



MANAGEMENT POLICY

POLICY NUMBER:
102.02

SUBJECT:

Drug and Alcohol Testing

EFFECTIVE DATE:
3/28/2011

REVISED DATE:

I. Purpose

To establish and maintain a drug and alcohol free workplace in the interest of public safety and a healthy and productive work environment, by prohibiting the use, consumption, influence, possession, distribution or sale of illegal drugs or controlled substances and/or alcohol while on duty.

II. Scope

This policy applies to all prospective and current employees, including all full-time, part-time, reserve and temporary personnel, as well as volunteers.

III. Policy

It is the policy of the District to demand a drug and alcohol free work environment so that employees/volunteers have safe, healthy, and productive conditions in which to work, and so that the community receives the high quality of service that it expects. The maintenance of such an environment justifies the use of a reasonable drug/alcohol testing program. Any employee/volunteer failing to meet this policy shall be subject to discipline, up to and including termination of employment. To ensure that our members function in a safe, healthy and productive manner, the District will stress education, prevention, intervention and rehabilitation as it relates to drug and alcohol use or abuse.

IV. Definitions

A. Illegal drugs – any controlled substance, medication, or other chemical substance that is not legally obtained, is not being used legally, or is not being used for the purpose (s) for which it was prescribed or intended by the physician, including any substance considered unlawful under the schedules of controlled substances section of 21 U.S.C. §812, or the metabolic equivalent of the substance. Thus, “illegal drugs” may include over the counter medications, if they are not being used for the purpose(s), dosage(s), or individuals for which they were intended.

B. Legal Drugs – prescribed or over-the-counter medications that are legally obtained by an individual and used for the purpose (s) for which they were intended by the physicians.

C. Alcohol means ethanol, isopropanol or methanol.

D. Sample means urine, blood, breath, saliva, hair or other substance from the person being tested.

V. Guidelines

A. In order to ensure fitness for duty, all employees and volunteers shall be required to report the use of all prescription medications, as well as any over-the-counter medications, that could produce a side effect that may alter the individuals’ ability to perform their job in a safe manner. The employee/volunteer may be required to provide documentation from the prescribing medical provider that states whether or not the employee/volunteer may work while taking such medication. When such a report is made to the Fire Chief, he shall use discretion in determining if there is any need to consult the

District's physician for further consideration of whether any work restriction or limitation is indicated. The District physician shall inform the District and the individual of such restriction.

B. Use of Alcohol/Illegal Drugs/Legal Drugs

1. Alcohol/Illegal Drugs – Employees/volunteers may not buy, obtain, use, possess, manufacture, distribute, dispense, sell, or transfer alcohol/illegal drugs while on duty, while working, while on District property, while in uniform, or while operating District equipment, machinery, vehicles, or personal vehicles while on duty. Employees/volunteers shall not work or report to duty under the influence of alcohol/illegal drugs or the metabolites of alcohol/illegal drugs.

2. Legal Drugs/Medications – Employees/volunteers who have reason to believe that the legal use of drugs may pose any safety risk to any person or equipment or interfere with his/her job performance shall report such legal drug use to his/her supervisor or the Fire Chief, either of whom may refer the information to the District's physician for consideration. The physician will determine, whether any work restriction or limitation is indicated and inform the District and the individual of such restriction.

C. Reporting Violations – All employees/volunteers have the responsibility to immediately report unsafe working conditions or hazardous activities that may jeopardize the safety of the public we serve. This includes the requirement to immediately report any violations of this Drug and Alcohol policy.

D. Circumstances under which testing may be required:

1. Pre-Employment -- All prospective employees will be required to pass a drug and alcohol screen as part of their pre-employment physical.

2. For Cause -- Suspicion of drug or alcohol use as determined by good faith behavioral observation, performance problems, or employee/volunteer complaints that are not confirmed by a third party (for instance, but not limited to slurred speech, lack of coordination, erratic behavior, odor of alcohol or marijuana, bloodshot eyes, dilated pupils, incoherence, drowsiness, chronic absenteeism, witnessed use).

3. Post-Accident/Incident Involvement – Employees/volunteers involved in on-the-job accidents or other work-related incidents where it is reasonably possible that drug/alcohol use could be a contributing factor. Decisions regarding "involvement" and/or "reasonably possible" are at the sole discretion of the Fire Chief. However, if the employee/volunteer may have contributed to an injury or accident, which resulted in a fatality, property damage, or an injury significant enough to require transportation to a medical facility, the employee/volunteer will be sent for drug/alcohol testing. The Fire Chief has the right to waive drug/alcohol testing if the accident was caused by another party.

4. Treatment Program – Any employee who is referred by the District for chemical dependency evaluation or treatment or who is participating in a chemical dependency treatment program under an employee benefit plan shall be required to undergo periodic unannounced drug/alcohol testing during the evaluation or treatment period and for a period of up to two years following return to active duty.

E. Testing Methods and Collection Procedures:

1. Collection will be performed under reasonable and sanitary conditions.

2. Employee/volunteer 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 documented 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. Sample testing shall be done by a Laboratory approved or certified by the U.S. Department of Health and Human Services, the College of American Pathologists, or the Arizona Department of Health Services.
6. The drugs tested for include but are not limited to alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, methadone, opiates, phencyclidine (PCP), propoxyphene, and marijuana. Initial screening shall be performed by Enzyme Immunoassay. All confirmation testing shall be performed by gas chromatography/mass spectrometry (GC/MS). Alcohol screening shall use evidential breath testing (EBT) devices. Two breath tests are required to determine if a person has a prohibited alcohol concentration.
7. Positive tests will be confirmed using a different chemical process from the initial test method.
8. All positive tests will be reviewed by a Medical Review Officer before notification to the District.
9. A two step test, Screen and Confirmation, will be utilized.
 - a) The collection procedure requires that when the conditions of testing have been met (Section V.,D.), an employee will be sent to a pre-determined facility while on paid time. At the District's expense, testing will proceed as quickly as possible. Collection of the sample(s) will be done by medical facility personnel. Specific procedure information is provided within this policy, under Section VI., "Procedure".

F. Consequences of testing refusal:

1. Refusal by an employee/volunteer 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. Any District employee/volunteer who attempts to interfere, alter, substitute, or in any way affect the outcome of the drug and alcohol screening test process shall be subject to disciplinary action, up to and including dismissal.
3. Any District employee/volunteer who fails to report immediately to the designated testing facility shall be subject to disciplinary action, up to and including dismissal.

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

1. A confirmed positive test result will result in one of the following actions:
 - a) First Offense – The employee may be subject to disciplinary action and a Leave of Absence shall be granted (without pay, after any and all paid leave time 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 shall be at the employee's expense. Failure to fully comply with the terms of a rehabilitation program will subject the employee to termination of employment. Upon successful completion of treatment, the employee may be returned to active status and shall be subject to additional periodic

testing, at the sole discretion of the Fire Chief, for a period of up to Two years.

b) Second Offense -- Termination of employment.

2. Voluntary notification of drug/alcohol use/abuse by an employee to the District prior to employer's notice of suspicion to employee.

a) Disciplinary measures will not be taken, however, the employee will be required to participate in a rehabilitation program approved by the District. Leave of Absence will be granted (without pay, after any and all paid leave time has first been utilized) for a maximum of 30 calendar days to participate in a rehabilitation program approved by the District. Any costs associated with a rehabilitation program will be at the employee's expense. Failure to fully comply with the terms of a rehabilitation program will subject the employee to termination of employment.

3. In the event that an employee takes a Leave of Absence to enter a rehabilitation program, the employee shall be required to sign a release of information to allow treatment information to be shared with the Fire Chief.

4. 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 Fire Chief through the rehabilitation program coordinator.

5. As a general rule, the employee shall be subject to follow-up testing for a period of up to two years to ensure that the employee remains drug and alcohol-free.

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

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

I. Employee's right to explain positive test result:

1. An employee testing positive shall have an opportunity to meet with the Fire Chief to contest or explain the positive results before any employment status action is final. An employee shall not be allowed to return to work after a positive test and prior to an opportunity for such a meeting. The employee will be placed on suspension without pay until such time that the Fire Chief takes final action.

2. Confidentiality of test results:

a) 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 Fire Chief or administrative staff with responsibility for maintenance of 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.

- b) 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 allowed in this policy.

VI. Procedure

A. Management Procedure for Reasonable Suspicion/ For Cause:

1. If an Officer of the District has knowledge of or reasonably suspects that an employee/volunteer meets the requirements for drug/alcohol testing as stated within this policy, the following procedure is to be followed:
 - a) After noting and documenting the time, the Officer shall remove the employee/volunteer from any work area and/or responsibility while maintaining visual contact of the subject employee/volunteer at all times. If the employee/volunteer 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/volunteer is safe and stable. If an employee/volunteer 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/volunteer will be told that drug or alcohol use is a reasonable suspicion and that the appropriate process will be implemented for initiating the testing procedure.
3. The officer on duty will notify a Chief Officer. After obtaining basic information, the Chief Officer will make arrangements for transportation to the medical facility. Visual contact will be maintained by a District officer until the employee/volunteer has been turned over to medical facility personnel. Consent forms will be completed in the presence of a District officer or medical personnel.
4. If an employee/volunteer fails to submit to a test, they will be suspended without pay until further notice, and subject to termination for failure to submit to a drug/alcohol test. The employee/volunteer will be told that the District will contact them by phone or mail to communicate further action.

B. District Notification Procedure:

1. The medical facility will contact the Fire Chief or designee with confidential verbal notification of the test results. If the test is positive, the results of the confirmation test will also be provided to the Fire Chief or designee. Written documentation of any test results will be forwarded confidentially.
2. The Fire Chief or designee will notify the tested employee/volunteer by phone, with follow up in writing, of the results of the test. If requested by the tested employee/volunteer, a copy of the written test results will be made available for them.
3. In the case of a negative test result, the employee/volunteer will be notified of the test results and the return-to-work schedule. The employee/volunteer personnel file will be purged of any information related to the test, and documentation of the negative test will be maintained in the employee/volunteer separate medical file.
4. In the case of a confirmed positive result, the Fire Chief will determine the level of discipline and notify the employee/volunteer of such. Information regarding the disciplinary action will be maintained in the employee/volunteer personnel file. Information specifically regarding the testing will be maintained in the employee/volunteer separate medical file.

