**ANTI – DRUG DEPARTMENT
POLICY**

**AND**

**PROCEDURE**

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**ANTI – DRUG DEPARTMENT**

**REFERENCE**Drug-Free Workplace Act of 1988 (P.L. 100-690), Americans with Disabilities Act of 1990, Controlled Substances Act (21 USC 812), WAC 284-53-010, WAC 356-46-125

WAC 296-305-01503

**SCOPE**

All department members.

**PURPOSE**

*Your Department Name Here* has an obligation to its members and citizens to take reasonable steps to assure safety in the workplace and to provide a high quality level of service. The members of *YOUR DEPARTMENT NAME HERE* are its most valuable resource and the agency is committed to ensuring the personal health and safety of all members. To that end, *YOUR DEPARTMENT NAME HERE* will provide a drug-free environment for all members in accordance with the Federal Drug-Free Workplace Act of 1988 (41 U.S. Code §§701 et seq.) and current Washington State law.

Despite the recent passage of Initiative 502, *YOUR DEPARTMENT NAME HERE* remains a Drug-Free Workplace. Under federal law marijuana remains a controlled, illegal Schedule 1 drug under the Controlled Substance Act. In addition, as a recipient of federal funding, *YOUR DEPARTMENT NAME HERE* is subject to the terms of the Drug-Free Workplace Act of 1988 (Public Law 100-690, 41 USC 701 et seq.) Under this law, *YOUR DEPARTMENT NAME HERE* must prohibit the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on *YOUR DEPARTMENT NAME HERE* premises or while conducting *YOUR DEPARTMENT NAME HERE* business on or off *YOUR DEPARTMENT NAME HERE* premises.

***The objectives of this policy are to:***

1. Provide and maintain a safe and healthy work environment for *Your Department Name Here* employees;

2. Set forth procedures for implementation of controlled substances, including marijuana, and alcohol use and testing for employees;

1. Describe circumstances under which employees will be tested; and
2. Identify specific conduct, which is prohibited.

These procedures are designed not only to detect violations to this policy, but to ensure fairness to each covered District member.

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. The District retains the right to change, amend or modify any term or provision of this policy, and agrees to bargain in good faith any changes.

It is recognized that during the life of this policy, there may be changes in the interpretation of state and federal drug laws related to I 502 and its impacts on District operations. There may also be improvements in the technology of testing procedures which provide more accurate testing. In these events, the parties will bargain in good faith whether to amend this procedure to include such improvements and to meet any new interpretation of the state or federal laws covered in this policy.

Job applicants who have been offered employment in safety-sensitive positions may be subject to District policies for drug testing. Job applicants may also be required, as a condition of employment, to give written consent to the disclosure of drug and alcohol test records and results maintained by a current/former employer.

**POLICY**

**Prohibitions**

1. **Alcohol Prohibitions:**

The alcohol rule prohibits any alcohol misuse that could adversely affect performance, including:

1. Use of alcohol on the job;

2. Use of alcohol during the four (4) hours before work.

3. Having a prohibited concentration of alcohol (0.04 or greater) in the system while performing safety-sensitive functions; an employee found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall not be permitted to perform safety-sensitive functions for at least 24 hours. Employee leave use shall be at the employer’s discretion.

4. Use of alcohol during eight (8) hours following an accident, or until he/she undergoes a post-accident test;

1. Refusal to take a required test;
2. Using alcohol or transferring unsealed containers of alcohol to another person while on duty and/or on District premises, except where job duties require such activity or where there has been specific authorization for use or transfer is prohibited. The term "premises" shall include offices, work locations, desks, lockers, living areas, parking lots, and any vehicle engaged in the employer's operations.

**B.** **Drug Prohibitions:**

The *Your Department Name Here* prohibits any drug use that could adversely affect performance of safety-sensitive functions, including:

1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the employee that the drug will not adversely affect the employee’s ability to safely perform safety-sensitive functions;

1. Testing positive for drugs

3. Use of marijuana on the job

4. Use of marijuana during the eight (8) hours before work

5. Having an active THC concentration of marijuana (50 ng/ml or greater) in the system while performing safety-sensitive functions

6. Use of marijuana during thirty two (32) hours following an accident, or until he/she undergoes a post-accident test

 7. Refusing to take a required test

8. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or marijuana in the workplace

9. Using marijuana, possessing or transferring marijuana to another person while on duty and/or on District premises. The term "premises" shall include offices, work locations, desks, lockers, living areas, parking lots, and any vehicle engaged in the employer's operations.

Any illegal substance confiscated will be turned over local law enforcement for additional investigation and/or action. Violations of this provision will result in disciplinary action, up to and including termination and may have legal consequences.

**Prescription/Over-the-Counter Drug Use**

An employee may possess and use medically authorized prescriptions or over-the-counter drugs at work as long as the prescription or over-the-counter drugs do not have disabling effects or otherwise adversely affect the employee's fitness for duty or job performance. Employees must report the use of the prescription or over-the-counter drugs, which could have a disabling effect or otherwise adversely affect the employee's fitness for duty or job performance to their immediate supervisor. It is the employee's responsibility to determine from the physician, pharmacist, or other health care professional whether or not the prescribed or over-the-counter drugs could adversely affect the employee's fitness for duty or impair job performance. Upon reporting the use of prescription or over-the-counter drugs, employees may be required to provide a written medical authorization to work from a *Your Department Name Here* approved physician. Failure to report the use of prescription drugs or over-the-counter drugs which have disabling effects or otherwise adversely affect the employee's fitness for duty while at work, and failure to provide proper evidence of medical authorization to work, may result in discipline. For the purposes of this policy, marijuana, prescriptive or otherwise, is deemed to have disabling effects or otherwise adversely affect the employee’s fitness for duty or job performance.

**Workplace Drug Related Convictions**

The Drug Free Workplace Act of 1988 requires employees, as a condition of employment, to report any criminal convictions of drug related activity in the workplace to *Your Department Name Here* no later than five (5) days after a conviction. *Your Department Name Here* shall inform its federal contracting agency of such convictions within ten (10) days of learning about a conviction. Employees convicted of workplace drug-related crimes will be subject to discipline.

**Right to Inspection**

When *Your Department Name Here* has reasonable grounds to believe an employee is in improper possession of drugs, including marijuana, or alcohol during working hours or while on *Your Department Name Here* property, that employee may be requested to permit an inspection of his or her person, personal property, clothing, or personal vehicle. *Your Department Name Here* will have at least one witness present when conducting an inspection of an employee or an employee's personal property, clothing, or personal vehicle. Refusal to submit to such an inspection may result in discipline, up to and including discharge. *Your Department Name Here* reserves the right to search *Your Department Name Here* property (i.e., vehicles, desks, file cabinets, lockers) at any time, including when this policy is violated.

**Voluntary Treatment**

Employees who voluntarily come forward and ask for assistance to deal with a drug or alcohol problem shall not be disciplined by the Employer if they complete a mutually agreed on rehabilitation program. The employee must not refuses the opportunity for rehabilitation, fail to complete a rehabilitation program successfully, or again tests positive for drugs or alcohol within two (2) years of completing an appropriate rehabilitation program.

**Training**

All employees will receive at least 60 minutes of drug training regarding the effects and consequences of substance abuse on personal health and safety, and on the work environment.

All supervisors who will be responsible for determining when it is appropriate to administer reasonable suspicion drug and/or alcohol tests will receive a minimum of 2 hours training on the physical, behavioral, speech, and performance indicators that would constitute a reasonable suspicion of drug use and alcohol misuse.

**Testing**

Employees shall not be subjected to random medical testing involving urine or blood analysis or other similar or related tests for the purpose of discovering possible drug or alcohol abuse. If, however, "reasonable suspicion" exists establishing probable cause to believe an employee's work performance is impaired due to drug or alcohol abuse, the Employer will require the employee to undergo a medical test consistent with the conditions as set forth in this policy.

The collection and testing of the samples shall be performed only by a laboratory and by a physician or health care professional qualified and authorized to administer and determine the meaning of any test results. The laboratory performing the tests shall be one that is certified by the National Institute of Drug Abuse (NIDA). The laboratory chosen must be agreed upon between the Union and the Employer. The results of employee tests shall be made available to the medical review physician. Breath alcohol testing will be performed by a certified Breath Alcohol Technician.

All drug and alcohol testing will be conducted in an environment that affords maximum privacy practicable for the covered employee being tested. Some drug testing may have to “observed,” as required by law or *Your Department Name Here* policy. *Your Department Name Here* will strictly adhere to maintaining the confidentiality of the employee or applicant throughout the drug and/or alcohol testing process and releasing testing records and results only to those authorized to receive such information. The Fire Chief, or his/her designee, is designated as the employer representative to receive and handle all test results.

Except as otherwise provided herein, *Your Department Name Here* shall be responsible for all costs directly associated with the drug and alcohol tests specified in this policy.

**Types of Testing**

All negative and dilute results from the types of testing listed below will be accepted as a negative result not requiring any additional testing unless determined otherwise by the MRO.

**1.** **Pre-employment Testing**

After an individual has been offered a safety-sensitive position, but before beginning employment, the individual will be required to submit to and pass a urine drug test as a condition of employment. Failure of a drug test may disqualify an applicant for employment with the district. A verified positive result on a drug test is considered to be failure of the drug test. Applicants will be informed in writing if they are rejected on the basis of a confirmed positive drug test result.

**2. Post-Accident Testing**

As soon as practicable following an accident involving a *Your Department Name Here* employee, each driver shall be tested for controlled substances and alcohol use.

Post-accident drug and alcohol tests must be performed as soon as possible. Drug tests must be performed within 32 hours following the accident. Alcohol tests should be performed within two hours following the accident and must be performed within eight (8) hours following the accident. If the driver or covered employee to be tested was injured in the accident, the requirement to test for drugs and alcohol should not delay necessary medical attention, but testing could be administered simultaneously to the driver receiving necessary medical attention.

Any driver involved in an accident must remain readily available for drug and/or alcohol testing for up to 32 hours after the accident. The driver is responsible for notifying *Your Department Name Here* of his or her location if he or she leaves the scene of the accident prior to submission to testing. Failing to remain readily available shall be determined to be a refusal to submit to testing and may result in discipline, up to and including discharge.

When a driver has been notified that he/she will be required to submit to post-accident drug and/or alcohol testing, he/she must report immediately to the collection site designated by *Your Department Name Here*. Transportation to and from the collection site will be provided by *Your Department Name Here*. Once notified, the driver will not be permitted, within reason to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

Note: Post-accident drug and alcohol test required by this policy are in addition to and/or separate from any tests conducted for law enforcement purposes.

**3. Reasonable Suspicion Testing**

When a supervisor, who is trained to detect the symptoms of drug or alcohol misuse develops suspicion, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee, direct observation of drug or alcohol use, or indications of chronic and withdrawal effects of controlled substances, then the supervisor must require that employee to submit to a breath test and/or urine drug test. Reasonable suspicion testing for alcohol is authorized only if the observations are made during, just preceding or just after the period of the workday that the employee is performing a safety-sensitive function.

The following actions will be undertaken immediately.

**A.** Contact the employee involved and keep under direct observation until the situation is resolved.

**B.** The employee will be transported to the testing site for prescribed testing. A mobile site may be used. Under no circumstances will the employee be allowed to continue to drive a *Your Department Name Here* vehicle or perform safety-sensitive functions until a confirmed negative test result is received. If the alcohol test results are over 0.02 but less than 0.04, the employee will not be allowed to perform a safety-sensitive function for 24 hours. If the alcohol test results are 0.04 or higher, the employee will be removed from safety-sensitive functions until the employee undergoes evaluation, and treatment, and a substance abuse professional (SAP) determines the employee has complied with treatment, and the employee passes a return to duty test.

**C.** The individual who observed the suspicious behavior must record the observations leading to the test within 24 hours, or before the test results are known. This record must be maintained for two years.

**D.** If tested positive for controlled substances, the employee is required to be evaluated by a SAP and pass a return to duty test prior to returning. Employees may be retested at least six (6) times in the first twelve (12) months but no longer than 60 months.

**E.** The diagnosis and prescribed treatment of the employee's condition will be determined by the SAP

**4. Return-to-Duty Testing**

Prior to being permitted to return to duty, an employee (who has previously had a verified positive drug test, an alcohol test result of 0.04 or greater, refused to submit to a test, or engaged in conduct prohibited by this policy) must be evaluated by a SAP to determine whether the employee has followed the recommendations for action by the SAP and must pass a return-to-duty drug test and/or submit to a breath alcohol test with a result showing an alcohol concentration level of less than 0.02. This test may be done as an observed collection meeting the standards as determined by the test provider.

**5. Follow-up Testing**

An employee who has been permitted to return to duty, following a verified positive drug test, an alcohol test result of 0.04 or greater, or a refusal to submit to a test, and who has passed the return to duty test, may be subject to at least six (6) unannounced follow-up drug and/or alcohol tests in the first twelve (12) months. Any tests prescribed beyond the required six follow-up tests must be administered within 60 months of the employee's return to duty.

When an employee has been notified for testing, he/she must report immediately to the collection site designated by *Your Department Name Here*. Transportation to and from the collection site will be provided by *Your Department Name Here*. Once notified, the employee will not be permitted, within reason to use restroom facilities, consume beverages, or smoke until specimen collection is completed. Follow-up testing may be done as an observed collection meeting the standards as determined by the test provider.

**PROCEDURE**

**Drug Testing Procedures**

Drug tests will be conducted using laboratory testing of urine specimens for the following drugs: Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine. Drug testing will be conducted at a testing site which meets the certification standards of the National Institute of Drug Abuse (NIDA) and guidelines established by the DOT.

The laboratory shall test for only the substances within the limits as follows for the initial and confirmation test as provided within NIDA standards:

|  |  |  |
| --- | --- | --- |
| **COMPOUND** | **INITIAL TEST** | **CONFIRMATORY TEST** |
|  | Level | Level |
| Marijuana Metabolites | 50 ng/ml | 15 ng/ml |
| Cocaine Metabolites | 300 ng/ml | 150 ng/ml |
| Opiate Metabolites | 300 ng/ml |  |
| Morphine | 300 ng/ml |  |
| Codeine | 300 ng/ml |  |
| Phencyclidine | 25 ng/ml | 25 ng/ml |
| Amphetamines | 500 ng/ml |  |
| Amphetamines | 500 ng/ml |  |
| Methamphetamine | 500 ng/ml |  |

Other controlled substances as now defined, or hereinafter defined under RCW 69.50.101.

Prescription drug for which the employee does or does not have a current, valid, personal prescription and which is not authorized or approved for use on the job.

Any over the counter drug, which may impair job performance and safety.

**Laboratory Procedures:**

Collection of blood or urine or other appropriate samples shall be conducted in a manner in which provides the highest degree of security for the sample and freedom from alteration. Recognized strict chain of custody procedures must be followed for all samples as set by the NIDA. The Union and the Employer agree that security of the biological urine and blood samples is absolutely necessary, therefore the Employer agrees that is the security of the sample is compromised in any way, any positive test shall be invalid and may not be used for any purpose. An immediate re-test will be required.

Blood or urine samples shall be submitted as per NIDA standards. Employees have the right for Union or legal counsel representatives to be present during the submission of the sample. Prior to submitting a urine or blood sample, the employee is required to sign consent and release form (attached to this policy).

A split sample shall be reserved in all cases for an independent analysis in the event of a positive test result. All samples must be stored in a scientific acceptable preserved manner as established by NIDA. All positive confirmed samples and related paperwork must be retained by the laboratory for at least six (6) months or for the duration of any grievance, disciplinary action, or legal proceedings, whichever is longer. At the conclusion of this period, the paperwork and specimen shall be destroyed.

Tests shall be conducted in a manner to ensure that employee’s legal drug use and diet does not affect the test results. All urine samples which test positive in the initial screening test shall be confirmed by a gas chromatography/mass spectrometry. Testing will be (GC/MS) used confirmation levels as per NIDA standards.

**Evaluation of Legal Drug Use**

In the case of prescription drug use that may affect any employee's ability to perform the job safely, the medical review physician will require the employee to provide by the next scheduled work day a bona fide verification of a valid current prescription for the drug identified.

**Return to Duty After Specimen Collection**

An employee who is required to submit to a follow-up drug test may be returned to duty immediately following specimen collection. If the employee is also subject to follow-up alcohol testing, the employee's return to duty will be dependent upon the outcome of the breath alcohol test.

An employee who is required to submit to a reasonable suspicion or post-accident drug test will not be permitted to return to duty and will be placed on a paid leave at the employer’s discretion pending the receipt by *Your Department Name Here* of a verified test result.

**Drug Test Results**

All drug test results will be reported by the testing laboratory to a qualified Medical Review Officer (MRO) designated by *Your Department Name Here*. The MRO will be responsible for verifying and validating the drug test results. The MRO will review and interpret an employee's or applicant’s confirmed positive drug test by reviewing the individual's medical history and affording the employee or applicant an opportunity to offer any clarifying information that would explain a positive test result.

There are three circumstances under which the MRO may verify a test result as positive without having communicated directly with the employee or applicant:

**1.** The employee or applicant expressly declines the opportunity to discuss the test;

**2.** The Human Resources Director, or designee, has successfully made and documented a contact with the employee or applicant, has instructed the employee or applicant to contact the MRO, and more than five days have passed since the date the employee or applicant was so contacted; and

**3.** Any other circumstances provided for in DOT controlled substance regulations, or in *Your Department Name Here* policy

The MRO will report each verified test result to the Fire Chief or designee and will notify each employee or applicant who has a verified positive test result.

**Positive Drug Test Results**

An employee who has a verified positive drug test will be immediately removed from his or her safety-sensitive position and placed on sick leave pending final determination. The employee will be advised of resources available to evaluate and resolve problems associated with substance abuse and referred to the districts EAP or other treatment plans approved by the SAP, DOH or the State of Washington for mandatory treatment. The employee may be subject to discipline, according to *Your Department Name Here* policy, up to and including suspension and/or discharge.

An employee who has a verified positive drug test result will have 72 hours, including holidays and weekends, from the time of notification by the MRO, or *Your Department Name Here*, whichever occurs first, in which to request that the split specimen be analyzed at a different approved laboratory. The split specimen will be analyzed, using GC/MS technology to determine the presence or absence of the drug(s) for which a positive result was obtained in the test of the primary sample. The employee will be responsible for paying the cost of the split sample testing.

If the result of the test of the split specimen fails to confirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO will cancel the test, and report the cancellation and the reasons for it to *Your Department Name Here* and the employee. The employee will be returned to duty and will be compensated for the time or benefits lost as a result of being placed on leave.

The request by an employee for an analysis of the split specimen will not delay the removal of the employee from his/her safety-sensitive position.

**Breath Alcohol Testing Procedures**

Initial alcohol screening tests may be collected through the use of a non-evidential breath-screening device listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list. An Evidential Breath Testing (EBT) device will be used for all confirmation tests and in the event that the initial screen cannot be completed using a non-evidential testing device. The breath alcohol tests will be conducted at a site that provides visual and aural privacy to the covered employee being tested to the greatest extent practicable.

Prior to specimen collection, the employee and the breath alcohol technician (BAT) must complete, date and sign a breath alcohol testing form indicating that the employee is present and providing a breath specimen. Failure to sign the certification is regarded as refusal to take the test and will be considered a violation of the policy and may result in discipline.

The BAT will require positive identification of the employee through either a photo identification card or identification by an employer representative. At the request of the employee, the BAT is required to provide identification to the employee.

The BAT will conduct an initial screening test. Following a valid test result of less than 0.02, no further testing is authorized.

If the result of the initial screening is an alcohol concentration of 0.02 or greater, a confirmation test will be conducted. The confirmation test will be conducted after 15 minutes, but not more than 30 minutes, after the completion of the initial screening test. If the 30-minute time interval is exceeded, the test should be conducted as soon as possible, and the BAT must provide an explanation for the delay on the Alcohol Testing Form. The employee must remain in the presence of the BAT during the waiting period. A new mouthpiece will be used. Before the confirmation test is administered, the BAT will conduct an air blank test on the EBT. If a BAT other than the one who conducted the screening test conducts the confirmation test, the new BAT and the employee will be required to sign and date a new breath alcohol testing form.

If the results of the initial screening test and the confirmation are not identical, the confirmation test will be deemed to be the final result.

Following the completion of a breath alcohol test, the BAT will be required to sign and date the breath alcohol testing form certifying that the results shown belong to the employee being tested.

The BAT will be responsible for transmitting all test results to *Your Department Name Here* in a confidential manner.

Any action intended by the employee to circumvent the requirement that he or she provide breath, provide an adequate amount of breath, or otherwise not cooperate with the testing process, is considered a refusal to take the test. All such refusals shall be noted by the BAT and result in the same consequences as a test result of 0.04 or greater.

If an employee alleges that, because of medical reasons, he or she is unable to provide an adequate amount of breath; the BAT will note this on the alcohol testing form and notify *Your Department Name Here*. The employee will be required to submit to a medical evaluation, by a physician of *Your Department Name Here*’s choice, concerning the employee's medical ability to provide an adequate amount of breath. If no valid medical reason is determined, then the employee's inability to provide an adequate amount of breath will be considered to be a refusal to submit to a test.

**Breath Alcohol Test Results**

If the results of the breath alcohol test are below 0.02, the employee may be returned to work immediately.

A confirmed alcohol concentration of 0.02 or greater will be considered a positive breath alcohol test result and a violation of this policy. Employees who violate this policy will be subject to discipline, according to *Your Department Name Here* policy, up to and including discharge.

Upon determination that an employee has misused alcohol (a test result with an alcohol concentration of 0.04 or greater), *Your Department Name Here* must remove the employee from safety-related functions and impose the following:

1. The employee may not return to a safety-sensitive function until, at a minimum

 a) the employee undergoes evaluation, treatment; *and*

b) a substance abuse professional determines that the employee has successfully complied with any recommended course of treatment; *and*

c) the employee passes a return to duty test with an alcohol concentration of less than 0.02.

The diagnosis and prescribed treatment of the employee's condition will be determined by a health care professional. Employees who have violated this policy will be retested at least six (6) times in the first twelve (12) months, but not longer than 60 months. A substance abuse professional must oversee the tests. The employee will be advised of the resources available to evaluate and resolve problems associated with alcohol misuse.

The employee will be provided transportation to his/her residence. If the covered employee insists on driving, law enforcement personnel will be notified.

**Refusal to Submit to a Test**

A determination of an employee's refusal to submit to a test includes:

1. Refusal to take a required test;

2. Refusal to sign the alcohol testing form;

3. An action intended by the employee to circumvent the requirement that he or she provide breath, provide an adequate amount of breath, or otherwise to cooperate with the testing process;

4. Tampering with or attempting to adulterate the specimen or collection procedure;

5. Using alcohol within eight (8) hours of an accident;

6. Not reporting to the collection site within the time allotted;

7. Leaving the scene of an accident without a valid reason before the tests have been conducted; or

8. Engaging in conduct that obstructs the testing process.

All such refusals shall result in the same consequences as a positive test result. An employee who refuses to submit to a drug or alcohol test will be subject to discipline, up to and including discharge. The test results of an employee who refuses to submit to a drug or alcohol test will be a positive test result.

**Discipline**

Compliance with *Your Department Name Here*’s Anti-Drug and Anti-Alcohol Policy is a condition of employment for all employees. A violation of any part of *Your Department Name Here*’s Drug and Alcohol Policy may result in discipline, according to policy, up to and including suspension and/or discharge. Factors which *Your Department Name Here* may consider regarding the severity of disciplinary action include, but are not limited to, the employee's conduct which prompted the application of this policy, the employee's work record, current job performance, the existence of past disciplinary actions, the degree of impairment, the potential for consequences arising from the employee's actions, and the drug and/or alcohol test results. Discipline related to off-duty conduct must have a readily discernible effect on District operations.

**Required Treatment**

In the event that an employee is referred for treatment by a SAP, the employee may be required to satisfactorily complete an approved drug or alcohol treatment program and aftercare as a condition of continued employment.

Work absences for treatment purposes may qualify for available sick leave benefits and/or personal medical leave, provided the employee is following the prescribed treatment program. The employees working under an agreement that they satisfactorily complete an approved program of drug and/or alcohol dependency treatment will be required to submit to follow-up drug and/or alcohol testing to verify abstinence from drugs and/or alcohol for at least 12 but not more than 60 months with a minimum of six tests during the first 12 months after the driver or covered employee returns to duty.

Employees covered by the group's medical insurance plan may avail themselves of the rehabilitation services approved under the plan on a one-time basis. Any rehabilitation program must be pre-certified. Rehabilitation services for employees electing to use non-approved rehabilitation programs, and for employees not covered by the group medical insurance plan, will be at the employee's expense.

Sick leave may be granted for treatment or rehabilitation on the same basis as for other health problems. Consideration also will be given to the use of annual leave or leave without pay if sick leave is not available.

**Working Conditions**

The presence of treatment of a substance abuse problem does not excuse an employee from meeting performance, safety, or attendance standards or following other *Your Department Name Here* instructions. In no circumstances may an employee invoke protection under this policy as a means to avoid disciplinary actions resulting from poor work performance or misconduct at work. A voluntary request for assistance will not shield an employee from disciplinary action resulting from on-the-job conduct or work performance. An employee remains responsible for his or her on-the-job conduct and work performance.

**Confidentiality**

*Your Department Name Here* will maintain all records regarding the drug and/or alcohol testing of employees and applicants in a secure manner so that the disclosure of information to unauthorized persons does not occur. *Your Department Name Here* will only release information regarding the drug and/or alcohol testing of employees under the following circumstances:

1. As required by law;

2. When such release is authorized and/or required under DOT and DOH regulations;

3. Upon request by an employee or applicant;

4. When requested by any agency with regulatory authority over said records;

1. To the decision maker in a lawsuit, grievance, or other proceeding, including but not limited to a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.

**Reasonable Suspicion or Post Accident Procedure**

**Initial Testing**

* During regular business hours (0730 – 1600, Monday through Friday) testing is done at St Anthony’s Hospital.
* After hours and on weekends, testing is done any Franciscan Emergency Department. Inform the staff that this is a *Your Department Name Here* employee. They have access to our current protocol. This includes:
	+ St. Anthony Hospital
	+ St. Joseph Medical Center
	+ St. Clare Hospital
* Employees have the right for Union or legal counsel representatives to be present during the submission of the sample.
* Prior to submitting a sample, the employee is required to sign a consent and release form (attached to this policy).
* A Certified Breath and Alcohol Technician will perform an Evidential Breathalyzer Testing alcohol test and a 5 panel urine screen which includes the following:
	+ Methamphetamines
	+ Cocaine
	+ Metabolites of opium
	+ Metabolites of marijuana
	+ PCP
* Test results should be available within 24 hours.
* Any results the employee receives shall be remitted to the Fire District.

If the employee requires medical transport, transport to a Franciscan site and continue with the above process. If required to go to a facility other than Franciscan due to trauma activation or divert, request a “post-accident drug panel and breath alcohol test”.

**Negative Test Results**

* If negative the employee can return to work.
* If the employee is tested due to reasonable suspicion and results are negative, all records of testing will be expunged from the employee’s files.
* If testing is done post-accident, records will note that the employee was tested and the results were negative. This note will be maintained with the accident report.

**Positive Test Results**

* If results for any of the above tests are positive, a specimen will be sent to a certified external lab for quantitative analysis (amount of drug in system). These results may take up to 72 hours. During this time, the employee will be placed on leave.
* Request a “split sample”, meaning the lab will send a specimen to 2 separate labs for confirmation.

**ATTACHMENTS**

Consent and Release for Drug and Alcohol use and Testing Program Form X-XX

**Certification of Receipt of Policy**