TOLEDO FIRE & RESCUE DEPARTMENT

B-67 Illegal Drug And Alcohol Testing

Non-Emergency Manual

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Purpose

The Toledo Fire and Rescue Department (TFRD) has zero tolerance for illegal drug and alcohol usage by its members while on duty. This is considered a threat to public safety and compromises the safety and welfare of the members of the Department. Additionally, illegal drug usage and alcohol abuse while off duty will not be tolerated.

Definitions

An illegal drug is defined as a substance that is against the law to buy, sell, or use. This includes prescribed medication that is abused, not taken for the intended purpose, or not taken by the prescribed person.

Policy/Procedure

The TFRD will take the necessary steps, including illegal drug and alcohol testing, to eliminate illegal drug and alcohol abuse by its members. The goal of this policy is prevention. The use of illegal drugs and alcohol by members of this Department can have a major impact on job performance and safety.

IMPACT OF DRUG AND ALCOHOL USE:

- LOSS OF PUBLIC TRUST
  - An incident involving illegal drug and alcohol usage by a member of the TFRD would have a major impact on the public’s trust. The Department would face speculation about the integrity and the credibility of the Department and its members.
- UNRELIABLE WITNESS
  - Members who have used illegal drugs or abused alcohol whether on or off duty can easily be discredited as a witness in a court case.

- DRUG AND ALCOHOL RELATED CRIMES
  - The Department recognizes the fact that even the one-time usage of an illegal drug may feed into a vast network of criminal activity. Frequent use of illegal drugs may lead to selling drugs, theft of drugs, association with criminal corruption and involvement with organized crime. On or off duty alcohol usage can result in criminal convictions and may jeopardize the safety of the citizens and others.

- SAFETY AND LIABILITY ISSUES
  - Department members have unique responsibilities that set them apart from other employees in other organizations:
    - Members are entrusted with citizens' personal belongings and medications.
    - Members are entrusted with controlled narcotics used for patient care.
    - Members operate emergency vehicles, most often under emergency conditions.
    - Members respond and provide services in dangerous and life-threatening emergencies.
    - Members may be recalled to duty 24 hours a day, 7 days a week.
    - Members must maintain a valid Driver's license at all times.

DRUG AND ALCOHOL TESTING/NOTIFICATION

PROMOTIONS AND PARAMEDIC DRUG LICENSE

Members may be tested prior to a promotion or addition to the Lucas County drug license. The member may be required to submit to a drug test through the Department's drug and alcohol screening provider. The member tested shall be notified of the date and time of the test. Prior to the test the member shall be given a written order for testing (ILLEGAL DRUG AND ALCOHOL TESTING form 100-60 and ILLEGAL DRUG AND ALCOHOL TESTING - EMPLOYEE EDUCATION form 100-63). This testing shall be scheduled through the Health and Wellness Officer.

DISCRETIONARY

Whenever a member is selected for drug testing, the member shall submit to a drug test through the Department's drug and alcohol screening provider. The Fire Chief or his/her designee shall determine the date and time of test and the member will be notified. Prior to the test the member shall be given a written order for testing (ILLEGAL DRUG AND ALCOHOL TESTING form 100-60 and ILLEGAL DRUG AND ALCOHOL TESTING - EMPLOYEE EDUCATION form 100-63).

Supervisor Responsibilities:

1. A Chief Officer and the Union will be notified of who is to be tested and time and location of test. The right of Union representation shall not cause "unreasonable delay".

2. The member shall report to the Department's drug and alcohol screening provider.

3. Professional Standards Bureau Chief Officer or his/her designee will meet the member at the Department's drug and alcohol screening provider.

4. Professional Standards Bureau Chief Officer or his/her designee will meet the member at the Department's drug and alcohol screening provider.

5. Prior to the test the member shall be given a written order for testing (ILLEGAL DRUG AND ALCOHOL

TESTING form 100-60 AND ILLEGAL DRUG AND ALCOHOL TESTING – EMPLOYEE EDUCATION form 100-63).

6. If the member refuses to submit to testing or tests positive they shall immediately be removed from duty. The TEMPORARY RELIEF OF DUTY form 100-62 shall be completed and a copy given to the member.

7. The Chief Officer shall be directed by the Professional Standards Bureau Chief Officer or his/her designee how to proceed with the member.

- **NOTE:** Refusal may result in discipline up to and including dismissal.

Once testing is complete all required and appropriate documents shall be completed and delivered immediately to the Professional Standards Bureau Chief Officer and one copy to the Fire Chief or his/her designee. All envelopes containing reports shall be sealed and marked PERSONAL AND CONFIDENTIAL.

VEHICLE OPERATOR - VEHICULAR ACCIDENT

Members who are vehicle operators involved in a vehicular accident may be tested for illegal drug and/or alcohol usage through the Department’s drug and alcohol screening provider.

Supervisor Responsibilities:

1. When a member is involved in a vehicle accident, a Chief Officer shall be immediately made aware of the facts surrounding the accident.

2. The Fire Chief or his/her designee shall be notified.

3. When the Fire Chief or his/her designee determines that a member is to be tested, the member shall be transported to the Department’s drug and alcohol screening provider by a Chief Officer.

4. Upon request, the employee shall be entitled to the presence of a union representative before testing is administered. The right of union representation shall not cause “unreasonable delay”.

5. The Chief Officer shall remain with the member at the Department’s drug and alcohol screening provider.

6. Prior to testing the member shall be given a written order for testing (ILLEGAL DRUG AND ALCOHOL TESTING form 100-60 and ILLEGAL DRUG AND ALCOHOL TESTING – EMPLOYEE EDUCATION form 100-63).

7. If the member refuses to submit to testing or tests positive they shall immediately be removed from duty. The TEMPORARY RELIEF OF DUTY form 100-62 shall be completed and a copy given to the member.

- **NOTE:** Refusal may result in discipline up to and including dismissal.

The Chief Officer shall be directed by the Professional Standards Bureau Chief Officer or his/her designee how to proceed with the member. All required and appropriate documents shall be completed and delivered immediately to the Professional Standards Bureau Chief Officer and one copy to the Fire Chief or his/her designee. All envelopes containing reports shall be sealed and marked PERSONAL AND CONFIDENTIAL.

REASONABLE SUSPICION

Supervisors are periodically faced with fitness-for-duty situations where immediate action is required. Department members may be tested for illegal drugs and alcohol based on reasonable suspicion.

Supervisor Responsibilities:

1. Immediately notify the appropriate Battalion Chief, the Battalion Chief will notify the appropriate Deputy Chief.

2. The Professional Standards Bureau Chief Officer or his/her designee will make arrangements for the testing with the Department's drug and alcohol screening provider.

3. The Chief Officer shall follow instructions for transporting the member to the Department's drug and alcohol screening provider. The member shall not operate any vehicle.

4. Prior to member being transported, REASONABLE SUSPICION – ILLEGAL DRUG AND ALCOHOL TESTING form 100-61 shall be completed. Refusal may result in discipline up to and including dismissal.

5. The Professional Standards Bureau Chief Officer or his/her designee will meet the Chief Officer and the member at the Department's drug and alcohol screening provider. A Chief Officer shall remain with the member at all times.

6. The Chief shall give his/her "reasonable suspicion' reasons for requiring the drug or alcohol test prior to testing in writing.

7. Upon request, the employee shall be entitled to the presence of a union representative before testing is administered. The right of union representation shall not cause "unreasonable delay".

8. Prior to testing the member shall sign the ILLEGAL DRUG AND ALCOHOL TESTING - EMPLOYEE EDUCATION form 100-63.

9. If the member refuses to submit to testing or tests positive they shall immediately be removed from duty. The TEMPORARY RELIEF OF DUTY form 100-62 shall be completed and a copy given to the member.

10. The Chief Officer shall be directed by the Professional Standards Bureau Chief Officer or his/her designee how to proceed with the member.

- **NOTE:** Refusal may result in discipline up to and including dismissal.

All required and appropriate documents shall be completed and delivered immediately to the Professional Standards Bureau Chief Officer and one copy to the Fire Chief or his/her designee. All envelopes containing reports shall be sealed and marked PERSONAL AND CONFIDENTIAL.

DRUG AND ALCOHOL TESTING PROCESS

The testing will take place under the direction and supervision of the Department's drug and alcohol screening provider.

1. The submission of urine samples shall be witnessed by medical personnel of the same sex as the employee submitting the sample.

2. A member, who in the judgment of the collecting official, attempts to substitute another person's urine, alter by placing or mixing any foreign substance into the sample bottle with his/her urine, or in any other way, tampers with the collection process, will be required to remain at the medical facility and submit a proper sample under the testing facilities Direct Observation Procedures.

3. Any medical reason that prohibits or hinders the testing process to be completed, including "shy bladder", is considered a REFUSAL until a determination can be made by the City Physician.

4. If an alcohol breathalyzer test is positive than a confirmation test will be conducted 15 minutes from the initial test and the confirmation test will become the test of record.

5. The urine sample from the member will be analyzed at a laboratory selected by the Department's drug and alcohol screening provider.

6. The laboratory will use established scientific principles in the analysis of the sample. To insure the highest degree of reliability in every case where the initial test is positive, there shall be a confirmation test.

DISCIPLINE

Members who test positive, refuse testing, or tamper with a urine sample may be subject to the disciplinary process up to and including dismissal.

See Also:

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https://www.tfrdpolicies.com/dokuwiki/doku.php?id=b_manual:b67

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