

Southern Inyo Fire Protection District Policy Handbook

POLICY TITLE: **Drug & Alcohol Free Workplace**
POLICY NUMBER: **2190**
APPROVAL DATE: **03/17/09**

- 2190.1** The Southern Inyo Fire Protection District has the responsibility to the general public which it serves, and to the members (employees) of the District including any subdivision, charter, or branch to assure such employees do not work for the District while under the influence of any substance which is either prohibited by law or has the ability to alter a person's mental or physical status which may compromise the safety of that person, fellow employees, or the general public. Any work situation that involves drug and substance use shall be handled with zero tolerance.
- 2190.1.1** Influence: To cause stupefaction, stimulation, or excitement by or as if by use of a chemical substance. An effect on the mind and/or body by substances which may result in unsafe behavior.
- 2190.1.2** Drug and Substance Use: Refers to the use of or dependence on a stimulant, depressant, chemical substance, herb (plant) or fungus leading to the effects that are detrimental to the individual's physical or mental health, or the welfare of others.
- 2190.1.3** Use of prescription drugs known to have impairment oriented side effects must be reported to a supervisor prior to the start of duties.
- 2190.2** The use, sale, possession, purchase, or transfer of drugs, alcohol and/or any other substances, including prescribed medications that may cause impairment, by any District employee or officer on District property or work sites or while said employee or officer is on District business is prohibited.
- 2190.3** All District employees shall be provided training for recognizing drug and substance influence. The training shall include the employee's responsibilities for assuring a safe workplace, and the conditions of this policy.
- 2190.4** All prospective District employees are subject to a one time pre-employment drug and substance test to establish a baseline condition of existing use.
- 2190.4.1** Current employees may decline the initial one time drug screening without prejudice.
- 2190.4.2** All test information, both compliance and results, become part of the employee's file and will remain confidential.
- 2190.5** District employees may, at the District's discretion, be subject to drug testing for reasonable cause.

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- 2190.5.1** Reasonable cause is determined whenever a person exhibits signs of "being under the influence" or when more than one piece of evidence leads to the belief that a person is being influenced by a substance as per 2190.2.
- 2190.6** Drug testing shall be limited to a urine analysis by a clinic or laboratory qualified to conduct such testing, unless federal, state, or local law dictates other drug testing methods.
- 2190.7** Whenever the District requests an employee to take a drug and substance test, the District shall be responsible for the costs of the tests. When the employee has tested positive and the employee wishes to challenge the results of the test or attempt to be reinstated to active duty, it will be at the employee' s expense.
- 2190.8** It is the responsibility of all District employees to report possible substance abuse and any person exhibiting signs of being under the influence, through the chain of command, as per 2190.2
- 2190.8.1** Reports pertaining to the District employees shall be handled by the Fire Chief/General Manager. Law enforcement may take control whenever the situation took place in their presence or when requested to do so by the Fire District.
- 2190.8.2** All reports pertaining to non District employees shall be handled by law enforcement.
- 2190.8.3** All reports submitted under this policy must be supported by a signed statement from the person reporting their suspicions. The statement shall include all pertinent and objective information that supports the report.
- 2190.8.4** The Fire Chief/General Manager shall investigate all substance abuse reports to insure validity and accuracy unless the Board of Directors appoints a Board Director or a commission.
- 2190.8.5** All reports shall be held confidentially unless superseded by federal, state, or county law.
- 2190.9** Disciplinary Action:
- 2190.9.1** A written warning will be used whenever circumstances of the incident are suspected to be linked to drug or substance use and there are no injuries or property damage. The employee will be suspended from work and required to complete a drug and substance abuse test. This warning will remain in the employee' s file for one year where it will then be dismissed if no further infractions of this policy occur.

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- 2190.9.2** A final written warning may be issued if an employee has an existing written warning on file or the incident involves an injury or property damage. The employee will be suspended from work until a post incident drug and substance test is completed. The second warning will remain in the employee's file for one year when it will then be dismissed if no further infractions of this policy occur.
- 2190.9.3** Termination of employment should be used as a last resort. The employee shall be allowed to voluntarily seek counseling and/or entry into a twelve-step program, at the employee's expense, within thirty (30) days after the incident. The employee shall remain suspended from work until a drug and substance test is taken and proof of counseling and/or entry into a twelve-step program and a negative drug and substance test is submitted to the Fire Chief/General Manger.
- 2190.9.4** Immediate termination of employment is warranted whenever an employee is involved in an accident resulting in injuries, an OSHA reportable incident or property damage and when use is suspected as per section 2190.2 and refuses to take a drug test.
- 2190.9.5** Termination may also become effective if the Fire Chief/General Manager has investigated and substantiated a report of drug or substance abuse and determines the employee has jeopardized any person's safety and the employee has failed to take corrective actions after receiving the first warning.

2190.10 Appeals:

- 2190.10.1** Any employee may appeal their disciplinary action in writing to the Fire Chief/General Manager within thirty (30) days of the action. The Fire Chief/General Manager shall submit the employee's request to the Board of Directors for action at the next regularly scheduled meeting. The employee shall be informed when the appeal will be heard by the Board of Directors and be allowed to speak to the Board of Directors when the item appears on the agenda.

2190.11 This policy shall become effective after adoption by the Governing Board of Directors.

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**CONSENT AND RELEASE FORM
DRUG/ALCOHOL TESTING**

I hereby authorize Southern Inyo Fire Protection District, and any laboratories or medical facilities designated by Southern Inyo Fire Protection District, to perform a urinalysis test to detect the presence of alcohol and/or illicit drugs in my body. I further authorize the reporting of the results of such test(s) to Southern Inyo Fire Protection District Board of Directors and/or the General Manager/Fire Chief. I recognize that the results of such test will be used to determine my suitability for employment or for continued employment with the Southern Inyo Fire Protection District.

Any attempt to switch a sample or adulterate a sample will be considered the same as a positive result. The laboratory may test the sample for adulteration.

This release form is valid for one time only.

NAME OF EMPLOYEE: _____

FACILITY PERFORMING TEST: _____

DATE OF TEST: _____

Applicant/Employee Signature: _____ Date: _____

General Manager Signature: _____ Date: _____

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Substance Abuse and Smoking Policy

4/10/02

Substance Abuse

The use of Alcohol, and controlled substances is prohibited. If anyone is found working and/or performing duties as a representative of the Southern Inyo Fire Protection District while intoxicated or under the influence of any controlled substance, that person(s) shall be immediately dismissed from the incident scene or place of work. It will be the responsibility of the Incident Commander or the highest ranking responder on scene to report such incidents involving substance abuse to the Fire Chief. It will also be the responsibility of the Incident Commander or highest ranking responder to notify law enforcement if the incident of substance abuse has taken place on an emergency call. There will be no tolerance for substance abuse. A mandatory drug test will be required immediately and a suspension from duties will begin at time of incident for a length of time no less than 72 hours or until a personnel review is given by the Fire Chief. Upon review, anyone testing positive for substance abuse will be suspended from service for a minimum of 1 year and a retest will be required before returning to service. Dismissal from duties may be requested by the governing Board of Supervisors at any time or if the retest results are positive.

Smoking

Smoking is prohibited while en route to a call-out and during an emergency call. Smoking is also prohibited during any contact of a patient and around the storage or use of oxygen. Smoking is prohibited in public buildings and Schools. Personnel may smoke when not actively working an emergency call or training and must be a minimum of 50 feet from the storage and/or use of oxygen and other combustible substances. Anyone found disobeying this smoking policy will be given a verbal warning upon the first offense and a written warning on the second offense. A third infraction of this policy will result in a one month suspension from duties. A fourth infraction will result in a 1 year suspension or dismissal from services. A fifth infraction will result in dismissal from services.

I have read this policy and understand my responsibilities to report infractions of this policy to the Fire Chief. I also understand the punishment(s) for disobeying this policy.

Print Name: _____

Signature: _____

Date: _____