



<b>Wintergreen Fire and Rescue Standard Administrative Policy</b>	
Subject:	Drug-Free Workplace
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Signature of Approval	Curtis Sheets, Chief

**Alcohol and Substance Abuse:**

It is the policy of Wintergreen Fire & Rescue (WFR) that the workplace be free of illicit drugs and alcoholic beverages. As a public safety department, WFR has a legal responsibility to ensure a safe work environment, as well as a paramount interest in protecting the public by ensuring that its career staff/volunteers have the physical stamina and emotional stability to perform their assigned duties.

**Purpose:**

The purpose of the WFR drug/alcohol policy is to maintain a safe, healthy, and productive work environment for all volunteers/career staff and surrounding emergency services personnel.

**Policy:**

1. Prohibited Substances  
Alcohol, or any substance which is a designer drug prohibited in Section 54.1-3456 of the Code of Virginia, or which is included in Schedules 1 through 6 in Sections 54.1-3445 to 54.1-3455 of the Code of Virginia, or any other substances which could impair a volunteer's/career staff's ability to safely and effectively perform the functions of a particular job, may not be used or possessed on WFR property, or while participating in any agency activity, or on a call.
2. Prohibited Behavior  
Employees/Volunteers shall not: report to WFR buildings or squad duty, while under the influence of prohibited substances; have the odor of prohibited substances on or about their breath or person; have their ability to work impaired as a result of the use of prohibited substances; or personally use or possess, or sell or provide to any person, any prohibited substances while on WFR property.
3. Legal Medications  
Employee/Volunteer use of valid, over-the-counter or medically prescribed medications or drugs is not by itself a violation of this policy. Because these substances may interfere with the safe and effective performance of duties or the operation of WFR vehicles or equipment, permission to work from a qualified physician may be required.
4. Subject to Search  
WFR reserves the right to search for prohibited substances, without employee consent, all areas and property in which WFR maintains full or joint control with the volunteer/career staff. All WFR owned vehicles are subject to search by an

administrative officer. A Chief may obtain search warrants should it become necessary to search areas under the full control of an employee.

5. Penalties

Violations to the policy may result in a refusal to offer membership/employment or may result in discipline, suspension, or termination for volunteers/career staff.

Refusal to immediately submit to a drug test when requested by a WFR officer in accordance with this policy will constitute insubordination, which alone will result in immediate dismissal from WFR.

6. Immediate Suspension

Career/Volunteer staff reasonably believed to be using, or to have their ability to work impaired by, or to be under the influence of, prohibited substances, shall be prevented from engaging in further work. Administrative officers may affect an immediate suspension during the course of an investigation under this policy. The career/volunteer staff member will be directed to remain off WFR property during this investigation.

7. This policy is in accordance with the Wintergreen Property Owners Association Employee Handbook. Personnel are required to review that document and ask questions as needed.

**Procedure:**

Definitions

1. Substance use or possession

The application, ingestion, injection, consumption, inhalation or possession of prohibited substances.

2. Volunteer/Career Staff

All persons who are an affiliated volunteer or career staff of the WFR, to include senior members, associate members, special members, junior members, and career staff.

3. Work

Any period of time when a crewmember is volunteering their time with WFR or an employee of WFR, while on WFR property, while participating in any department activity, or on a agency call. The following functions/activities will not be included in this rule (WFR picnic, outside WFR gathering, or while attending outside activities, i.e. Conference, Rescue College, EMS Symposium, etc.)

4. Reasonable Suspicion

An apparent state of facts and/or circumstances found to exist upon investigation by a responsible WFR representative, which could induce a reasonably intelligent and prudent person to believe that the volunteer/career staff member was using, possessing, selling, or providing substances, or was under the influence of prohibited substances, or that the volunteer/career staff's ability to perform the functions of his assigned duties is impaired, or that the volunteer/career staff's ability to perform his/her duties safely is reduced.

5. Drug Test

A test designed to detect prohibited substances and administered under approved conditions and procedures. A volunteer/career staff member will be required to submit to a drug test whenever reasonable suspicion of use is present.

### **Career/Volunteer Staff Responsibilities:**

All career/volunteer staff must:

1. Not report to WFR while his/her ability to perform assigned duties is impaired due to the use of prohibited substances.
2. Not report to the WFR while under the influence of prohibited substances; or have the odor of prohibited substances on or about his/her breath or person.
3. Not possess, sell, or provide prohibited substances to any person while at WFR.
4. Not operate or occupy any WFR vehicles or equipment at any time while under the influence of, or while driving ability is impaired by, prohibited substances; or whenever the odor of prohibited substances is in, on, or about his/her breath or person.
5. Submit immediately to a reasonable request for a drug test.
6. Not inhale, consume, or, otherwise ingest or inject any prohibited substance under this policy after being requested to submit to a drug test, and before the taking of such test.
7. Notify his/her Captain, Chief, or Deputy Chief, before beginning work when taking any legal medications or drugs, whether prescription or non-prescription, which may interfere with the safe and effective performance of duties or the operation of WFR vehicles or equipment.
8. Provide within 24 hours of the request a current valid prescription for any drug or medication identified when a drug test is positive for a prohibited substance; the prescription must be in the volunteer/career staff's name and dated prior to the time of the test.
9. Abstain from taking part in any emergency service incident if he/she has consumed alcohol within eight (8) hours of the event.

### **Administration Responsibilities:**

1. WFR Administration/Officers are responsible for consistent enforcement of this policy. Any Administration/Officer who knowingly permits a violation of this policy by volunteer/career staff member under his/her direct supervision shall be subject to disciplinary action.
2. WFR Administration/Officers may request that a volunteer/career staff member submit to a drug test if a reasonable suspicion indicates that the volunteer/career staff member is using or is under the influence of prohibited substances. For example, any of the following, along or in combination, may constitute reasonable suspicion:
  - a. Slurred or slow speech;
  - b. Odor of alcohol or drugs on breath;
  - c. Inability to walk a straight line;
  - d. A volunteer/career staff member involved in an accident while on WFR property or while operating a WFR vehicle;
  - e. A physical altercation;
  - f. A verbal altercation;
  - g. Behavior which is so unusual that it warrants summoning an officer or anyone else with authority;
  - h. Information obtained from a reliable person with personal knowledge;

- i. Observation of actions and behaviors that indicate a violation of this policy may be occurring;

The above list is not exclusive. Other situations or observations, alone or in combination with these, may constitute reasonable suspicion.

3. Any officer requesting a volunteer/career staff member to submit to a drug test shall:
  - a. Document in writing the facts constituting reasonable suspicion that the volunteer/career staff member is using or is under the influence of potential substances;
  - b. Communicate these facts verbally to the volunteer/career staff member (confidential informants will not be revealed);
  - c. Remind any volunteer/career staff member who refuses to submit to a drug test of the requirements and consequences of this policy. Any volunteer/career staff member refusing to submit to a test will not be forced to submit to a test. The administration/officer should attempt to assure the volunteer/career staff member has safe transportation home from WFR;
  - d. Not physically search volunteer/career staff member;
  - e. Notify the Wintergreen Police Department and/or Nelson County Sheriff's Office when have reasonable suspicion to believe that a volunteer/career staff member may have illegal substances in his/her possession;
  - f. Not confiscate, without consent, prescription drugs or medication from a volunteer/career staff member that has a valid prescription for them.

#### **Testing for Prohibited Substances:**

Career staff is subject to testing for prohibited substances that will take place pre-hire, post-accident, probable cause, and at random. Volunteers are subject to testing post-accident and for probable cause.

Testing by WFR shall be paid for by WFR.

A member may be sent to the Community Wellness Center at Augusta Health Monday through Friday, between hours of 8:00am to 4:00pm, or the Emergency Department at Augusta Health if after 4:00pm or during the weekend. A volunteer/career staff member, if requested to do so by Augusta Health personnel, shall sign an authorization for a drug test. The hospital personnel in accordance with medically and legally accepted practices will collect a sample of the volunteer/career staff member's urine.

Urine specimens and/or blood will be collected in a secure and clinical setting. The collection site will provide a reasonable amount of privacy. The hospital will ensure that the urine/blood sample cannot be subjected to any foreign substance, which may taint or alter the specimen.

#### **Independent Testing by volunteer/career staff member:**

Every volunteer/career staff member requested to submit to a drug test may elect to be tested independently. Coordination with the physician, the actual collection, and the expense of this sample will be the responsibility of the volunteer/career staff member. Collection of an independent sample must be contemporaneous with the collection of the sample for WFR's test. Results of the independent test may be considered as evidence in any disciplinary proceeding if the collection and testing of the independent sample follows the guidelines specified for the WFR sample.

**Results of drug test:**

1. While awaiting the results of the drug test, the volunteer/career staff member will be released from assigned duties including answering calls, and will be required to remain off the property of WFR unless waived by the Chief of Fire & Rescue.
2. Upon receipt of a negative drug test, the volunteer/career staff member will be notified by the Chief of Fire & Rescue or his designee and shall be permitted to immediately return to normal activities.
3. If the drug test is positive for prohibited substances, the volunteer/career staff member will be suspended from assigned duties including answering calls and being on the property of WFR, until a formal investigation can take place.

**Disciplinary Action:**

If the volunteer/career staff member is determined to have possessed prohibited substances, or if a drug test is positive for prohibited substances, the following shall apply:

1. A Chief Officer will suspend the volunteer/career staff member for a period of 72 hours. The Chief and/or Deputy Chief will then meet to determine the continued status of the volunteer/career staff member.
2. The volunteer/career staff member will be subject to immediate dismissal at the Chief Officer's discretion.

**Confidentiality:**

Laboratory reports or test results are confidential and shall not be disclosed to anyone except Chief Officers on a need-to-know basis and to the tested volunteer/career staff member upon request. Disclosures, without the volunteer/career staff member's consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between volunteer/career staff member and WFR; (3) the information is needed by medical personnel for the diagnosis or treatment of an volunteer/career staff member who is unable to authorize disclosure.

**Additional Requirements:**

1. Liability could be established against WFR and the volunteer/career staff member if the Chief Officers failed to address and ensure both can perform their duties without endangering him or herself or the public. There is sufficient evidence to conclude that use, dependence upon, or abuse of these prohibited substances seriously impairs volunteer/career staff member's performance and general physical and mental health. In addition, the illegal possession or use of Schedule 1 through 6 drugs and narcotics by public safety personnel is a crime and is unacceptable.
2. The confirmed finding of an illegal drug or controlled substance in the drug test of a volunteer/career staff member of the WFR, unless a medical doctor for the volunteer/career staff member prescribes the substance, will result in immediate suspension of the volunteer/career staff member pending a formal investigation.