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| Reasonable Cause Drug/Alcohol Testing | Related Policies:  **Alcohol, Random 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 will outline the procedures for administration of reasonable cause drug/alcohol testing.
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 drug testing based on reasonable cause 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.

**Reasonable cause** or **reasonable suspicion**: observable on-the-job behavior that indicates the presence of drug or alcohol use.

**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:** When a reasonable suspicion of drug or alcohol impairment exists, the following procedure shall be employed:
9. Any officer that observes behavior that gives him/her a reasonable suspicion that an employee is intoxicated or under the influence of illegal drugs shall promptly document the suspicious behavior. The officer shall also take any other appropriate action to ensure safe operations, such as removing the employee from duty, and where necessary placing an apparatus out of service.
10. The officer shall notify a second officer of higher rank, if possible, who shall observe the employee and document the findings.
11. If the two officers concur that reasonable suspicion exists, the on-duty shift commander shall be notified and may require the employee to submit to testing. The shift commander will promptly notify the Fire Chief.
12. The employee will be taken to a testing facility by a chief officer or a staff officer.
13. 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.
14. 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.
15. 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.
16. After testing is completed, the employee shall be placed on administrative leave with pay, pending test results. The employee will then be taken home (or other 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.