



SUBSTANCE ABUSE

SCOPE

This guideline shall apply to all members of the Stoney Point Fire Department and shall be adhered to by all members.

PURPOSE

To establish the procedures for the creation and maintenance of a drug and alcohol-free workplace through testing and disciplinary actions.

DEFINITIONS

Controlled Substance – any drug or other substance that is tightly controlled by the government because it may be abused or cause addiction

Employee Assistance Program – substance abuse program designed to assist employees with addiction or abuse problems

Guideline - a general rule, principle, outline of a policy

Member – any career, volunteer, staff, and auxiliary personnel affiliated with the department

Responsibility - the state or fact of having a duty to deal with something or of having control over someone, being accountable for one's actions

Shall - indicates a mandatory requirement

Work Location – Stoney Point Fire Department property, apparatus, vehicles, training facilities, or customer locations where services are provided by department personnel

GUIDELINES

Stoney Point Fire Department is an emergency response organization responsible for providing life safety and property conservation services to the public. The department has made a commitment to provide a safe and healthy work environment for its members. The use and abuse of controlled substances and alcohol significantly impact society, and the working environment. These substances affect productivity, health, safety, security, and medical and legal costs for members and the department. For these reasons, and to maintain the public trust, Stoney Point Fire Department has established this policy for all members and supervisors to ensure a drug and alcohol-free workplace.

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Policy Awareness and Training

It is imperative that all members of Stoney Point Fire Department are aware of the substance abuse policy, testing procedures, and disciplinary actions involved in violating the guidelines.

Membership Awareness and Training

New members shall be counseled referencing the conduct expectations and consequences of violations of this policy, the dangers of drug and alcohol abuse in the workplace and about available drug counseling, rehabilitation, and member assistance programs during their initial membership orientation.

All members shall receive a 1-hour block of instruction on the effects and consequences of controlled substance and alcohol use and abuse on their personal health, safety, and the work environment. This training shall address the signs and symptoms that may indicate drug use or an alcohol abuse problem. Each member shall be notified in writing that they are subject to the stricter testing requirements specified in this policy due to their assignment to a Safety-Sensitive member position. After the initial training for employees, all employees shall be required to attend refresher training every two years.

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Supervisor Training

In addition to the policy awareness training for all Stoney Point Fire Department members, every Company and Chief Officer is required to complete at least one additional hour of training on the physical, behavioral and performance indicators of probable drug use and alcohol misuse. After the initial training, supervisors are required to attend refresher training every two years. Attendance at this training is mandatory prior to a supervisor being authorized to decide whether to require a reasonable suspicion drug or alcohol test of any member.

Recruitment and Applications for Employment

Stoney Point Fire Department's commitment to an alcohol and drug-free workplace shall be posted and promoted on recruitment bulletins and information boards. Additionally, applications for employment shall require the applicant to agree to and sign the following statement:

- I hereby acknowledge and understand that any offer of membership or employment by Stoney Point Fire Department is contingent upon the completion of a urine drug test that has a verified negative result having no evidence of prohibited drug use. I also agree to abide by the requirements of Stoney Point Fire Department's Substance Abuse policy, which includes drug and/or alcohol testing during any period of employment.



Drug and Alcohol-Free Workplace

Emergency services work may be stressful at times. Members of the department are as susceptible to substance abuse as the general public. The combination of these two factors may increase the incidence of drug or alcohol use or abuse by members of Stoney Point Fire Department. Therefore, the department has developed and encourages the use of the Employee Assistance Program by members and their families.

Company and Chief Officers shall be familiar with this program, educate their Firefighters, and take immediate and appropriate actions for their Firefighters whenever a suspicion or admission of a drug or alcohol problem exists. All members shall be watchful for signs that a fellow member may have a drug or alcohol problem to ensure that the member receives treatment and does not adversely affect the department, other Firefighters, or the community. The application of this policy shall be unbiased toward race, color, creed, religion, sex, age, or disability, and directed solely towards helping the individual and protecting others.

The department and its members have the responsibility to ensure that drugs, paraphernalia, and alcohol do not enter or affect the workplace, members, operations, or the public trust. Therefore, department leadership shall observe members during duty shifts, required training, and any time that individuals are representing Stoney Point Fire Department for signs of drug or alcohol abuse. Additionally, Chief or Company Officers may conduct searches of lockers, desks, apparatus and gear, members should not expect privacy in this department owned property. Care shall be taken to not disturb any evidence or damage any private property during the searches. Law Enforcement officials and department leadership shall be notified whenever drugs, paraphernalia, or alcohol are found during searches.

Additionally, drug or alcohol testing may be conducted by Stoney Point Fire Department of any member upon reasonable suspicion of on duty use of a substance. These tests are required for any member involved in a driving accident, regardless of fault. Failure by a supervisor to take appropriate actions in support of this policy may result in disciplinary action. All testing, disciplinary actions, and records shall remain confidential, and the rights and dignity of every member or applicant protected under applicable laws. Refusal to submit to a required drug or alcohol test shall be grounds for immediate dismissal from the department.

Members having questions about this policy should direct them to their Company Officer, or the Fire Chief through appropriate channels.

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Drug Prohibition

It is strictly prohibited to use, possess, sell, distribute, dispense, manufacture, or transfer any controlled substance, or prescription drug for illicit use at any Stoney Point Fire Department work location, or at any time while on duty. The nonduty use of these controlled substances is also strictly prohibited as these actions would impair the member's ability to fulfill their responsibilities, bring discredit upon the department and erode the public trust. These activities are also illegal and shall be reported to the appropriate law enforcement agency.

Members shall take prescribed medications as directed by a physician, or over the counter medications as directed for the treatment of illness. When prescribed a medication that is a controlled substance or narcotic, the member shall inform their chain of command. A decision shall be made about the member's duty status prior to permitting them to report for duty or respond to emergency calls. However, it is prohibited to use any medication or substance that adversely affects the member's safe duty performance.

Any member that uses or tests positive for the following controlled substances or their synthetics shall be deemed in violation of this substance abuse policy and immediately suspended from duty without pay. The member shall also be issued a Consideration of Dismissal and referred to the Employee Assistance Program for evaluation.

- cocaine
- cannabinoids (THC, marijuana)
- amphetamines/methamphetamines (Dexedrine)
- opiates (including heroin, codeine, morphine, and fentanyl)
- phencyclidine (PCP)

Members charged with or convicted for any controlled substance violations under local, state, or federal law shall inform their chain of command and Fire Chief within five days of the charge or conviction, or by the next scheduled shift, whichever is soonest. A failure to notify the chain of command and Fire Chief within the specified timeframe shall result in disciplinary action up to and including termination.

Alcohol Prohibition

It is strictly prohibited to use, possess, sell, distribute, dispense, manufacture, or transfer any alcoholic or other intoxicating beverage at any Stoney Point Fire Department work location, or at any time while on duty. The nonduty use of these intoxicating beverages is also strictly prohibited when these actions would impair the member's ability to fulfill their responsibilities, bring discredit upon the department and erode the public trust. The use of any alcoholic beverage by any underage member is also prohibited. These activities are also illegal and shall be reported to the appropriate law enforcement agency.

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For the purposes of this guideline, alcohol includes any alcoholic beverage or substance such as medication, mouthwash, food, or candy in which alcohol is present. Stoney Point Fire Department members are prohibited from the following:

- consuming alcohol while on duty, or on call
- consuming alcohol on any department work location
- consuming alcohol within 4 hours of reporting to duty or any safety sensitive function
- reporting for duty, or remaining on duty with a Blood Alcohol Concentration of 0.02%
- performing safety-sensitive functions within 24 hours of a determination of having an alcohol concentration between 0.02 and 0.039
- possessing alcohol (including medicines containing alcohol unless packaging seals are unbroken) while on duty, or at a department work location
- consuming alcohol within 8 hours following an accident unless the member has already undergone a post-accident test

Any member that consumes alcohol during or prior to duty, and/or tests positive for alcohol consumption shall be deemed in violation of this substance abuse policy and immediately suspended from duty without pay. The member shall also be issued a Consideration of Dismissal and referred to the employee Assistance Program for evaluation.

Drug and Alcohol Testing

All members are subject to alcohol and drug testing as a condition of membership or employment with Stoney Point Fire Department. Alcohol and drug testing shall include:

- pre-employment and membership screening
- reasonable suspicion testing
- annual random testing
- post-accident testing

Drug and alcohol testing results shall be confidential. All results shall be reported, by law, to the Stoney Point Fire Department Chief. Test results will become a confidential part of the members & employees' personnel file. FTA and FMCSA regulations require the department to disclose to subsequent employers a positive drug or alcohol test for all covered positions.

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Programs

Standard Operating Guidelines (SOG)

Refusal to submit to any or all of these alcohol and drug tests required by this guideline shall be deemed a violation. These violations may include:

- failure to report for scheduled drug or alcohol test at the appointed time
- failure to remain at the test site as required for testing
- failure to provide an adequate sample for testing without a medical explanation
- failure to submit to a medical evaluation as required
- failure to cooperate with any part of the testing procedure
- failure to sign certifications or attestations

Any member that refuses to comply with, or tests positive for a controlled substance or alcohol shall be suspended from duty without pay, issued a Consideration of Dismissal, and referred to the Employee Assistance Program for evaluation.

Membership Testing Categories

The circumstances under which members may be required to participate in drug and/or alcohol testing are contingent upon the duties of the position the member holds within Stoney Point Fire Department. All members are divided into one of two categories based upon the scope of their duties. These categories are:

- Safety-Sensitive Members - members who as a core or essential function of their duty operate, inspect, or repair equipment or vehicles, utilize hazardous materials, or whose core duties or responsibilities directly impact the public's or member's health and safety, or the protection of life, property or environment
- Non-Safety Sensitive Members – members not included in the previous listed category

No member may perform covered Safety-Sensitive functions before the department has received a verified negative drug test result from the Safety Officer. Candidates for covered Safety Sensitive positions must also provide a written consent to allow any previous employers covered by DOT drug screening. Under Stoney Point Fire Department authority, any member who is required to submit to a reasonable suspicion alcohol or drug test shall be removed from the performance of safety-sensitive functions pending receipt of test results. Designated safety sensitive members that have not performed designated safety sensitive duties for a year or more and have not been tested prior within department testing requirement shall take a pre-employment drug test with a verified negative result before returning to safety sensitive duties. (Military members deploying for combat related purposes are exempt and will be tested during the next periodically unannounced test after return from deployment).

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Testing Requirements

As stated earlier, all members are subject to drug and alcohol screening as a condition of their membership/employment with Stoney Point Fire Department. These tests are broken down into the following categories:

Pre-employment/membership testing – applicants for full time employment must successfully complete a pre-employment drug and alcohol test. Any failure or refusal shall negate any conditional offers of employment for a full calendar year.

Reasonable suspicion testing – any member that it is reasonably believed to be under the influence of either a controlled substance or alcohol or unable to perform their duties safely and efficiently shall be tested. Any request for a reasonable suspicion test shall be submitted to the Fire Chief, based upon specific observations as follows:

- slurred speech, impaired coordination, or movement without medical reason
- odor of alcohol or controlled substances on or about the individual, vehicle, or work location
- confusion, disorientation, marked personality changes, or irrational behavior
- possession of controlled substances, paraphernalia or alcohol on the person, work location, gear, locker, or vehicle
- information of drug use, or on the job alcohol use, provided by a reliable and credible source, or independently corroborated
- evidence that a member or employee tampered with a previous drug or alcohol test
- pattern of absenteeism or deterioration of work performance that suggests the use or abuse of controlled substances or alcohol
- arrest or conviction for possession or sale of controlled substances
- involvement in an accident which leads to injury or property damage where the member's actions suggests use of alcohol or drugs

Random testing – safety sensitive members are subject to random testing for alcohol and drugs. Testing pools of all safety sensitive members are maintained by the Fire Chief and Medical Lieutenant for scheduling of random testing. All random testing shall be unannounced, with the frequency being determined by the Fire Chief. Once selected for testing the members shall report to the designated testing facility with an escort.

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Post-accident testing – members involved in a motor vehicle accident while operating a Stoney Point Fire Department vehicle, apparatus, motorized equipment, or any vehicle while on department business is required to:

- notify their supervisor as soon as possible. The supervisor shall immediately notify the Duty Chief and the Fire Chief
- safety sensitive members shall submit to an immediate drug and alcohol test whenever:
 - fatality occurs
 - receives a citation under state or local law for a moving traffic violation arising from the accident **AND** an individual suffers a bodily injury which requires immediate medical treatment away from the scene
 - receives a citation under state or local law for a moving traffic violation arising from the accident **AND** any vehicle involved incurs disabling damage that requires the vehicle to be towed from the scene

Injured members should seek medical attention first. Responding to individual injury or assisting others who are injured is a higher priority. Members must be tested for drugs within 32 hours following an accident. Absent extenuating circumstances, alcohol tests shall be conducted within 2 hours of an accident. In no situation, shall an alcohol test be conducted after 8 hours following an accident.

A failure to remain readily available for testing shall be considered a refusal to test and handled in accordance with the refusal provisions of this guideline. This includes a failure to notify leadership when leaving the scene or work location prior to testing.

Supervisors are responsible for ensuring that the post-accident testing occurs within established time periods. The shift supervisor, Company or Chief Officer, shall prepare a memorandum for record whenever post-accident testing cannot be completed within the stated time periods. This memorandum shall be submitted to the Fire Chief. A failure to ensure post-accident testing or to submit the memorandum may result in disciplinary action for the supervisor.

Safety sensitive members shall be removed from safety sensitive duties pending the results of the post-accident drug and alcohol test.

Non-safety sensitive members shall only be tested based upon the reasonable suspicion standards.

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Return to duty and follow-up testing - members that voluntarily admits to having a substance abuse problem or who violates alcohol regulations and is permitted to continue employment/membership must successfully complete an alcohol and drug test prior to returning to duty. Safety sensitive members shall not be returned to safety sensitive functions without a written confirmation from the substance abuse professional stating successful completion of a rehabilitation program. These random follow up drug and alcohol tests shall last for at least 1 year and for no more than 5 years. The member shall be required to submit to at least 6 random screenings during the first 12 months.

Positive Test Results

Members that test positive for either drugs or alcohol during any test procedure shall be considered in violation of this policy. Notification of a positive result shall result in the member being immediately removed from safety sensitive functions, suspended without pay, and referred to the Employee Assistance Program for evaluation. Positive test results may result in disciplinary action or dismissal.

Challenges to Test Results

All members have the right to challenge a confirmed positive test result. Challenges must be made, in writing, to the Fire Chief explaining the reason for the challenge. Members shall be given 72 hours to request a second sample be tested at their own expense at a Department of Health and Human Services certified laboratory of their choice. When an employee requests this option, the second sample shall only be tested for the positive drug result at the laboratory's lowest limit of detection. Stoney Point Fire Department reserves the right to conduct additional testing at its expense whenever a challenge is submitted.

If the second sample tests negative, or for any reason cannot be retested, the results are reported to the Fire Chief as a negative test result and the resultant disciplinary action shall be rescinded.

Personnel Action for Violation of Policy

Members found to have violated the drug or alcohol prohibitions specified in this policy shall immediately be removed from the performance of duties, placed on suspension without pay issued a Consideration of Dismissal, and referred for evaluation through the Employee Assistance Program. Violations of the drug and alcohol prohibitions specified in this policy are grounds for disciplinary action, including dismissal except when evidence can be presented that the testing process was flawed.

Past performance, seriousness of the infraction, impact upon other members, liability to the department and the potential discredit and erosion of the public trust shall be considered in all disciplinary actions taken by the Fire Chief.

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Members who come forward and report their substance abuse problem prior to suspicion of substance abuse or selection for testing may be permitted to continue in employment or membership. Voluntary admission to a substance abuse problem and seeking treatment through a certified substance abuse assistance program by a member will be a positive factor in deciding appropriate disciplinary action. Any member that successfully completes a substance abuse program for either alcohol or drugs may be returned to duty following a clearance by the counselor and a pre-employment test. Return to duty and follow up testing shall be required as previously noted.

Employee Assistance Program

Members who need assistance in dealing with substance abuse or dependency are encouraged to voluntarily seek counseling or treatment through the Stoney Point Fire Department Employee/Member Assistance Program or through any other agency. Voluntary admission to a substance abuse problem by an employee prior to suspicion or positive testing will be a positive factor in deciding appropriate disciplinary action. Participation in an EAP counseling or treatment program will not exempt a member or employee from the consequences of any actions that may have already occurred or from the proper performance of duties.

The Employee Assistance Program also assists in our efforts to ensure an alcohol and drug-free workplace by providing educational materials to supervisors and members on alcohol and drug use issues and assisting supervisors in confronting employee performance and/or conduct problems. Contact information for the Stoney Point Fire Department Employee Assistance Program provider referral and other substance abuse treatment referral resources are maintained by the Fire Chief.

REFERENCES

Drug Free Workplace Act of 1988
49 CFR Part 655
49 CFR Part 382
49 CFR Part 40
NC GS 95.232
NC GS 95.233

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