

**ENDWELL FIRE DISTRICT**  
**Rules and Regulations**

<b>SUBSTANCE ABUSE POLICY</b>	
<b>Number: 2023-06</b>	<b>Adopted: January 04, 2023</b>

**POLICY STATEMENT**

The Endwell Fire District recognizes substance abuse, whether the substance is legal or illegal, and/or 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, abuse alcohol, abuse prescription drugs, or abuse legal substance including but not limited to substances that contain Tetrahydrocannabinol (THC). Firefighting and emergency medical service professions are not immune from these problems. Fire District employees and department members having addiction problems are encouraged to seek a diagnosis and follow through with treatment that may be prescribed by any qualified professional to address the problem as early as possible.

This substance abuse policy of the Endwell Fire District covers all employees of the Endwell Fire District as well as members of the Endwell Fire Department.

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, because of substance and/or alcohol abuse, may affect the district’s ability to meet these responsibilities.

All employees and members have been advised that violations of this substance abuse policy may result in disciplinary action that may include suspension, expulsion, or termination from the Endwell Fire District or membership in the Endwell Fire Department.

This policy pertains to the use of illegal drugs, abuse of alcohol, abuse of prescription drugs, and/or abuse of illegal or legal substances including but not limited to substances that contain Tetrahydrocannabinol (THC). Firefighting and emergency medical service professions are not immune from these problems.

**SUBSTANCE ABUSE POLICY**

The use, sale, transfer, possession, distribution, or manufacture of alcohol, drugs or any controlled substances, drug paraphernalia, or any combination thereof, or the misuse of prescription medication, misuse of legal substances on duty or while on any premises of the Endwell Fire District or worksites including, but not limited to, Fire District or department-owned vehicles and any private vehicles parked on Fire District premises or worksites by employees of the Fire District or members of the Fire Department is strictly prohibited.

The use of illegal drugs, abuse of alcohol, abuse of prescription drugs, or abuse of legal substances including but not limited to substances that contain Tetrahydrocannabinol (THC) and reporting to work under the influence of such substances, or the area mentioned above, while on duty, is strictly prohibited.

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Any member or employee who violates this policy will be subject to appropriate disciplinary action. Disciplinary action may include, but is not limited to, loss of wages, suspension with or without pay, suspension and/or expulsion from the fire department, and/or termination from the employment of the Fire District. The Fire District may also pursue all additional legal remedies at its disposal.

Any employee or member who is required by their physician to use legal drugs, prescribed drugs, or narcotics, or who possesses alcohol in any private vehicles parked on District premises shall immediately report the required use of such drugs or possession of alcohol in his/her vehicle to his/her supervisor.

Any member who has a good faith belief that another member violates this policy shall immediately report the violation to the Fire Chief. Any violation of this policy occurring during an emergency call shall be immediately reported to a line fire officer or incident commander.

The member in question shall be immediately relieved of duty and sequestered to the side of the scene in 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 sent to be tested as provided for in this policy.

**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 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 affecting the employee's or member's behavior and/or performance shall be the only basis upon which testing may be initiated, and in all cases, justification of this reasonable suspicion shall be examined and approved by the District Chief, or his designee, prior to requesting a test for alcohol or legal or illegal substances. The employee's or member's supervisor and/or another individual or equal,

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greater, or lesser rank must personally observe abnormal behavior by the employee or member and/or an abnormality in the employee's or member's appearance, behavior, speech, or breath odor (among other things) before the employee is ordered to submit to a drug and/or alcohol test.

When the Fire Chief or his designee determines that reasonable suspicion exists, and this reasonable suspicion is corroborated by a second employee or member, the employee or member must submit to a drug and/or alcohol test. The employee or 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 employee or member to cooperate in the administration of the testing shall be considered insubordinate and shall result in disciplinary action, including but not limited to suspension and/or dismissal.

An employee or member, during the period of testing or until the test results have been analyzed and reviewed by the Fire District, shall not be allowed to drive, and shall be transported to and from the collection site, and home, if required.

The same guideline established for pre-employment testing by the testing laboratories shall apply to the collection of the sample and chain of custody requirements for reasonable suspicion testing.

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.

**TESTING POLICY**

It is the policy of the Fire District to require each member to sign a substance test consent (Attachment A) and submit to testing for drugs, controlled substances, and alcohol. Failure to sign the testing consent will result in termination of employment or membership by the Fire District.

1. All new members shall be tested in connection with their required physical examination prior to being accepted into the fire department. Any candidate who refuses to test or who tests positive as outlined in this policy shall be denied membership in the fire department.
2. Members shall be tested in connection with their physical examinations. Refusal to submit to testing or test results showing the presence of alcohol, controlled substances or, drugs shall result in disciplinary action as outlined in this policy.

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3. Testing shall occur when physical symptoms or conduct are found that give rise to a reasonable suspicion of impairment from alcohol, controlled substances, drugs, or other substances as contained in this policy.
4. Testing shall occur in the event of an accident involving any Fire District apparatus or motor vehicle, including injury to any person regardless of severity and property damage accidents where reasonable suspicion exists or damage in excess of \$500.00 to any one vehicle.
5. Testing shall occur when the Fire District becomes aware of information that indicates that a member is using alcohol, controlled substances, drugs, or other substances in a manner that negatively impacts their ability to safely perform their duties.

**TESTING PROCEDURES**

Drug testing for marihuana, cocaine, opiates, amphetamines and PCP will be performed on urine, blood or hair specimens. Alcohol testing will be performed by means of breath testing devices approved by the National Highway Traffic Safety Administration (NHTSA). Testing procedures will comply with Federal Motor Carrier regulations 49 CFR Part 40.

Individual test reports will be maintained in each member’s file.

**PROCEDURES FOR TESTS**

Drug testing will be done by means of urine, blood or hair collection and analysis. For urine testing, the specimen will be collected by trained personnel in accordance with DOT regulations. The specimen will be divided into 2 separate containers (the primary sample and the split sample) and sealed in a tamper-evident container and shipped to a Substance Abuse and Mental Health Services Administration (SAMHSA) – certified lab for testing. Laboratory results will be reported to the Fire District’s medical review officer (MRO). Before reporting a positive test to the Fire District, the MRO will make a reasonable attempt to contact the member to discuss the test results. If no legitimate explanation for the positive test other than the use of alcohol, a controlled substance, or a drug exists, the MRO will report the test as positive. A test showing the presence of a medication that the member has used in accordance with a valid prescription and notice requirements hereof will be considered a negative test.

In the event of a positive test, the member has the right to request that a split sample be sent to a different certified lab for testing. This request must be made within 72 hours of the time the member was informed of the results by the MRO. The cost of the split performed will be at the member’s expense.

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**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 for up to thirty (30) days in the following situations:

- Test showing alcohol impairment (blood alcohol level of .01 or greater) or consuming alcohol while on duty.
- Positive test for controlled substances, illegal drugs, or for prescribed drugs used in a manner or for a purpose other than that lawfully prescribed.
- Blood alcohol level of .01 or greater after previous warnings.

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

- 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 the first positive test.
- Refusal to provide a specimen for testing.

A member shall be terminated in the following situations:

- 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 a second offense.
- Second refusal to provide a 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

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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:**

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.

The Chief will keep such information confidential.

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.

It is recommended that a leave of absence for personal reasons be requested.

Adopted: January 04, 2023  
Rescinds Alcohol and Drug Policy  
Reviewed & Adopted: January 5, 2022  
Revision Adopted: June 16, 2021  
Rescinds: 2013-10  
Reviewed: Alcohol & Drug Policy 2013-10  
Adopted: December 18, 2013

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ATTACHMENT A

**Substance Test Consent**

I hereby acknowledge receipt of the Fire District Substance Abuse Policy which contains material on drug and alcohol testing.

I understand the safety regulations and procedures regarding the testing of drugs and alcohol and I agree to follow the Fire District policy and submit to drug and alcohol testing as a condition of my membership or employment, as the case may be.

Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_