

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: Aaron S. Reeves, City Administrator** <sup>AR</sup>

**SUBJECT: Fire Department Use of Intoxicants Policy**

**DATE: November 5, 2013**

**BACKGROUND**

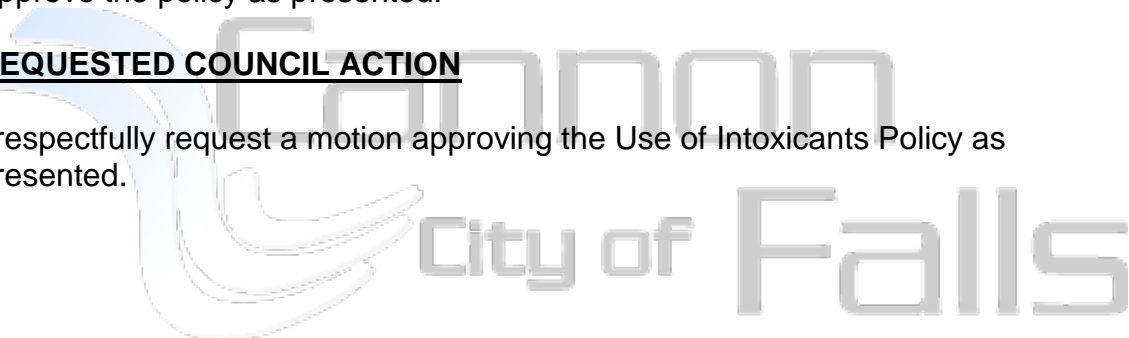
The City is working to create a new Policy and Procedure Manual for the Fire Department. While some of the items can wait to be finalized all at once staff would like to see some policies adopted and implemented right away as we currently do not have written policies that cover some important issues.

**STAFF RECOMMENDATION**

Approve the policy as presented.

**REQUESTED COUNCIL ACTION**

I respectfully request a motion approving the Use of Intoxicants Policy as presented.



## **CANNON FALLS FIRE DEPARTMENT**

### **SUBJECT      USE OF INTOXICANTS**

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#### **POLICY**

This establishes the department's policy on the use of alcohol and drugs. This policy also addresses the impairment of department members in performance of their official duties by alcohol and drugs.

#### **PURPOSE**

The use of alcoholic beverages, prescription drugs, illegal drugs, or any substances that impair physical or mental capabilities, has a significant impact on the ability of a department member to perform their duties and insure the safety of themselves and others. Public contact with any member, who is impaired, reflects negatively on the Department and all its members. In addition, the stresses of firefighting and emergency services require all members to be mentally and physically responsive.

#### **SCOPE**

This policy applies to all fire department personnel.

#### **STANDARDS**

##### **1                      DEFINITIONS**

<b>Employee</b>	Any member of the Cannon Falls Fire Department regardless if paid full-time or a volunteer employee, who is compensated or not.
<b>Intoxicant</b>	Include alcohol, prescription medicine and any illegal drug or substance that has a similar effect on the human body.
<b>Impaired</b>	Any use of intoxicants that affects the ability to make sound decisions or effect physical abilities.
<b>Officer</b>	Any Employee that has a supervisory role within the Cannon Falls Fire Department.
<b>Safety Sensitive</b>	Fire Department Employees are considered to be in a safety sensitive position and are subject to cause testing for use of intoxicants.
<b>Suspension</b>	The employee is suspended from the ability to respond to calls, training or other official Fire Department activities. The employee shall not enter the Fire Department unless escorted by an Officer.

## **2 PROHIBITED ACTIONS**

- A. No Employee shall use or have in possession any intoxicant while on duty unless it is part of a response situation.
- B. No Employee shall respond to a fire or emergency scene while impaired.
- C. No Employee shall respond to the Fire Department while impaired.

## **3 REQUIRED TO REPORT**

- A. Any Employee who has suspicions that Section 2 of this policy has been violated by another Employee is required to report it immediately to an Officer. Failing to report a suspected violation is a violation of this policy and subject to disciplinary action up to and including termination.
- B. When an Employee is taking medically prescribed drugs or other substances that the Employee knows or reasonably should know may alter job performance, the Employee must notify the appropriate

supervisor of his/her temporary inability to perform the job duties of his/her position, and how long the temporary inability will last.

#### **4                    RESPONSE TO REPORT OF VIOLATION**

If an officer receives notice of suspected violation they shall immediately remove the suspected Employee from service. If at a response scene that shall be escorting the suspected Employee to a fire vehicle and placing the Employee inside of the fire vehicle, if the officer is unable to take the employee back to the Fire Department Building. Once in the fire vehicle the suspected employee shall remove their coat and helmet and stay inside until the scene is cleared. The suspected employee is considered out of service and cannot be used for any reason.

If an officer is able to leave the response scene to take the employee to the Fire Department Building, the provisions of Section 5 of this policy shall be initiated.

#### **5                    INVESTIGATION**

As soon as practical the suspected employee will be accomplice to the Fire Department building by the officer so that the suspected violation can be investigated.

- A.     The Officer will attempt to contact a second officer to assist with the investigation, but if one is not available, the officer will proceed in conducting the investigation.
- B.     The suspected employee will be given the chance to admit or deny the use of intoxicants and offer any explanation.
- C.     If the Officer(s) has reasonable suspicion to believe that use of intoxicants has occurred, they will transport the suspected employee to the hospital to have an intoxicant test administered.
- D.     Once the test is finished or the employee refuses testing the employee will be taken home.
- E.     If the employee refuses testing that shall be considered a violation of a direct order, in addition to a violation of this policy and is subject to disciplinary action up to and including termination. The Employee shall

be placed on immediate suspension pending the results of the investigation and disciplinary action decision.

- F. If the Employee submitted to testing, they shall be out of service and will not respond to calls until the first of the following occurs: 24 hours from testing or results showing alcohol level of .02 or less or negative for other substances. If the results show an alcohol level of greater than .02 or positive for other substances the Employee shall be placed on suspension pending the results of the investigation and disciplinary action decision.
- G. The Officer(s) shall complete a report of the reported violation. A copy of that report will be sent to the City Administrator by fax or email before ending the call out and leaving the Fire Department. When the test results are returned, they shall be sent to the City Administrator by fax or email.

## **6 DISCIPLINARY ACTIONS**

The City Administrator shall review the report from the officers and the results from the intoxicant testing to determine what action will be taken.

- A. If the test results show an alcohol concentration of .02 or less, it is not considered to be impairment and no further action will be taken.
- B. If the test results show a presence of an intoxicant other than alcohol, a medical expert will be consulted to determine if the levels present would constitute impairment.
- C. If the City Administrator has determined that the employee was impaired then he/she will initiate disciplinary action up to and including termination.