

LOWER MACUNGIE FIRE DEPARTMENT DRUG-FREE WORKPLACE POLICY

Purpose

The Lower Macungie Fire Department (“Fire Department”) values its members and recognizes their need for the safest possible work environment. Furthermore, personnel abusing drugs and alcohol are often a risk to the safety, security, and overall operations of an organization. The establishment of a Drug-Free Workplace Policy (“Policy”) is consistent with the Fire Department’s desired culture and is in the best interest of the members.

Policy

It is the policy of the Fire Department to maintain a workplace free from the use and abuse of drugs and alcohol. Compliance with this Policy is a condition of continued membership. It is also in conformity with the Township’s current drug and alcohol program through which our Workers Compensation coverage is underwritten. At any time, the Fire Department may unilaterally, at its discretion, amend, supplement, modify, or change any part of this Policy. The Policy does not represent an expressed or implied contract.

If you have any questions about this Policy, please direct them to Fire Department’s Personnel Officer.

To maintain a workplace free from the illegal use of drugs and the use of alcohol, the company has established the following Policy effective November 2014 with regard to the use, possession, and sale of drugs and alcohol.

Definitions

“Illegal Drug” means any drug which is: (1) not legally obtainable; (2) legally obtainable but has been illegally obtained; (3) a controlled substance; (4) a prescribed drug illegally obtained; or (5) a prescribed drug not being used for prescribed purposes or in the prescribed manner.

“Reasonable Suspicion” or “Reasonable Cause” means facts are present which make it appear that the firefighter may be under the influence of alcohol or any substance prohibited by the Policy during working hours or on property of the Fire Department. Any of the following facts shall be deemed to support a finding of “reasonable suspicion” or “reasonable cause”.

1. Observable symptoms of being under the influence of alcohol or drugs (i.e. glassy eyes, vomiting, shaking, slurred speech);
2. Unexplained deterioration in individual job performance;
3. Unexplainable changes in behavior (e.g. abusive behavior, repeated disregard of safety rules or procedures, insubordination, etc.);
4. Unexplained or suspicious absenteeism or tardiness;
5. Reports of drug or alcohol use in violation of this policy from law enforcement governmental agencies, medical personnel, or immediate family members;

6. Employee admissions regarding drug or alcohol use or abuse; or
7. Unexplained absences from normal work areas while working.

The above list is not exhaustive.

Drug and Alcohol Prohibition

Any member involved in any of the following activities is in violation of the Policy and is subject to disciplinary action, up to and including discharge:

- (a) Bringing illegal drugs and/or alcohol onto the Fire Department's premises or property, including in the member's owned or leased vehicles, or onto any premises visited while conducting Fire Department business.
- (b) Having possession of, being under the influence of, or having in one's system illegal drugs;
- (c) Having possession, being under the influence of, or having in one's system, alcohol while on the Fire Department's premises or while conducting Fire Department business;
- (d) Using, consuming, transforming, distributing or attempting to distribute, manufacturing or dispensing illegal drugs;
- (e) Using, consuming, transforming, distributing or attempting to distribute, manufacture, use or dispense alcohol while on the Fire Department's premises or while conducting Fire Department business; or
- (f) Switching, tampering with, altering or adulterating any specimen or sample collected under this Policy or attempting to do so.

Any member refusing to cooperate with or submit to questioning, medical or physical tests or examinations, when requested or conducted by the Fire Department or its designee, in conformity with this Policy is in violation of this Policy and subject to disciplinary action.

Drug and Alcohol Testing

In conformity with this Policy, members or prospective members may be asked to submit blood, urine, saliva, breath, sweat, and/or hair for testing for drugs and alcohol. Any information obtained through such examinations may be retained by the Fire Department and is the property of the Fire Department.

The Fire Department reserves the right to examine and test for the presence of drugs and alcohol in the following instances:

1. **Pre-Employment:** All new members will be required to submit to testing within 90 days of joining the Fire Department and sign an acknowledgment form, which will release the Fire Department from liability. The Fire Department will not discriminate against applicants for membership because of past drug abuse or addiction.

2. **At Annual Physical Examinations:** All active members, as part of their annual physical examination, will be required to submit to a drug and alcohol test and sign an acknowledgment form, which will release the Fire Department from liability.

3. **Post-Accident:** A drug and alcohol test will be conducted on all members involved in accidents occurring while in service or while on department property under the following circumstances:

A. The member caused or contributed to the accident; and:

B. One or more of the following:

(i) There was a police or governmental investigation of the accident; or

(ii) There were injuries to another member or the public; or

(iii) There was damage to property (either belonging to the Fire Department, or any other person or entity) with said damage exceeding the value of \$100.00.

Members are expected to make themselves available for post-accident testing. If circumstances require a member to leave the scene of an accident, the member must make a good faith attempt to be tested and to notify the Chief, Chief Officer or one of the Fire Department's Health & Safety Officers.

Failure to report any accident that meets the post-accident testing criteria is in violation of Fire Department policy and subject to disciplinary action. Members testing positive or refusing to submit to a drug and/or alcohol test, are subject to disciplinary action including dismissal, and may be ineligible for workers' compensation benefits.

4. **Reasonable Suspicion/Cause:** Any member may be asked to submit to a drug and alcohol test if reasonable suspicion/reasonable cause exists.

5. **Return to Duty:** A member who has tested positive for drug or alcohol use and has been removed or relieved from his or her member duties must submit to and furnish a negative drug and alcohol test prior to returning to active member status.

6. **Follow-up:** Any member who has been removed voluntarily or otherwise from active member status due to drug or alcohol use or abuse must agree to be tested on a random and discretionary basis anytime for up to 24 months from the return to work date. These members will be required to sign and abide by a last chance agreement.

Drug and Alcohol Testing Procedures

Whenever possible, the drug and alcohol tests will be performed from urine specimens collected at a qualified collection site or at the Fire Department facility using an onsite testing kit. The

Fire Department also reserves the right to perform a breath or saliva alcohol test in circumstances in which the Department deems it appropriate.

The collector will take necessary steps to avoid any dilution or alteration of the specimen. The test shall be conducted in a professional, and sanitary manner with due regard for the individual's privacy, dignity, and confidentiality.

The Fire Department reserves the right to analyze the specimen for the following controlled substances, plus alcohol. Some of the common drug names are included in parentheses:

- Cannabinoids and/or THC (Marijuana)
- Cocaine
- Opiates (Heroin, Morphine, Codeine)
- Amphetamines (Stimulants like Benzedrine and Didrex)
- Phencyclidine (PCP)
- Barbiturates (Depressants like Phenobarital and Secobarbital)
- Benzodiazepines (Depressants like Valium and Xanax)
- Propoxyphene (Narcotics like Darvon and Darvocet)

Any positive result from this test will be reviewed by an independent Medical Review Officer (MRO) prior to the result being communicated to the Fire Department. The MRO will give the member the opportunity to rebut any positive test result and provide evidence of the proper use of a prescription drug. This will ensure that positive results are not due to prescription drugs or other factors that the MRO feels justify the presence of controlled substances.

Any member who is tested will have the right, upon request, to see the results of his/her test and request a retest of the original specimen at a different certified laboratory (at the member's expense) within 10 business days of being notified of a positive test result.

All information regarding the drug and/or alcohol test results or failure to complete rehabilitation will remain confidential and will only be given out on a strict need-to-know basis.

Member Assistance

One purpose of the Fire Department's Drug-Free workplace Policy is to assist members who suffer from drug or alcohol abuse. If you are enrolled in a company's Medical Plan at your place of full-time employment, your health care benefits may pay a portion of your initial consultation and rehabilitation costs.

It is the member's responsibility to seek assistance before drug or alcohol leads to disciplinary action. The member's decision to seek prior assistance from the EAP will not be used as the basis for disciplinary action and will remain confidential. Contacting the EAP or Medical provider will not be a defense to avoid disciplinary action where the facts proving a violation of the Policy or giving to other disciplinary action are obtained outside of the consultation.

Disciplinary Actions

Any member who tests positive for alcohol and/or an illegal drug under the testing circumstances set forth under the "Drug and Alcohol/Testing" section above is subject to disciplinary action, including dismissal.

The Fire Department reserves the right to use disciplinary actions, up to and including termination of the member's membership, depending upon the seriousness of the violation, the member's present job assignment, his/her record with the department, and other factors, including the impact of the violation upon delivering emergency services to the community. Any member who refuses to submit to drug/alcohol testing or attempts to adulterate or alter the specimen will be subject to disciplinary actions, up to and including discharge.

Acknowledgment

As a condition of continued membership and qualification, Fire Department members must sign the attached acknowledgment form.

Approved On: 10/29/2014

Acknowledgment Form

I hereby acknowledge receipt of the Fire Department's Drug-Free Workplace Policy ("Policy") regarding drugs and alcohol.

My signature acknowledges my understanding and concurrence with the procedures outlined in the above referenced policy. It is my consent to medical testing, including but not limited to giving urine, blood, hair, sweat, breath, and/or saliva sample(s) to be used for drug and alcohol analysis under the conditions outlined in the Policy.

In connection with and consistent with the provisions of the Policy:

- (1) I authorize the release of any urine, breath, blood, hair, sweat, and/or saliva sample(s) and the results of any tests and examinations performed thereon to the Fire Department and any doctor, medical personnel, hospital, medical center, clinic, etc., or any representatives with whom they may choose to consult regarding the sample tests or examination results. I will be given an opportunity to explain a positive test result to the Medical Review Officer before the test result is reported to the Fire Department as a verified positive test result.
- (2) I understand that the test results may be released by the Fire Department to the applicable state unemployment agencies and to the Fire Department's workers' compensation insurer(s), where permitted or required by law. I understand that if I test positive for drugs or alcohol following an on-the-job accident or at any other time, or refuse to submit to any drug and/or alcohol test required by this Policy, I may be ineligible for workers' compensation and/or unemployment benefits.
- (3) I understand that refusal to submit to any test required by this Policy, a positive test result, or refusal to authorize the release of the results is grounds for disciplinary action up to and including termination of Fire Department membership.

I recognize that the Policy does not constitute an express or implied contract of active membership.

EMPLOYEE NAME: _____
(Printed)

LAST 4 DIGITS OF SOCIAL SECURITY NO. _____

EMPLOYEE SIGNATURE: _____

WITNESS SIGNATURE: _____

DATE: _____