

# NEWBERRY COUNTY EMERGENCY SERVICES SUBSTANCE ABUSE POLICY

**Purpose** The intent of this policy is to document the Newberry County Emergency Services position with respect to alcohol and drug abuse (substance abuse). The Newberry County Emergency Services position requires procedures that are designed to:

- Establish and maintain a safe, healthy working environment for all members;
- Ensure the reputation of the Newberry County Emergency Services and its members as good, responsible citizens;
- Reduce the incidence of accidental injury to members and property.
- Reduce indifferent job performance, and other non-productive actions.

**Scope of General Policy.** Alcohol and/or drug abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and possible death. The failure of any member to comply with the procedures set forth in the policy for performing drug testing will result in disciplinary action up to and including discharge. This policy applies to all Newberry County Emergency Services.

Newberry County Emergency Services members are required within five calendar days, to report to the Chief of the Department or the Emergency Services Director, after any criminal conviction for the manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or any other controlled substance. Criminal conviction means a finding of guilt, a plea of no contest, or a plea of guilty. This also includes alcohol violation convictions as well.

Members will be given a copy of this policy and will be required to sign a form similar to that contained in attachment A to this policy acknowledging its receipt. Copies will be maintained in the member's files at their department or at Newberry Emergency Services headquarters. By continuing to work, the member agrees that he/she will abide by the policy as a condition of employment. Failure to sign the form will result in discharge.

**Inspection and Reporting.** All property belonging to Newberry County Emergency Services or the property of the Department shall be subject to inspection at any time. Property belonging to Newberry County Emergency Services or the Department is subject to inspection includes, but is not limited to, vehicles, desks, files, containers, and lockers. Failure to consent to, or cooperate with, such inspections will be grounds for disciplinary action up to and including discharge.

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## Definitions

### Chain of Custody

The chain of custody for a sample refers to the documentation procedures that are followed to determine how and by whom a urine or blood sample is handled from the time it is collected from the individual, until the final test result is determined. This process links the individual providing the sample to his or her particular sample. It provides written proof of every handling of the specimen while at the collection site and the laboratory.

### Newberry County Emergency Services members or Newberry County Emergency Services Property

Newberry County Emergency Services Includes all Fire Departments, Rescue Squads and Haz-Mat members. This also includes all Newberry County Emergency Services buildings, equipment, or vehicles.

### Confirm Limit (defined below)

Level of detectable drugs in urine to confirm a “positive” test. This confirm test is done by gas chromatography/mass spectrometry (GC/MS).  
Newberry County Emergency Services reserves the right to change the above profile as warranted. Notice of such changes, if any, will be provided to members in a timely manner.

<b>DRUG</b>	<b>Screen Limit</b>	<b>Confirm Limit</b>
Alcohol	0.04%	0.04%
<b>Other DRUG</b>	<b>Screen Limit (ng/ml)</b>	<b>Confirm Limit (ng/ml)</b>
Amphetamines, Methamphetamines	1000	500
Cocaine, Crack, Freebase	300	150
Opiates (heroin, Morphine, Codeine)	300	300
PCP (Phencyclidine)	25	25
THC	50	15

### Confirmation Tests

The first analysis of a urine sample is called an assay, or an initial screen. If an initial test is positive, it is essential that a second test be conducted to verify the result. This second confirmatory test, gas chromatography/mass spectrometry (GC/MS) is highly accurate.

### Confirmed and Verified Positive Drug Test

Verified by the Medical Review Officer (a licensed physician)

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### Drug Test under the Drug and Alcohol Procedure

Tests will be performed for the following;

#### **“Drugs Tested For” Definitions**

##### Amphetamines, Methamphetamines

Amphetamines are chemically manufactured drugs which stimulate the central nervous system. Methamphetamine is a stimulate and a derivative of amphetamines. It has similar effects on the central nervous system, but enters the brain much more quickly than other amphetamines and is therefore highly addictive.

##### Cocaine, Crack, Freebase

Cocaine is a highly potent organic stimulant derived from the leaves of the coca plant. Crack is an inexpensive, purified form of cocaine which is processed into tiny chips or chunks. Freebase is formed by heating pure cocaine, thereby separating it from its salt base.

##### Opiates, (Heroin, Morphine, Codeine)

Opiates, derived from the resin of the poppy plant, depresses the central nervous system.

##### PCP (Phencyclidine)

PCP is a synthetic drug that causes mental changes which can be unpredictable and extremely dangerous.

##### THC (Marijuana)

Marijuana is derived from the hemp plant, Cannabis Sativa. THC is delta-9-tetra-hydrocannabinol. THC alters a person’s ability to respond to situations. Affects motivation, lowers inhibitions, and can create paranoia.

### Illegal Drugs

Drugs that are against Federal or State law to own, possess, use, manufacture, or to distribute. Examples of illegal drugs are cocaine or marijuana. Legal drugs being used improperly or used without the supervision of a licensed health care provider are also considered illegal drugs. Use of a prescription drug obtained in any of the following manners constitutes illegal use of drugs and is actionable by Newberry County Emergency Services.

Through the purchase of the black market, from a valid prescription of another person (such as a family member or friend), from a prescription obtained under false pretenses or as part of multiple prescriptions falsely obtained from different health care professionals.

### Legal Drugs

A drug (not prohibited by Federal, State, or Local law) which is being used under supervision of a licensed health care provider. Over the counter drugs or medications used per instructions provided with the drug or medication.

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## Medical Review of Test Results

A positive drug test (screen and confirm) does not automatically identify a member as a user of illegal drugs. A licensed physician (Medical Review Officer) with knowledge of substance abuse disorders will review all positive drug test results in order to verify that chain of custody procedures were followed and that there are no alternative medical explanations for the test result. The responsibilities of the licensed physician are to determine if there is a **legitimate** explanation for a positive test result and to ensure chain of custody is accurate.

## Positive Drug Test

Test which exceeds the screen limit and the confirm limit.

## Prehire Drug Test

A drug test which is completed prior to becoming a member in Newberry County Emergency Services.

## Reasonable Cause

Reasonable cause to test for illegal drugs and alcohol include an observed inability of a member to perform his or her job in a safe or satisfactory manner, observed possession of illegal drug paraphernalia, illegal drugs or alcohol while on the job, or observed and documented behavior indicating an apparent physical state of impairment (poor balance, slurred speech, marijuana or alcohol odor, etc).

Any Driver who is involved in an accident resulting in significant damage to Newberry County Emergency Services property, or injury to other persons.

## Screen Limit

Level of detectable drugs in urine to trigger second test (confirm)

## Alcoholic Beverages

The consumption or open possession of alcoholic beverages on Newberry County Emergency Services premises or in vehicles is strictly prohibited and places the violator in jeopardy of immediate discharge.

Being under the influence of alcoholic beverages while on duty (while performing in a volunteer function) will subject a member to disciplinary action up to and including discharge for the first offense.

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## Illegal Drugs

The illegal manufacture, distribution, dispensation, possession, or use of non-prescription narcotics, illegal drugs, or controlled substances on Newberry County Emergency Services premises or vehicles is strictly prohibited and places the violator in jeopardy of immediate discharge.

Being under the influence of non-prescription narcotics, illegal drugs, or controlled substances while on duty, will subject a member to disciplinary action up to and including discharge for the first offense.

All members are expected to report in a condition fit for duty. Being under the influence of non-prescription narcotics, illegal drugs, or controlled substances while at work is an unfit condition.

Law enforcement authorities will be notified whenever non-prescription narcotics, illegal drugs, or controlled substances are found in the workplace.

## Prescription Drugs

Prescription drugs and medications shall be used only in the manner, combination, and quantity prescribed.

Prescription drugs and medications shall be used only by the person to whom the drug is prescribed.

If a member has any indication that prescribed or over the counter drugs may affect their behavior and/or performance, they should not respond to any call until they are fit to return to duty.

## Reasonable cause drug testing

The reasonable Cause testing program shall apply to all members of Newberry County Emergency Services. Newberry County Emergency Services will require alcohol and/or drug screening tests when there is a reasonable cause such as, but not limited to, the following:

- Reasonable cause to test for illegal drugs and alcohol include an observed inability of a member to perform his or her job in a safe or satisfactory manner as observed by the chief or commanding officer of the Newberry County Emergency Services.
- Observed possession of illegal drug paraphernalia, illegal drugs or alcohol while on the job.
- Observed and documented behavior indicating an apparent physical state of impairment (poor balance, slurred speech, marijuana or alcohol odor, etc.).

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- Any member who is responsible for an accident resulting in significant damage to Newberry County Emergency Services property, or injury to other persons.
- The Chief of the department or his designee may request a drug screen for the member. Upon approval by the Director of Emergency Services or his designee, the member will be asked to consent to a drug and/or alcohol test and sign a form acknowledging his/her consent.
- Any member who refuses to provide urine or other appropriate testing specimen will be subject to disciplinary action up to and including discharge.

## **Pre-employment drug screen**

All applicants for Newberry County Emergency Services shall successfully complete a drug screen prior to being accepted as a member.

## **Testing Procedures**

A designated collection site will be provided where members and applicants will present themselves for testing at a time convenient for their working schedule. The site will possess all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and transportation of urine or other required specimens to a drug testing laboratory.

Members will be asked by their chief or other appropriate Newberry County Emergency Services officials to report to a collection site. Members who are believed to be under the influence of drugs will be transported to the collection site by the member's supervisor or other appropriate Newberry County Emergency Services officials. Applicants will be instructed to report to the collection site at a specified time.

To insure that the sample or specimen provided by an individual is properly identified and not accidentally confused with any other sample, strict procedures shall be used when collecting and transferring the sample. The total of these procedures is known as the chain-of-custody.

Applicants and Member's will be given an opportunity prior to testing to list all drugs they have recently taken, including prescribed drugs, and to explain the circumstances of the use of those drugs in writing on a control form. Any additional concerns can be provided on this form.

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Collection of samples or specimens shall allow individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided. Precautions shall be taken to ensure that a specimen has not been adulterated or diluted during the collection procedure and that all information on the specimen bottle and the chain-of-custody form can be identified as belonging to a given individual. Collection of urine specimens shall not be made under observation unless the Newberry County Emergency Services has reason to believe that a particular individual may alter or substitute the specimen.

All specimens collected by the collection agency shall be tested in a laboratory certified by the United States Department of Health and Human Services National Institute in Drug Abuse.

Specimens will be checked for at least the following substances;

- A. Marijuana and related substances
- B. Cocaine
- C. Opiates
- D. Amphetamines
- E. Phencyclidines
- F. Barbiturates

All samples will be first subjected to an individual screening process to detect the presence of drugs. Those samples having a negative screen (no illegal or illicitly used substance) will be considered to have tested negative and no further testing will be done on those samples. Those samples that test positive on the first screen will be tested more extensively.

The laboratory will ensure that the chain of custody procedures are adhered to from the time of receipt of urine samples until testing is completed and results are reported. Samples that test positive will be stored by the laboratory for a minimum of one year.

A member or applicant who tests positive may request a second analysis of the original sample. The individual can also request a separate retest at another NIDA certified laboratory. In such instances, the laboratory used by Newberry County Emergency Services will send a portion of the original sample to a laboratory designated by the individual. The cost of the retest shall be paid for by the individual if the initial results are confirmed.

All member's and applicants will receive written notification of drug tests within ten (10) business days of testing.

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## **Notice to Members**

As a condition of continued membership, members agree to notify Newberry County Emergency Services (This includes all current stations in which the person is a member) within five (5) calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession, or use of illegal drugs and prescription drugs not prescribed for the individual members use. This also includes alcohol violation convictions as well. "Conviction" means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty.

## **Consequences of Violating this Policy**

For all Newberry County Emergency Services members, violations of this policy will result in disciplinary procedures up to and including termination.

Newberry County Emergency Services, In lieu of terminating a volunteer, may condition the continued or future membership for a member who tests positive for or admits to the inappropriate use of alcohol or illegal drugs. Upon the successful completion of a Newberry County approved alcohol or drug counseling/rehabilitation program.

If Newberry County Emergency Services, after considering all of the relevant circumstances, agrees to allow a member who is found to be in violation of this policy to continue as a member, the member will be subject to the following:

- Referral of the member for alcohol or drug abuse counseling;
- Retesting the member for alcohol or controlled substances before allowing the member to return to duty;
- Requiring the member to authorize any rehabilitation facility to report periodically to Newberry County Emergency Services during course of treatment/counseling;
- Placing the member on suspension pending the completion of approved treatment/counseling and up to six months suspension;
- Once the member is eligible to return to active duty they will need to be voted on by the department and if approved placed on a one year probation period;
- Once a member returns to active duty they will not be allowed to serve as a command officer for a period of five years.
- All Newberry County Emergency Services also have bylaws that may have additional guidelines that will have to be met as well.



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- If the approved counseling/rehabilitation is not completed by the member there will be a ten year waiting period before they may reapply for membership. They may however complete a program within the ten years to meet the requirement of counseling/rehabilitation as long as they present proper paperwork for completing the program.

A member whose return to duty test sample does not indicate that the member has discontinued use of drugs indicates that the member is in violation of this policy.

### **Severability**

Should any clause, phrase, sentence, paragraph, or section of this policy be held unconstitutional or invalid by a court of competent jurisdiction for any reason, the validity of this policy or the remaining clauses, phrases, sentences, paragraphs, or sections shall not be affected.

All Departments may have guidelines/bylaws that are more stringent than this policy that would have to be met as well.

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**VOLUNTEER ACKNOWLEDGEMENT OF RECEIPT OF  
ALCOHOL AND / OR DRUG ABUSE POLICY**

This is to certify that I have received a copy of the Newberry County Emergency Services Alcohol and / or Drug abuse policy. I agree that my compliance with the policy shall be considered as a condition of membership in Newberry County Emergency Services. My failure to comply will result in disciplinary action up to and including immediate discharge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Department

**Attachment A**

**NEWBERRY COUNTY EMERGENCY SERVICES  
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**NEWBERRY COUNTY EMERGENCY SERVICES  
DRUG AND/OR ALCOHOL SCREEN CONSENT FORM**

Name \_\_\_\_\_ SSN \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

\_\_\_\_\_ Dept. \_\_\_\_\_

Yes  No Have you taken any medication or drugs within the past 30 days?

Yes  No Have you consumed any alcoholic beverages within the past 24 hrs?

Yes  No Are you taking any prescription or over the counter drugs or medications?

Yes  No Have you smoked marijuana within the past 30 days?

If you answered yes to any of the above, list the name(s) of the drug or medication in the space below.

\_\_\_\_\_  
\_\_\_\_\_

I understand and voluntarily consent to Newberry County Emergency Services request for a urine specimen or sample. I hereby hold harmless Newberry County Emergency Services, the laboratory, their Volunteers/ employees, agents, and contractors from any liability arising from this request to furnish this or any specimen or sample, the testing of the specimen or sample, and any decisions made concerning my employment based upon the results of the test, or any other use or disclosure of the test results. I consent to allow appropriate personnel designated by Newberry County Emergency Services to perform chemical tests for the presence of alcohol, drugs, or other controlled substances. I also give my permission to release the results of these tests to appropriate Newberry County Emergency Services personnel and I release any of these persons from any liability whatsoever arising from the release of this information.

\_\_\_\_\_  
Employee Signature Date

\_\_\_\_\_  
Witness Date

I hereby acknowledge that the urine specimen or sample given is my own. Further, I attest that the specimen or sample was labeled in my presence and initialed by me.

\_\_\_\_\_  
Signature Date

**Attachment B**