



FOREST LAKES FIRE DISTRICT DRUGS AND ALCOHOL POLICY NUMBER 0007



Purpose

To establish and maintain a drug- and alcohol-free workplace in the interest of public safety and a healthy and productive work environment, by prohibiting the use, consumption, influence, possession, distribution or sale of illegal drugs or controlled substances and/or alcohol while on duty.

Definitions

This policy applies to all prospective and current employees, including all full- time, part-time, reserve and temporary personnel. Additionally, this applies to all applicants who have received a conditional offer of employment with the Forest Lakes Fire District.

Policy

It is the policy of the District to demand a drug- and alcohol-free work environment so that employees have safe, healthy, and productive conditions in which to work, and so that the community receives the high quality of service that it expects. The maintenance of such an environment justifies the use of a reasonable employee drug/alcohol-testing program. Any employee failing to meet this policy shall be subject to discipline, up to and including dismissal. To ensure that our members function in a safe, healthy and productive manner, the District will stress education, prevention, intervention and rehabilitation as it relates to drug and alcohol use or abuse.

In order to ensure fitness for duty, all employees shall be required to report the use of any prescription medications, as well as any over-the- counter medications that may produce side effects that could alter one's ability to perform the duties of their job. Such a report shall be made to the Fire Chief, who shall report it to the District's contracted occupational health provider. The physician will determine whether any work restriction or limitation is indicated and inform the District and the individual of such restriction.

Guidelines

Use of Alcohol / Illegal Drugs

Alcohol -- Employees may not buy, obtain, use, possess, manufacture, distribute, dispense, sell, or transfer alcohol while on duty, while working, while on District property, while in uniform, or while operating District equipment, machinery, or vehicles or personal vehicles while on duty. Employees may not work or report to work within 8



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hours of having consumed any alcoholic beverage, nor may they report to work under the influence of alcohol or with an alcohol level of .04 or greater (as per DOT standard).

Illegal Drugs - Employees may not buy, obtain, use, possess, manufacture, distribute, dispense, sell, or transfer illegal drugs while on duty, while working, while on District property, while in uniform, or while operating District equipment, machinery, or vehicles or personal vehicles while on duty. Employees may not work or report to duty under the influence of illegal drugs or the metabolites of illegal drugs.

Reporting Violations -- All employees have the responsibility to immediately report unsafe working conditions or hazardous activities that may jeopardize their safety, the safety of fellow employees and the safety of the public we serve. This includes the responsibility to immediately report any violations of this Drug and Alcohol policy.

In order to ensure a drug- and alcohol-free work environment, drug testing may be required under the following circumstances:

Pre-Employment -- All prospective employees will be required to pass a drug screen as part of their pre-employment physical examination.

For Cause -- Suspicion of drug or alcohol use as determined by good faith behavioral observation, performance problems, or employee complaints that are not confirmed by a third party (for instance, but not limited to slurred speech, lack of coordination, erratic behavior, odor of alcohol or marijuana, bloodshot eyes, dilated pupils, incoherence, drowsiness, chronic absenteeism, witnessed use).

Post-Accident/Incident Involvement -- Employees involved in on-the-job accidents or other work-related incidents where it is reasonably possible that drug/alcohol use could be a contributing factor. Decisions regarding "involvement" and/or "reasonably possible" are at the sole discretion of the Fire Chief. However, any circumstance in which an employee is sent for medical evaluation and/or treatment for a work-related accident or injury shall automatically require a drug and alcohol screen.

Treatment Program - Any employee who is referred by the District for chemical dependency evaluation or treatment or who is participating in a District approved chemical dependency treatment program shall be required to undergo periodic unannounced drug/alcohol testing during the evaluation or treatment period and for a period of up to two years following return to duty.

Testing Methods and Collection Procedures:



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The testing method will include the following provisions:

Collection will be performed under reasonable and sanitary conditions.

Employee to be tested will have an opportunity to provide relevant medical, prescription or other information to medical personnel prior to being tested.

Collections will be documented through proper labeling and chain- of-custody procedures to preclude the possibility of contamination, adulteration, or misidentification.

Testing shall be by scientifically accepted methods and procedures.

Sample testing shall be done by a Laboratory approved or certified by the U.S. Department of Health and Human Services, the College of American Pathologists or the Department of Health Services.

The drugs of abuse groups tested for are: Amphetamines, barbiturates, benzodiazepines, cocaine, methadone, opiates, phencyclidine (PCP), propoxyphene, anabolic steroids and marijuana. Initial screening shall be performed by Enzyme Immunoassay. All confirmation testing shall be performed by gas chromatography/mass spectrometry (GC/MS). Alcohol screening shall use evidential breath testing (EST) devices. Two breath tests are required to determine if a person has a prohibited alcohol concentration.

Positive tests shall be confirmed using a different chemical process from the initial test method.

All positive tests shall be reviewed by a Medical Review Officer before notification to the District.

A two-step test, Screen and Confirmation, shall be utilized.

The Collection Procedure requires that when the conditions of testing have been met, an employee shall be sent to a pre-determined facility while on paid time, or a mobile unit from the facility shall be dispatched to the employee's working location. At the District's expense, testing shall proceed as quickly as possible. Collection of the sample(s) shall be done by medical facility personnel. Specific procedure information is provided within this policy, under Section "PROCEDURE".

Consequences of testing refusal and/or interference:



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Refusal by an employee to cooperate under this policy shall be grounds for termination of employment. Refusal by a prospective employee to cooperate under this policy shall be grounds for the District to refuse to hire the individual.

Any employee who attempts to interfere, alter, substitute, or in any way affect the outcome of the drug and alcohol screening test process shall be subject to disciplinary action, up to and including dismissal.

Any employee who fails to report immediately to the designated testing facility as ordered shall be subject to disciplinary action, up to and including dismissal.

Actions that may be taken based upon test results:

A confirmed positive test result will result in Termination of employment.

Voluntary notification of drug/alcohol use/abuse by an employee to the District prior to being tested or prior to employer's notice of suspicion to employee - Disciplinary measures will not be taken, however, the employee shall be required to participate in a rehabilitation program approved by the District. Leave of Absence shall be granted (without pay, after any and all paid leave has first been utilized) for a maximum of twelve weeks to participate in a rehabilitation program approved in advance by the District. Any costs associated with a rehabilitation program shall be at the employee's expense. Failure to fully comply with the terms of a rehabilitation program shall subject the employee to termination of employment.

In the event that an employee takes a Leave of Absence to enter a rehabilitation program, the employee shall be required to sign a release of information to allow treatment information to be shared with the Fire Chief.

Return To Duty -- Information regarding the employee's participation, progress, and successful completion of the rehabilitation program, as well as readiness for return to duty shall be communicated to the Fire Chief through the rehabilitation program coordinator.

The employee shall be subject to follow-up random testing for up to two years to ensure that the employee remains drug- and alcohol- free.

Employee's right to obtain written test results: If requested in writing to the Fire Chief, an employee or prospective employee that has been tested may receive a copy of the written test results.



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Employee's right to explain and/or refute positive test result: An employee testing positive shall have an opportunity to meet with the Fire Chief to contest or explain the positive results before any employment status action is final. An employee shall not be allowed to return to work after a positive test and prior to an opportunity for such a meeting. No compensation shall be earned after the test is completed and the employee has been released from the medical facility.

Confidentiality of test results: All information, communications and/or documents obtained by the District in association with the testing portion of this policy shall become a part of the employee's confidential medical file (separate from the standard personnel file), with access only by the Fire Chief or the Administrative Assistant, and shall not be used or received in evidence, obtained in discovery or disclosed in any public or private proceeding, unless related to an action taken by the District or the employee, except disclosure to:

The tested employee, prospective employee or other person designated in writing by that employee or prospective employee.

Individuals designated by the District to receive and evaluate test results or hear the explanation of the employee or prospective employee.

An Arbitrator, Mediator, Court or Governmental Agency as authorized by State or Federal Law.

Except as otherwise permitted by law, no sample taken for testing under this policy shall be tested for any substance or condition except the drugs/alcohol allowed in this policy.

PROCEDURE

Management Procedure:

If an Officer or member of management of the District has knowledge of or reasonably suspects that an employee meets the requirements for drug/alcohol testing as stated within this policy, the following procedure shall be followed:

After noting and documenting the time, the Officer or manager shall remove the employee from any work area and/or responsibility while maintaining visual contact of the subject employee at all times. If the employee has been involved in an accident or incident, any injuries will be addressed and resolved as a number one priority. The test procedure is not to be pursued until and unless the employee is safe and stable. If an employee must receive outside medical attention, emergency medical personnel will be



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told of the District's drug/alcohol testing policy so proper samples may be retained when it is safe to do so.

The employee shall be told that drug or alcohol use is a reasonable suspicion and/or that a circumstance exists that requires the employee to be tested, and that the appropriate District officials are going to be contacted for assistance in initiating the testing procedure.

The officer on duty shall notify the Fire Chief. After obtaining basic information, the Fire Chief or his designee shall make arrangements for transportation to the medical facility. A District officer will maintain visual contact until the employee has been turned over to medical facility personnel. Consent forms shall be completed in the presence of a District officer or medical personnel.

If an employee fails to submit to a test, the employee shall be suspended without pay until further notice, and subject to termination for failure to submit to a drug/alcohol test. The employee will be told that the District will contact them by phone or mail to communicate further action.

District Notification Procedure:

The medical facility shall contact the Fire Chief or his designee with confidential verbal notification of the results of the test results. If the test is positive, the results of the confirmation test shall also be provided. Written documentation of any test results shall be forwarded by confidential fax or mail (if faxed, the Fire Chief or his designee will be contacted immediately preceding the fax transmission to assure that only he receives the fax directly off the machine).

The Fire Chief shall notify the tested employee by phone of the results of the test. If requested by the tested employee, a copy of the written test results will be made available for the employee.

In the case of a negative test result, the employee shall be notified of the test results and the return-to-work schedule. The employee's personnel file shall be purged of any information related to the test, and documentation of the negative test shall be maintained in the employee's separate medical file.

In the case of a confirmed positive result, the Fire Chief shall determine the level of discipline and notify the employee of such. Information regarding the disciplinary action shall be maintained in the employee's personnel file. Information specifically regarding the testing shall be maintained in the employee's separate medical file



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Approved by the Forest Lakes Fire District Board on: ___November 9, 2019____.

A handwritten signature in cursive script that reads "John Hennessey".

John Hennessey, Clerk