

**BURLINGTON TWP. FIRE DEPARTMENT**  
**STANDARD OPERATING GUIDELINE #35**

**SUBSTANCE USE**

**Purpose:** As members of the Burlington Twp. Fire Department, we are entrusted by the people we serve to provide a high level of professionalism in everything we do. Therefore, it is imperative that all personnel be alert and in full possession of their faculties when on duty. Consequently, all personnel are to always be free of the negative effects of any prohibited drugs or alcohol, when on duty, as a condition of employment.

**Scope:** The Burlington Twp. Fire Department substance use policy is to ensure a work environment free of prohibited drug abuse by personnel both on and off the job to the extent that it would affect job performance or safety at any Burlington Twp. Fire Department Function. All provisions of the substance use policy are to be construed liberally to achieve this goal. Burlington Township intends to comply with all applicable laws governing the maintenance of a drug-free workplace. This policy may be modified from time to time to assure that its purposes are met.

**Covered Personnel:** All personnel and applicants for employment are covered by the terms and conditions of this policy.

**Prescription Medication:**

1. This policy does not prohibit employees from the lawful use and possession of prescribed medications.
2. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely.
3. They must promptly disclose any work restrictions to the Fire Chief. Employees should not disclose underlying medical conditions unless directed to do so.
4. Burlington Twp. Fire Department will not allow employees to perform their duties while taking any medication that adversely affects the employees' ability to safely and effectively perform their job duties. Employees must inform the Fire Chief if they are taking any such medication.
5. If there is reasonable suspicion about the employee's ability to work while taking prescribed medication, the department can require the employee to report to a department appointed physician for a final determination. The department shall assume any additional costs in regard to this testing procedure.

**Alcohol:**

1. Personnel shall not possess, consume, or be under the influence of any alcohol while in the workplace or while conducting department business off Burlington Township premises.

**Prohibited Conduct:**

1. Personnel shall not possess, consume, use, or be under the influence of any form of drugs or chemical substances prohibited under Federal or State law while in the workplace or while conducting department business off Burlington Township premises.
2. Use, possession, unlawful manufacturing, sale, or solicitation of prohibited drugs or chemical substances on Burlington Township premises or when conducting Burlington Township business or reporting to any call or event with any detectable amount of prohibited drugs in the bodily system, as determined by testing, may result in immediate termination.
3. As used in this policy, the term "prohibited drugs" includes, but is not limited to, marijuana (medical or recreational), cocaine, opiates, opioids, amphetamines, methamphetamine, psilocybin, and phencyclidine (PCP).
4. Personnel rendered ineffective or otherwise impaired by over the counter or prescription drugs will not be permitted to respond to any incident or event.

**Pre-Employment:**

1. All personnel and job applicants will be required to sign a "Prior Consent Agreement" which is intended to provide consent for testing and to allow release of medical information for pre-employment purposes to Burlington Township.
2. Applicants will be sent to an approved Burlington Township drug screening site.
3. Burlington Township will cover the cost for this drug screening test.
4. Upon test results, Burlington Township will not proceed with the hiring of any person with a positive test result.

**Policy and Violation Investigations:**

1. Burlington Township may conduct unannounced searches for prohibited drugs or alcohol on Burlington Township property or work sites. Personnel are expected to cooperate in the conducting of such searches. Personal belongings such as purses, duffel bags etc. will not be searched without the consent of the owner.
2. Searches of Burlington Township property and work sites may be conducted at any time and do not have to be based on reasonable cause.
3. Reasonable cause searches shall be limited to "observable actions" or reports which we believe to be reliable that indicate one or more personnel are in violation of this policy. Supervisory personnel must observe such actions.

**Notice to Personnel:**

1. Individuals already employed as of the effective date of this policy will be informed of the provisions of the Burlington Township substance use policy.
2. Personnel shall not report to work while under the influence of, or having present in their bodily systems, any detectable amount of prohibited drugs, alcohol, or chemical substance. Personnel shall be terminated for violation of the above prohibitions, except as provided above. Personnel shall be discharged for refusal to submit to or cooperate with drug or alcohol screening that is required by Burlington Township.

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3. When personnel report to duty and there is reasonable suspicion or cause to believe the individual is under the influence of prohibited drugs or alcohol, or exhibits impaired job performance, Burlington Township may require the member to submit to a drug or alcohol test. Reasonable cause shall be based on "observable actions" or reports, which we believe to be reliable, that indicate personnel may be under the influence of drugs or alcohol.
4. Reasonable suspicion includes:
  - a. Erratic behavior or deterioration of personal hygiene
  - b. Pattern of excessive absenteeism, abuse of sick leave, on the job injuries, or tardiness
  - c. An arrest for drug or alcohol offenses
  - d. Argumentative or aggressive behavior toward management or co-workers
  - e. Drastic reduction in quality and/or quantity of work performed
  - f. Unusual physical appearance indicative of disorientation or observed behavior indicating impaired motor skills
  - g. Possession of drugs, drug paraphernalia, or alcohol
5. At no time will any member of the Burlington Twp. Fire Department be allowed on/in any Burlington Township owned or occupied property or vehicles under the influence of any alcohol or controlled substances.
6. Supervisory personnel who have reasonable suspicion that personnel may be under the influence of prohibited drugs or alcohol will have the suspicion confirmed by another member of management when possible.
7. Personnel who are involved in or believed to have contributed to accidents involving significant personal injury or property loss will be required to submit to a drug or alcohol screening test.
8. If a member has a work-related injury and the injury requires treatment by a licensed physician, Burlington Township may require that member to submit to a drug or alcohol screening test. Drivers or equipment operators may be required to submit to drug or alcohol screening following any vehicular or equipment accident or incident.
9. Pursuant to this policy, and to the extent not otherwise restricted by law, personnel may be subjected to drug or alcohol testing procedures including but not limited to blood testing, urine testing, or breath analyzing for drugs or alcohol.
10. Termination will be immediate unless there is a prescription produced for the drug found.
11. Refusal by an employee to submit to drug or alcohol testing when ordered by the Burlington Twp. Fire Department under any of the provisions hereof will be considered insubordination and an admission of impairment, which are grounds for immediate termination.

**Collection Procedure and Work Status:**

1. If an employee is subject to testing, he/she shall remain on duty from the time of the incident until the testing/collection process is complete.

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2. If an employee is to be tested following an accident which involves an injury, the injured employee shall first be taken to a medical facility for immediate treatment of the injury. Specimens shall be collected at the treating facility or a designated collection site following treatment for the injury. The employee shall return to work upon the release of the treating professional.
3. If an employee who was driving is to be tested following a motor vehicle accident and is not injured, the driver shall be tested immediately following the accident. He/she may remain on duty pending receipt of the test results but shall not be permitted to drive until negative test results are received. If the driving employee is injured, the employee should first be treated for the injury as outlined above.
4. If any drug or alcohol test has a positive result or, if it is shown that the employee tampered with the sample, the employee shall be relieved of duty subject to disciplinary action up to and including termination.
5. Refusal to submit to substance abuse testing, tampering with the sample, or testing positive shall constitute gross insubordination which will subject the employee to forfeiture of On-the Job injury benefits and to discipline up to and including termination.

**Process:**

1. The initial screen for drugs or alcohol shall be completed through Burlington Township's designated Occupational Health Clinic or the Hospital treating the injured employee. In all cases a split sample will be maintained. Within 48 hours of the testing, the affected employee may request a second test of the split sample. The request shall be made to the Fire Chief in writing. The affected employee shall pay for all costs associated with the second test and transfer of the split sample to the second testing facility. In the absence of such a request the positive test result shall be considered uncontested.
2. Upon receipt of an employee's positive test results, the Fire Chief shall notify the employee by phone. If the employee cannot be contacted with ten (10) calendar days after the Fire Chief has made all reasonable efforts to communicate the confirmed results, the results shall be considered verified.
3. An employee who receives a positive test result may explain the result to the Fire Chief within five (5) calendar days of the initial notification. If the employee's explanation is unsatisfactory to the Fire Chief, the Fire Chief will verify the positive test result and report it to the Burlington Township Board.
4. The employee has the right to consult with the Fire Chief for technical information regarding prescription and nonprescription medications.