


<b>Campbell County Fire Department</b> <b>Procedure</b>		
Administrative/General	Drug and Alcohol	 101.04

**PURPOSE:**

The Fire Department is committed to the preservation of a drug and alcohol-free workplace in the interest of public safety and a safe, healthy, and productive work environment for its employees to comply with the provision of the Drug-Free Workplace Act of 1988. The use, consumption, influence, possession, distribution, or sale of illegal drugs or controlled substances and /or alcohol while on duty, or reporting for duty with detectable levels of such substances in one's system, is strictly prohibited.

**SCOPE:**

This procedure applies to all members and employees of the Campbell County Fire Department (CCFD) organization.

**PROCEDURE:**

CCFD maintains a drug and alcohol-free work environment to assist in establishing safe, healthy, and productive working conditions for all employees. To ensure this environment, CCFD maintains a drug and alcohol testing program. Employees failing to meet the provisions of this procedure will be subject to discipline up to and including termination. CCFD stresses education, prevention, intervention, and rehabilitation regarding drug and alcohol use or abuse.

**DEFINITIONS:**

- A. **Illegal Drugs:** Any controlled substance, medication, or other chemical substance not legally obtained, not being used legally, or not being used for the purpose(s) for which it is prescribed or intended by the physician. Illegal drugs may include over-the-counter medications if they are not being used for the purpose(s) for which they are intended.
- B. **Legal Drugs:** Prescribed or over-the-counter drugs legally obtained by personnel and used for the purpose(s) for which the physician intended.
- C. **On Duty:** All working hours including at the station or on scenes regardless of whether on County property.
- D. **Administrator:** For all purposes of this procedure Administrator is defined as the Fire Chief for all operational employees and as the Comptroller for all administrative employees.

**GUIDELINES:**

- A. **Substance Abuse by Employees**
  - a. **Alcohol/Illegal Drugs**
    - i. Employees may not buy, obtain, use, possess, manufacture, distribute, dispense, sell, or transfer alcohol/illegal drugs while on duty, working, on

Initial Approval: May 2007 Revision Date: 4/27/11	Page 1 of 7	Don Huber, Fire Chief  ORIGINAL SIGNED
--	-------------	--

# Campbell County Fire Department Procedure

Administrative/General

Drug and Alcohol



101.04

- CCFD property, in uniform, or operating CCFD equipment, machinery, or vehicles, or personal vehicles while on duty.
  - ii. Employees will not work or report to work with detectable levels of alcohol/illegal drugs or the metabolites of alcohol/illegal drugs in their system.
  - iii. No employee shall report to work within eight hours after consuming alcohol.


**b. Legal Drugs/Medication**

- i. Employees who have reason to believe the legal use of drugs (i.e. Nyquil, Comtrex, Contac, Sudafed, etc) may pose a safety risk to any person utilizing equipment or interfere with the employee's job performance must report such legal drug use to their immediate supervisor for consideration. The supervisor will determine whether work restrictions or limitations are indicated and inform the employee of such restrictions.

**B. Reporting Violations:** Employees are responsible to immediately report unsafe working conditions or hazardous activities that may jeopardize their safety, the safety of their fellow employees, and the public we serve, including violations of this procedure.

**C. Testing Types and Circumstances.** In all instances described below, it is the responsibility of the supervisor to ensure that required testing is performed, and this responsibility moves up the chain of command. Decisions regarding "involvement" or "reasonably possible" are at the sole discretion of the Administrator.

- a. **Pre-Employment:** Applicants who have received conditional offers of employment are required to pass a drug screen. Prospective employees who test positive are disqualified for employment consideration.
- b. **Periodic Physicals:** A drug test will be administered as part of any regular physical examination required by the Fire Department.
- c. **Post-Accident/Injury/Incidents:** Employees involved in on-duty or other work-related incidents when it is reasonably possible that drug/alcohol use could be a contributing factor will be required to undergo drug/alcohol testing.
- d. **Post Vehicular Accident:** Employees involved in any vehicle accident involving a pedestrian, another vehicle or property, while on duty or in work-related activities will be required to undergo drug/alcohol testing.
- e. **Post Injury Treatment:** Employees requiring treatment at a medical facility following an injury sustained while on-duty or while involved in work-related activities when it

<h2 style="margin: 0;">Campbell County Fire Department</h2> <h3 style="margin: 0;">Procedure</h3>		
Administrative/General	Drug and Alcohol	 101.04


is reasonably possible that drug/alcohol use could be a contributing factor will be required to undergo drug/alcohol testing.

- f. **For Cause/Reasonable Suspicion:** The Fire Department may require employees to undergo drug/alcohol testing if management has a reasonable concern that CCFD's drug and alcohol free workplace procedure has been violated. Reasonable suspicion can occur when one or more of the following conditions is present:
  - i. Unusual behavior refers to but is not limited to physical and/or mental conduct (i.e. patterns of injuries/accidents, staggering, slurred speech, drowsiness, inattention, erratic or irrational behavior, visual difficulties, judgment, disorientation, mood changes, mannerisms or body motions, and concentration).
  - ii. Unusual situation references when the department has reason to suspect the use of or possession of drugs or alcohol abuse through discovery at work or while off duty, corroborated reports by identified individuals of illegal drug use, discovery of drug paraphernalia or alcohol containers, and charges related to violations of this procedure.
  - iii. An unacceptable pattern of absenteeism is exhibited. (Unacceptable pattern of absenteeism is defined by receiving discipline for tardiness and/or receiving several disciplinary reminders regarding attendance).
  
- h. **Random Testing:** The Fire department does testing randomly selecting employees on any given day. This program is designed to discourage drug and alcohol by using the element of surprise in testing. Random testing will be established after 60 days upon the announcement of testing. To the extent permitted by law, random testing shall be conducted, at a minimum, on 20% of the average staff on an annualized basis.
  
- i. **Return to duty/Reinstatement:** Employees who leave CCFD's active employment for a period exceeding thirty (30) days may be subject to drug and alcohol testing prior to their return to work.

**D. Testing:**

- a. **Positive Test Results:** Employees who test positive for drugs and/or alcohol will be transported for a confirmation test. All tests will be conducted consistent with federal regulations regarding testing, chain of custody requirements, and testing methods.
  
- b. **Negative Test Results:** Employees who test negative for drugs and/or alcohol will be returned to work with no loss of pay.

Initial Approval: May 2007 Revision Date: 4/27/11	Page 3 of 7	Don Huber, Fire Chief  ORIGINAL SIGNED
--	-------------	--

<h2 style="margin: 0;">Campbell County Fire Department</h2> <h3 style="margin: 0;">Procedure</h3>		
Administrative/General	Drug and Alcohol	 <span style="margin-left: 20px;">101.04</span>

- E. Consequences of testing refusal or interference:
- a. Refusal: An employee's refusal to cooperate under this procedure shall be grounds for termination. Refusal by a prospective employee shall be grounds to withdraw the offer of employment.
  - b. Interference: Employees attempting to interfere, alter, substitute, or affect the outcome of the drug and alcohol screening process are in violation of this procedure which is punishable by termination.
  - c. Employee's right to explain positive test result:
    - i. An employee testing positive will have an opportunity to meet with their Administrator to contest or explain the positive results within five (5) working days after written notification of the test results.
    - ii. Once CCFD is notified of a positive test result, the employee will be scheduled to meet with their Administrator before being allowed to return to work.
  - d. Confidentiality of test results:
    - i. All information, communications, and/or documents obtained by CCFD in association with the testing portion of this procedure shall become a part of the employee's confidential medical file (separate from the personnel file), with access only by the Fire Chief or Comptroller, 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 CCFD or the employee, except disclosure to the following:
      - 1. The tested employee, prospective employee, or other person designated in writing by that employee or prospective employee.
      - 2. Individuals designated by CCFD to receive and evaluate test results or hear the explanation of the employee or prospective employee.
      - 3. An arbitrator, mediator, court or governmental agency as authorized by Federal or State law.
- F. Disciplinary Action:
- a. Alcohol Violations
    - i. First Offense:
      - 1. Minimum five (5) day/shift suspension without pay.
      - 2. Any other discipline up to and including termination.
    - ii. Second Offense:
      - 1. Termination.
  - b. Driving under the Influence of Alcohol

Initial Approval: May 2007 Revision Date: 4/27/11	Page 4 of 7	Don Huber, Fire Chief  ORIGINAL SIGNED
--	-------------	--

# Campbell County Fire Department Procedure

Administrative/General

Drug and Alcohol



101.04

- i. Employees who are convicted of Wyoming State Statute 31-5-233 or 31-5-234 are required to notify their Administrator of the conviction.
  - ii. First Offense
    - 1. Probationary period during suspension of driver's license.
    - 2. Employee will be required to have no further Alcohol related driving convictions or offenses.
  - iii. Second Offense
    - 1. An employee receiving a second offense resulting in suspension or revocation of his/her driver's license for a period exceeding 90 days will be terminated.
- c. Controlled Substances
- i. Employees who test positive for controlled substances following a confirmation test will be terminated.

## G. Employee Assistance Program (EAP)

- a. Because CCFD's employees are its most valuable asset, CCFD maintains an EAP to provide assistance to employees who suffer from substance abuse and/or mental health problems.
  - i. Employee's may seek EAP assistance or substance abuse treatment but cannot avoid discipline for violating this procedure by seeking assistance after being tested pursuant to this procedure.
  - ii. An Employee's enrollment in an EAP will not increase, lessen, or otherwise affect the fire department's decision to terminate or discipline an employee who has been found in violation of the Drug and Alcohol Procedure.

## H. Release of Information

- a. An employee taking a Leave of Absence to enter a rehabilitation program must sign a Release of Information Agreement to allow treatment information to be shared with the Administrator.

## I. Return to Duty

- a. Information regarding the employee's participation, progress, and successful completion of the rehabilitation program and readiness for return to duty shall be communicated to their Administrator by the rehabilitation program coordinator. Employees are subject to additional periodic, random testing at the discretion of their Administrator for a period of up to two years after their return to duty for treatment of drug or alcohol abuse or addiction.

## J. Compliance/Awareness

Initial Approval: May 2007  
Revision Date: 4/27/11

Don Huber, Fire Chief

ORIGINAL SIGNED

# Campbell County Fire Department Procedure

Administrative/General

Drug and Alcohol



101.04

- a. CCFD will conduct drug-free awareness programs periodically to inform employees of the following:
  - i. The dangers of drug and alcohol abuse in the workplace.
  - ii. CCFD's procedure of maintaining a drug and alcohol-free workplace.
  - iii. Available Employee Assistance Programs.
  - iv. Sanctions that may be imposed for drug and alcohol abuse violations.

## K. For Cause/Reasonable Suspicion Testing Procedure

- a. Management Procedure: If a supervisor has knowledge of or reasonable suspicion that an employee meets the requirements for drug/alcohol testing or is in violation of this procedure, the following procedure is to be followed:
  - i. After documenting the time, the supervisor removes the employee from any work area and/or responsibility while maintaining visual contact of the employee at all times. If the employee was involved in an accident or incident, injuries will be addressed and resolved as the first priority. The test procedure will not be pursued until and unless the employee is safe and stable. If an employee must receive outside medical attention, emergency medical personnel will be told of CCFD's drug/alcohol testing procedure so that proper samples may be obtained when it is safe to do so.
  - ii. The employee will be told that appropriate CCFD officials will be contacted for assistance in initiating the testing procedure.
  - iii. The supervisor will notify their Administrator who, after obtaining basic information, will assign a CCFD representative to make arrangements for transportation to a medical facility or dispatch of a mobile unit to the employee's location. The supervisor will maintain contact or control until the employee is transferred to medical facility personnel. Consent forms will be completed in the presence of the supervisor or appropriate medical personnel.
  - iv. If an employee refuses to submit to the test, the employee will be required to immediately meet with their Administrator.
  - v. Any employee directed to undergo the drug/alcohol test will be placed on paid Administrative Leave pending notification of the test results.

## L. CCFD Notification Procedure

- a. The medical facility will contact their Administrator with confidential verbal notification of the test results. Written documentation of all test results will be forwarded to their Administrator.
- b. Their Administrator will notify the tested employee by telephone of the test results. A copy of the written test results will be made available to the employee upon request.

<h2>Campbell County Fire Department Procedure</h2>		
Administrative/General	Drug and Alcohol	 101.04

c. If the test results are negative, the employee will be notified of the test results and advised of his/her return-to-work schedule. The employee's personnel file will be purged of any information related to the test, and documentation of the negative test results will be maintained in the employee's separate medical file.

d. If there is a confirmed positive result, their Administrator will meet with the employee to discuss it and to determine the appropriate level of disciplinary action. Information regarding disciplinary action will be maintained in the employee's personnel file.