



VALENCIA COUNTY FIRE DEPARTMENT OPERATIONS STANDARDS

Effective Date: 08/30/2012

Article #: 5.2

Revised Date: 07/25/2018

SUBSTANCE ABUSE (X) POLICY () GUIDELINE () DIRECTIVE

PURPOSE

The Valencia County Commission has adopted this Fire Department Volunteer substance abuse policy and a drug and alcohol testing policy for safety sensitive volunteers of the Valencia County Fire Department. A safety sensitive volunteer is a volunteer who performs duties for the County of Valencia which have safety ramifications for themselves, fellow volunteers, Valencia County volunteers and the general public. These positions may include but are not limited to volunteers who operate equipment/vehicles, have access to confidential information and/or receive calls for public service. The purpose of this policy is to assure fitness for duty and to protect our volunteers, our employees and the public from the risks posed by the misuse of alcohol, the use of prohibited drugs and the misuse of legal drugs. The County is concerned only with those situations where use of alcohol and other drugs seriously interferes with the volunteer's health, his job performance and adversely affects the job performance of other volunteers or employees or is considered to be so serious as to be detrimental to the County's operations and the safety of himself/herself and others. There is no intent to intrude upon the private lives of volunteers.

THIS POLICY APPLIES TO ALL SAFETY-SENSITIVE VOLUNTEERS WITHIN THE COUNTY OF VALENCIA. All safety sensitive volunteers of the County of Valencia are covered by this policy. Adherence to this testing policy is a condition of volunteering for all safety-sensitive positions within the Valencia County Fire Department. Safety-sensitive functions refer to any functions contained within the volunteer's realm of responsibilities that have an impact upon the safety and general welfare of the public. It has been determined by the County of Valencia that there are volunteer positions within the County of Valencia, which are of a safety sensitive nature and as such, create the need for compliance with this policy.

POLICY:

The County of Valencia is dedicated to providing safe, dependable and economical services to our public. The County of Valencia volunteers are a valuable resource and it is our goal to provide a healthy, satisfying environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure that volunteers are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create an environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage volunteers to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their volunteer duties.

TRAINING:



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A. All safety-sensitive volunteers will receive training on the effects and consequences of prohibited drug or alcohol use on personal health, safety and the work environment, and the signs and symptoms which may indicate prohibited drug or alcohol use. The County will schedule mandatory classes but it is ultimately the responsibility of the volunteer to attend a class provided for by the County.

B. The Fire Chief is designated to determine whether reasonable suspicion exists to require a covered volunteer to undergo alcohol/drug testing, and will receive training on the physical, behavioral, speech and performance indicators of probable prohibited drug or alcohol misuse.

PROHIBITED SUBSTANCES

“Prohibited substances” addressed by this policy include the following:

A. Illegally Used Controlled Substances or Drugs Includes, **but is not limited to:** marijuana, amphetamines, methamphetamines, opiates, phencyclidine (PCP), and cocaine, as well as drugs not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. The collection agency shall adhere to all requirements outlined in 49 CFR, Part 40 DOT Guidelines in determining what constitutes a positive test.

B. Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected shall be reported by the volunteer to supervisory personnel and medical advice shall be sought by both the volunteer and supervisor, as appropriate, before performing safety-sensitive functions. A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient’s name, the name of the substance, quantity/amount to be taken, frequency and the period of authorization. The misuse or abuse of legal drugs while performing official business is prohibited.



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C. Alcohol

The use of beverages or medications containing alcohol, subject to Paragraph (B) above.

PROHIBITED CONDUCT:

A. Manufacture, Trafficking, Possession, and Use:

Volunteers are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or sale of prohibited substances while on County premises or in County vehicles. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

B. Intoxication/Under the Influence:

Any safety-sensitive volunteer who fails a drug test or has a breath alcohol concentration of 0.04 or greater shall be removed from their safety-sensitive position and referred to an SAP (substance abuse professional). A safety sensitive volunteer with a breath alcohol concentration of 0.02 or greater, but less than 0.04 shall be immediately removed from their safety-sensitive position for a minimum of 8 hours or until they can pass an alcohol test with a BAC of less than 0.02. If a breath analyzer is unavailable, testing will be conducted via blood test.

Alcohol Use:

No safety-sensitive volunteer should report for duty or remain on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive volunteer shall use alcohol while on duty, or while performing a safety-sensitive function. No safety-sensitive volunteer shall use alcohol within four hours of reporting for duty; or during the hours that they are scheduled on call; or up to eight hours following an accident or until tested; or anytime during a period when that volunteer may have to perform safety-sensitive functions. Volunteers, who are not scheduled on call, shall upon being notified to report to duty, acknowledge alcohol use and their inability to perform his/her safety-sensitive function and shall be excused from doing so without further consequences. No County volunteer under the age of 21 shall have a breath alcohol concentration of 0.02 or greater at any time while performing duties for the County. Violation of these provisions is prohibited and punishable by termination of the volunteer relationship with the County.

All safety-sensitive volunteers shall be subject to urine drug testing and breath alcohol testing. Refusal to comply with a request for testing, refusal to sign the drug testing chain of custody form, refusal to sign Step #2 on the alcohol breath testing form, inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation, tampering with or attempting to adulterate the specimen or collection procedure or not reporting to the collection site in the time allotted, shall constitute a verified positive test result.



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TESTING WHICH RESULTS IN A DILUTE SPECIMEN

Definitions:

Dilute Drug Screen – Is a drug screen which is identified by the testing lab as an irregular specimen pertaining to the specimen's specific gravity and creatinine concentration. (The irregularity in specific gravity minimizes the reliability of the testing procedure and therefore reduces the reliability in the results.)

Dilute Drug Screen Procedure:

A dilute drug screen for a safety sensitive Fire Department volunteer will be handled as follows:

1. Primary Test:
 - Identified as Dilute – The volunteer shall take a second level test.
2. Second Level Test:
 - a. Monitored Dilute – The County will accept the test results as provided by the lab (a test will be monitored only at the request of the volunteer), and the volunteer will be permitted to continue the volunteer relationship.
 - b. Unmonitored Dilute – Shall result in the immediate termination of the volunteer relationship.
 - c. Dilute Specimen Test for Volunteer Applicants:

Any volunteer applicant whose pre-employment drug screen test is identified as dilute shall not be eligible to volunteer with the Valencia County Fire Department, and is precluded from re-application for a volunteer position with the County for a period of six (6) from the date of the test.

TREATMENT. All volunteers are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. The cost of any treatment or rehabilitation services will be paid for directly by the volunteer or their insurance provider.

PROPER APPLICATION OF THE POLICY. The County of Valencia is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, the Fire Chief is required to use and apply all aspects of this policy in an unbiased and impartial manner. Should the Fire Chief knowingly disregard the requirements of this policy, or is found to deliberately misuse the policy, will be subject to disciplinary action, up to and including termination.

TESTING PROCEDURES. All safety-sensitive volunteers shall be subject to random drug (urine) and alcohol testing, drug (urine) and alcohol testing for reasonable suspicion, and shall be subjected to testing



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following an accident. Testing shall be conducted using techniques, equipment and certified laboratory facilities to ensure a high degree of accuracy and reliability. Alcohol testing may only occur during or immediately before/after performing safety sensitive duties and up to eight hours following an accident. Drug testing may occur any time while performing duties for the County of Valencia and up to 32 hours following an accident.

PRE-DRUG SCREENING. All volunteer applicants shall be required to take a drug & alcohol screening test when they report for their medical examination or when otherwise directed by the Fire Chief or his/her designee. Any volunteer applicant whose drug screen test is identified as positive shall not be eligible to volunteer with the Fire Department and is precluded from re-application for a period of one (1) year from the date of the test.

VOLUNTEER REQUESTED TESTING. Any safety-sensitive volunteer who questions the result of a required drug test of this policy may request that an additional test be conducted. This test will be conducted at a different certified laboratory. The test will be conducted on the split sample that was provided by the volunteer at the same time as the original sample. The method of collecting, storing, and testing the split sample will be consistent with acceptable testing standards. The volunteer's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the volunteer. An volunteer requested test will be at the expense of the volunteer.

REASONABLE SUSPICION TESTING. All volunteers shall be subject to urine and/or breath testing when there is reasonable suspicion to believe the volunteer is under the influence of prohibited substances. A reasonable suspicion referral for testing will be made on the basis of articulable objective facts and circumstances, which are consistent with the short-term effects of substance abuse. Examples of reasonable suspicion include, but are not limited to the following:

- a. Physical signs and symptoms consistent with prohibited substance use.
- b. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
- c. Occurrence of an accident that may have been caused by use of a prohibited substance or alcohol misuse.
- d. Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.



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POST-ACCIDENT TESTING. Any County Fire Department volunteer involved in an accident occurring on County property or involving County equipment/vehicle shall be subject to a drug or alcohol test as detailed above.

RANDOM TESTING. Volunteers in safety-sensitive positions shall be subjected to random, unannounced drug testing. The selection of safety-sensitive Fire Department volunteers for random drug testing will be made using a scientifically valid method that ensures each covered volunteer that they will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year on all days and during all hours of operation. When a safety-sensitive volunteer is informed of a random drug test they must be tested as soon as is practicably possible but in a time not to exceed 3 hours. **All volunteers who have been randomly selected will be notified, in writing, by the Valencia County Fire Chief. All tests will be collected as a split sample giving the volunteer the opportunity to exercise his/her right to an additional test on the sample which was collected. Should the County's agent not collect a split sample, the results of the test, for which a split sample was not collected, will be disregarded by the County and the volunteer will not be required to re-test for this specific testing period.** All safety sensitive volunteers shall be placed in a selection pool and random drug testing shall come from this predetermined pool.

FIRE DEPARTMENT RULE FOR POSITIVE AND DILUTE DRUG/ALCOHOL TESTS.

- a. Any Fire Department safety-sensitive volunteer who, as a result of this policy, tests positive for drugs and/or alcohol shall have their volunteer relationship with the County immediately terminated.
- b. Any County Fire Department safety-sensitive volunteer whose primary test is determined to be dilute shall be entitled to a second level test. An unmonitored dilute, second level test for a Fire Department safety-sensitive volunteer shall result in immediate termination of the volunteer relationship.

DETECTION. The County reserves the right to inspect, at any time, all County property and all County vehicles and equipment for the presence of prohibited substances or alcohol. All inspections will be scheduled as deemed necessary by Fire Chief and conducted by the Valencia Sheriff's Department.

DEFINITIONS.

Medical Review Officer (MRO) – The MRO is a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate positive drug test results. The List of primary responsibilities below is followed by standard operating procedures necessary to carry out those responsibilities:



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- ~Receive test results from the laboratory
- ~Review all drug testing results prior to reporting
- ~Verify that the laboratory report and assessment are correct
- ~Review and interpret each confirmed lab tested positive result
- ~Conduct a medical interview, providing an opportunity for the volunteer to discuss a positive test result
- ~Notify Fire Chief of verified positive test
- ~Process volunteer request for re-test
- ~If necessary, re-analyze the original specimen to determine the accuracy of the test result

RECORDS.

- a. All records of the controlled substance abuse prevention program must be kept in a secure location with controlled access in the Fire Chief's Office. Regulation requires that certain records according to their importance be maintained for varying lengths of time, from one (1) to five (5) years.
- b. Records must be kept confidential and be made available for inspections by the Fire Chief within two (2) business days following a request by an authorized representative of the Federal Highway Administration.
- c. The following are entitled access to these records through approval of the Fire Chief and County Manager:
 1. CDL Issuer or his/her representative;
 2. The Secretary of Transportation;
 3. Any Department of Transportation Agency;
 4. Any State or Local Official with regulatory authority;
 5. Any prospective employer with the volunteer's written permission.

CONFIDENTIALITY. The laboratory reports or test results shall be placed in a special locked file.