

ENDWELL FIRE DISTRICT
Rules and Regulations

ALCOHOL & DRUG POLICY	
Number: 2022-05	Adopted: June 16, 2021

PURPOSE

It is the intention of the Endwell Fire District to ensure a safe, productive and drug-free environment for all members. It is the policy of this department to prohibit the use, possession, transportation, promotion or sale of illegal drugs or illegal drug paraphernalia or for any member to be under the influence of such drugs or alcohol while on fire department property or apparatus or while acting as a representative of the fire department.

The Endwell Fire District will not tolerate the possession, use and/or sale of illegal drugs. If there is reasonable cause to believe a member of the department is involved in the possession, use and/or sale of illegal drugs, he/she may be suspended until completion of an internal and/or external investigation which may include the use of drug testing. Any member convicted of a drug related crime shall be suspended from the department until completion of an internal and/or external investigation.

POLICY STATEMENT

The Endwell Fire District recognizes drug and alcohol abuse as a modern-day problem affecting all professions. The Fire District also recognizes that many contributing factors cause certain individuals to use illegal drugs and controlled substances, abuse alcohol or abuse prescription drugs. Firefighting and emergency medical service professions are not immune from these problems. Fire District employees and members are encouraged to seek diagnosis and follow through with treatment that may be prescribed by any qualified professional in order to address the problem as early as possible.

The Fire District has the responsibility to provide the highest quality service to its taxpayers and to ensure the safety of Fire District employees and the general public it serves. Any impairment of an employee's or member's physical or mental condition, as a result of substance abuse, may affect the district's ability to meet these obligations.

In recognition of these responsibilities the Fire District has adopted the following substance abuse policy covering all employees of the Fire District and members of the Endwell Fire Department (collectively referred to hereafter as "member").

POLICY AGAINST ILLEGAL SUBSTANCE ABUSE:

1. No member shall indulge in illegal substances or recreational drugs while on district property or carry such substances in their possession.
2. Members who are under the influence of illegal drugs, recreational marijuana or any medication that causes possible impairment shall not participate in department trainings or respond to alarms.

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3. Use, possession, transportation, promotion or sale of illegal drugs or drug paraphernalia is strictly prohibited.
4. In addition to illegal drugs this policy also includes:
 - abusive use of alcohol
 - use of inhalants
 - abusive use of over-the-counter drugs
5. Violation of this policy will result in the immediate suspension from the department pending an investigation and is grounds for dismissal.

ALCOHOLIC BEVERAGE POLICY

Alcoholic beverages shall never be consumed in or on a department vehicle.

Alcoholic beverages are permissible on the premises for functions such as the Christmas party, family picnic, etc. with prior approval of the Board of Commissioners. Designated drivers and crews will be assigned for special duty prior to any possible responses.

Under no circumstances will alcoholic beverages be vended by the soft drink machine.

No one under the age of 21 may possess or consume alcoholic beverages on the premises.

No alcoholic beverages will be consumed in sight of the public on the premises or during department functions.

No alcoholic beverages will be transported or consumed on department vehicles.

Drivers of department equipment must not be under the influence of alcohol, illegal drugs or recreational marijuana as determined by applicable laws. Drivers involved in any motor vehicle accident shall submit to testing as is appropriate for detection of alcohol, illegal drugs and recreational marijuana to determine the alcoholic/drug content of their blood if requested by any Chief or Board of Fire Commissioners member. Members involved in any serious personal injury or fatal motor vehicle accident with a department vehicle shall be immediately tested for alcohol and/or drugs.

REASONABLE SUSPICION TESTING

When a line officer and a safety officer both have a reasonable suspicion that alcohol, drugs, and/or controlled substances are impairing a member's behavior and/or performance, the member shall then be immediately relieved of duty and sequestered to the side of the scene in the attendance with at least one other, designated member to assure the safety of the relieved member. The relieved member shall then be transported from the scene and tested as provided for in this Policy. If the member should refuse the order to leave, then the member shall be ordered to immediately submit to a controlled substance, drug, and/or alcohol test. Failure to

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submit to the test shall result in an immediate 60-day suspension. Any member who has previously been asked to leave a scene due to suspicion of drug or alcohol impairment and is subsequently suspected of being impaired by drugs or alcohol shall be required to submit to testing as outlined in this policy.

The Fire District will provide training for all line officers and safety officers consistent with this policy.

Reasonable suspicion to believe that alcohol, drugs or controlled substances are impairing the member's behavior or impairing their performance shall be the only basis upon which testing may be initiated, except as otherwise provided for in this policy. The line officer and safety officer must both personally observe behavior by the member and/or the member's appearance, behavior, speech, breath odor, or other indications as provided for in 49 CFR 382.307, before being ordered to submit to a drug and/or alcohol test. The line officer and safety officer shall prepare and submit separate written reports detailing the circumstances leading to the decision to order a drug and/or alcohol test, which shall be delivered to the Fire Chief. A copy shall also be delivered to the secretary of the Fire District. Reasonable suspicion testing may also be performed if Fire District personnel become aware of information indicating that the member is routinely or habitually using alcohol, controlled substances, and/or drugs and that use is impacting their ability to safely perform their duties as a member.

When it is determined that reasonable suspicion exists and testing is ordered, the member must submit a sample at the required time and place, must cooperate with the collection of the sample, and must cooperate in the administration of the test and/or sign any document required for the testing. Any failure by the member to cooperate in the administration of the testing shall be considered insubordinate and shall result in disciplinary procedures, including but not limited to suspension and/or dismissal.

PROCEDURES FOR ALCOHOL TESTS

Certified breath alcohol technicians will perform these tests using evidential breath testing devices. If the test shows a result less than 0.01, the test is considered negative. If the alcohol concentration is 0.01 or greater, a confirmation test must be conducted. The confirmation test will be performed fifteen minutes after the initial test and the results of this test determine what actions will be taken.

DISCIPLINARY ACTION

If testing indicates an alcohol level of or in excess of .01 of one per centum by weight of alcohol and the member has received no previous warnings or suspension under this policy, the member shall be given a warning and may return to active duty, but in no event less than 48 hours after testing at or in excess of such level. A member may be suspended up to thirty (30) days in the following situations:

1. Test showing alcohol impairment (blood alcohol level of .01 or greater) or consuming alcohol while on duty.

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2. Positive test for controlled substances, illegal drugs or for prescribed drugs used in a manner or for a purpose other than that lawfully prescribed.
3. Blood alcohol level of .01 or greater after previous warnings.

A member may be suspended up to sixty (60) days in the following situations:

1. Second positive test for alcohol, controlled substances, illegal drugs or for prescribed drugs used in a manner or for a purpose other than that lawfully prescribed within two (2) years of first positive test.
2. Refusal to provide a specimen for testing.

A member shall be terminated in the following situations:

1. Third positive test for alcohol, controlled substances, illegal drugs or for prescribed drugs used in a manner or for a purpose other than that lawfully prescribed within two (2) years of second offense.
2. Second refusal to provide specimen for testing.

All suspensions under this policy shall be calculated from the date that testing was ordered. After 48 hours from the initial testing where the member has received no previous warnings or suspension under this policy, or after two weeks prior to the end of a suspension period under this policy, the member shall submit to a drug and alcohol test, following the “Testing Procedures” above. If the results show no indication of controlled substances, drugs, and/or alcohol, the member may return to active duty. If the results are positive for any indication of controlled substances, drugs and/or alcohol, membership or employment, as the case may be, shall be terminated immediately.

A member who is terminated under the provisions of this policy may reapply for membership one year after termination, subject to all of the terms and conditions of this policy.

ASSISTANCE WITH ALCOHOL/DRUG PROBLEMS:

1. The Endwell Fire District has no employee assistance program for drug or alcohol problems. However, the Chief will be supportive of any member who wishes to seek assistance in obtaining help or counseling.
2. The Chief will keep such information confidential.
3. Once the Chief is aware of an alcohol or drug problem the member will not be allowed to participate in any fire department functions while the member is involved in rehabilitation.
4. It is recommended that a leave of absence for personal reasons be requested.

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