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| **Random Drug/Alcohol Testing** | Related Policies:  **Alcohol, Reasonable Cause Drug/Alcohol Testing, Post Accident/Critical Incident Drug/Alcohol Testing** | |
| *This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.* | | |
| Applicable KY Statutes: | | |
| OSHA: | | |
| NFPA Standard: | | |
| Date Implemented: | | Review Date: |



1. **Purpose:** This Policy outlines the procedures for random drug/alcohol testing in this fire department.
2. **Policy:** The fire department considers all officers, firefighters, and emergency medical personnel to be in safety-sensitive public safety positions. It is the policy of this department to prevent accidents, mishaps, deaths and injuries associated with the misuse of alcohol and the use of drugs. It is further the policy of this department to conduct random drug testing as part of its policy to prevent accidents, mishaps, deaths and injuries associated with the misuse of alcohol and the use of drugs.
3. **Definitions**

**Controlled substances:** drugs and othersubstances that have been determined to be controlled substances under the Controlled Substances Act, 21 U.S.C. §801.

**Uniform:** for purposes of this policy only, the term uniform refers to station uniform consisting of station uniform pants and station uniform shirt, or dress uniform consisting of dress uniform pants, shirt, and jacket.

**In Uniform:** for purposes of this policy only, being in uniform shall include wearing any one part of the uniform in conjunction with some other piece of clothing, which together identifies an employee as a member of this department. For example, wearing dress uniform pants along with a non-uniform fire department oriented t-shirt naming this department constitutes being in uniform for purposes of this policy. Wearing a station uniform shirt with civilian shorts constitutes being in uniform for purposes of this policy. However, a member who wears civilian attire that merely names this department shall not be considered to be in uniform.

1. **Prohibited conduct:**
2. Personnel shall not use, sell, purchase or have in their possession at any time, any alcohol, or controlled substances while on duty, while engaged in any fire department activities, or while in uniform. Personnel may possess and use legally prescribed medication provided it does not impair their ability to safety perform their duties.
3. Personnel shall not report for duty, nor participate in any fire department activity, after having used alcohol in violation of the Alcohol Policy, nor after having used a controlled substance, nor shall personnel have in their body levels of drugs or controlled substances in excess of the levels established by the United States Department of Transportation, Federal Highway Administration (49 CFR Part 40).
4. Personnel shall not refuse to submit to drug or alcohol testing when instructed to do so.
5. Personnel who refuse to submit to drug and alcohol testing will be subject to disciplinary action up to and including termination.
6. Personnel who fail to report immediately to the designated facility for testing, and personnel who fail to follow the instructions given to them by testing facility personnel, will be deemed to have refused to submit to testing, and will be subject to disciplinary action up to and including termination.
7. Officers shall not permit personnel to operate vehicles, including fire department apparatus, who are suspected of being impaired by alcohol or drugs.
8. **Procedure:** The following procedure shall be utilized for random drug and alcohol testing.
9. Human Resources\* shall randomly generate the names of individuals to be tested under this policy using a statistically valid, unannounced method. Confidentiality of the selected individuals shall be maintained.
10. A Letter of Notification along with an envelope with the employee’s name on it will be printed for each individual selected.
11. The Letter of Notification will be given to the Fire Chief for distribution to selected personnel.
12. Once the Letters of Notification for the day have been given to the Fire Chief, the letters will be distributed to the selected individuals in as timely a manner as possible.
13. The distribution shall be done in person by the Fire Chief, Assistant Fire Chiefs, or other chief officers.
14. The selected individual will sign for the Letter of Notification by signing and dating the envelope being sure to include date and time received. The employee will open the envelope, remove the Letter of Notification, and hand the envelope back to the officer making delivery, who will retain the envelope for return to the Fire Chief.
15. After an individual receives a Letter of Notification, that employee will report to an approved testing facility as soon as possible. By Federal Law, the employee must present a photo I.D. to the testing facility.
16. Transportation to and from the testing facility will be by a department vehicle.
17. The testing facility shall ensure that drug testing is performed by qualified individuals in conformance with current standards of practice, using chain of custody procedures as described by United States Department of Transportation (DOT) regulations (49 CFR Part 40) and with respect for the privacy and dignity of the individual employee.
18. All positive tests (excluding breathalyzer testing) shall be confirmed by gas chromatography, at the cutoff values specified by the USDOT. Samples of positive screens shall be maintained by the testing facility. Positive initial breathalyzer tests shall be confirmed. Employees testing positive after two positive breathalyzer tests may choose, at their own expense, to have the test confirmed via blood test.
19. Employees testing positive (excluding breathalyzer testing) shall be provided with the opportunity to have a retained sample sent to and independently tested by a US Department of Health and Human Services certified laboratory of his/her choosing.
20. Any employee who tests positive on an initial test where the results are immediately available (breathalyzer) will not be allowed to drive from the testing facility. After the disposition of any immediately necessary business relating to the positive test result, the employee involved will be driven home (or to another appropriate destination) by department personnel. At the employee's option and expense, he/she may have a responsible second party (spouse, friend, taxi, etc.) provide such transportation. Under no circumstances shall the employee be permitted to drive him or herself home.

**Editor’s Note:** The random selection of personnel for drug and alcohol testing may be conducted by Human Resources, Fire Department Personnel Division, or another person or department, so long as a statistically valid, unannounced random method is utilized.