

Hauser Lake Fire Protection District

Policy Statement

Administration: Drug and Alcohol Policy

Effective: 7 /1 /2008

Reviewed: 9 / 9 / 2019

Policy 004

Introduction: The members of Hauser Lake Fire Protection District perform vital services for the community. To ensure that this service is delivered safely, the Fire District is dedicated to providing and maintaining a drug and alcohol-free working environment.

It is the Responsibility of the District to: Assure that members have the ability to perform assigned duties in a safe, healthy and productive manner; create a workplace free from the adverse effects of drug and alcohol abuse or misuse; prohibit the unlawful distribution, possession or use of controlled substances.

Hauser Lake Fire Protection District cares about the health and wellbeing of its members. We urge anyone who believes that they are having an alcohol or chemical dependency problem to seek treatments before their job performance and memberships are endangered.

For purposes of this policy, all members, both paid and volunteer, shall be considered employees.

Purpose: This policy will extend to all Hauser Lake Fire Protection District members, who, in the course of their duties, operate a Fire District vehicle. This policy will also extend to Fire District members who operate any Fire District equipment, who respond to any emergency, or who participate in any Fire District conducted or sponsored training. It is the intent of this policy that all Fire District members shall be subject to: testing if there is reasonable suspicion of drug or alcohol use; and post-accident testing.

Scope: This policy applies to all members of the Fire District.

Policy: The Fire District has a significant interest in the health and safety of its members and the citizens of Hauser Lake Fire Protection District. In furtherance of that interest, it is the policy of the Fire District to take those steps necessary to ensure that its members perform their duties and responsibilities free of the influence of drugs and alcohol. Members are encouraged to seek confidential counseling on problems associated with alcohol and drug abuse. There will be mandatory drug and alcohol testing for members and applications for membership under the circumstances outlined in this policy.

I Definitions

Accident: Accident means an occurrence involving a Fire District vehicle or any other injury which results in: (1) a fatality; (2) bodily injury to a person who, as a result of the injury, immediately receives emergency medical treatment; or, (3) one or more motor vehicles incurs disabling damage of \$1,500 or more.

Definitions, Cont.

Driver: This term includes all members whose positions may involve driving a Fire District vehicle.

Medical Review Officer (MRO): The Medical Review Officer is the licensed physician responsible for receiving and interpreting laboratory results from the urine drug test.

Safety Sensitive Position: For purpose of this policy, all Fire District members serve in safety sensitive positions.

Substance Abuse Professional (SAP): A Substance Abuse Professional is a licensed physician, or a licensed or certified psychologist, social worker, member assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with the knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders. The SAP is responsible for evaluating members with positive test results.

II. Prohibited Conduct: The following conduct regarding alcohol and drug use or abuse is prohibited:

A. Alcohol Possession: A member may not possess, use, or be under the influence of alcohol while operating a Fire District vehicle.

B. Alcohol Use Following an Accident: A member required to take a post-accident alcohol test may not use alcohol for eight hours following the accident, or until a post-accident alcohol test is given, whichever comes first.

C. Use of Prescription and Over-the-Counter Medication: A member may not report for duty or remain on duty when the member has used a drug or drugs, except when the use is pursuant to instructions of a physician who has advised the member that the substance does not adversely affect the member's ability to safely perform their duties. Members who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely and effectively must disclose this information to their supervisor. Members who are reasonably suspected of not being fit for duty due to drug or alcohol use shall be suspended from their duties pending an investigation and verification of condition.

D. Refusal to Submit to a Required Test: Refusal to submit to a post-accident, reasonable suspicion, or follow-up alcohol or drug test as directed by this policy will be considered as the equivalent to a positive drug test.

E. Positive Drug Test: A member may not report for duty or remain on duty if the member tests positive for drugs or alcohol.

Definitions, Cont.

F. Possession, Transfer or Sale: No member may possess, transfer or sell a controlled substance while they are members of the Fire District.

III. Testing: All members will be subject to testing for reasonable suspicion and prior to return to duty after failing a test or upon the completion of substance abuse treatment.

A. Reasonable Suspicion Testing: Members subject to this policy shall submit to a drug and/or alcohol test when the Fire District reasonably suspects that this policy may have been or is presently being violated. A referral for testing will be based on timely, specific observations. Such referrals will be made by the District Fire Chief who shall have received training concerning the signs and symptoms of drug and alcohol use.

Alcohol testing for reasonable suspicion may only be conducted just before, during or after a member performs at a Fire District operation or training session. If removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight hours, the member will not be allowed to perform or continue to perform covered functions until 24 hours have elapsed following the determination that there is reasonable suspicion to believe that the member has violated this policy concerning the use of alcohol. Members may also be required to serve an additional suspension as determined by the District Fire Chief.

B. Post-Accident Testing: Following an accident (as defined above) involving a Fire District vehicle, the driver is required to submit to alcohol and drug tests when the driver receives a citation under state or local law enforcement for a moving traffic violation, or where a fatality occurs as a result of the accident. Testing should occur as soon as possible, but may not exceed eight hours after the accident for alcohol testing and 32 hours after the accident for drug testing.

A driver who is subject to post-accident testing must remain readily available for such testing and may not take any action to interfere with testing or the results of testing. Drivers who do not comply with post-accident testing requirements will be considered to have refused to submit to testing and will be subject to sanctions for refusal to test as provided in this policy will be considered as the equivalent to a positive drug test. The need for post-accident testing will be determined by the District Fire Chief or a law enforcement officer in the performance of their duty.

C. Random Testing: Random testing is not required nor will it be performed under this policy.

D. Follow-Up Testing: A member who is referred for assistance related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period not to exceed 60 months as directed by a Substance Abuse Professional and the District Fire Chief. The substance abuse professional and District Fire Chief will determine the number and frequency of the follow-up tests.

Refusal to take an Alcohol or Drug Test: Refusal to submit to a test shall be considered the same as a positive test result.

V. Confidentiality and Record Retention: All records related to drug and alcohol testing will be maintained in a secure location with controlled access. These records will be kept separate from records pertaining to all other members.

VI. Consequences of Engaging in Prohibited Conduct or Positive Drug or Alcohol Tests

A. Discipline: A member may be subject to appropriate disciplinary action as specified in this policy up to and including termination from employment if: the member tests positive for a drug or drugs or the results from an alcohol test indicating a blood alcohol level of 0.08 or greater; and/or the member has engaged in prohibited conduct as outline above.

All members regardless of disciplinary action taken will be advised of resources available to the member in evaluating or resolving problems associated with drug use or alcohol misuse.

The following provisions apply to those members who are not terminated for their policy violations:

B. Positive Test Result and/or Engaging in Prohibited Conduct: If a member tests positive for drugs or has an alcohol test that indicates a blood alcohol level of 0.08 or greater from a reasonable suspicion or post-accident test, or engages in prohibited conduct as outlined above, the member will be immediately removed from duty. The member will not be permitted to return to duty unless he/she: has been evaluated by a qualified Substance Abuse Professional; and, if recommended by a Substance Abuse Professional, has properly followed any rehabilitation prescribed; and, has a verified negative result on a return-to-duty alcohol (0.02) and/or drug test.

Upon completion of a recommended rehabilitation program and successful return to duty, a member will be subject to follow-up random testing for up to sixty (60) months as recommended by the Substance Abuse Professional and the Fire District.

Member Assistance Program/Voluntary Referral: Hauser Lake Fire Protection District supports members who volunteer for treatment of alcohol or drug abuse. Members are encouraged to seek treatment voluntarily. Any member who comes forth and notifies the Fire District of alcohol or drug abuse problems will be given the assistance extended to members with any other illness. Any such program, however, may not interfere with the tests required by these rules. For example, a driver may not identify himself/herself as unfit to drive after having been notified of a random or reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this policy or other policies of the Fire District.

Confidentiality of information will be maintained as much as possible at all times.

Approved

Commissioner

Date: _____