

POLICY: **ALCOHOL AND DRUG TESTING**
EFFECTIVE DATE: **07/06/21**
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#510

POLICY

It is the policy of the District to prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by employees, thereby, increasing public safety and contributing to a safe work environment for all employees.

SCOPE

This Policy shall apply to all employees and applicants.

RESPONSIBILITY

It is the responsibility of all **employees** to report to duty in a mental and physical condition, free from impairment of alcohol and substances which might affect their ability to safely perform their job duties.

It is the responsibility of **employees** to be familiar with, understand, and abide by this Policy as a condition of employment and to report violations of this Policy to the District Manager, Fire Chief, or fire officers.

It is the responsibility of the **District** through the **Personnel Officer** to provide education and training on alcohol and substance use.

It is the responsibility of the **Personnel Officer** to ensure that the appropriate employees have been provided a printed or electronic copy of this Policy.

It is the responsibility of the **District Manager, Fire Chief, and fire officers** to address violations of this Policy.

EMPLOYEE ASSISTANCE PRACTICES

1. To ensure fair and equal treatment, questions and concerns involving this Policy shall be directed to the Personnel Officer.
2. Employees are strongly encouraged to seek voluntary diagnosis and accept treatment for an alcohol or substance abuse problem prior to the District identifying an alcohol or substance abuse problem which could result in disciplinary action.
3. A decision by an employee to utilize an Employee Assistance Program (EAP) will not be used as a basis for disciplinary action.

4. Employees who voluntarily admit to an alcohol or substance abuse problem and request assistance with an alcohol and substance abuse rehabilitation program prior to the District identifying an alcohol or substance abuse problem may be granted any reasonably necessary leave of absence to participate in such a program.
5. Employees will be eligible to use any sick and vacation leave benefits for a rehabilitation program in accordance with District's leave policies.
6. Participation in a rehabilitation program will be at the employee's cost, including any follow-up testing which may be required.
7. An employee who has participated in an District-approved rehabilitation program may return to work upon a successful completion of the rehabilitation program and a negative Return-to-Duty test and subjected to Follow-Up tests required by the Substance Abuse Professional's (SAP's) follow-up plan and as described under this Policy; however, repeated instances of rehabilitation may result in conditions placed on the employee at the time of reinstatement regarding the granting of future rehabilitation leave requests.

ALCOHOL PRACTICES

1. No employee shall be on duty while having an alcohol concentration of 0.02% or greater.
2. No employee shall be on duty while possessing alcohol.
3. No employee shall be on duty while consuming alcohol.
4. No employee shall be on duty within eight (8) hours of consuming alcohol.
5. No employee, required to take a post-accident alcohol test, shall use alcohol for four (4) hours following the accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first.

CONTROLLED SUBSTANCE PRACTICES

1. No employee shall be on duty while using any over the counter or prescribed medication or any other substance that impairs the employee's ability to perform their job, unless the use is pursuant to the written instructions of an authorized healthcare provider who has advised the employee that the substance will not adversely affect the employee's abilities to safely function, drive, or perform any other safety-sensitive functions (***Drug Use Advisement Form 510-2*** may be used for such purposes).
2. No employee shall be allowed to remain on duty once the District is notified that the employee has tested positive for the illegal use of a controlled substance.

DRUG AND ALCOHOL TESTING PRACTICES

1. Applicants shall be tested at the District's expense for the use of drugs upon receipt of a signed, written acceptance of an offer of employment. All employment offers will be contingent upon a negative controlled substance test.
2. Employees shall be tested at the District's expense for the use of drugs and alcohol under the following circumstances:
 - a. Reasonable Suspicion -- When a fire officer reasonably suspects that an employee's work performance or on-the-job behavior may have been affected in any way by drugs or alcohol; and
 - b. Post-Accident -- After an accident involving a fatality, bodily injury, or property damage by an employee, or if the driver of a fire apparatus receives a citation under State or local law for a moving traffic violation, or anytime a fire officer reasonably believes that an employee could have contributed to a work-related accident.
3. Arrangements must be made by the District Manager, Fire Chief, or fire officers, at the District's expense, to ensure an employee is safely transported for Reasonable Suspicion and Post-Accident testing.
4. Employees shall be tested at the employee's expense for the use of drugs and alcohol under the following circumstances:
 - a. Return-to-Duty -- When returning to duty after engaging in conduct prohibited by this Policy, provided the employee has not been terminated; and

- b. Follow-Up -- When following a determination from a SAP that an employee needs assistance in resolving problems associated with the misuse of alcohol or substances, the employee may be subject to unannounced Follow-Up testing as provided in the Follow Up Plan created by a SAP.
5. Employees referred for testing must remain readily available for testing or the employee's absence will be treated the same as an employee who has a positive test.
6. An employee with an adulterated test will be treated the same as an employee who has a positive test.
7. An employee's refusal to submit to alcohol or drug testing when requested to do so by the District will be treated the same as an employee who has a positive test.
8. An employee who notifies a fire officer regarding the use of over the counter or prescription medication which could result in a positive drug test or an alcohol test of 0.02% to 0.04% prior to being on duty will be temporarily reassigned to a position that does not require performing a safety-sensitive function and will not be subject to disciplinary action.
9. An employee who, because of testing, is found to have an alcohol concentration of greater than 0.04%, shall be removed from duty and shall not return to duty for at least twenty-four (24) hours. Within one week, the employee shall schedule an evaluation through an EAP.
10. An employee's repeated inability to perform safety-sensitive duties due to a test resulting in an alcohol concentration of 0.02% to less than 0.04% may be subject to disciplinary action up to and including termination (see Disciplinary Process Policy #621).
11. Test results may only be released to the Personnel Officer and a SAP or to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual.

ALCOHOL TESTING PRACTICES

1. Alcohol tests shall be conducted as soon as possible and within two (2) hours of the referral for Reasonable Suspicion or Post-Accident testing or the reason documented by the District Manager, Fire Chief, or a fire officer as to why any such alcohol test was not conducted within two (2) hours. No alcohol testing shall be performed if not within two (2) hours from the time of referral.

2. Alcohol testing will be conducted using an Evidential Breath Testing Device (EBT) that prints out the results, date, time, name, and serial number of the EBT to ensure the reliability of the results.
3. The Breath Alcohol Technicians (BATs), the individuals conducting the breath tests, will provide alcohol testing forms.
4. An initial screening test must be conducted first, and any result less than .02% alcohol concentration is considered a "negative" test.
5. If the initial screening test reveals an alcohol concentration of .02% or greater, a second confirmation test must be conducted, following a fifteen (15) minute deprivation (waiting) period observed by a BAT.
6. The BAT will properly complete the alcohol testing form to ensure that the employee's test results are properly recorded.
7. The confirmation test, if required, must be conducted using an Evidential Breath Testing Device (EBT) as described in Paragraph 2 of this Alcohol Testing Practices.
8. The confirmation test result shall be considered the test of record and this result will be used to determine what, if any, disciplinary action will be taken.

CONTROLLED SUBSTANCE TESTING PRACTICES

1. Controlled substances testing must be conducted within thirty-two (32) hours of the referral for testing, at the District's expense.
2. Drug testing will be conducted by analyzing an employee's urine specimen.
3. If necessary, the person asked to collect an employee's specimen (the "Collector") can confirm the necessity of the testing by contacting the Personnel Officer, District Manager, or Fire Chief.
4. The employee shall provide a urine specimen in a location that affords privacy.
5. Each employee's urine specimen shall be subdivided into two bottles labeled as a "primary" and a "split" specimen.

6. The Collector shall seal and label the specimens, complete a chain of custody document, and prepare the specimens and accompanying paperwork for shipment to a certified laboratory.
7. The laboratory shall open and use only the primary specimen for the urinalysis. The split specimen bottle shall remain sealed and stored at the laboratory.
8. A screening test is first conducted on the specimen to determine the presence or absence of specific controlled substances as requested by District, including but not limited to the screening for Amphetamines, Marijuana, Cocaine, Opiates/Opioids, Phencyclidine (PCP) and additional controlled substance categories (such as the benzodiazepines and the barbiturates) at the discretion of the District.
9. When a screening result indicates the presence of a particular controlled substance, a second confirmation test will be performed by the laboratory using a highly specific testing method targeted for a specific drug and will rule out the presence of any interfering substances that might yield a "false positive."

CONTROLLED SUBSTANCE AND ALCOHOL POSITIVE TEST PRACTICES

1. An employee who receives a confirmed positive test for the presence of an illegal controlled substances or having an alcohol concentration in the blood or breath of 0.04% or greater shall be considered to have a positive test; however, all positive results shall be submitted to review by the Medical Review Officer (MRO) of the certified laboratory.
2. An employee with a positive test confirmed by the MRO shall be removed from duty and shall be subject to disciplinary action, which may include termination.
3. An employee with a positive test that is not terminated shall be mandated to participate in an EAP for evaluation and treatment by a SAP.
4. Arrangements must be made, at the employee's expense, to ensure an employee with a positive test is safely taken home from the testing site.
5. If an employee is under the influence of alcohol or impaired by drugs and insists on driving themselves away from the work environment or testing site, that employee shall be advised that the appropriate law enforcement agency will be immediately notified that they have left the work environment or testing site in an unsafe condition.

6. Any employee with a positive controlled substance test may, at the employee's expense, within seventy-two (72) hours of the receipt of the original tests results, request directly to the MRO that the split sample be analyzed by another certified laboratory; however, the employee shall be considered as having had a positive test and relieved from duty until such time as the result of the split specimen result is received.
7. In the event the test of a split sample is negative, the employee may return to duty and compensated for any wages and benefits lost.

REASONABLE SUSPICION TESTING PRACTICES

1. The District Manager, Fire Chief, or fire officers who detect behavior that warrants alcohol and/or controlled substances testing shall consult the Personnel Officer and, if appropriate, coordinate the test(s).
2. The District Manager, Fire Chief, or fire officers who receive a credible third-party report of employee behavior that should warrant alcohol and/or controlled substance testing shall consult with the Personnel Officer, and if appropriate, coordinate the test(s) if that employee voluntarily consents to Reasonable Suspicion testing.
3. The District Manager, Fire Chief, or fire officer will notify the employee of the referral for Reasonable Suspicion testing and if necessary, will arrange for the employee's testing and transportation to and from the testing location.
4. Once notified of the request for a Reasonable Suspicion test, an employee will not be allowed to postpone the testing and shall be taken immediately to the testing location.
5. A written record must be made of observations leading to Reasonable Suspicion testing and shall be signed by the District Manager, Fire Chief, or fire officer making the observations before or within twenty-four (24) hours of following the request for the Reasonable Suspicion testing.

POST ACCIDENT TESTING PRACTICES

1. A Post-Accident Test done by a federal, state, or local law enforcement official is acceptable if the District can obtain the results within 7 days following the incident.
2. If a Post-Accident Test is not completed within the stated timeframes, the fire officer must prepare and maintain a written record of why the test was not timely done.

RETURN-TO-DUTY TESTING PRACTICES

1. Return-to-Duty Alcohol Tests must be less than .02%.
2. Return-to-Duty Controlled Substances Tests must be negative.
3. A third-party alcohol and substance abuse case manager, at the employee's expense, will coordinate Return-to-Duty tests if the employee was referred for alcohol or substance abuse treatment.

FOLLOW-UP TESTING PRACTICES

1. An employee subject to Follow-Up testing must agree to submit to unannounced testing as required in the Follow-Up Plan prepared by the SAP.
2. For an employee subject to Follow-Up testing, up to six (6) tests must be completed during the first twelve (12) months after the employee has returned to duty.
3. A third-party alcohol and substance abuse case manager, at the employee's expense, will coordinate Follow-Up tests as required in the Follow-Up Plan prepared by the SAP.

EDUCATION, TRAINING AND NOTIFICATION PRACTICES

1. Every employee shall receive education on alcohol and controlled substance misuse and controlled substances use prior to the start of alcohol and controlled substances testing.
2. Every new employee hired shall receive education on alcohol misuse and controlled substances use.
3. The educational materials provided to employees shall explain the requirements of the District's Alcohol and Drug Testing Policy; the effects of alcohol misuse and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem; and available methods of intervening when an alcohol or a controlled substances problem is suspected, including referral to an EAP.
4. Upon receiving the educational materials, the employee shall sign ***Alcohol and Drug Testing Policy Acknowledgment, Notification, and Consent Form 510-1*** which states that the employee has received a copy of this Policy.

5. Fire officers shall also receive training on alcohol misuse and controlled substances use.
6. Fire officer training will address the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances; and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, and referral to an Employee Assistance Program.

RELATED POLICIES

Employment Definitions 118
Employee Assistance Program 412
Drug-Free Work Environment 508
General Conduct 524
Judicial Suspension 536
Operation of District-Owned Vehicles 542
Performance Improvement Counseling 618
Disciplinary Process 621

REVISION HISTORY

Revision Date	Author	Revision Details
July 6, 2021	Monte Olsen	Initial version