FIRE DEPARTMENT WASHINGTON TWP
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GLOUCESTER COUNTY N.J.

# WASHINGTON TOWNSHIP FIRE DISTRICT
## TOWNSHIP OF WASHINGTON
### GLOUCESTER COUNTY, NEW JERSEY

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## FIRE DEPARTMENT POLICY 22-2002

## Drug and Alcohol Abuse Prevention Policy

### I. Policy Objectives

The Washington Township Fire District recognizes that drug and alcohol abuse are subjects of immediate and profound concern. It is well recognized, that the illicit use of drugs and the abuse of alcohol, whether on or off the job, may adversely affect an employee's judgment and job performance; jeopardize the safety of that employee, other employees, and the public; and undermine the Fire District's operations and public confidence in Fire District services. Moreover, the use of illegal drugs is inconsistent with law-abiding behavior expected of all citizens.

There is no doubt that Fire District employees and volunteers are often called upon to risk our own lives in support of the health and well-being of the Township's residents, and even of our co-workers. Due to the extremely safety-sensitive nature of our work, the Fire District has determined that it is necessary to rededicate our efforts to maintain a workplace that is free from the negative effects of drug and alcohol abuse. It is the sincere desire and goal of the Fire District that through the implementation of the provisions of this Policy, the people who support the Fire District will be provided with a safer and more desirable place to work and the citizens of Washington Township will benefit.

If you have questions about this Policy, please refer them to your Supervisor or District Fire Chief.

### II. Scope

This policy applies to all job applicants, employees, and volunteers, without exception.

### III. Prohibited Activity

**Drugs**

The Fire District strictly prohibits the illegal use, sale, attempted sale, conveyance, distribution, manufacture, purchase, attempted purchase, possession, cultivation, and/or transfer of controlled substances at any time, and in any amount or any manner, regardless of

occasion. "Controlled Substances" means all drugs for which the use or possession is regulated by federal, state, or local law, and includes prescription medications for which the individual does not have a valid prescription. A verified positive drug test will be considered proof that an individual has violated this Policy.

This policy does not prohibit individuals from the lawful and intended use and possession of prescribed or over-the-counter medications. If you need to take medicine, you should consult with a doctor or review packaging information about a medication's effect on your ability to work safely at your job and promptly disclose any restrictions to a supervisor. When informing a supervisor about any precautions or restrictions necessitated by your use of a prescription or over-the-counter drug, you need not disclose the name of the medicine or underlying medical condition(s) unless specifically requested to do so. All information regarding an individual's therapeutic drug use and/or medical status will be treated as confidential, and shared only among Fire District medical and management personnel with a need to know.

**Alcohol**

The Fire District also prohibits the use or possession of alcohol while working, while operating an Fire District-provided vehicle, or when present on Fire District premises (defined as all buildings, facilities, and parking areas owned or leased by Fire District). Moreover, the use or abuse of alcohol off the job which impairs, to any extent, performance on the job, will subject the employee or volunteer to disciplinary action.

Employees and volunteers are prohibited from responding to calls while under the influence of alcohol. Individuals who perform safety-sensitive functions should refrain from consuming alcohol within four (4) hours before performing such work. A test showing the presence of .02 percent or more blood-alcohol content in an individual's system is considered proof that the individual has violated this policy. Alcohol tests will be conducted only immediately before, during, or at the end of an employee's scheduled workday Volunteers should not respond to calls if they have consumed alcohol in the preceding four-hour period.

On occasion, the Fire District may choose to serve alcoholic beverages at Company-sponsored events, or approve the consumption of alcohol of Fire District premises by fire fighters who are off duty (Company Fire Chief approval must be given in advance). Employees may consume alcohol at such events, but those who choose to consume alcohol are expected to refrain from becoming intoxicated or impaired.

**Arrests and Convictions**

Employees and volunteers must notify the Fire District if they are arrested for any drug- or alcohol-related offense, and/or for any conduct that would qualify as a moving violation while operating a vehicle. Arrests and/or convictions will not necessarily disqualify an individual from working with the Fire District; however, the Fire District reserves the right to investigate, and, in its discretion, take steps to insure that public safety is not compromised

by transferring, suspending, or otherwise disciplining the affected individual, as determined on a case-by-case basis.

The Fire District also requires individuals to consent to provide copies of their driving records, and may take adverse employment action against any individual who fails to maintain a driving record free of convictions for moving violations and drug and/or alcohol-related offenses.

**Discipline**

Individuals in violation of this policy will be subject to adverse employment action, up to and including termination.

## IV. Drug & Alcohol Testing Requirements

The Fire District may test for the presence of the following substances, or their metabolites: marijuana, cocaine, opiates (including heroin, morphine, and cocaine), amphetamines (including methamphetamines), phencyclidine (PCP), barbiturates (Seconal, for example), benzodiazephine (including Valium, Xanax), and alcohol, in the following circumstances:

a) Pre-Employment – Individuals who will work in safety-sensitive positions will be offered employment conditioned on taking and passing a drug test before commencing work. Employment offers will be withdrawn whenever an applicant receives a verified positive test result or refuses to participate in the testing process. Similarly, volunteers who will assist the Fire District in safety-sensitive work must take and pass a drug test before being permitted to begin performing services for the Fire District.

b) Reasonable Suspicion – When Fire District management has reason to believe that an individual has violated this Policy, the individual may be asked to submit to a reasonable suspicion drug test. Requests for tests based upon reasonable suspicion will be based upon reasonably contemporaneous observations of the individual's behavior or performance, or other indication that this Policy may have been violated. A supervisor who believes that reasonable suspicion for a test exists will consult with another manager or supervisor, if available, before requesting the test. Examples of what may trigger a request to submit to a reasonable suspicion test include, but are not limited to, one or more of the following:

- observed suspected drug or alcohol abuse;
- bizarre or erratic behavior (including, but not limited to, behavior which endangers oneself, co-workers, Fire District property or equipment), or a pattern of conduct that indicates substance abuse may be a problem;
- a conviction or acceptance of a guilty plea for drug- or alcohol-related criminal offenses during an individual's tenure with the Fire District;

e) Random Testing – The Fire District shall conduct random substance abuse testing utilizing standards established by the U.S. Department of Transportation. Essentially this testing will survey 50% of the active duty force of the department for drug abuse and 10% for alcohol abuse on an annual basis. Random testing samples will be taken from the entire department including all active volunteer fire fighters, career fire fighters, and other employees of the district. Active volunteer fire fighters are considered to be those fire fighters who are issued turnout gear and those who participate in benefits programs supplied by the district such as LOSAP and the health care reimbursements. The third party testing agency shall randomly select names from the above lists and notify the appropriate department contacts to have those individuals sent for testing. Testing shall generally be conducted at a Washington Township Fire District facility. Random testing may take place on a monthly basis to fulfill the standard established by DOT. This subsection of Fire Department Policy 22 shall be implemented after March 1, 2007.

- observed suspected possession of drugs or drug paraphernalia on Fire District premises, or opened containers of alcohol while on duty;

- information provided by either a reliable and credible source or independently corroborated;

- a pattern of unexplained absenteeism, tardiness, or other unexplained change in job performance; and/or

- physical appearance, odor on person or clothing, or symptoms which may indicate drug or alcohol abuse.

c) Post-Accident – Any individual who is involved in a serious incident or accident while on duty, and in which the individual's acts or failure to act may have caused or contributed to the accident, will be asked to submit to a post-accident drug and/or alcohol test as part of the Fire District's investigation of the incident. "Serious incidents" include those in which significant property damage is incurred or off-site medical treatment required. All such tests will be conducted as soon as possible after the Fire District learns of the accident or incident, but after any necessary emergency first aid has been administered. Every individual is expected to report any accident or incident, no matter how severe.

d) Return-To-Work and Follow-Up Testing – On occasion, the Fire District may permit an individual who has violated this Policy to return to work, provided he or she is first evaluated by a Fire District-approved substance-abuse treatment provider and successfully completes any course of treatment recommended. As a condition of continued employment, the employee will be asked to sign a return-to-work agreement. In addition, before returning to work, the employee must take and pass a return-to-work drug and/or alcohol test and agree to submit to frequent unannounced random drug and/or alcohol tests for a period of up to 2 years, as recommended by the treatment provider. Volunteers will have to agree to a similar program before being permitted to resume working with the Fire District.

**Consequences of a Positive Test or Policy Violation**

An employee or volunteer whose alcohol or drug test is positive, regardless of the reason for the test, is considered to be in violation of Fire District policy. Employees will be subject to adverse action, up to and including termination of the employment relationship. Volunteers will be barred from further volunteer activities.

**Refusing a Test**

An individual's refusal to submit to drug and/or alcohol testing will be considered insubordination and will be grounds for termination of the relationship with the Fire District. Attempts to tamper with, substitute, adulterate, dilute or otherwise falsify a test sample are considered refusals to submit to a test, as is a failure to appear at the testing location promptly after being asked to submit to a test.

## IV. Procedures for Drug & Alcohol Testing

Consent – No alcohol test may be administered, sample collected, or drug test conducted on any sample without the written consent of the person being tested. However, a person's refusal to submit to a proper test will be viewed as insubordination and will subject the person to disciplinary action, up to and including termination. The Fire District will pay the costs of all drug and/or alcohol tests it requires of employees, volunteers, and applicants.

Collection and Chain-of-Custody – Persons being tested will be asked to provide a test sample by the collection site person. Please bring a current government-issued picture identification card with you to the test site. Procedures for the collection of urine specimens will allow for reasonable individual privacy, unless there is a reason to believe the individual may alter or substitute the specimen to be provided. Urine specimens will be tested for temperature, and may be subject to other validation procedures as appropriate. The collection site person and the person being tested will maintain chain-of-custody procedures for specimens at all times. The Fire District will conduct all drug and alcohol tests in accordance with the procedures adopted for federal workplace testing.

Testing Methods – All drug test samples will be screened using an immunoassay technique and all presumptive positive drug tests will be confirmed using gas chromatography/mass spectrometry (GC/MS). All drug tests will be confirmed by a certified laboratory. Breath and/or blood or saliva tests also may be used to detect the presence of alcohol. An alcohol test will be considered positive if it shows the presence of .04 percent or higher alcohol content or the equivalent. Tests will seek only information about the presence of drugs and alcohol in an individual's specimen, and will not test for any medical condition.

Notification – Any individual who tests positive for drugs will be so notified by a Medical Review Officer ("MRO") (a medical doctor with an expertise in toxicology), and given an opportunity to provide any legitimate reasons he or she may have that would explain the positive drug test (such as, for example, evidence that the individual holds a prescription for the substance detected). If the individual provides an explanation acceptable to the MRO that the positive drug-test result is due to factors other than the consumption of controlled substances, the MRO will order the positive test result to be disregarded and will report the test as negative to the Fire District. Otherwise, the MRO will verify the test as positive and report the test result to the Fire District. Individuals may request a copy of their own positive test result. In addition, an individual who tests positive for drugs may request that his or her urine sample be sent to an independent certified laboratory for a second confirmatory test at the individual's expense, although the Fire District may suspend or transfer the individual, or take other appropriate action pending the results of any such re-test.

## V. Confidentiality

All records relating to positive test results, drug and alcohol dependencies, and medical information revealed to the MRO shall be kept confidential, and disseminated within the Washington Township Fire District only on a need-to-know basis. Such records will be kept in secure files separate from personnel files. Test results will not be released outside the Fire

District without the written consent of the tested individual, except when necessary to defend an administrative proceeding, labor grievance, or court claim, or as otherwise required by law.

## VI. Compliance With All Applicable Laws

The Fire District will implement this Drug and Alcohol Abuse Prevention Policy, including its drug- and alcohol-testing policy, in a manner that complies with relevant federal, state, and local law.

## VII. Counseling and Rehabilitation

Individuals who voluntarily seek help for substance abuse (self-referral) will be provided an opportunity for counseling and rehabilitation. The Fire District will make available to all individuals information about counseling and rehabilitation services.

An employee who is undergoing counseling and rehabilitation may utilize available vacation, sick leave, leave without pay, or, if eligible, family and medical leave while undergoing treatment. Health insurance often covers the costs of some or all of such services. An employee or volunteer may return to work only after successful completion of a rehabilitation program and written approval from the District Fire Chief. In addition, the individual may be asked to submit to follow-up testing for a period following the return to work, as recommended by the individual's treatment provider, in consultation with the Fire District

An individual's decision to seek help voluntarily (before the individual is asked to submit to a drug test or before the individual is discovered to have otherwise violated this Policy) will not be used as a basis for disciplinary action, although the individual may be transferred, given work restrictions, or placed on leave, as appropriate. An individual's decision to seek help will be treated as confidential, and communicated only to those Fire District employees and agents with a need-to-know. Please be aware, however, that a decision to seek treatment can neither absolve nor protect individuals from the consequences of failing to meet expectations or for engaging in policy violations. If you have a question about employee assistance resources, please contact the Fire District benefits manager or the District Fire Chief.

*Adopted by the Washington Township Board of Fire Commissioners June 6, 2002.*

Chairman

6/6/02
Date

## CONSENT FORM
## DRUG & ALCOHOL ABUSE POLICY

I, _____ [Print Name], acknowledge that I have received a copy of the Washington Township Fire District ("Fire District") Drug and Alcohol Abuse Prevention Policy. I hereby consent and agree to abide by that Policy, including the provisions requiring me to report arrests and convictions for offenses involving drug and/or alcohol related conduct, and/or for moving violations.

I understand that information regarding the test results, and information regarding my driving record will be released to the Fire District and that such information may be used as grounds for adverse employment action, including termination of employment relationship with the Fire District or disqualification from performing volunteer services for the Fire District.

I further understand and acknowledge that:

1. The Fire District will pay the cost of all drug and/or alcohol tests required or requested by it;

2. I may request in writing a copy of the results of any such test;

3. By signing this consent form, I hereby authorize the test results to be released to the Fire District; and

4. I have the right to refuse to submit to such testing; however, refusal by me to submit to or to cooperate at any stage in such testing shall be considered equivalent to a confirmed positive test.

With full knowledge of the foregoing, I hereby agree to submit to drug and/or alcohol testing conducted by the clinics and/or laboratories selected by the Fire District. I also agree that the Fire District may obtain a copy of my driving record, and warrant that I will inform the Fire District of any arrest or conviction for a moving violation or drug and/or alcohol-related offense.

I have read the above consent and certify that I have signed this document of my own free will, that I fully understand the contents of this document, and stipulate that my consent is knowing and voluntary.

Date: _____

_____
Individual's Signature

_____
Individual's Printed Name