



SUBJECT: SUBSTANCE ABUSE

POLICY: It is the policy of the District to maintain a drug and alcohol free work environment and assist in establishing safe, healthy, and productive working conditions for the protection of our personnel and the District as a whole. To ensure this environment, the District will maintain a drug and alcohol testing program. Any employee failing to meet the provisions of this policy will be subject to discipline, up to and including termination. The District will stress education, prevention, intervention, and rehabilitation as it relates to drug and alcohol use or abuse.

Participation by employees in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited. There will be no alcohol consumption or use of unauthorized drugs during working hours, on District premises, or while responding to a call. On-duty personnel must not be under the influence of alcohol, unauthorized drugs, or legally controlled substances which detrimentally affect their judgment or their ability to perform the duties in any way. All of these strategies are for the protection of the health and welfare of employees, as well as the citizens they serve, and to protect the District from avoidable liabilities.

Reasonable and prudent use of prescription drugs (as directed by a physician) and/or "over the counter" drugs is not a violation of this policy, although such use must not affect the individual's ability to perform their job duties. When District personnel are prescribed a medication by a physician, the employee should confirm with their physician that the drug will not affect job performance. The employee has the obligation to inform the District if taking prescription medication that may affect his or her performance.

The policy provides for:

- Pre-employment Drug Testing
- Reasonable Suspicion Substance Training
- An Employee Assistance Plan

All personnel will be fully informed and instructed in the District's drug and alcohol testing policy before testing is administered. Personnel will also be instructed on the impact of the use of drugs and alcohol on job performance. Employees and supervisors will be trained to recognize the symptoms of drug abuse, impairments and intoxication. In addition, the District shall inform the member of the causes for conducting tests, when the test will be conducted, and the consequences of testing positive for drug or alcohol use. All newly hired employees will be provided with this information on their initial date of hire.



PURPOSE: To establish and maintain a drug and alcohol free workplace in the interest of both public safety and a safe, healthy, and productive work environment by prohibiting the use, consumption, influence, possession, distribution, or sale of illegal drugs or controlled substances and/or alcohol while on duty, or reporting for duty under the influence of such substances.

SCOPE: All existing personnel and any applicants who receive offers of employment or affiliation with Clark County Fire & Rescue.

DEFINITIONS:

Illegal Drugs
Any controlled substance, medication, or other chemical substance that is not legally obtained, is not being used legally, or is not being used for the purpose(s) for which it is prescribed or intended by the physician. Illegal drugs may include over-the-counter medications if they are not being used for the purpose(s) for which they are intended.

Legal Drugs
Prescribed or over-the counter drugs that are legally obtained by personnel and used for the purpose(s) for which the physician intended them.

On Duty
All working hours, whether paid or unpaid, as well as meal and break periods, regardless of whether on District property.

PROCEDURE:

Pre-employment Testing:
Pre-employment drug testing will be administered to all applicants selected for employment by the District. Test results must be received prior to employment. Applicants who are unwilling to sign a waiver and consent form authorizing a drug test and submit to a drug test will be disqualified indefinitely.

A confirmed positive test associated with pre-employment drug testing shall be considered grounds for disqualification from employment. Applicants with confirmed positive test results from the pre-employment drug testing may reapply for employment at Clark County Fire & Rescue a minimum of sixty (60) days following proof of wellness. Such applicants must submit to another drug test which must result in negative test results prior to employment by the District. Any applicant who had a confirmed positive pre-employment drug test but is later employed by the District must submit to up to two random drug tests within the first twelve months of employment. The employee must sign a consent form before the random drug testing is conducted. The number and timing of such random tests will be at the District's sole discretion. No notice will be given for such tests.



Reasonable Belief Testing:

In the event the Fire District has a belief based on objective and sufficient facts to lead a reasonable person to suspect that an employee has used an illegal drug or is under the influence of alcohol, or under the influence of a prescription or non-prescription medication affecting work performance, the employee's supervisor, (Captain or Chief Officer) as appropriate, will observe and document the employee's behavior. A second supervisor shall be asked to observe the employee to verify whether reasonable suspicious circumstances exist, unless additional supervisory personnel are not available or a second observance is not appropriate under the circumstances.

Examples of situations in which the District might believe that prohibited use has occurred include, but are not limited to staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, appearance, pattern of conduct, hyperactivity, abnormal performance problems, or other atypical behaviors.

The District may also test for the presence of drugs and alcohol in cases of on-the-job accidents or near misses. The District may also test when provided with reliable information that prohibited use or other violation of this policy has occurred. Such a situation is an example of circumstances where observance of supervisory personnel may not be appropriate.

If there is reason to believe that an employee's performance is impaired by drugs or alcohol the employee's supervisor will review the incident and/or circumstances with the Fire Chief (or highest ranking Chief Officer available) whenever feasible.

No drug or alcohol testing may be conducted without the written approval of the Chief or highest ranking Chief in charge of the District if the Chief is not available. In all cases, two officers must concur that observed actions of an employee constitute "reasonable suspicion" to have an employee tested. If the suspect is a firefighter or paramedic, the Division Chief and the Company Officer of the suspected person must document to the Chief in writing who is to be tested and why the test was ordered. This written statement must include specific objective facts constituting reasonable suspicion leading to the test being ordered and the names of any source(s) of all this information. In the event the immediate supervisor is the person suspected of substance abuse, the employee shall go to the next level in the chain of command. One copy of this document shall be given to the employee when she/he becomes suspected of substance abuse. Once an employee becomes suspected of being under the influence of a substance, that person is immediately remove from duty on paid administrative leave until it is determined whether testing is going to take place, or the person is fit for work. The suspected person may request to have Union representation if the suspected is a union member. After being given a copy of the document, the affected employee shall be allowed enough time to read and understand the entire document.



When testing is called for, as stated above, the employee will immediately be taken by a Chief Officer or designated management employee to the collection site where a sample will be collected. If the employee so requests he/she may be accompanied to the testing laboratory by a Union representative.

The employee's social security number shall be the sole means of identification on any blood or urine specimens produced by the employee for the purpose of testing. The employee shall be on paid administrative leave until test results are returned. After the Medical Review Physician forwards their evaluation to the Fire Chief and the test results are negative, the employee may be directed to report to duty on his or her next shift. If the test results are positive the employee shall be evaluated by a substance abuse professional at the EAP office, or by one referred by the EAP provider.

Employee's Status During and After Testing:

Employees will be paid through the time the sample is given, and then placed on an Administrative leave of absence with pay until the test results are received. The test results are typically processed within two or three days.

If the test is negative and the behavior that led to the decision to conduct the test continues to impair the employee's performance, the District may require the employee's situation to be further evaluated.

Discipline:

Employees who test positive for drug or alcohol following a reasonable suspicion incident test or a random follow-up test or who are in violation of any part of this policy may be subject to disciplinary action. The type of disciplinary action will depend on the circumstances. A second positive substance test following reasonable suspicion incident test may be subject to discipline, up to and including termination of employment. Refusal to sign a consent form, refusal to submit to a test, and/or tampering with a test sample will be grounds for immediate termination.

Circumstances not warranting termination may result, in addition to any discipline given, in a referral to the Fire District's Employee Assistance Plan where an evaluation will be conducted by a licensed drug/alcohol counselor. When appropriate, employee will be referred by the employee assistance counselor to a drug or alcohol treatment specialist or program for additional treatment.



Confidentiality:

All test results and other documentation and information concerning the testing will be kept as confidential as feasible, and will be shared with the employee, the Fire Chief, the employee's supervisor at the discretion of the Fire Chief, and/or others only as appropriate under the circumstances, for example, an employee assistance counselor, council, or the Fire Commissioners. Test results will be released as required by law or as necessary to respond to inquiries by a governmental agency or entity. A confidential file for the test results will be maintained separately from the employee files.

The testing shall be done at a lab that is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA formerly NIDA).

The following standards shall be used to determine what levels of detected substances shall be considered as positive:

Compound Level	Initial Test Level	Confirmatory
Marijuana Metabolites	50 ng/ml	100 ng/ml GC-MS
Cocaine Metabolites	300 ng/ml	500 ng/ml GC-MS
Opiate Metabolites	100 ng/ml	
Morphine		500 ng/ml GC-MS
Codeine		500 ng/ml GC-MS
Amphetamines	100 ng/ml	
Amphetamine		500 ng/ml GC-MS
Methamphetamine		500 ng/ml GC-MS
Barbiturates	200 ng/ml	500 ng/ml GC-MS
Alcohol		.04

Levels which are below those set above shall be determined as negative indications.

Employee Assistance Plan:

The Employee Assistance Plan (EAP) is an employee benefit which provides counseling services to employees and eligible family members. The Fire District's EAP provider contracts with a network of employee assistance counselors, consultants and professionals who are trained and certified to provide assistance in drug or alcohol problems, marriage, family and relationship issues, emotional, personal and stress-related concerns, financial and credit problems, child and elder-care issues, and preliminary legal consultation. The services provided under the EAP are limited to plan provisions and the services must be rendered by a counselor or professional with whom Clark County Fire & Rescue's provider has contracted.



EAP services may be accessed through a supervisory referral or a self-referral. Voluntary participation in the EAP will not preclude pending disciplinary action if an employee's drug alcohol or prescription or nonprescription medication use has already led to impaired work performance or to a violation of the Substance Abuse policy. On the other hand, employees who seek assistance and successfully complete the recommended treatment program before such use affects job performance or before violating this policy will not be subject to disciplinary action for substance use as the employee complies with the recommendations of the EAP counselor. Employees who seek assistance through their supervisor will be immediately referred to the EAP for evaluation, counseling and/or referral to a specialist or a specific treatment program. Counseling services provided under the Employee Assistance Plan are funded by the District. If additional treatment is recommended, the employee is responsible for the expense a portion of which may be covered under the District's group medical insurance plans available to full-time employees.

In the event the problem is drug or alcohol related, participation in the EAP is mandatory. If a treatment plan is recommended which requires time away from work, the employee will be placed on a leave of absence, following proper approval from the Chief until the program is completed. Unless the employee requests the use of available sick leave and/or vacation benefits, the leave is unpaid.

If an employee does not successfully complete the treatment program during the approved leave of absence, additional leave may be requested in writing to the Fire Chief.

All information shared with an employee assistance counselor is privileged and confidential. If participation in the EAP or a treatment program is a condition of employment, the employee's supervisor and the Fire Chief will be informed of the employee's progress and status. The employee will be advised that these people are being so notified. In the event an employee assistance counselor has reason to believe an employee poses a threat to him/herself, to others, or to the safety or security of District facilities, the employee's supervisor the Fire Chief, and or others only as appropriate will be notified. The employee will be advised of such notification also.



Retesting:

If an employee receives a confirmed positive test result, the employee may request a second test. The second test may be

- (1) a retest of the original sample or
- (2) a test of the split sample.

The second test must be requested within seven days of the date she/he is first informed of the results of the original test. If a retest of the original test is requested, the request must be submitted in writing directed to the Chief. If the employee requests the split sample tested, then the employee needs to inform the Chief in writing at the time of the request. The employee shall be responsible for initiating the second test. The employee is also responsible for all costs of the second tests, and any shipping and handling charges that may be incurred. The employee is not permitted to submit a new urine or blood sample to be tested instead of the original. The lab chosen for the second test may be the same laboratory, or a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA). If the second test is negative then the employee may be retested within seven days.

Medical Review Physician (MRP):

When the lab has finished the testing of the collected sample, the results shall be sent to the Medical Review Physician. If the employee is a Union member, the MRP will be mutually agreed upon by the District and the Union. The MRP is responsible for receiving, evaluating, and reporting positive test results. The MRP will assess whether a legitimate medical explanation exists and determines whether the test result are positive the MRP shall review medical histories and discuss positive results with the tested individuals if the test shows positive for a legitimate substance. The test result of either positive or negative is then reported to the Chief, or next highest designee in his absence. Costs incurred from the MRP's evaluation will be the responsibility of the District.



CONSENT TO TEST AND FOR THE RELEASE OF INFORMATION

I give my consent to have a urine or blood sample tested for substances listed in the substance abuse policy of Clark County Fire & Rescue. I understand that a lab agreed upon by Clark County Fire & Rescue and the Local will collect and test the sample I give.

The testing lab will release the information to the District Medical Review Physician agreed upon by Clark County Fire & Rescue. After review by the Medical Review Physician, the Fire Chief, or next highest designee in his absence, will be advised of the test results.

I understand that I have the right to my complete test results and that the laboratory will preserve the sample for at least twelve months. I have the right to have a split sample, and have the second sample tested within seven days at a second lab of my choice in the event the results are confirmed positive. The cost of the second test will be my responsibility, including shipping.

I understand that Clark County Fire & Rescue is requiring me to submit to this test as a condition of my employment. Alteration of the sample or failure to reasonably cooperate with the collection of a sample will result in a disciplinary action including the possibility of termination by Clark County Fire & Rescue.

I understand I have the right to request Union representation.

Print Name

Signature

Date

Witness

Date

Witness

Date



**ACKNOWLEDGMENT OF RECEIPT OF
CLARK COUNTY FIRE & RESCUE
SUBSTANCE ABUSE POLICY**

I acknowledge that I received a copy of Clark County Fire & Rescue Substance Abuse Policy. I have been provided with information concerning the impact of the use of alcohol and drugs on job performance.

In addition, I have been informed as how the tests are conducted, what the test can determine and the consequences of testing positive.

Print Name

Signature

Date

Witness

Date

Witness

Date