

|  |  |
| --- | --- |
| Post-Accident/Critical Incident Drug/Alcohol Testing | Related Policies:**Alcohol, Reasonable Cause Drug/Alcohol Testing, Random 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 Post Accident/Critical Incident drug/alcohol testing. The fire department considers all officers, firefighters and emergency medical personnel to be in safety-sensitive public safety positions.
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 the policy of this fire department to test employees following certain types of accidents and incidents.
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.

**Emergency Treatment**: Treatment which requires admission to a hospital, an extended Emergency Department visit, or Advanced Life Support in accordance with EMS criteria.

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**

1. The following members may be tested under the Post Accident/Critical Incident Drug/Alcohol Testing Policy:
2. The operator of a fire department Engine, Ladder Truck, EMS unit, or other department vehicle involved in an accident or mishap which results in damages of $5,000 or more to the apparatus, the other vehicle, or both, or injuries to any person requiring emergency treatment

**Editor’s Note:** Department should determine the appropriate threshold for post accident testing. Some departments may require testing following any accident.

1. All personnel involved in a work related incident resulting in any fatality
2. All personnel involved in a work related incident or accident resulting in injury to any person requiring emergency treatment
3. All personnel involved in a work related incident or mishap involving property damage of $5,000 or more
4. Testing shall be conducted within two (2) to eight (8) hours of the incident or event.
5. Testing shall be conducted as follows:
6. Transportation to and from the testing facility will be by a department vehicle.
7. 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.
8. 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.
9. 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.
10. Any employee who tests positive 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, they may have a responsible second party (spouse, friend, taxi, etc.) provide such transportation. It is the responsibility of selected individuals and their respective chain of command to ensure that these steps are accomplished.
11. Post-Accident/Critical Incident Procedures
12. Officers shall take any necessary action to address the immediate concerns of the accident or incident, such as delivering emergency medical care, calling for additional assistance, removing apparatus from service, etc.
13. Officers shall utilize the chain of command to notify the appropriate chief officer in order to initiate the appropriate documentation.
14. The chief officer involved shall notify (or have Dispatch notify) the following:
	1. The Fire Chief
	2. The shift commander who will make arrangements for testing
	3. The department safety officer
15. Transportation for testing shall be by department vehicle. Under no circumstances shall an employee who was involved in a motor vehicle accident as the operator, be allowed to drive the vehicle to the test facility.
16. Any unusual circumstances which prevent compliance with this policy shall be documented and forwarded to the Fire Chief.