

DEPARTMENT OF FIRE AND RESCUE SERVICES



GENERAL ORDER

100.12



Originating From	Issue Date	Revision Date	Attachments
Administration	08/04/2000	N/A	A

SUBJECT: Substance Abuse Policy

APPLICABILITY: All Personnel

POLICY:

Howard County Department of Fire and Rescue Services (DFRS) seek to ensure that public safety is not endangered as a result of substance abuse by its members. DFRS also seeks to ensure the safety of members as they perform assigned duties and responsibilities. Recognizing that members who abuse substances, on- or off-duty, tend to be less productive, less reliable and pose a greater threat to public and member safety, DFRS is committed to maintaining a work environment that is untainted by substance abuse.

1 GENERAL

1.1 DFRS's policy regarding testing for substance abuse shall follow the guidelines set forth in the Substance Abuse Policy of the current Memorandum of Agreement between Howard County, Maryland and the International Association of Firefighters, Howard County Local 2000.

1.2 All uniformed, operationally active members shall follow the procedures for testing as outlined in the above-referenced document. The only difference in substance abuse testing procedures between career and volunteer members shall be in the method of name selection for random drug testing, which is outlined in section 2 of this policy. Regardless of name selection method, fifty percent of the career population and fifty percent the volunteer population shall be tested each year, pursuant to the Memorandum of Agreement.

2 GUIDELINES FOR NAME SELECTION FOR RANDOM DRUG TESTING

2.1 On the first day of each month, the DFRS Administrative Services Officer shall receive a list of all uniformed, operationally active career members selected for random drug testing during the current month. This list is produced by an independent contracting organization.

2.2 On the first day of each odd-numbered month, the DFRS Administrative Services Officer shall also receive a list of all uniformed, operationally active volunteer members (both county and corporate) selected for random drug testing within the next two months. This list is produced by the same independent contracting organization.

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2.2.1 As a whole, the standby schedules of the volunteer population are not as regimented as the work schedules of the career population; thus, the list of volunteer members is produced bimonthly. The likelihood of the selected member reporting for duty during the two-month time frame may be greater than a one-month time period.

Approved:

A handwritten signature in cursive script that reads "Joseph A. Herr".

Joseph A. Herr
Fire Chief

EXHIBIT C

**HOWARD COUNTY DEPARTMENT OF
FIRE AND RESCUE SERVICES**

SUBSTANCE ABUSE POLICY

(CAREER EMPLOYEES)

I. GENERAL POLICY:

The Howard County Department of Fire and Rescue Services (Department) seeks to ensure that public safety is not endangered as a result of substance abuse by Department Employees. The Department also seeks to ensure the safety of each of its employees as they perform assigned duties and responsibilities. Recognizing that employees who abuse substances, on or off-duty, tend to be less productive, less reliable and pose a greater threat to public and employee safety. The Department is committed to maintain a work environment that is untainted by substance abuse.

To this end, this policy establishes testing and disciplinary procedures for all full-time, career employees of the Department (hereinafter "Designated Employees"). This definition of Designated Employees includes:

- Firefighter Trainee
- Firefighter Recruit
- Firefighter
- Firefighter HVO
- Master Firefighter
- Master Fighter HVO
- Firefighter Lieutenant
- Fire Captain
- Battalion Chief
- Deputy Chief
- Chief Deputy
- Chief

This policy is established to promote public and employee safety and to protect the privacy rights of individuals.

II. DEFINITIONS:

In this **Substance Abuse Policy**, the following definitions apply except as otherwise expressly provided or a necessary implication requires:

A. **Abuse** - means:

1. Use of an illegal substance as defined in Paragraph II (C) below.

2. Use of prescription drugs in a manner - other than that prescribed by a licensed physician, inconsistent with its medically prescribed or intended use, or under circumstances where use is not permitted - and which may result in the impairment of job performance.
3. Use of non-prescription drugs in a manner other than that suggested by the manufacturer or prescribed by a physician and which results in the impairment of job performance.
4. Use or possession of alcohol while performing one's duties or use of alcohol, which results in the impairment of job performance.
5. Use of alcohol, which is contrary to the criminal laws of the State of Maryland.
6. The intentional use of any substance, legal or illegal, which results in the impairment of job performance.

B. **Alcohol** - means: ethyl alcohol or ethanol.

C. **Drugs** - means:

1. All substances (narcotic and non-narcotic) which are subject to control under the Maryland Uniform Controlled Dangerous Substances Act (Schedule I-V) and those non-controlled substances, inclusive, for which enforcement remedies are available pursuant to Maryland Annotated Code, Article 27, Sections 276 through 302; and
2. Any substance other than alcohol, which may impair one's mental faculties and/or physis, or abuse alcohol or prescription drugs in any manner that is contrary to the laws of the State of Maryland.
3. Consume alcohol while on-duty or in a uniform, which displays the insignia of the Department, or while operating a County owned vehicle.
4. Abuse alcohol while operating a County owned or utilized vehicle.

D. No Designated Employee may abuse a substance as defined in this Substance Abuse Policy.

E. Designated Employees who are convicted of off-the-job drug offenses or criminal offenses relating to the use of alcohol will be in violation of this policy.

F. Designated Employees must report any criminal drug conviction to their immediate supervisor within five (5) days of that conviction.

G. **Random Testing** - means: manner of selecting individuals for drug testing from the total population subject to testing, so that each member of the population subject to

testing has an equal chance to be selected for testing on each occasion random testing is undertaken. For purposes of this Policy, a computerized random selection process beyond the control of employees and officers of Howard County, Maryland shall be utilized. For purposes of this Substance Abuse Policy, random testing of individuals subject to such testing shall be conducted at the rate of fifty percent per year.

- H. **Reasonable Suspicion** - means: the existence of facts and the rational inferences which may be drawn from such facts or an objective base of knowledge sufficient to induce an ordinary, prudent and cautious person under the same circumstances to believe that a person may be selling, purchasing, transferring, possessing, using, or abusing alcohol or drugs in any way that is illegal or a violation of this Policy, or that a drug abuse test of an employee will produce evidence of illegal use of drugs.

- I. **Post Vehicle Accident Testing** - As soon as practicable following an occurrence involving a departmental vehicle, the operator shall be tested for substances contained within this policy if:
 - 1). There is a loss of human life; or
 - 2). Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - 3). One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

- J. **Substance** - means: alcohol or drugs.

III. POLICY APPLICATION:

- A. All Designated Employees shall adhere to the following requirements:
No designated employee shall:
 - 1. Manufacture, distribute, dispense, possess, or use a controlled substance.
 - 2. Report to work or be at work or on duty while under the influence of drugs or alcohol.
 - 3. While undertaking official business, purchase, transfer, use, or possess drugs as defined in Paragraph II(C)(1) hereof, or abuse alcohol or prescription drugs in any manner that is contrary to the laws of the State of Maryland.
 - 4. Consume alcohol while on-duty or in a uniform, which displays the insignia of the Department, or while operating a County owned vehicle.
 - 5. Abuse alcohol while operating a County owned or utilized vehicle.

- B. No Designated Employee may abuse a substance as defined in this Substance Abuse Policy.

- C. Designated Employees who are convicted of off-the-job drug offenses or criminal offenses relating to the use of alcohol will be in violation of this policy.

- D. Designated Employees must report any criminal drug conviction to their immediate supervisor within five days of that conviction.

IV. DRUG AND ALCOHOL SCREENING:

- A. All Designated Employees who seek to be promoted into an employment position must receive a physical examination, which shall include a drug screen.
- B. All Designated Employees shall receive a medical examination, which shall include a drug screen as part of any regularly scheduled medical examination.
- C. All Designated Employees shall be subject to random drug testing.
- D. Where a reasonable suspicion of substance abuse exists, all Designated Employees shall be required to undergo drug and alcohol testing under direct observation by an individual of the same gender.

V. POLICY ADMINISTRATION:

- A. The Fire Chief and the Personnel Officer are responsible for the adherence to and implementation, enforcement and monitoring of this Policy.
- B. The Howard County Office of Personnel shall be responsible for the following:
 - 1. Training all Designated Employees involved in the implementation of this Substance Abuse Policy. Such training shall include instruction on the conditions for testing for substances, confidentiality requirements, the impact of positive test results and the appeal rights of Designated Employees.
 - 2. Informing Designated Employees who refuse to be tested, that refusal may result in disciplinary action, which may include termination of employment.
 - 3. Informing Designated Employees of the consequences of a positive test result.
 - 4. Sending notification of the date and time for random screening examinations to Designated Employees, which notification of scheduling may be directed through the Designated Employee's supervisor or other commanding officer.
 - 5. Coordination of drug and alcohol screening where a reasonable suspicion of substance abuse exists.
 - 6. Development of contractual agreements with a collection center and a substance screening laboratory for the purpose of implementing this policy.
 - 7. Coordination of the substance screening record keeping process.

8. Informing Designated Employees and the Fire Chief of test results.

C. Designated Employees shall:

1. Upon receipt of written notification from their supervisor or other commanding officer, report for urinalysis or blood testing at such time and place set forth in the written notification.
2. Present their Departmental identification card to personnel at the collection center designated by the County.
3. Complete all forms and provide all medical information related to the screening examination requested by personnel at the collection center designated by the County.
4. Immediately report to their supervisor or other commanding officer any accidental exposure to any drug as defined by this Policy.
5. Immediately seek medical treatment when exposed to any drug as defined by this Policy.
6. Immediately write an administrative report to their supervisor or other commanding officer when accidentally exposed to any drug as defined by this policy.
7. Notify their supervisor or other commanding officer in writing when they are taking prescription or non-prescription medications which may have effects on performance and behavior, and identify the type of medication being taken as well as the effects which the medication may have on performance and behavior.

VI. TESTING PROCEDURES:

- A. **Drugs.** The Department, through the County Personnel Officer, shall utilize independent collection facilities and laboratories for all urinalysis testing to determine drug abuse under this Policy. The County shall utilize only those laboratories which are certified or approved under Section 17-214.1, Health General, Annotated Code of Maryland and collection facilities and laboratories which follow guidelines promulgated by the U.S. Department of Health and Human Services and N.I.D.A. Howard County Local 2000 shall be given notice 30 days prior to a change in collection or laboratory contractors and shall be given an opportunity to view the facilities of any new contractor selected by the County to provide collection or laboratory services relating to the testing program.
- B. **Alcohol:** Where a reasonable suspicion of alcohol abuse exists, blood testing analyses shall be performed by qualified independent laboratories.

C. Substances subject to testing:

1. Random, promotional and regularly scheduled medical examination drug testing programs shall test for marijuana, cocaine, opiates, phencyclidine, and amphetamines.
2. When testing is conducted upon "reasonable suspicion", the Department may test for any substance.

D. Testing Methodologies:

1. Drugs:

- (a) The initial tests shall use immunoassay techniques outlined in the guidelines promulgated by the U.S. Department of Health and Human Services.
- (b) The confirmatory test shall be Gas Chromatography-Mass Spectroscopy (GC-MS).

2. Alcohol:

Tests undertaken to determine alcohol abuse shall utilize blood testing techniques.

E. Testing Levels:

1. Drugs:

- (a) An initial screening test shall be deemed positive if the result for the five (5) drugs or classes of drugs screened in the random testing program is determined to be at or above the following levels:

(ng/ml)

- | | |
|----------------------------------|-------|
| 1. Marijuana/Cannabinoids (THC): | 100 |
| 2. Cocaine: | 300 |
| 3. Opiates: | 300 |
| 4. Phencyclidine (PCP): | 25 |
| 5. Amphetamines: | 1,000 |

- (b) Confirmatory test levels for the same drug shall be as follows:

(ng/ml)

1. Marijuana/Cannabinoids (THC):	15
2. Cocaine:	150
3. Opiates:	
(a) Morphine	300
(b) Codeine	300
4. Phencyclidine (PCP)	25
5. Amphetamines	
(a) Amphetamine	500
(b) Methamphetamine	500

2. **Alcohol.**

- (a) A blood test result which reveals there is in the person's blood at the time of testing .06 percent or more by weight of alcohol shall be deemed positive.

VII. TESTING RESULTS

- A. **Maintenance of Test Results.** Testing results shall be forwarded by the independent laboratory to the Office of Personnel where the results will be maintained in a confidential manner.
- B. **Negative Test Results.** The Office of Personnel will advise the Designated Employee being tested of a negative test result.
- C. **Positive Test Results.** The Office of Personnel will advise the Designated Employee being tested and the Fire Chief of any positive test results in accordance with Maryland law and shall provide the individual being tested with a copy of his/or her test results. The Office of Personnel shall also, in the case of a positive test result, advise the tested employee, in accordance with Maryland law, of his/her right to request independent testing of the same sample taken from the employee for verification of the presence of any prohibited substance by a laboratory certified and licensed in accordance with the laws of the State of Maryland, and of the time period within which he/she must exercise such right.

VIII. CONSEQUENCES FOR FAILURE TO COMPLY WITH SUBSTANCE ABUSE POLICY, FOR POSITIVE TEST RESULTS AND CRIMINAL CONVICTIONS:

- A. A Designated Employee who violates or fails to comply with any provisions of this Substance Abuse Policy may be subject to appropriate discipline at the discretion of the Fire Chief.
- B. A Designated Employee who refuses to be tested shall be subject to discipline, including termination.

- C. Each Designated Employee will have thirty (30) days from the effective date of this General Order to notify the Department of any substance abuse problems the individual may have with drugs and/or alcohol. Any such Designated Employee who comes forward and who undertakes appropriate detoxification treatment and/or rehabilitation services will not be subject to any discipline. While participating in an approved detoxification/rehabilitation program, employees will be placed on disability status and will be allowed to utilize disability, annual and personal leave. When such leave is exhausted, the employees will be placed on a leave without pay status. Upon successful completion of the program, Designated Employees shall be returned to their regular positions, provided that the employee undergoes a test for drugs and/or alcohol before reinstatement and does not test positive.

For the 12 months following reinstatement, the employee shall be subject to periodic unannounced drug and/or alcohol testing and will be prohibited from performing in a paramedic status and will be denied any pay associated with paramedic status. If the employee fails to successfully complete the program or to pass any subsequent drug and/or alcohol test, the employee may be terminated at the discretion of the Fire Chief.

- D. Any Designated Employee who is directed to submit to a drug and/or alcohol test under this Policy, and who tests positive for the first time, will be suspended without pay, and will be given an opportunity to participate in an appropriate detoxification and/or rehabilitation program. Upon satisfactory completion of treatment in accordance with the foregoing, the employee will be reinstated to his/her position with no loss of seniority or benefits, except that for a 12 month period immediately following reinstatement, an employee with paramedic status will be prohibited from performing in a paramedic status and will be denied any pay associated with paramedic status. Prior to reinstatement, however, an employee must undergo drug and/or alcohol testing and may not test positive in accordance with the standards adopted above. Failure to satisfactorily complete treatment or to take the test and to meet the standards adopted above may result in termination of employment.

For the 12 months following reinstatement, the Designated Employee shall also be subject to periodic unannounced drug and/or alcohol testing. Failure to take the test(s) and/or a positive test result may result in termination of the employee at the discretion of the Fire Chief.

- E. Any Designated Employee who tests positive on a drug and/or alcohol test for a second time will be terminated.
- F. A Designated Employee who is convicted of an off-the-job drug offense or criminal offense relating to the use of alcohol may be terminated at the discretion of the Fire Chief.
- G. For purposes of assuring compliance with this Policy, lockers provided by the Department to Designated Employees may be subject to inspection/search at any time by the Department when the Department has a reasonable suspicion to believe that a

person who has access to the locker may be selling, purchasing, transferring, possessing, using or abusing alcohol or drugs in any way that is illegal or a violation of this Policy. This includes the forcible opening of a locker if an employee refuses to open his/her locker voluntarily.

IX. EFFECTIVE DATE:

This General Order shall become effective on _____, 1991.