

## Drug and Alcohol Free Workplace

### 1029.1 PURPOSE AND SCOPE

The Fresno County Fire Protection District prohibits the use of drugs and alcohol in the workplace in order to provide a safer work environment for members and to protect the public's safety and welfare. This policy applies to all members when they are on District property or when performing District-related business elsewhere.

#### 1029.1.1 DEFINITIONS

Definitions related to this policy include:

**Controlled substance or drug** - Those substances listed in the Controlled Substances Act (21 USC § 812), except that lawful possession or use of medications prescribed by the member's licensed physician shall be excluded.

**Reasonable suspicion** - Belief based on objective factors, such as behavior, speech, body odor, appearance or other evidence of impairment which would lead a reasonable person to believe that the member may be under the influence of drugs or alcohol.

### 1029.2 POLICY

It is the policy of the Fresno County Fire Protection District to provide a drug free workplace for all members.

### 1029.3 GENERAL GUIDELINES

The Fresno County Fire Protection District recognizes the need to maintain an attitude of assistance and treatment toward member's problems. However, because of the dangers to members' health and safety and that of the general public, alcohol and drug use in the workplace or on District time shall not be tolerated. Any paid employee violating this policy shall be subject to disciplinary action, up to and including termination. Any volunteer violating this policy may be temporarily or permanently prohibited from performing District duties.

#### 1029.3.1 USE OF PRESCRIBED MEDICATIONS

District members who are medically required to take prescription medications during work hours shall not allow such medications to impair their ability to perform their work.

Any member who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to his/her immediate supervisor. No member shall be permitted to work or drive a vehicle owned or leased by the District while taking such potentially impairing medication without a written release from his/her physician.

Possession or use of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

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#### **1029.4 DRUG AND ALCOHOL TESTING**

Except as provided otherwise in an employee collective bargaining agreement or as modified for volunteers who are required to test under the DOT Drug and Alcohol Testing Policy, the District has the discretion to test a current employee for alcohol or drugs as follows.

##### **1029.4.1 REASONABLE SUSPICION**

The District may require a blood test, urinalysis or other drug and/or alcohol screening of those persons reasonably suspected of using or being under the influence of a drug or alcohol at work. With the exception of members described in the \_\_\_\_\_ esting must be approved by the Administration.

In order to receive authority to test, the supervisor must record the factors that support reasonable suspicion and discuss the matter with the Administration. If there is a reasonable suspicion of drug or alcohol use, the member will be relieved from duty and placed on sick leave if he/she is a paid employee, or restricted from working if he/she is a volunteer, until the test results are received.

##### **1029.4.2 POST-COLLISION TESTING**

See the DOT Drug and Alcohol Testing Policy.

#### **1029.5 MEMBER RESPONSIBILITIES**

Members shall come to work in an appropriate mental and physical condition and are absolutely prohibited from manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on District premises or on District time.

Members must notify their supervisor before beginning work when they are taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of District equipment.

Members must notify a supervisor immediately when they observe behavior or other evidence they believe demonstrates that a fellow employee poses a risk to the health and safety of the employee or others due to drug or alcohol use.

Members are required to notify their immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

#### **1029.6 COMPLIANCE WITH THE DRUG FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member engaged in the performance of a federal grant, the District will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **1029.7 EMPLOYEE ASSISTANCE PROGRAM**

Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through an Employee Assistance Program (EAP) or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to

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performance problems. Employees may contact the Administration, their insurance provider or an EAP representative for additional information.

The District recognizes the need for confidentiality and privacy and forbids disclosure of any information relating to chemical abuse treatment, except on a need to know basis or as allowed by law. Information shall only be released with the express written consent of the employee involved or pursuant to an agreement or other lawful process. All documents generated by the EAP are considered confidential medical records.

### **1029.8 SEARCHES**

In order to promote a safe, productive and efficient workplace, the District has the right to search and inspect all District property, including, but not limited to, lockers, storage areas, furniture, vehicles and other places under the common control of the District or the joint control of the District and members. No member has any expectation of privacy in any District building, on any District property or when using any District communications system.

If the member is covered by the Firefighters Procedural Bill of Rights Act , no search of such spaces shall be made except in the member's presence or with his/her consent or after notice has been given to the member (Government Code § 3250 et. seq.). Nothing herein shall affect a search conducted pursuant to a search warrant.