

**Hurricane
Fire & Rescue
Hurricane, WV**

**Administrative
Guidelines**

Subject
Guideline Number
Adopted
Effective Date
Pages

Drug-Free Workplace
800.119
5

Purpose: To establish a guideline for a drug-free workplace.

Scope: All personnel.

Responsibility: It is the responsibility of all personnel to adhere to this guideline.

A. INTRODUCTION

Hurricane Fire & Rescue will not tolerate alcohol use, drug use, and/or the unlawful possession or use of controlled substances. Alcohol use, and/or the unlawful possession or use of controlled substances directly affects job performance, threatens the safety of co-workers and the public, and is inconsistent with the behavior expected of a fire department member. The department recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of members, pose serious health risks to users and others, and have a negative impact on productivity and morale. The department encourages members to voluntarily seek help with drug and alcohol problems.

B. POLICY

Hurricane Fire & Rescue's policy regarding the work-related effect of drugs or alcohol and the unlawful possession of controlled substances on department premises or vehicles is as follows:

1. Having any measurable amount of illegal drug or alcohol concentration in one's system while in the workplace, while on standby or while engaged in department business is prohibited.

2. Any possession, use manufacturing, distribution or sale of any
illegal substance while off duty and while off the department premises,
that adversely affects the individual's work performance, anyone's
safety at the department or the department's reputation in the community
is prohibited.
3. The unlawful possession, use, manufacturing, distribution or sale
of any illegal substance while at the department, while on or in
department property, while on standby or while conducting department
business is prohibited.
4. Any member required to take prescription drugs that may
interfere with the safe operation of equipment or the performance of his or her
job duties, shall notify the Chief and will not be permitted to run
emergency calls.
5. Members must report any conviction or pleas of *nolo contendere*
(*i.e., no contest*) under a criminal drug statute for violations occurring on
or off department property if the violation occurred while conducting
department business. A report of a conviction must be made
within five (5) days after the conviction.
6. Members are required to report other members whom they
suspect may be under the influence of drugs, alcohol or a combination thereof.
7. Members in need of help with regard to drug or alcohol related
problems are encouraged to use programs and health insurance plans, as
appropriate.

C. VIOLATIONS

Any violation of this policy shall result in disciplinary action, up to and including dismissal.

D. TESTING

To ensure the accuracy and fairness of the testing program, all testing will be conducted according to DHHS/SAMHSA guidelines where applicable and will include a screening test, confirmation test, the opportunity for a split sample and review by a Medical Review Officer, including the opportunity for members who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result.

The substances that will be tested for include, but are not limited to, amphetamines, cannabinoids, cocaine, opiates, phencyclidine (PCP) and alcohol.

All drug-testing information will be maintained in separate confidential records.

(a) PRE-MEMBERSHIP DRUG AND ALCOHOL TESTING

An offer of membership is contingent upon a negative drug and alcohol test result. Upon being extended and offer of membership and prior to a vote on membership, the applicant must participate in pre-membership drug and alcohol testing.

(b) REASONABLE SUSPICION DRUG AND ALCOHOL TESTING

Hurricane Fire & Rescue shall conduct drug and alcohol testing based on reasonable good faith suspicion of a member's drug or alcohol usage.

Reasonable suspicion testing is authorized when management believes a

member is using illegal drugs or alcohol.

The following non-exhaustive list of examples illustrate when it may be appropriate to request a reasonable suspicion drug and/or alcohol test:

1. Direct observation of drug and/or alcohol use and/or the physical symptoms of being under the influence of drugs and/or alcohol;
2. A pattern of abnormal conduct or erratic behavior;
3. Arrest or conviction for a drug related offense; or the identification of a member as the focus of a criminal investigation into illegal drug possession, use or trafficking;
4. Information provided by reliable and credible sources or independently corroborated;
5. Newly discovered evidence that the member has tampered with a previous drug test.

A member subject to drug and/or alcohol testing based upon a reasonable suspicion may be suspended until test results are available.

(b) CONSEQUENCES

The failure to pass a drug and/or alcohol test shall result in disciplinary action, up to and including dismissal. Refusal to cooperate with drug and/or alcohol testing will result in termination. Any drug test showing evidence of alteration will be considered a refusal to provide a sample and will result in dismissal.

Members are not permitted to report to the department with any measurable amount of illegal drug or alcohol concentration in their

system. A member who fails a drug or alcohol test will be disciplined, which may include dismissal. In addition to said disciplinary action, a member who fails the Intoximeter or initial drug screening may be immediately suspended.

Any member who fails a drug and/or alcohol test and is not terminated must submit to and pass a return to duty test and be evaluated by a substance abuse professional before returning to work. The member will be responsible for paying for the costs associated with being evaluated by the substance abuse profession. Further, the member must submit to unannounced follow-up test to be conducted at various times over the following six to sixty months, with a minimum of six tests during the first twelve months after returning to work. The cost of the return to duty and follow up testing will be the responsibility of the employee.

(d) METHODOLOGY

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Drug and alcohol testing will be done by urine or blood sample. The collecting the sample will properly identify all specimens and deliver specimens to the testing laboratory in accordance with the applicable procedures. The testing laboratory will forward the results to the review Officer (MRO) The MRO will report the test results directly to department and the member.

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If a positive test is reported, the employee may request the MRO to split sample. The member must pay for the cost of the retest.

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In addition or in lieu of the above, alcohol testing may be conducted of a Preliminary Breath Test (PBT) or Intoximeter. If the PBT is and shows any measurable amount of alcohol, then the Intoximeter used subsequently in accordance with the manufacturer's guidelines West Virginia Department of Health and Human Services regulations.

F. REHABILITATION

Hurricane Fire and Rescue encourages members to seek help for a drug or Alcohol problem before it deteriorates into a disciplinary matter. Members Needing help in dealing with drug or alcohol related problems are encouraged to use assistance programs and health insurance.