that are consistent with substance use and/or abuse. Examples of behavior giving rise to a "reasonable suspicion" include, but are not limited to: unsatisfactory job performance or on-the-job behavior; physical signs and symptoms consistent with prohibited substance use; evidence of the manufacture, sale, purchase, transfer, possession, distribution, or use of alcohol and/or illegal drugs; occurrence of a serious or potentially serious accident that may have been caused by human error; physical confrontations or assaults, and the disregard or violation of established safety, security, or other District rules or procedures. Employees who are referred for reasonable suspicion drug and/or alcohol tests must be transported to and from the testing facility by a District Officer as soon as possible.

3. **Post-Accident Testing.** A drug and/or alcohol test will be required following an on-the-job accident or incident in which any involved employee thereafter requires medical treatment from a healthcare provider, or where there has been physical damage resulting in a loss of at least \$5,000.00. Employees who are referred for Post-Accident testing for drug and/or alcohol tests must be transported to and from the testing facility by a District Officer as soon as possible.

4. **Random Testing of Safety-Sensitive Employees.** Employees in safety-sensitive positions will be subject to random drug and/or alcohol testing, to be conducted pursuant to a random selection process, with fifty percent (50%) of all employees in safety-sensitive positions to be tested bi-annually.

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5. **Criminal Charge.** Any District employee charged, or under investigation, in connection with a drug-related criminal offense may be required to submit to a drug test before being permitted to continue working. All employees must notify the District within five (5) calendar days upon receiving notice of being charged, or under investigation, in connection with a drug-related criminal offense.

6. **Failure to Test.** Any employee who fails to submit to the required testing under this policy will be considered to have tested positive and will be subject to disciplinary action pursuant to District's personnel policies.

### **SECTION EIGHT - TESTING PROCEDURE**

1. **Alcohol.** Federal regulations require breath testing to be done on Evidential Breath Testing devices approved by the National Highway Safety Administration. An initial screening test is conducted first. Any result that is less than 0.02 blood alcohol concentration is considered negative. If the blood alcohol concentration is 0.02 or greater, a second confirmatory test must be conducted. Any employee who tests with a blood alcohol concentration of 0.02 or greater will be removed from service for at least twenty-four (24) hours. If the test shows an alcohol content of 0.04 or more, the test is positive and the employee will be subject to discipline according to District's personnel policies.

2. **Drugs.** Controlled substance testing is conducted by analyzing employee's urine specimen performed at a laboratory certified and monitored by the U.S. Department of Health and Human Services for the following controlled substances:

- ✓ Marijuana (*THC metabolites*)
- ✓ Cocaine
- ✓ Amphetamines
- ✓ Opiates (*including heroin*)
- ✓ Phencyclidine (PCP)

The testing for controlled substances is a two-stage process. First, a screening test is conducted. If the test is positive for one or more of the controlled substances, a confirmatory test is conducted for each identified controlled substance. The confirmatory test is a gas chromatography/mass spectrometry (GC/MS) analysis.

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Employees with a positive test will be subject to discipline according to District's personnel policies.

**INSPECTION OF PROPERTY**

In order to promote a safe, productive substance abuse-free workplace, the District reserves the right to search all District Property, including all property and equipment that is furnished to employees, when a reasonable suspicion exists that an employee is engaging in conduct that violates this policy. Such inspection shall be conducted by the officer in charge and/or his or her designated appointee, and in the presence of the employee (unless the employee refuses to participate). Prior to the inspection, the employee will be requested by the officer in charge to sign a Consent to Search. Any employee who does not consent to, and fully cooperate with, such inspection is subject to discipline according to District's personnel policies.

Any drugs and/or drug paraphernalia discovered in such inspection shall be taken into custody of the District, tagged, dated, and initialed by the officer in charge and/or his or her designated appointee making the inspection, and thereafter securely retained by management. The results of the search may be reported to law enforcement where criminal activity is suspected. The employee will be subject to discipline according to District's personnel policies.

Unopened alcohol in the vehicle of an employee shall not be taken into custody, or deemed to be a violation of this Policy, so long as the employee is not "under the influence" of alcohol at the time, and is not furnishing alcohol to another employee or volunteer. However, absolutely no alcohol (opened or unopened) will be allowed in District vehicles, or in personal or other vehicles while on District business.

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**ACKNOWLEDGMENT AND CONSENT TO TESTING IN ACCORDANCE WITH THE  
DRUG AND ALCOHOL TESTING POLICY**

This will acknowledge that I have been given a copy of the Southern Stone County Fire Protection District Drug and Alcohol Testing Policy. I have read and understand the policy, and agree to comply. Furthermore, I hereby consent to any testing as set forth in the policy.

Failure to agree with this policy and signature of same, may result in review from Chief and possible dismissal from this department.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date