

Effective Date: 12-18-2003

CONTROLLED DANGEROUS SUBSTANCE TESTING POLICY

STATEMENT

The Board of Fire Commissioners, Fire District No.1, Berlin Township, Camden County, New Jersey, desires to provide a safe workplace and to promote health among firefighter personnel and employees, and to provide the citizens of Berlin Township with a commitment to public safety, health and welfare.

The public trust is an essential element to the effective performance of any emergency service department. The Fire District's goal and desire is to instill public confidence in the integrity of its firefighters.

The Fire District resolves that all firefighters and employees must maintain a state of alertness and an ability to act in a rational manner with a clear thought process, which is unaffected by the use of any controlled dangerous substance.

All firefighters and employees are expected to report to their duties and respond to fire alarms fit for duty and free from the use and effects of controlled dangerous substances.

Because the use of a controlled dangerous substance may effect the mental and physical condition of a firefighter and employee, the Fire District mandates full compliance with the provisions set forth in this policy directive.

The signature of the firefighter or employee on file shows receipt of this directive and an agreement to comply with the contents fully.

POLICY DIRECTIVE

A. PRE-PLACEMENT TESTING

All persons applying for the position of volunteer firefighter, career firefighter or other paid employee, must first undergo a urine drug screening test to determine the presence of a controlled dangerous substance.

The urine drug screening test will be performed as part of the normal physical examination required for firefighter membership and employee approval. The results of the urine drug screening test will be reported and reviewed by the Chairman of the Board of Fire Commissioners, with the Vice Chairman as the alternate. All results will be kept confidential.

Any person seeking the position of volunteer firefighter, career firefighter or other paid position, who refuses to undergo a urine drug screening test, or who receives a positive

test result for the presence of a controlled deadly substance, will be denied the position applied for.

B. RANDOM TESTING

Volunteer firefighters, career firefighters and other paid employee will undergo random urine drug screening tests. The tests will be performed by a medical provider appointed by the Fire District. Advance notice will not be provided. A minimum of 30% of the total active firefighters, career firefighters and other paid employees will be randomly tested annually. The names of those to be tested will be selected by the medical provider without intervention by or notice to the Fire District.

C. REASONABLE SUSPICION TESTING

Upon reasonable suspicion, reported to the board of Fire Commissioners by the Fire Chief, or his designee, that a volunteer firefighter, career firefighter or other paid employee is a user of a controlled dangerous substance, the Board of Fire Commissioners shall direct that the individual undergo a urine drug screening test.

Circumstances which may constitute a “reasonable suspicion” may include, but are not limited to the following;

1. Direct observation of the possession and/or use of a controlled dangerous substance.
2. Being under any driver’s license suspicion that may be related to the possession and/or use of a controlled dangerous substance.
3. Reporting to an alarm or assignment unfit for duty.
4. An observed pattern of unusual, abnormal, erratic or unacceptable behavior usually attributed to the use of a controlled dangerous substance.
5. Information supplied by a reliable and credible source.
6. Physical and/or psychological characteristics associated with the use of a controlled dangerous substance.

D. SPLIT SAMPLE TESTING

Any individual receiving a positive test result from a drug screening test performed pursuant to sections A, B and C above, shall have the right to request that the split sample be tested at another lab facility. The cost will be borne by the individual requesting the additional testing.

E. VIOLATIONS OF THE POLICY

Any volunteer firefighter, career firefighter or other paid employee who refuses to undergo a drug screening test, who receives a positive test result for the presence of a controlled dangerous substance or who has a confirmed adulterated specimen, will be immediately removed from all firematic duties and placed on suspension. A hearing date will be established so as to afford the individual, and his or her attorney, if represented,

an opportunity to be heard. No action will be taken by the Board, beyond suspension, until the individual has had an opportunity to be heard. Refusal to attend the hearing will result in immediate dismissal. Unless it is determined that the presence of the controlled dangerous substance is the result of medical care, the member will have the option of either of the following for a first offense:

1. Enrollment, within 30 days of the positive urine test result, in a substance abuse rehabilitation program run by a certified Substance Abuse Professional. Proof of enrollment and the certification of the S.A.P. must be provided to the Fire District. A negative Return To Duty drug screening test result, proof of which must be provided to the Fire District. Any and all costs included in and for the rehabilitation program, any required drug screening tests and or the return to duty test shall be the responsibility of the member. By choosing this option, the member agrees to undergo additional urine drug tests to be conducted during the random testing given to the company for a period up to two years after the completion of the rehabilitation program.
2. Dismissal from the company.

Any individual who is dismissed by reason of the drug screening test procedure will not be considered for membership approval or employment for a period of three years from the date of dismissal.

A second offense will result in automatic dismissal from the Fire Company with no consideration for membership approval or employment for a period of three years from the date of dismissal.

ADOPTION

This policy has been adopted by the Board of Fire Commissioners and may be amended from time to time by resolution at a meeting of the Board of Fire Commissioners of Fire District No.1.

This policy shall take effect immediately. A copy shall be maintained in the office of the Board of Fire Commissioners for firefighter, employee or public review. A copy shall be provided for the Fire Chief to be posted in the Fire House. Further, a copy shall be signed for by and given to each volunteer firefighter, career firefighter and other paid employee. The signature sheet will be kept on file in the office of the Board of Fire Commissioners. The signature implies that the volunteer firefighter, career firefighter or employee received, understands and will fully comply with the policy.

Adopted: 12-18-2003

Signed: _____
Keith Strain, Corresponding Secretary

Signature Sheet

Effective Date: 12-18-2003

I _____ [print name] have received,
understand and will fully comply with the Controlled Dangerous Substance testing Policy
of the Fire District No.1 of the Township of Berlin. I further understand the consequences
of violating this policy.

Name: _____

Date: _____