

ALCOHOL AND DRUG-FREE WORKPLACE

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Purpose: *The Okolona Fire Department and its members must recognize that being under the influence of drugs or alcohol while in the discharge of their duties jeopardizes the safety of fire department members and the public which we serve. The purpose of this policy is to adopt standard and procedures for the testing of members to ensure they are not placing themselves, fellow members and the public in an unsafe situation resulting from Alcohol and Drug abuse.*

Policy:

SECTION 1 - GENERAL:

1. The Okolona Fire Department is committed to having an Alcohol and Drug- Free workplace and workforce.
2. This policy is applicable to all members of the fire department, paid or unpaid, active or inactive. This policy is also applicable to members of the auxiliary who wish to operate fire department vehicles.
3. Notice of Convictions: Any member who is convicted of a criminal drug violation shall notify the fire chief in writing within five (5) calendar days of the conviction. The Okolona Fire Department will take appropriate action within thirty (30) days of notification. Federal contracting agencies will be notified when appropriate.
4. This policy shall supersede any other rules, regulations, policies or other directives pertaining to the use of alcohol or controlled substances.

SECTION 2 - DEFINITIONS FOR THE PURPOSE OF THIS POLICY:

Accident: Any unintentional occurrence of events which leads to property damage, physical injury, or death.

Alcohol Test: A test administered by a blood alcohol or breath alcohol technician (BAT) on the blood or breath specimen of a member using appropriate lab or breath testing device (PBT). Also, any other test deemed such and conducted as on scene post-accident testing by federal, state or local officials.

Controlled Substances: Includes marijuana, cocaine, opiates, amphetamines, and phencyclidine.

Confidentiality: All information received by the Okolona Fire Department through the alcohol and drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Drug Test: The compulsory production, submission and testing of urine by an member or prospective member, in accordance with department procedures for comprehensive testing for use of substances including, but not limited to, marijuana, cocaine, opiates, amphetamines, and/or phencyclidine.

Employee Assistance Program: A worksite focused program designed to assist in the identification and resolution of productivity problems associated with personal problems, such as alcohol and or drug abuse.

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Exception Clause: (Okolona Fire Department Sponsored/Authorized Activities/Functions): Possession of alcohol on Okolona Fire Department property may be allowed, only when authorization to possess, dispense or use legal alcoholic beverages at a specific activity or function has been given by the Fire Chief. Under no circumstances shall use of alcoholic beverages or drugs mentioned above consumed or otherwise used in Okolona Fire Department vehicles at any time.

Medical Review Officer (MRO): A licensed physician knowledgeable of substance abuse disorders and trained in the procedures necessary to test, competently interpret and evaluate drug and alcohol tests.

Member: Includes firefighters and employees, whether paid or unpaid, active or inactive. This also includes any other person who may drive fire department owned vehicles during the course of fire department activities.

Personal Injury: Whenever outside medical attention is received, or the filing of a worker's compensation claim is likely or there is lost work time in excess of eight (8) hours.

Positive Alcohol Test: An alcohol test is presumed positive if the blood alcohol content is at or above 0.04%. A positive alcohol test is grounds for disciplinary action. If the blood alcohol content is more than 0.02% but below 0.04%, it is not presumed to be a positive alcohol test, however a member shall not be allowed to be on duty until the alcohol level is less than 0.02%.

Positive Drug Test: A positive drug test is a finding by the Medical Review Officer that the results from the member's drug test shows that the member has ingested controlled substances in violation of this policy. A positive drug test is grounds for disciplinary action.

Property Damage: Whenever a police report is generated or the filing of an insurance claim is likely.

Reasonable Suspicion: The quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and any rationally-derived inferences from those facts about the conduct of any individual that would lead a reasonable person to suspect that a member is using or under the influence of drugs while discharging their duties, on fire department premises or otherwise participating in a fire department sponsored/sanctioned activity.

Refusal to Test: Failure to provide an adequate urine specimen for a drug test without a valid medical explanation; failure to submit to tests as directed; engaging in any conduct which obstructs the testing process.

Substance Abuse Professional: A Substance Abuse Professional who has an addictions certification as well as clinical experience. The Substance Abuse Professional is responsible for releasing the member for return to duty.

Supervisor: A member, paid or unpaid, having the rank of sergeant, lieutenant, captain, battalion chief, assistant chief or fire chief.

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SECTION 3 - PROHIBITED CONDUCT:

1. No member shall report for, or remain on, duty if the member tests positive for a controlled substance unless otherwise approved by the Medical Review Officer or Substance Abuse Professional and the Medical Review Officer or Substance Abuse Professional has determined that the member's judgment is not impaired.
2. No member shall report for, or remain on, duty having a blood alcohol content of 0.02% or greater.
3. No member shall report for, or remain on, duty when the member uses any medications that are not controlled substances, except where the use is pursuant to the instructions of a licensed medical practitioner who has advised the member that the medications will not adversely affect the member's ability to perform his/her duties.
4. No member shall ingest any prescribed or over-the-counter medication in amounts beyond the recommended dosage so as to affect job related performance.
5. No member shall refuse to submit to an initial drug test, post-accident test, random drug test, reasonable suspicion drug test, return to duty drug test, post injury test, post motor vehicle accident test, post workplace injury event test, follow-up drug test or alcohol test as required under this policy.
6. Members shall immediately notify their supervisor or appropriate chain of command when required to use prescription medicine and having been informed that the substance has the potential to impair job performance. The member shall advise the supervisor of the known side effect of such medication, and the prescribed period of use. Prior to allowing the member to engage in hazardous activities, the supervisor shall consult the Medical Review Officer for guidance on any limitations that may be imposed on the member.
7. No member shall submit an adulterated sample nor conceal the actual knowledge of another member's use of, or being under the influence of a controlled substance or alcohol.

SECTION 4 - DISCIPLINARY ACTIONS:

1. Any member who engages in any prohibited conduct will be removed from duty immediately and is subject to disciplinary action up to and including termination. In accordance with the Drug free Workplace Act of 1988, (www.dol.gov/elaws) the member will be referred to Okolona Fire Department Employee Assistance and will be evaluated by a Substance Abuse Professional (SAP).
2. Once recommended treatment is complete, the member must pass a return-to-duty test prior to returning to duty. This test is at the member's expense on a random basis monthly during the following 12 months upon completion of the treatment.
3. Subsequent positive tests shall be cause for disciplinary action up to and including termination.
4. Members are advised to review and be aware of the sanctions that may be imposed by the Okolona Fire Department resulting from a violation of the Work Rules of Conduct as stated in the Okolona Fire Department Employee Handbook.

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SECTION 5 - TESTING:

1. Drug testing shall be conducted under the following circumstances:
 - A. Member Initial Testing (controlled substances only).
 - B. Member Random Testing (controlled substances only).
 - C. Reasonable Suspicion (controlled substances and alcohol).
 - D. Post Motor Vehicle Accident Testing (controlled substances and alcohol).
 - E. Post Workplace Injury Testing (controlled substances and alcohol).
 - F. Return to Duty Testing following previous positive test (controlled substances only).
 - G. Follow-up Testing (controlled substances only).
2. A "single specimen" procedure shall be used. If the first drug test indicates positive, the laboratory shall perform a confirmation test using different testing methodology than the first test.
3. A member may request a "split specimen" procedure at the time of the test. A member wishing to use this procedure will be required to submit a 45 ml urine sample at test time, which is approximately 15 ml greater than the single specimen procedure. All urine must be collected at the same time, and a longer stay at the testing center may result. The first 30 ml is sent to the contractor's laboratory. The remaining 15 ml is retained at the testing center. If the initial test is positive, then the retained sample is sent to a different laboratory for testing. Any costs associated with this split specimen procedure test shall be born by the member, however if the results are negative then the member shall be reimbursed by the district.
4. If the additional test results in a negative analysis, the member is viewed as passing the test. Should it be determined that a urine sample has been diluted or otherwise adulterated, the member will be required to submit to repeat testing upon notification at the member's expense.
5. Laboratories conducting drug testing must be certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) of United States Department of Human and Health Services.

SECTION 6 - APPLICANTS/PROSPECTIVE MEMBERS:

1. A pre-employment drug test will be required for any full time, part-time, permanent, or temporary position either career or volunteer within the Okolona Fire Department. Failure to pass the pre-employment/initial testing will result in the termination of consideration for that applicant.

SECTION 7 - RANDOM TESTING:

1. Members shall be randomly drug tested as a condition of continued employment/membership in order to ensure a drug free workplace. Selection of members to be tested will be made by an external contractor (Baptist Works) hired by the Okolona Fire Department. When a member is randomly selected by the contractor, the contractor will notify the Fire Chief and Safety Officer.
2. The Fire Chief or Safety Officer shall personally contact the member while the member is on duty and direct the member to report to the collection site. If the randomly selected member is a volunteer, that person shall be directed to report to the collection site on the first training session the member attends.
3. The member shall report to the collection site within one (1) hour of notification unless the member is involved with an emergency response. If a member is involved with an emergency response, the member shall report to the collection site immediately upon termination of the response.
4. Positive identification (such as photo identification card) will be required from each member prior to entering the testing area.

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5. Where the member appears unable or unwilling to provide a specimen at the time of the drug test, testing personnel shall document the circumstances on the drug-test report form. The member shall be permitted to no more than three hours to provide a sample on site. Reasonable amounts of water may be given to a member to encourage urination.
6. Failure to submit a sample without a valid medical explanation shall be considered a refusal to submit to a drug test which will be cause for disciplinary action.
7. If the results show that submitted sample is adulterated or diluted, the member is subject to undergoing a second test and shall be observed while the specimen is being collected. The observer shall be an employee of the contractor and of the same gender as the member.
8. The Random Testing Program shall be arranged so that a confidential number of members are tested each month. The number of members tested each month shall vary so as to avoid predictability.

SECTION 8 - REASONABLE SUSPICION TESTING:

1. A member may be tested for drugs and/or alcohol when specific objective facts infer that his/her conduct would lead a reasonable person to suspect that he/she has engaged in any prohibited conduct. Such facts may include, but not be limited to, appearance, behavior, speech and/or body odor and must be observed by an Okolona Fire Department supervisor who has received the minimum required training in detecting signs and symptoms of drug and alcohol use.
2. The observations must be made by the supervisor while the member is on duty. A written record of the observations leading to the reasonable suspicion testing will be made by the supervisor immediately of the observations and sent to the Fire Chief or Safety Officer.
3. Final determination for testing must be approved through the Fire Chief or Safety Officer.
4. When a member is notified of reasonable suspicion testing for drugs and/or alcohol, he/she must report to the test site within one (1) hour. The member shall be given the necessary documentation and driven to the test site by the supervisor or department official. Because the member is being tested for reasonable suspicion and may possibly be under the influence, the member shall not be allowed to operate a vehicle. The Okolona Fire Department is responsible for providing transportation to and from the testing facility.
5. Any member having a reasonable basis to believe that another member is illegally using or in possession of any controlled substance shall immediately report the facts and circumstances to a supervisor.

SECTION 9 - POST MOTOR VEHICLE ACCIDENT TESTING:

1. A member must submit to a post motor vehicle accident drug and alcohol test under the following circumstances and the member is driving a vehicle (fire department or personally owned vehicle) used in the discharge of their duties:
 - A. After an accident involving a fatality (loss of life) or;
 - B. After an accident which requires a police report being generated, or vehicle or property damage to the extent of a potential insurance claim being filed and the loss appears to exceed \$1,000 or;
 - C. After any injury that involves treatment at a medical facility or generation of a workers compensation claim, or;
 - D. After any accident where there may be lost work time in excess of eight (8) hours or;
 - E. After any accident that is deemed severe enough by the Fire Chief or his/her designee, or the on scene commanding officer.

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2. A post motor vehicle accident drug and alcohol test shall not be required when it is abundantly clear that the member is unlikely to be at fault (such as being struck in the rear while waiting for a red light to change to green). Any such event shall be thoroughly documented as to the reasons why a test was not required.
3. A post motor vehicle accident drug and alcohol test shall be performed within one (1) hour of leaving the motor vehicle accident.
4. In the event that a motor vehicle accident involves the response of fire apparatus and the driver is required to undergo a post motor vehicle accident drug and alcohol test, the officer of the apparatus shall also undergo the same test.

SECTION 10 - POST WORKPLACE INJURY TESTING:

1. A member must submit to a post workplace injury drug and alcohol test if the member suffers a workplace injury if involves medical treatment is likely to be necessary and there is a likelihood of lost work time in excess of eight (8) hours
2. The post workplace injury testing shall be performed when the medical treatment is sought or within one (1) hour of the event, whichever comes first.
3. In the case where an member is seriously injured and cannot provide a specimen at the time of the accident, he/she must provide the necessary authorization to release information needed to determine the existence of drugs and/or alcohol in his/her system.

SECTION 11 - POSITIVE TESTING:

1. A member will be suspended (without pay if an employee) following a verified positive drug test, a verified positive alcohol test result of 0.04% or greater, a refusal to submit to a test, attempting to submit an adulterated or diluted sample or after engaging in other conduct that violates this policy.
2. The member must be evaluated by a Substance Abuse Professional (SAP), complete recommended treatment, and pass a return-to-duty test prior to returning to duty. Failure to complete the recommended treatment is cause for disciplinary action.

SECTION 11 - RETURN TO DUTY FOLLOWING POSITIVE TESTING:

1. There shall be a return-to-duty test and Substance Abuse Professional evaluation to ensure that a member is free of alcohol and/or any controlled substances and able to return to duty without undue concern about continued substance abuse.
2. A member who has a positive alcohol test result of 0.04% or greater must have a verified alcohol test result of less than 0.02% before any attempt is made to return him/her to duty.
3. A member who had a positive alcohol test result of 0.02% or greater but less than 0.04% shall not return to duty for at least twenty-four (24) alcohol free hours following administration of the test. If the member is an employee of the fire department, then the member shall have the number of duty hours he or she is off deducted from his/her annual leave or holiday leave.

SECTION 12 - FOLLOW-UP TESTING:

1. Follow-up testing is separate from, and in addition to, the regulated random testing program.

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2. Once allowed to return to duty after a positive test result, the member shall be subject to unannounced follow-up testing for at least twelve (12) months and no more than sixty (60) months. The frequency and duration of the follow-up testing shall be recommended by the Substance Abuse Professional. However, a minimum of six (6) tests must be performed during the first twelve (12) months after the member has returned to duty.
3. Members subject to follow-up testing shall remain in the random pool even if it results in duplicate testing.
4. The cost of Follow-up Testing shall be born by the member.

SECTION 13 - RELEASE OF INFORMATION:

1. The results of drug and alcohol tests will be made known to the member and/or applicant as follows.
2. The results of all drug and alcohol tests on members will be made known to the member upon receipt by the fire department.
3. The results of a pre-employment drug test must be made available to those applicants requesting the information, in writing, within sixty (60) calendar days of being notified of the Okolona Fire Department's disposition of his/her application for either volunteer status, or for employment by the Fire Chief or his/her designee.
4. Written results of any alcohol or controlled substance testing shall be placed in the member's medical records file, which is kept separate from personnel records. Results shall not be released except as provided for by this policy, or otherwise required by law.

SECTION 14 - TRAINING:

1. Training for members and supervisors of the Okolona Fire Department will be conducted in advance of implementation of the policy. The training sessions will include a review of the Drug and Alcohol Testing Policy for Members of the Okolona Fire Department. An attendance sheet and Release of Information Authorization form will be signed by participants.
2. After implementation of the program, new members to the Okolona Fire Department will attend a training session prior to being tested.

SECTION 15 - VIOLATION OF POLICY:

1. Violation of this policy is cause for disciplinary action.
2. A positive test result is a violation of this policy and is cause for disciplinary action.
3. A member shall participate in a Substance Abuse program when a positive test result is obtained. Failure to do so is cause for disciplinary action.

SECTION 16 - VOLUNTARY DISCLOSURE/SELF REFERRAL:

1. It is the desire of the fire department that members who abuse alcohol or drugs seek treatment before problems are discovered and adverse action becomes necessary. Members who voluntarily disclose abuse of alcohol or drugs and who are activating participating in a treatment program shall not be required to pay for follow-up testing.
2. Voluntary disclosure and self referral must have occurred at least 24 hours prior to notice for random testing or prior to any of the other events previously described precipitating testing.
3. Voluntary disclosure shall be made to the fire chief or his designated representative.

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4. A member who is an employee and who has voluntarily disclosed current active participation in a treatment shall not be disciplined for seeking assistance under this policy. If the Substance Abuse Professional determines that the employee may work in a light duty capacity while in a treatment program, but is not ready for full duty, that member shall be placed in a light duty position.
5. A member who has made voluntary disclosure and self referral but engages in prohibited conduct as previously described (such as being impaired by alcohol or drugs while on duty), is still subject to disciplinary action.

SECTION 17 - POLICY INTEGRITY:

1. It shall be a violation of this policy if the Fire Chief or Safety Officer attempts to thwart the intent of this policy by delaying notification or delaying the testing of any member of the department and such violation shall be cause for disciplinary action.
2. If the Fire Chief or Safety Officer is selected for random testing, the testing shall be completed within one (1) hour of notification, except for delay caused by emergency response.
3. When a Reasonable Suspicion Test is appropriate, and it involves the Fire Chief, Safety Officer, then the supervisor shall seek the concurrence of a second supervisor. In such case, Fire Chief's or Safety Officer's approval is not required. The Fire Chief or Safety Officer cannot supersede reasonable suspicion testing.
4. The chairman of the board of trustees shall upon request, be provided with test results for any member of the fire department.
5. The Fire Chief or Safety Officer shall document when notified by the contractor of those persons selected for random testing and shall document the date and time when such person has been notified to undergo testing.
6. Methods shall be employed so that the Fire Chief or Safety Officer is not the initial contact if an immediate family member or another who has a close personal friendship with another member is selected for random testing. In the event a positive test result is reported, for any individual to which this section is applicable, the chairman of the board of trustees shall be notified within a reasonable amount of time.

SECTION 18 - OTHER:

1. THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THE DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.