

**Rome Volunteer Fire Department
DRUG AND ALCOHOL TESTING POLICY**

- Section 1: The public and the members have the absolute right to expect persons employed by Rome Volunteer Fire Department to be free from the effects of drugs and alcohol and that the Rome Volunteer Fire Department members shall report fit and able for duty. The purposes of this article shall be to guarantee these principles while not violating the constitutional rights of the members. The Rome Volunteer Fire Department may randomly drug test any member.
- Section 2: Members shall be prohibited from:
- A. Consumption of alcohol at any time during or just prior to the beginning of an incident, training, departmental activity or anywhere on any Rome Volunteer Fire Department premises or job sites, including Rome Volunteer Fire Department buildings, properties, scenes, trainings, vehicles, and a member's personal vehicle while engaged in Department business.
 - B. Possession of alcohol at any time during or just prior to a departmental activity or anywhere on any Rome Volunteer Fire Department premises or job sites, including Rome Volunteer Fire Department Buildings, properties, scenes, or vehicles;
 - C. Possessing, using, selling, purchasing, or delivering any illegal drugs or alcohol.
 - D. Failing to report to the member's supervisor any known adverse side effects of medication or prescription drugs, which the member may be taking.
- Section 3: When the Department has reasonable suspicion that a member's performance is being affected by the use of alcohol, abuse of prescribed drugs, or the use of illegal drugs, the Department shall have the right and responsibility to require the member to submit to alcohol and drug testing as set forth in this Agreement. In the event of an accident involving bodily or property damage the requirement of a drug or alcohol test will be at the chief's discretion.
- Section 4: Within seventy-two (72) hours of the time the member is ordered to testing authorized by this Agreement, the Department shall provide the member with a written notice setting forth the facts and interferences which form the basis of the order to test. Refusal to submit to such test may subject the members to discipline, but the member's taking of the test shall not be construed as a waiver of any objection or right that he/she possesses.
- Section 5: Any member, who is tested, except for random testing, shall be placed on medical leave from the time of the test to the deliverance of results. Results will be simultaneously sent to the member and the Department. Arrangements will be made at the time of the testing.

Section 6: If required, the Department will provide transportation to the licensed medical facility to obtain bodily fluid or material samples.

In conducting the testing authorized by this Agreement, the Department shall:

- A. Use only a clinical laboratory or hospital facility, which is certified to perform drug and/or alcohol testing. The licensed medical facility will serve as a collection site and qualified laboratories will conduct the required testing of samples.
- B. Establish a chain of custody procedure for both the sample collection and testing that will ensure the integrity of the identity of each sample and test result.
- C. Collect a sufficient sample of the same bodily fluid or material from a member to allow for initial screening, a confirmatory test, and a sufficient amount to be set aside reserved for later testing if requested by the member.
- D. Collect samples in such a manner as to preserve the individual member's right to privacy while insuring a high degree of security for the sample and its freedom from adulteration. Members shall not be witnessed by anyone while submitting a sample except in circumstances where the laboratory or facility does not have a "clean room" for submitting samples or where there is reasonable suspicion that the member may attempt to compromise the accuracy of the testing procedure.
- E. Confirm any sample that tests positive in initial screening for drugs by testing the second portion of the same sample by gas chromatography/mass spectrometry (GC/MS) or an equivalent or better scientifically accurate and acceptable method that provides quantitative data about the detected drug or drug metabolites. The members who test positive in violation of the standards contained in Ohio Revised Code or the federal code of regulations will be subject to discipline.
- F. Provide the member tested with an opportunity to have the additional sample tested by a clinical laboratory or hospital facility of the member's choosing, at the member's own expense; provide the member notifies the Department within seventy-two (72) hours of receiving the results of the test.
- G. Requires that the laboratory or hospital facility report to the Department that a blood or urine sample is positive only if both initial

screening and confirmation tests are positive for a particular drug. The parties agree that should any information concerning such testing or the results thereof be obtained by the Department inconsistent with the understanding expressed herein (i.e., billing for testing that reveals the nature or number of tests administered), the Department will not use such information in any manner or form adverse to the member's interests.

- H. Require that with regard to alcohol testing, of the purpose of determining whether the member is under the influence of alcohol, test results showing an alcohol concentration of .050 or more based upon the gram of alcohol per 100 millimeters of blood shall be considered positive (Note: the foregoing standard shall not preclude the Department from attempting to show that the results between .01 and .05 demonstrate that the member was under the influence, but the Department shall bear the burden of proof in such cases).
- I. Provide each member tested with a copy of all information and reports received by the Department in connection with the testing and the results.

Section 7:

The Department shall take no adverse employment action against any member who voluntarily seeks treatment, counseling, or other support for an alcohol or drug related problem, other than the Department will require that member to accept a non-disciplinary medical leave. The foregoing is conditioned upon:

- A. The member agreeing to appropriate treatment as determined by the physician(s) involved;
- B. The member discontinues his use of illegal drugs or abuse of alcohol;
- C. The member completes the course of treatment prescribed, including an "after-care" group for a period of twelve (12) months;
- D. The member agrees to submit to random testing during once returned to active status.

It is the member's responsibility to notify the chief and/or department when he/she is consuming any prescription or non-prescription medication which may impair his/her judgment or performance or otherwise adversely affect the normal functions of the mental faculties or physical abilities or result in an un-safe work environment.

Members convicted or under investigation for the illegal use of drugs or alcohol, including possession, use, abuse, or driving while under the influence, must report that information to the chief within seven (7) days of the incident for consideration. If not reported within that time, the member will be subject to immediate dismissal.

Members who do not agree to or act in accordance with the foregoing shall be subject to discipline, up to and including discharge. This Article shall not be construed as an obligation on the part of the Department to retain an member on active status throughout the period of rehabilitation if it is appropriately determined that the member' current use of alcohol or drugs prevents such individual from performing the duties of his position or whose continuance on active status would constitute a direct threat to the property and safety of others.