

Policy Manual



Employee Safety and Wellness

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Title	Alcohol And Controlled Substance Testing
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Procedure/Content

Purpose: Each day the employees of the Fitch-Rona EMS District are entrusted to safely operate vehicles, tools and other company equipment and to provide emergency health care services. The District understands that safety problems are created when employees use controlled substances and alcohol. The District has developed this Alcohol and Controlled Substance Testing Policy with the desire and intent to ensure that the municipal residents served by the District receive safe and efficient services and that all District employees are provided with a safe work environment. This policy is based upon and intended to be consistent with particular concepts and requirements of the Safe-Place Statute and the Omnibus Transportation Employee Testing Act of 1991.

Policy:

All District employees are hereby advised that the use, possession, concealment, transportation, promotion or sale of controlled substances and alcohol is strictly prohibited on duty, on all District properties and in all District vehicles. Prohibited illegal drugs and substances include:

1. Drugs not legally obtainable;
2. Drugs that are legally obtainable, but which have been obtained illegally, including all drug paraphernalia; and
3. All alcoholic beverages.

It is the intent of the District to have all testing under this Policy performed in a manner which respects and recognizes the dignity and privacy of our employees, yet which complies with certain governmental regulations. Additionally, we encourage employees to seek assistance for treatment of problems associated with chemical dependency and/or alcohol abuse.

1. Employees Subject to Policy

All employees of the District are subject to this policy. In addition, all prospective employees, upon the conditional offer of a position, will be required to submit to controlled substance testing as described in "Pre-employment Testing" in section 4.

2. Periods of Compliance

Employees are required to be in compliance with this policy while performing any safety sensitive function and/or while on duty.

3. Prohibited Employee Conduct

Employees are prohibited from reporting to duty, being on duty or performing safety-sensitive functions when their ability to perform is adversely affected by alcohol or after an alcohol test result indicating a 0.02% or greater Blood Alcohol Concentration (BAC), or a positive controlled substance test result. Employees are prohibited from being under the influence of or using alcohol or controlled substances while on duty and may not be on duty or perform safety-sensitive functions within four hours after using alcohol. Additionally, employees required to take a post-accident alcohol test may not use any alcohol until the test is completed, or until eight hours after the accident.

4. Circumstances for Employee Testing

The District will conduct (a) pre-employment, (b) post-accident, (c) reasonable suspicion, (d) return to duty, and (e) follow-up testing of applicants and employees for the misuse of alcohol or use of controlled substances. Before performing an alcohol or controlled substance test, the supervisor will notify the applicant or employee being tested that the test being administered is required by this Policy.

Pre-employment Testing. Upon the conditional offer of a position, the prospective employee will be required to submit to controlled substance testing.

Prior to taking this test, the prospective employee will be given forms notifying him or her to report for the test, which includes instructions and an explanation of the collection procedures. The prospective employee will be asked to sign a general consent and release for controlled substance testing.

All offers to hire a prospective employee will be conditioned on: (a) the prospective employee signing the general consent and release form, (b) the prospective employee taking the controlled substance test and passing it, and (c) the prospective employee allowing the District, at the District's request, to obtain controlled substance and alcohol testing results from previous employers.

Post-accident Testing. As soon as practical following an accident involving an employee in operation of a District vehicle or any vehicle used in the performance of District business, but within 8 hours (preferably 2 hours) for alcohol and within 32 hours for controlled substance testing, an employee will be required to undergo alcohol and controlled substance testing, provided one or more of the following occurred:

(A) the employee was performing a safety-sensitive function with respect to the vehicle involved in the accident and the accident involved the loss of human life regardless of who is at fault, serious injury or major property damage; or

(B) the employee receives a citation under state or local law for a moving violation arising from the accident.

Results of testing done by a law enforcement officer at the scene of the accident will be accepted by the District.

An employee will be assigned to a non-safety-sensitive function or placed on non disciplinary suspension with pay while awaiting the test results.

Reasonable Suspicion Testing. An employee will be required to undergo alcohol and/or controlled substance testing if the District has reasonable suspicion to believe that he or she has violated the prohibitions of these rules, or if the employee's behavior and appearance show documentable

signs of misuse of alcohol or use of a controlled substance. Supervisory observations must be personally observed and documented. The test(s) will be administered within two hours following the determination of reasonable suspicion.

When an employee is notified that there is reasonable suspicion to be tested, he or she will be expected to report to the test site immediately. The employee will be escorted by the supervisor to the test site. The supervisor will also make arrangements for transporting the employee to his or her home after the test is completed.

Supervisors will be trained to recognize behaviors characteristic of alcohol misuse or controlled substance use.

Return to Duty Testing. An employee who returns to duty after violation of the alcohol misuse provisions will be required to undergo an alcohol test, with a resulting BAC of 0.0% necessary for reinstatement. An employee who returns to duty after violation of the controlled substance use provisions will be required to undergo a controlled substance test, with a verified negative result necessary for reinstatement.

Follow-up Testing. Any employee identified as needing assistance in resolving problems associated with alcohol misuse or controlled substance use shall be subject to at least 6 (six) unannounced follow-up tests in the first 12 months following the employee's return to duty. However, a Substance Abuse Professional may direct additional testing during the 12-month period, for an additional period not to exceed 60 (sixty) months from the date the employee returns to duty. Any employee identified as needing assistance shall be required to seek that assistance on his or her own time. In addition, the District will not compensate the employee for any time spent traveling to and from tests, or actually undergoing the tests as required, nor will they reimburse the employee for any direct or indirect expense incurred in connection with the tests. Substance abuse professionals include: a licensed medical doctor; licensed psychologist; social worker; employee assistance professional; or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance disorders.

5. Procedures for Testing

The District will contract with an entity to perform the alcohol and controlled substance testing that has been certified by the National Institute for Drug Abuse (NIDA). The Medical Review Officer (MRO), is responsible for analyzing laboratory test results and employees' medical histories to determine whether a positive test result is due to the use of controlled substances.

A more detailed explanation of the testing procedure, along with the procedures assuring the integrity of the testing, safeguarding validity of the test results, and assuring that the results are attributable to the correct employee, will be provided upon request to employees.

6. Test Results

(A) Controlled Substances

In the event that the test is positive, the employee will be notified by the District and advised that the employee has 72 hours to request that the MRO send his or her secondary specimen to a second laboratory for analysis. Pending the outcome of this additional analysis, the employee will continue being considered physically unqualified to work.

Before an employee's test result will be confirmed positive for controlled substances, the employee will be given the opportunity to speak with the MRO and demonstrate that there was a legitimate medical reason for the positive test result. If the MRO determines that the reason is legitimate, the test results will be reported as negative. If it is determined that the reason is not legitimate, the test results will be reported as "confirmed positive".

(B) Alcohol

If the initial test registers an alcohol concentration level of less than 0.02, the test will be reported as "negative".

If the alcohol concentration is 0.02 or greater, a second confirmatory test will be performed. If the second test is less than 0.02, the test result will be "negative".

7. Post-Violation Procedures

Controlled Substance Use Provisions. When an employee has a verified positive test result indicating the use of a controlled substance, the employee will be removed from, and not allowed to return to, duty until:

(A) the employee undergoes evaluation and, where necessary, rehabilitation:

- (B) a Substance Abuse Professional determines that the employee has successfully complied with any required rehabilitation; and
- (C) the employee undergoes a return-to-duty test indicating a verified negative result.

Alcohol Misuse Provisions. When an employee has a confirmed alcohol test result indicating 0.04% BAC or greater, the employee will be removed from, and not allowed to return to, duty until:

- (A) the employee undergoes evaluation, and where necessary, rehabilitation;
- (B) a Substance Abuse Professional determines that the employee has successfully complied with any required rehabilitation; and
- (C) the employee undergoes a return-to-duty test indicating a result of 0.0% BAC.

An employee with a confirmed alcohol test result indicating a BAC of at least 0.02%, but less than 0.04%, is not permitted to be on duty or perform safety-sensitive functions until the next scheduled duty period, but not less than 24 hours following administration of the test.

8. Refusal of Testing

This Policy prohibits employees from refusing to submit to any required tests. Appropriate disciplinary action will be taken for such refusals. The District will inform any employee selected for alcohol and/or controlled substance testing, that a refusal to submit to testing is considered a positive test. In addition, any employee potentially subject to post-accident testing must remain readily available for such testing. Readily available means at a location the employee's supervisor or employer's designee has approved, where the employee may be immediately reached by phone or pager. An employee subject to post-accident testing who leaves the scene of an accident before a test is administered, or fails to remain available for testing, may also be deemed by the District to have refused to submit to testing.

9. Maintaining Contact With the District and MRO After a Controlled Substance Test.

Employees who are tested for controlled substances are required to remain in contact with the Chief and the MRO while awaiting the results of the test(s). He or she is required to advise the Chief of his or her whereabouts and the telephone number where he or she can be reached. An employee who fails to remain in contact with the Chief and MRO will be subject to appropriate corrective action. If he or she fails to remain in contact, he or she may waive the right to speak to the MRO before the test is confirmed positive.

10. Payment of Tests

The District shall pay the costs for all tests which are required for employees.

Employees are responsible for paying the cost of return-to-duty tests and 50% of follow-up testing, and for paying the costs of the analysis of any secondary urine specimen which he or she requests.

11. Procedures to Protect Employee Confidentiality

The District will maintain confidential records regarding the alcohol and controlled substance testing program. Said location will be secured, with restricted access to the information. Records will be released to the employee or other person authorized in writing by the employee, upon request.

12. Testing of Safeguards

The professional testing services provider hired by the District to administer the alcohol and controlled substance testing program will be required to submit for approval testing procedures that will assure the integrity and confidentiality of the testing program, safeguard the validity of test results, and ensure that those results are attributed to the correct employee.

13. Information on Effects of Alcohol and Controlled Substance Use

The District will provide alcohol and controlled substance educational materials for all employees. This information will help to explain the effects of alcohol misuse and controlled substance use on an individual's health, work, and personal life. This information will emphasize the signs and symptoms of an alcohol or controlled substance problem, and available methods of intervention when such a problem is suspected. Any employee who believes he or she may have an alcohol or

controlled substance use problem is encouraged to seek assistance by contacting his or her physician, county or community human services program, or area substance abuse counseling center.

15. Policy Questions

Any employee with questions regarding this policy should direct them to his or her supervisor, or to the EMS Chief or Deputy Chief(s).

