

**HAZLET TOWNSHIP BOARD OF FIRE COMMISSIONERS**  
**HAZLET FIRE DISTRICT #1**  
**STANDARD ADMINISTRATIVE POLICY**  
**SUBSTANCE ABUSE POLICY**  
Effective Date September 9, 2020

**PURPOSE-** To define the Fire District's position, screening process, and policy on any illegal drug, substance, or prescription medication that may affect the judgement and/or abilities to effectively perform one's duties. Our goal is to establish an environment that is totally free of the harmful effect of drugs/alcohol. It is our intent to protect the safety of our members and the public we serve, and prevent accidents that may involve drugs/alcohol.

**SCOPE-** All active firefighters and fire police members of this Fire District. All new applicants. Any employee of Hazlet Fire District #1

**POLICY-** Hazlet Fire District #1 maintains a drug-free work environment to assist in establishing safe, healthy, and productive working conditions for all members. To ensure this environment, Hazlet Fire District #1 maintains a substance screening program. Members failing to meet the provisions of this policy shall be subject to discipline, up to and including termination. Hazlet Fire District #1 stresses education, prevention, intervention, and rehabilitation regarding substance use or abuse.

**DEFINITIONS-**

**Illegal Drugs-** Any controlled substance, medication or other chemical substance not legally obtained, not being used legally, or 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 legally obtained by members and used for the purpose(s) for which the physician intended.

**On Duty-** Anytime a member/employee is responding to/from an incident, performing fire ground or training operations, or conducting any fire department related business meetings, fundraisers, etc.

**Member** -A member is any person, volunteer, employee that participates in firematic activity, and/or receives any form of benefit from the fire district. This includes but is not limited to district insurance, LOSAP benefits, clothing allowance benefits, and/or employment

**Designated Fire District Representative-** there shall be 2 (two) designated representatives for the substance policy. The Administrative Clerk for the Fire District shall serve as a Designated Fire District Representative. At the annual District re-organization meeting an elected Fire Commissioner will be assigned as a Designated Fire District Representative. The Fire Chief of each fire company shall be notified of said representatives.

## **GUIDELINE-**

### **General:**

In order to ensure safe and effective provision of emergency services in our community, and the safety of individual members of the Fire District, the Fire District intends to perform a substance screening program to all members for the presence of drugs and substances.

For the purpose of clarity, this section deals with any illegal drug, substance, or prescription medication that may affect the judgement and/or abilities to effectively perform one's duties. A member may fall subject to dismissal for substantiated violations, including positive results of a substance screening.

No distinction shall be made between prescription, non-prescription, legal or illegal drugs or substances that affect the judgement and/or abilities to effectively perform one's duties.

No member shall be permitted to function in any department activity while under the influence of any illegal drug, substance, alcohol or prescription medication that may affect the judgement and/or abilities to effectively perform one's duties including but not limited to the following:

- Firematic activity
- Answering fire calls
- Attending drills/meetings
- Work Details
- Operating fire department equipment/apparatus

Members may not buy, obtain, use, possess, manufacture, distribute, dispense, sell, or transfer illegal drugs while on duty, working, on Fire District or Fire Department property, in uniform, or operating District/Department equipment, machinery, or vehicles, or personal vehicles while on duty. This includes all insured, owned, and or utilized District/Department equipment, machinery, vehicles, or property

## **Prescription Medication/Legal Drugs:**

The proper use of medication prescribed by a physician is not prohibited. However, this fire district prohibits this misuse of prescribed and over-the-counter medications. Under no circumstances is a member to perform his/her duties while using prescription or over-the-counter medication that affects the judgement and/or abilities to effectively perform one's duties.

Members who have reason to believe the legal use of prescription medication/legal drugs may pose a safety risk to any person utilizing equipment or interfere with the member's job performance must report such legal use to one of the Designated Fire District Representative to refer the information to the District's medical facility for consideration. The physician will determine whether work restrictions or limitations are indicated and inform one of the Designated Fire District Representative and member of such restrictions. An official letter from the member's personal physician stating restrictions and/or limitations will be accepted.

Members shall be screened for the following controlled substances:

Opiates	Marijuana	Phencyclidine
Hydrocodone	Benzodiazepines	Codeine
Methadone	Cocaine	Oxycodone
Amphetamines	Barbiturates	Hydromorphone
Morphine	Propoxyphene	

## **Applicants**

A drug screening shall be required for all applicants at time of offer and as a condition of membership. Such testing will be done as part of their pre-membership qualifications, it is the responsibility of the applicant to have the substance screening completed at the designated service provider facility prior to acceptance.

Applicants shall be disqualified for membership if they test positive or refuse to submit to a drug screening.

## **All Current Members**

A member is any person, volunteer, employee that participates in firematic activity, and/or receives any form of benefit from the fire district. This includes but is not limited to district insurance, LOSAP benefits, clothing allowance benefits, and/or employment.

The substance screening and testing shall be performed by a designated service provider offered by the fire district.

All members may be tested during the initial implementation of the substance screening policy.

All members are responsible to immediately report unsafe working conditions or hazardous activities that may jeopardize their safety, the safety of their fellow members, and the public we serve, including violations of this policy.

### **Random Screening**

The Fire District shall conduct Random Screening of all members, firefighters, fire police, and/ or district employees as follows:

20 individual members, firefighters, fire police, or district employee screenings per calendar year.

Random testing shall occur 4 (four) times per calendar year

Random testing shall be conducted during company meetings, district meetings, fire drills, and/or firematic activities.

#### **Random screening shall be conducted in the following manner:**

A designated service provider will collect all specimens, which may be any of the following; urine, saliva, or blood specimen.

One of the Designated Fire District Representatives shall be informed the day of the screening.

One of the Designated Fire District Representative shall be present to oversee the random selection.

A member at time of substance screening, may provide the service provider with a list of prescribed and/or over the counter medication they are currently using.

All prescription medication must have a valid/current prescription for use.

Random selection will be conducted at the time of screening. The selection process will be; a pre-numbered sign in sheet will be required at all meetings, drills, and/or firematic activities. This list will be used for random selection. Those members at the activity may be drawn for random screening, up to 5 (five) members may be selected at any for-mentioned activity. Random screening will begin after the start time of the meeting, drill, and/or firematic activity.

## **Post-Accident Reporting**

Members are required to notify any Fire Chief, Line Officer, Fire Commissioner and/or Designated Fire District Representative immediately following any accident or injury at a fire incident.

Any member that is involved in a vehicular accident/incident involving district apparatus/vehicle shall be required to submit to a drug/alcohol screening immediately following the accident/incident. Any member involved in a vehicular accident/incident in a personal vehicle while traveling to/from a fire related activity or function shall be required to submit to a drug/alcohol screening immediately following the accident/incident.

Criteria for screening:

If the accident involves an injury

If the accident involves significant property damage to a vehicle, personal property, or district/department property.

At the discretion of the Fire Chief, Line Officer, and/or Fire Commissioner

Any member that is involved in a fire ground or training accident shall be required to submit to substance screening immediately for the following:

If the accident involves a moderate/severe injury that requires transport to a medical facility (this does not include minor injuries).

Any member that receives post-accident testing shall be suspended pending results. A negative result shall result in immediate reinstatement. Positive results shall follow this policy under "CONSEQUENCES OF CONFIRMED POSITIVE TEST RESULTS"

Failure to report an accident or submit to substance screening when required by law or this policy will result in disciplinary action of termination from the fire district/company.

## **Reasonable Suspicion or For Cause**

All members may be required to submit to a substance screening whenever the Fire Chief, Line Officer, and/or Fire Commissioner observes circumstances which provide reasonable suspicion to believe a member is using or has used an illegal drug, alcohol, or substance or has otherwise violated this policy.

The Fire Chief's, Line Officer's and/or Fire Commissioner's determination that reasonable suspicion exists to require a member to undergo substance screening must be based on specific, timely, explainable observations concerning the appearance, behavior, speech, or bodily odors of the member. Reasonable suspicion exists when the Fire Chief, Line Officer and/ or Fire Commissioner reports on-duty behavior or appearance that indicates the presence of substance use. Decisions regarding "reasonable suspicion" are at the sole discretion of the Fire Chief, Line Officer and/or Fire Commissioner.

The Fire Chief, Line Officer and/or Fire Commissioner requesting the test shall prepare and sign a written document explaining their reasonable suspicion and any evidence they have. This document must be presented to one of the Designated Fire District Representatives, this shall be done within 24 hours of requesting that a member have substance screening.

Refusal to submit to substance screening for reasonable suspicion or cause when required by this policy will result in disciplinary action as a refusal.

## **Enforcement**

All new firefighter applicants shall be required to submit to a drug screening to determine the presence of prohibited substances prior to acceptance to this district/department.

All members are subject to random substance screening as described in this policy.

A member may be required to undergo substance screening when the Fire Chief, Line Officer and/or Fire Commissioner has reasonable suspicion to believe the member has violated this policy.

A member shall be subject to post-accident substance screening as described in this policy.

## **CONSEQUENCES OF TESTING REFUSAL OR INTERFERENCE**

### **REFUSAL-**

Member - A member's refusal to cooperate under this policy shall be grounds for immediate suspension of firematic duties. The member will not be entitled to any benefits from the fire district, including but not limited to insurance benefits, LOSAP, and/or uniform allowance.

Applicant -Refusal by a prospective member will be grounds to withdraw the applicant for membership.

Failure to provide an adequate specimen will be considered refusal.  
Failure to report to the designate testing facility, will be considered refusal.  
Refusal to submit to substance testing when required by this policy will be considered refusal.

#### **First Offense Refusal Substance/Alcohol Screening**

Automatic 6 months suspension, shall undergo return-to-duty substance screening. Suspension will continue until return to duty screening is completed and evaluated.

#### **Second Offense Refusal Substance/Alcohol Screening**

Termination of Membership

#### **Prospective Members**

Applicants who test positive are disqualified for membership consideration.

### **INTERFERENCE -**

Members attempting to interfere, alter, substitute, or affect the outcome of the drug screening process are in violation of this policy.

Any interference of the drug screening process, shall be grounds for immediate suspension of firematic duties. The member will not be entitled to any benefits from the fire district, including but not limited to insurance benefits, LOSAP, and/or uniform allowance.

Automatic minimum 6 months suspension up to termination, shall undergo return-to-duty substance screening. Suspension will continue until return to duty screening is completed and evaluated.

## **SELF-IDENTIFICATION**

Member who voluntarily self-identifies;

A member that chooses to self-identify shall report to one of the Designated Fire District Representatives. Any member that chooses to self-identify has the right to full confidentiality, this information will not be disclosed in any public or private proceedings, meetings, or discussions.

Members may voluntarily self-identify that they may need help due to substance use, directly to the Designated Fire District Representative. Discipline will not be initiated because members self-identify. Members will be referred for evaluation and rehabilitation.

Members involved in rehabilitation shall be accommodated by their respective department, the respective department will be notified of the leave by the Designated Fire District Representative. Costs for the rehabilitation program are at the member's expense.

Self-Identification must be totally voluntary and is not allowed after a member has been notified of a substance screening.

After successful completion of rehabilitation, the member;

Must submit a written letter from a rehabilitation center confirming successful completion to one of the Designated Fire District Representatives.

Shall undergo a return-to-duty substance screening.

Will be subject to periodic, random testing at the discretion of the Designated Fire District Representatives for up to two (2) years following return-to-duty.

## **EVALUATIONS, RETURN OF RESULTS AND CONFIDENTIALITY**

Results-

The designated service provider shall return (by telephone, fax, email, or mail) the results of all drug/alcohol screenings to the Designated Fire District Representative.

A positive result shall be disclosed to the person tested and the Designated Fire District Representative.

Member's right to explain positive test result -

A member shall have an opportunity to contest or provide medical explanation for the positive results, to the testing company medical provider and/or the Designated Fire District Representative. A member will be given an opportunity to have an additional immediate screening after positive test result.



Confidentiality –

All information, interviews, reports, statements, memoranda, and test results, written or otherwise, received by the Designated Fire District Representative and/or Board of Fire Commissioners through this policy and testing program are confidential and will not be disclosed in any public or private proceedings except in the following circumstances:

When required to disclose the information by any Judge or Administrative Law Judge, or

When authorized in writing by the member being tested or to any federal, state, or local government agency or authority in connection with any proceedings or investigation into a particular incident.

All substance testing results are confidential and will not be released, discussed, and/or made available at any time.

All members have a right to confidentiality under this policy.

Release of Information-

A member taking a Leave of Absence to enter a rehabilitation program must sign a release of information to allow treatment information to be shared with the Designated Fire District Representative.

Issue with substance testing –

Any issues and/or questions that arise regarding this policy should be directed to the Designated Fire District Representative. The representative will address the issue to the best of their ability while adhering to this policy, when necessary the representative will bring said issue to the Board of Fire Commissioners. The representative will provide a report of issue address to the Board of Fire Commissioners.

## CONSEQUENCES OF CONFIRMED POSITIVE TEST RESULTS

When there is a confirmed positive test result the Designated Fire District Representative, shall report the results to the Chairman of the Board of Fire Commissioners. After results have been received both Designated Fire District Representatives and the Chairman will meet with the member within 24 hours of disclosure of positive result. The Board of Fire Commissioners shall be notified at the next scheduled fire commissioner meeting.

Information regarding the disciplinary action will be maintained in the member's personnel file.

### First Offense Substance Screening

A suspension will be enforced for a minimum of thirty (30) days and a maximum of termination. The member will be required to participate in a treatment program. Costs of the treatment program are at the member's expense.

If a member refuses to enter or successfully complete a treatment program, the member will be terminated.

Upon successful completion of treatment, the member must submit a written letter from the treatment center confirming successful completion to the Designated Fire District Representative.

Shall undergo a return-to-duty substance screening.

The Board of Fire Commissioners during closed session will review all documentation for reinstatement recommendation.

The member may return to active status and will be subject to periodic, random testing as determined by the Board of Fire Commissioners for up to two (2) years following return-to-duty. The member shall be notified by the Designated Fire District Representative for date and time of random testing.

### Second Offense Substance Screening

Termination of Membership

### First Offense Alcohol Screening

A suspension will be enforced for a minimum of thirty (30) days and a maximum of termination. The member shall undergo a return-to-duty substance screening.

### Second Offense Alcohol Screening

Termination of Membership

### Any Offense during Probationary Period

Termination of Membership