



Emergency Services Insurance Program

SAMPLE POLICY GUIDELINE

Developing a Drug and Alcohol Policy in the Emergency Services

Absent of local or state mandates, the development of a “Drug and Alcohol” policy is the responsibility of the organization’s leadership.

The OSHA General Duty Standard requires employers to maintain a workplace that not only meets formal OSHA requirements, but also is free from “recognized hazards” that may cause death or serious injury to workers. If your department is regulated by OSHA standards, a formal policy on substance abuse may be required.

For guidance, an organization may look to the National Fire Protection Association (NFPA) which has in several sections, set forth the requirements of such a policy.

For Example, NFPA Standard 1500 “Fire Department Occupational Safety and Health” Section 8-1.5 states:

“Members who are under the influence of alcohol or drugs shall not participate in any fire department operations or other functions.”

The appendix provides further clarification by stating:

“Any member, career or volunteer, who reports for duty under the influence of alcohol or drugs or any other substance that impairs the members mental or physical capacity, cannot be tolerated.”

Also, any department, which applies for a federal grant, must have a substance abuse policy in place in accordance with the Drug Free Workplace Act of 1988.

The responsibility of an organization does not stop with prohibition, once it is determined that a member has difficulty with substance abuse, the organization is directed by Section 9-1.1 to:

“...provide a member an assistance program that identifies and assists the member and their immediate families with substance abuse, stress and personal problems that adversely affect fire department work performance. The assistance program shall refer members and their immediate families, as appropriate to the proper healthcare services for the purpose of restoring job performance to expected levels, as well as for the restoration of better health.”

And Section 9-9.2 reads:

“The Fire Department shall adopt a written policy statement on alcoholism, substance abuse, and other problems covered by the member assistance program.”

Given these mandates fire departments should be preparing written policies. The drug and alcohol policies must clearly state the objectives of the program, explain, or refer to another policy which details, the manner in which the program will be carried out, and detail penalties for the breach of the policy. Simply documenting drug testing criteria does not fully serve the purpose of a policy. An adequate drug and alcohol policy needs to address three important factors:

Education

Evaluation (If desired)

Rehabilitation

Each of these factors contains many variables and the decision on how to implement each must be made by the local organization. The decision must be based on actual conditions or necessities the organization is faced with.

The following is a basic sample drug policy; however, as stated above, it cannot stand alone. Addenda must be included to finalize the document into a working policy, which will benefit the organization, the members and the community.

Sample Drug Policy

The (Emergency Service Organization) recognizes the problem of drug and alcohol abuse in society, while also realizing that drug and alcohol dependency and abuse can be treated and controlled. We further recognize that drug use by members of this organization would be a threat to the public welfare and the safety of all department members. It is the goal of this policy to eliminate illegal drug usage through education, evaluation and rehabilitation of the affected personnel. The possession, use or being under the influence of alcoholic beverages or unauthorized drugs shall not be permitted while on duty or conducting any official business in connection with the (Emergency Service Organization).

The use, sale, consumption, possession or distribution of drugs or other controlled substances while on organization property owned or leased (including vehicles) or while engaged in organization business is strictly prohibited and will result in discipline up to and including termination of membership. Members shall be responsible for their guests brought onto organization premises. Any member who is using prescription or over-the-counter drugs that may impair their ability to safely perform their job, or affect the safety and well being of others, must notify a supervisor of such use before resuming any duties on behalf of the organization.

In order to assist in meeting the goals of this policy, the (Emergency Service Organization) shall take a pro-active approach to mitigate the problem of drugs and alcohol addiction and abuse in the following ways:

1. Education: It shall be a goal of this organization to provide information to all members regarding drug and alcohol abuse and resulting in negative effects.
2. Evaluation: On-going drug and alcohol testing will be completed in a manner prescribed by the policy and procedure developed for this purpose. It is the intent of (Emergency Service Organization) to provide such testing for the benefit of all parties concerned. Such testing will not be discriminatory and will be carried out with due concerns for the dignity of all members.
3. Rehabilitation: The (Emergency Service Organization) shall provide any member who has tested positive or who comes forth on their own to advise of a problem with drugs or alcohol, with information regarding rehabilitation. The cost of such rehabilitation shall not be borne by the organization. The (Emergency Service Organization) is not obligated however, to continue membership of any person whose performance of essential job duties is impaired because of drug or alcohol use. Participation in rehabilitation shall not affect future service, nor will participation in such a program protect the member from disciplinary action for continued substandard job performance or rule infractions.

Enhancements to this policy shall include:

Education: This may vary from providing educational material such as handouts and booklets on drug abuse to employing a professional to address the membership on the subject. Perhaps the department physician or member of a local drug abuse program could be utilized for such a purpose. In addition, the Federal Anti-Drug Enforcement Act provides grants to local governments for educational purposes. It is vastly important the organization provide minimal training to avoid problems with substance abuse.

Evaluation (Testing): All members should be fully informed of the organization's drug and alcohol testing policy if testing is to be done. Members should be informed on how tests are conducted, what the test can determine and the consequences of testing positive as well as their options for re-testing. New members should be provided with this information at their date of acceptance and no member should be required to take a test before this information is provided to them.

The information must include how and where the sample is to be collected. It must also guarantee confidentiality to the member involved. As a result, arrangements must be in place with a facility that is able to perform these tests before instituting the policy. The facility must be within or nearby to the area of the organization. For volunteer organizations, the facility must also be capable of providing the tests during evening and weekend hours to accommodate working members.

There are several scenarios to provide for testing:

1. New Members-New members may be subject to drug screening as part of their initial physical requirements. This testing should be completed as soon as the applicant is accepted and before they become involved in any organizational official business.
2. Annual Physicals-Drug screening may be required during the annual physical of members. This may only be done if physicals are mandated of all members.
3. Random Testing-Unannounced random testing may be completed on a certain number of members each year. Members are randomly selected, usually by the testing facility, not the organization by use of a numbering system to be certain required testing is purely by chance.
4. Post-accident Testing- The policy may require anyone involved in an accident to be immediately screened at a prescribed place and in the prescribed manner.
5. Reasonable Suspicion- A determination for reasonable suspicion must be based on the observations of a supervisor who has received training required for such a judgement or specific, clearly stated observations concerning the appearance, behavior, speech or body odors of the member. Before requiring testing, reasonable suspicions should be documented and confirmed by a second party. Reasonable suspicion should be noted in writing as soon as possible and kept on file.
6. Return-to-duty- Drug testing may be required of someone who had sanctions taken against them for drug or alcohol abuse, before they are permitted to return to duty.

Testing should never be required at a supervisor's discretion or done by mass testing (i.e. sending everyone at Station Three today) or solely because a member is promoted.

Rehabilitation: As previously mentioned, the organization should develop a list of agencies providing these types of services. This list should be made available to any member who tests positive for drug use or comes forward on their own. The organization does not need to become involved with the actual rehabilitation or any costs related to it.

Drug and alcohol policies must be designed to meet the individual needs of each organization. The development of such a policy takes a great deal of effort and thought. The policy must be clear, concise, legal, monitored and enforced. Enforcement must be equal to all. Any deviation from this policy could jeopardize the entire program and place the organization at risk for charges of discrimination.

Finally, substance abuse could impact Worker Compensation benefits or the Public Safety Officers Benefit Program. Remember that drug and alcohol policies are completed not only to protect the organization, but also for the benefit of the organizations greatest assets, its membership.

For further information regarding drug and alcohol policies, please contact the ESIP Loss Control Department at 1-800-822-3747.

For further information on formulation of your organizational policies and procedures, please contact the ESIP Loss Control Services Division at 1-800-822-3747.



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P.O. Box 5670 Cortland, NY 13045
800-822-3747