

Buechel Fire Protection District

District Policies

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Title: Alcohol and Drug Free Workplace Policy

Approval Date – 8/15/ 2008

| Section | Instruction |
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| 1. | <p><u>Purpose:</u></p> <p>The purpose of this policy is to outline the District’s Alcohol and Drug Free Workplace Policy.</p> |
| 2. | <p><u>Scope:</u></p> <p>This policy applies to all regularly paid, volunteer, explorer members, including members of the Board of Trustees of the Buechel Fire Protection District.</p> |
| 3. | <p><u>Procedures:</u></p> <p>The Buechel Fire Protection District is committed to providing a healthy and safe environment for its members. The influence of alcohol, use of illegal drugs, and misuse of legal drugs creates an impairment that subjects other members, property and the public to risks of injury and/or damages that would not exist in an alcohol and drug free workplace.</p> <p>Members of the Buechel Fire Protection District who violate these policies are subject to disciplinary action under applicable sections of the KRS and Buechel Fire Protection District Standards of Conduct - DP-0018, and face possible dismissal, for violation of this policy. For the purposes of detecting alcohol and illegal drug use/abuse, a drug and/or Breath Alcohol Test will be requested. All tests shall be done in accordance with current applicable statutory or case laws to protect each member's constitutional rights. Refusal to submit to a drug test or alcohol test shall be grounds for immediate suspension and disciplinary action requesting dismissal.</p> <p>The Buechel Fire Protection District shall retain jurisdiction over all fire department personnel. Notwithstanding, the Buechel Fire Protection District reserves the right where administrative procedures fail, to pursue all remedies where deemed appropriate.</p> <p>In meeting its responsibilities to its members, the Buechel Fire Protection District has an Employee Assistance Program (EAP), which offers assistance</p> |

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| 4. | <p>to members seeking help for alcohol and/or drug abuse. Once identified prior to testing, these problems must be addressed. In addition, a list of sources of information for members including counseling, treatment, and rehabilitation services are provided upon request</p> <p>It shall be a violation of the Buechel Fire Protection District Alcohol and Drug Free Workplace Policy for any member to be convicted of manufacturing, distributing, possessing or using illegal drugs as defined by applicable Federal and state laws. The illegal use, distribution, or sale of legally prescribed medication is likewise a violation of this policy.</p> <p>Possession of any alcoholic substance in or on department property is prohibited unless under the following conditions:</p> <ol style="list-style-type: none">1) approved by the Board of the Buechel Fire Protection District,2) inside personal vehicles3) inside District vehicles, off fire department property, concealed and in unopened original package, <p>It is prohibited for members to be at work with a detectable odor of an alcoholic substance on a member's breath (or other reasonable suspicious behavior, including accidents) which when tested results in a Breath Alcohol Content greater than zero, is a violation of this policy. Members who are subject to "callback," on any stand-by status or, who may be driving, are further prohibited from driving government owned/leased vehicles with a BAC of 0.02% or above. Also, the use of illegal drugs or misuse of prescribed drugs while involved in District operations is a violation of this policy. Testing shall conform to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines.</p> <p>The Fire Chief shall be responsible for administering this policy and for establishing all necessary operational procedures.</p> <p><u>Definitions:</u></p> <p>Accident - Any unintentional occurrence of events which leads to property damage, physical injury, or death.</p> |

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| | <p>Actual Physical Control - Term referring to driver's or operator's physical position and capabilities which permit someone to control, manipulate, readily set into motion or operation or utilize vehicles, machinery or equipment.</p> <p>Alcohol - Any ingested substance-containing alcohol that can produce a mind or body function alteration.</p> <p>Breath Alcohol Content - A scientific metric measurement of alcohol from a specific measured sample of breath expressed in percentage form. BREATH: A volume of breath expressed in terms of grams of alcohol per 210 liters of breath.</p> <p>Chain of Custody - The ability to identify each person/facility that has control of a sample at any given time from the time the sample is taken until a final disposition occurs.</p> <p>Contract Employees - An independent party working for the BUECHEL FIRE PROTECTION DISTRICT under contract, either expressed or implied, written or oral, to provide services or products.</p> <p>Critical Incident – A single vehicle accident with property damages of \$2500.00 or more; a work related accident or incident in which there is one (1) or more fatalities; one (1) or more injuries requiring emergency treatment; or property damage of \$5000.00 or more.</p> <p>Drug Paraphernalia - Any item used for administering, packaging or transporting illegal drugs</p> <p>Drug Test - Tests scientifically designed and medically approved that determine the presence of drugs in the body.</p> <p>Drugs - Any chemical substance that adversely alters a mind or body function when entering the body.</p> <p>Evidential Breath-Testing Devices (EBTS) – A specifically designed device that is approved by the National Highway Traffic Safety Administration (NHTSA) and is used by a certified breath alcohol technician following</p> |

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| | <p>specific breath-testing procedures to collect and analyze breath samples to determine the BAC level. (Used in reasonable suspicion and accident cases).</p> <p>Employee - See Member.</p> <p>Illegal Drugs - Any chemical substance as defined by federal or state controlled substance statutes (KRS 218A.080) which is illegal to possess, distribute or use unless prescribed by a duly licensed physician or health care worker authorized by law to dispense.</p> <p>Integrity Checks - A fail safe mechanism, built into the urinalysis/urine drug screen, which measures the level of certain elements normally found in the body that become abnormal when a urine sample to be tested is diluted or altered.</p> <p>Medical Staff - Authorized personnel qualified by license or certification to perform medical procedures.</p> <p>Medical Review Officer (MRO) - A licensed (doctor or doctor of osteopathy) specifically contracted by the District who is responsible for receiving results generated by the authorized and approved drug and alcohol testing program laboratory. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual's confirmed positive test results, together with the member's medical history and any other relevant biomedical information.</p> <p>Member - As defined in KRS 75.100, "member" shall include the chief and all officers, firefighters, and all employees of the Buechel Fire Protection District.</p> <p>Other Personnel - Any other persons associated with the (including board members, Chaplin, civilian members, recruits, spouses).</p> <p>Over-The-Counter Medications - Any chemical substance (defined by Federal, state, or local substance statutes) found commercially available without a prescription, which is legal to purchase, possess and use without medical authorization.</p> |

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| | <p>Positive Drug Screen - The results of an approved medical or scientific test, properly reviewed and approved by a MRO, that reveal the presence of an illegal substance in the human body.</p> <p>Prescription Drugs - Any chemical substance that must be prescribed by a duly licensed physician or health care worker authorized to dispense controlled substances, that when taken in the manner prescribed, by the persons whose name appears on the original prescription container is legal.</p> <p>Reasonable Suspicion - Whether a reasonable and prudent individual, trained in the symptoms of drug or alcohol abuse would believe, based upon observation, that someone is under the influence of drugs or alcohol; or that based on observation or information that drugs and/or alcohol are being used or stored on property.</p> <p>Substance(s) - As used in this context, a substance is any chemical or compound that will adversely alter the mind or body function when entering the body.</p> <p>Testing Facilities - Any physical area designed to accurately administer scientific and medically approved tests.</p> <p>Under the Influence - Physical or mental behavior that has been adversely altered or impaired by the introduction of drugs or alcohol into the body.</p> <p>The presence of any drug or substance in the body that will adversely alter the normal function of the mind or body is deemed to render a member under the influence.</p> <p>Any member, not an employee, who's BAC is 0.02% or above is considered under the influence.</p> <p>A member who operates a Commercial Vehicle or performs safety sensitive functions is considered to be "impaired" if any amount of a controlled substance or alcohol is present in the breath or urine, which results in a BAC of 0.02% or above.</p> <p>Any employee who's BAC is above zero.</p> |

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| 5. | <p>Urinalysis/Urine Drug Screen - Urine samples are screened for specified drugs and/or their metabolites utilizing enzyme immunoassay (EIA) using defined cutoffs.</p> <p>Urine found to be positive by the EIA methodology will be confirmed by gas chromatography mass spectroscopy (GCMS).</p> <p>All urine drug screens and confirmations are to be conducted by a laboratory recognized and approved by the College of American Pathologists (CAP) or Substance Abuse and Mental Health Services Administration (hereafter referred to as SAMHSA) (Formerly: National Institute of Drug Abuse (NIDA)).</p> <p><u>Prohibited Behavior:</u></p> <p>The following behavior and activities are prohibited under this policy.</p> <p>Use, possession, distribution, or sale of alcohol and/or illegal drugs, paraphernalia, or the unlawful manufacture, distribution, dispensation, possession or use of controlled substances on Fire Department property or within Fire Department vehicles, unless noted in the earlier section of this document.</p> <p>Being impaired at any time during the workday (including breaks and lunch) as a result of using (on the job or off the job) alcohol, illegal drugs, misusing a legally prescribed drug, over-the-counter medication, or any other chemical substance is prohibited behavior.</p> <p>Being impaired at any time in a department-owned vehicle as a result of using alcohol, an illegal drug, illegal use of a legally prescribed drug or over-the-counter medication, or any chemical substance is prohibited behavior.</p> <p>Pertaining to driving fire apparatus or other emergency equipment or performing safety sensitive functions:</p> <p>a. Employees: Operating or performing any safety sensitive function with a BAC of 0.00% or above, or while impaired at any level by any drug is prohibited behavior.</p> |

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| 6. | <p>b. Volunteers: Operating or performing any safety sensitive function with a BAC of 0.02% or above is prohibitive behavior.</p> <p>c. Ingesting any alcoholic substance by a person responsible for or causing a critical incident within eight (8) hours after the incident is a prohibitive behavior.</p> <p>d. Use of any drugs within eight (8) hours after a Critical Incident without medical authorization or under medical treatment (includes prescription drugs.)</p> <p>Refusing to provide urine, saliva and/or breath samples for testing when required for cause or for authorized random testing.</p> <p>Switching or altering any submitted specimen for testing.</p> <p>Testing positive for drugs or alcohol in violation of this document.</p> <p>Refusing to complete a medical questionnaire or consent form, or knowingly providing false information on the questionnaire prior to authorized testing for illegal drugs or alcohol.</p> <p>Refusing to complete a laboratory chain of custody form after providing a laboratory specimen for testing.</p> <p>Failure to report, using the proper Chain of Command, the use of any legal drug which may adversely alter the member's behavior, physical or mental ability.</p> <p>Failure to report, using the proper Chain of Command, any summons, charges, issuance of citations, or convictions relating to incidents involving alcohol or drugs.</p> <p><u>Disciplinary Action:</u></p> <p>All members of the district, prior to a "critical incident," "reasonable cause" and "random" testing, may acknowledge his/her substance abuse by contacting</p> |

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| | <p>the fire district's EAP provider and entering a certified rehabilitation program without disciplinary action. Any treatment or rehabilitation above the three (3) Employee Assistance Program (EAP) sessions are at the member's expense. The Fire Department is not required under the rules (Department of Transportation 39 CFR 40) to provide rehabilitation, pay for treatment, or to re-instate the member in his/her safety sensitive position.</p> <p>DRUGS: Use of, possession of, or positive urine drug screen and confirmation of the presence of an illegal drug, shall result in the following:</p> <p><u>1st Offense:</u></p> <p>All personnel will immediately be suspended with no pay for scheduled work time and charges may be brought seeking dismissal.</p> <p>If not dismissed, member shall report for mandatory evaluation by the EAP for drug dependency.</p> <p>Upon Satisfactory completion of a program for drug abuse counseling and rehabilitation and/or other professional treatment, required or has been recommended and approved by the EAP Coordinator. Upon return to work the employee will be tested as outlined in other portions of this policy.</p> <p>Non-Firefighter Personnel will be immediately suspended and disciplinary charges will be brought seeking dismissal.</p> <p>Completion of mandatory evaluation by the EAP for drug dependency shall be required.</p> <p>If not dismissed, the same provisions will apply as in article ii and iii.</p> <p><u>2nd Offense:</u></p> <p>All Personnel: A second positive urine drug screen and confirmation of the presence of an illegal drug shall result in immediate suspension and disciplinary charges pursuant to KRS 75.130 and Standards of Conduct - DP-0018 seeking dismissal from the Buechel Fire Protection District.</p> |

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| | <p>ALCOHOL: All firefighter & emergency services personnel found:</p> <p><u>Under The Influence:</u> With a BAC of above 0.0%</p> <p><u>1st Offense:</u> Any member reporting to work and/or operating or in actual physical control of a District owned/leased vehicle or equipment shall result in immediate suspension and disciplinary charges pursuant to KRS 75.130 and Standards of Conduct - DP-0018 seeking dismissal from the Buechel Fire Protection District.</p> <p><u>Impairment:</u> With a BAC of 0.02%</p> <p><u>1st Offense:</u> Shall be recommended for suspension from duties for 30 calendar days; no pay for scheduled work hours. Shall be removed from safety sensitive work for 24 hours and shall not return to duty before submitting to a “return to duty” test.</p> <p>Mandatory evaluation by the EAP for alcohol dependency.</p> <p>Satisfactory completion of a program for alcohol abuse counseling and rehabilitation and/or other professional treatment, which has been recommended and approved by the EAP Coordinator.</p> <p><u>2nd Offense:</u> Shall result in immediate suspension and disciplinary charges pursuant to KRS 75.130 and Standards of Conduct - DP-0018 seeking dismissal from the Buechel Fire Protection District.</p> <p>ALL OTHER PERSONNEL</p> <p><u>Under the influence:</u></p> <p><u>1st Offense:</u> Any member reporting to work and/or operating or in actual physical control of a government owned/leased vehicle or equipment shall result in immediate suspension and disciplinary charges pursuant to KRS</p> |

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| | <p>75.130 and Standards of Conduct policy DP-0018, seeking dismissal from the Buechel Fire Protection District.</p> <p>Mandatory evaluation by the EAP for drug dependency. Satisfactory completion of a program for drug abuse counseling and rehabilitation and/or other professional treatment, which has been recommended and approved by the EAP Coordinator.</p> <p>TESTING SAFEGUARDS, TERMINOLOGY AND GUIDELINES:</p> <p>Alcohol and Drug Screening shall be conducted under the following circumstances:</p> <p>Drug tests and cut-off levels for random testing for all personnel as required by DOT (Department of Transportation) will have a five panel drug test which tests for:</p> <table border="1" data-bbox="435 1117 1398 1598"><thead><tr><th>Drug</th><th>Screening Limit</th><th>Confirmation Limit</th></tr></thead><tbody><tr><td>Amphetamines</td><td>100 NG/ML</td><td></td></tr><tr><td>Amphetamines</td><td></td><td>500 NG/ML</td></tr><tr><td>Methamphetamine</td><td></td><td>500 NG/ML</td></tr><tr><td>Cannabinoids</td><td>50 NG/ML</td><td>5 NG/ML</td></tr><tr><td>Carboxy – THC</td><td></td><td>15 NG/ML</td></tr><tr><td>Cocaine</td><td>300 NG/ML</td><td>150 NG/ML</td></tr><tr><td>Benzoyulecogonine</td><td></td><td>300 NG/ML</td></tr><tr><td>Opiates</td><td>2,000 MG/NL</td><td></td></tr><tr><td>Codeine</td><td></td><td>300 MG/NL</td></tr><tr><td>Morphine</td><td></td><td>300 MG/NL</td></tr><tr><td>Phencyclidine</td><td>25 NG/ML</td><td></td></tr></tbody></table> <p>TESTING SAFEGUARDS:</p> <p>The following procedures conform to SAMHSA drug testing protocol:</p> <p>Members required to submit to any drug or alcohol testing will sign, prior to testing, the laboratory form consenting to drug or alcohol testing, and to release the results to the Medical Review Officer (MRO).</p> | Drug | Screening Limit | Confirmation Limit | Amphetamines | 100 NG/ML | | Amphetamines | | 500 NG/ML | Methamphetamine | | 500 NG/ML | Cannabinoids | 50 NG/ML | 5 NG/ML | Carboxy – THC | | 15 NG/ML | Cocaine | 300 NG/ML | 150 NG/ML | Benzoyulecogonine | | 300 NG/ML | Opiates | 2,000 MG/NL | | Codeine | | 300 MG/NL | Morphine | | 300 MG/NL | Phencyclidine | 25 NG/ML | |
| Drug | Screening Limit | Confirmation Limit | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Amphetamines | 100 NG/ML | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Amphetamines | | 500 NG/ML | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Methamphetamine | | 500 NG/ML | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cannabinoids | 50 NG/ML | 5 NG/ML | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Carboxy – THC | | 15 NG/ML | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cocaine | 300 NG/ML | 150 NG/ML | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Benzoyulecogonine | | 300 NG/ML | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Opiates | 2,000 MG/NL | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Codeine | | 300 MG/NL | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Morphine | | 300 MG/NL | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Phencyclidine | 25 NG/ML | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | <p>All drug and alcohol testing made reference to in this policy shall be performed in accordance with current federal regulations:</p> <p>Clinical Testing will be performed by a fully accredited laboratory and not by any member of the District.</p> <p>Collection and safeguarding of test specimens, with a valid chain of custody shall follow strict chain of custody procedures.</p> <p>Validation by a GC-MS confirmation test and verification of all positive test results by referral to the MRO. All interpretation of drug and alcohol test will be performed by the MRO and not by the testing facility.</p> <p>Pre-Employment Screening (PES) - The will conduct pre-employment and/or pre-membership screening designed to prevent hiring individuals who use illegal drugs or individuals whose use of alcohol indicates a potential for impaired or unsafe job performance. All persons being considered for employment/membership will be required to submit to pre-employment alcohol and/or drug screening as part of the pre-employment process.</p> <p>Should a confirmation test reveal any BAC, the attending physician shall suspend the examination, and the physician shall report the findings to the Fire Chief.</p> <p>Reasonable Cause Testing (RCT) - Members will be tested for drugs or alcohol when reasonable suspicion exists to support a belief that the employee is under the influence of drugs or alcohol or that the member's behavior or work performance has been affected by drugs or alcohol. The basis for the decision shall be documented, in writing, by at least two (2) trained supervisors or by professional law enforcement or medical personnel. A determination will be based upon observation and documentation of:</p> <p>Detection of an alcoholic substance emitting from the member's breath.</p> |

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| | <p>Observation(s) of the member's speech being unusually slurred, or noticeably different without a proper medical reason being given.</p> <p>Observation(s) of the member's actions or conduct as being noticeably different or impaired and not consistent with normal conduct and without proper explanation.</p> <p>Observation(s) that the member's appearance, in conjunction with the above, indicates that the member is impaired.</p> <p>At the request of a supervisor or Fire Chief, the observed member may be required to submit to an independent blood/breath/urine test to determine if the member is impaired. The requested testing is to be done immediately. All results of such testing will be delivered immediately to the Fire Chief.</p> <p>Post-Critical Incident Testing (PCI) - Any member involved in a single vehicle accident with property damages of \$ 2,500.00 or more; or a work related accident or incident in which there is one (1) or more fatalities; one (1) or more injuries requiring emergency treatment by a physician; or property damage of \$ 5,000.00 or more, shall immediately notify his/her supervisor and the Fire Chief and will be tested for drug use and breath alcohol presence. This shall include when responding to any department activities while in a personal vehicle. Such testing shall be conducted immediately after the incident or after release by a law enforcement official</p> <p>Testing in Conjunction with a Treatment Program - Members who are participating in a treatment program will be required to submit to random "spot" drug screening at regular and frequent intervals to assure that such members are remaining drug and alcohol free. The duration of such tests will be determined by the counselors at EAP or by the MRO, but could last up to 24 months or more, depending on the circumstances. A "return-to-duty" test will be performed on all members participating in this program prior to returning to their job.</p> <p>Members, who have had a prior confirmed positive result for alcohol and/or drugs under this policy and have a subsequent confirmed positive test for alcohol and/or drugs, shall result in immediate suspension and</p> |

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| | <p>disciplinary charges pursuant to KRS 75.130 and Standards of Conduct - DP-0018, seeking dismissal from the Buechel Fire Protection District.</p> <p>Random Testing (RAN) - Random Testing means that drug tests are unannounced and that through a random selection process all employees have an equal chance of being selected.</p> <p>The following are pools for random selection:</p> <p>MEMBERS - Members of the Fire District are in a position of public trust. They are members of a highly regulated force that perform dangerous duties. They drive heavy equipment, enter homes of citizens and are involved in highly dangerous activities and emergency "life and death" medical duties and responsibilities.</p> <p>PREVIOUS POSITIVE TEST - Members who have tested positive from any of the above categories of this section are subject to random testing within this pool.</p> <p>Members selected for random testing through the use of the random selection procedures specified within this policy shall be subjected to testing of their breath or urine for the presence of alcohol and/or drugs within their system.</p> <p>During ANY random testing, if a medical staff member of an approved medical facility detects a member to be under the influence of alcohol or drugs, the member may be required to submit to additional breath testing prior to submission of the urine specimen, for the purpose of establishing their BAC.</p> <p>Members who have reported to any approved medical facility for testing under this policy and are obviously impaired and have a confirmed BAC test result of 0.02% or above shall be immediately reported by the medical facility to the Fire Chief and the MRO.</p> <p>Confirmed positive test results and the corresponding documentation will be reviewed by the MRO for review and investigation.</p> |

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| | <p>Test Location – The Buechel Fire Protection District will use Baptist Works during normal business hours & Baptist Hospital East during evenings and weekends to conduct all tests.</p> |