

# JORDAN VALLEY EMS AUTHORITY POLICY

POLICY #:106.7.1.7

SUBJECT: DRUG / ALCOHOL FREE WORK PLACE

CAAS STANDARD:

SCOPE: ALL EMPLOYEES AND VOLUNTEERS

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## Purpose:

The purpose of this policy is to ensure that the Jordan Valley EMS Authority is and will remain a Drug-Free / Alcohol-Free workplace.

## Policy:

It is the Authority's desire to provide a drug- and alcohol- free, healthy and safe workplace. To promote this goal, employees are required to report to work in an appropriate mental and physical condition to perform their jobs in a satisfactory manner. An employee who is under the influence of any drug, including alcohol, on the job may pose serious safety and health risks not only to the user but to co-workers and the general public at large. **The Jordan Valley EMS Authority is a zero tolerance work place.**

## Procedure:

### Definitions

**Accident:** Damage, which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs and at the discretion of the EMS Director or his/her designee.

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| Included: | 1. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven |
| Excluded: | 1. Damage, which can be remedied temporarily at the scene of the accident without special tools or parts  |
|           | 2. Tire disablement without other damage even if no spare tire is available                               |
|           | 3. Headlight or taillight damage  |
|           | 4. Damage to turn signals, horn, or windshield wipers, which make them inoperative.                       |

**Controlled Substance:** A controlled substance in schedule I. through V. of Section 202 of the Controlled Substances Act (21 U.S.C. 812), as amended and is further defined in regulation 21 CFR 1300.11-1300.15, as amended and/or controlled substance as described in any Michigan Statute.

**Conviction:** A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes. Conviction shall also include any plea resulting in a delayed or deferred sentence.

**Criminal Drug Statute:** A Federal or State criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

**Illegal Drug:** Any drug that is not legally obtainable or that is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and not being used for prescribed purposes.

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**Legal Drug:** Includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

**Under The Influence:** That the employee is noticeably affected by a drug or by alcohol.

**Workplace:** Non-Authority owned property, which is used in the conduct of JVEMS Authority business, including property used temporarily for business related purposes, such as lodging sites rented for seminars, training or other Authority activities.

## 1.0 Prohibited Activities

An employee shall not do any of the following:

- (a) Consume alcohol / consume or use any illegal drugs while on duty
- (b) Report to work or be at work with the possession of illegal drugs at any level in bodily fluids. Report to work or be at work with a prohibited level of alcohol at .02 grams per 100 milliliters of blood, 210 liters of breath or 67 milliliters of urine present in the employee's bodily fluids.
- (c) Refuse to submit to a required alcohol or drug test
- (d) Interfere with any alcohol or drug testing procedure or tamper with any alcohol or drug test sample

Violation of a prohibited activity shall result in dismissal.

## 2.0 Testing Existing Employees

The JVEMS Authority shall require an employee, as a condition of continued employment, to submit to a drug and/or alcohol test, as provided in this section.

- (1) **Reasonable Suspicion Testing:** An employee shall submit to a drug test and/or alcohol test if there is reasonable suspicion that the employee has violated this policy. Volunteer employees will be tested under this section as applicable.
- (2) **Post-Accident Testing:** An employee shall submit to a drug test and/or alcohol test when there is evidence that the employee may have been involved in or caused or contributed to a work accident.
- (3) **Follow-Up Testing:** An employee shall submit to an unscheduled follow-up drug test and/or alcohol test if within the previous 24 months the employee has done any of the following:
  - (A) Voluntarily disclosed drug and/or alcohol problems
  - (B) Entered into or completed a rehabilitation program for drug or alcohol abuse

## 3.0 Testing New Hires and Volunteers: Conditional Offer of Employment

Any offer of employment to a person who is not currently employed by the JVEMS Authority is a conditional offer of employment. The offer of employment is conditioned upon the person submitting to and passing both a pre-employment drug test and a pre-employment alcohol test. A person given a conditional offer of employment is prohibited from performing any duties until the person has submitted to and passed both the pre-employment drug test and the pre-employment alcohol test.

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## 4.0 Self – Reporting

An employee who voluntarily discloses to the EMS Director a problem with alcohol and/or controlled substances cannot be disciplined for such disclosure if, and only if, the problem is disclosed before the occurrence of any of the following:

- (1) **For reasonable suspicion testing:** Before the occurrence of an event that gives rise to reasonable suspicion that the employee has violated that section.
- (2) **For Post-Accident Testing:** Before the occurrence of any accident that results in post-accident testing

**Employer Action:** After receiving notice, the Authority shall permit the employee an immediate leave of absence to obtain medical treatment or to participate in a rehabilitation program. In addition, the Authority shall remove the employee from all work related duties until the employee submits to and passes a follow-up drug test and/or alcohol test. The Authority may require the employee to submit to further follow-up testing as a condition of continuing or returning to work.

## 5.0 Availability and Disclosure of Drug Testing Information about Individual Employees

- (a) The Authority shall maintain records in a secure manner to ensure that disclosure of information to unauthorized persons does not occur.
- (b) Except as required by law or expressly authorized or required in this section, the Authority shall not release employee information that is contained in the records required to be maintained.
- (c) An Employee subject to testing is entitled upon written request to obtain copies of any records pertaining to the employee's drug tests. The Authority shall promptly provide the records requested by the employee.
- (d) The Authority shall release information regarding the employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information is permitted only in accordance with the terms of the employee's consent. Notwithstanding, the Authority may release such information if required by appropriate court order.

## 6.0 Applicability and General Policies

1. An employee convicted under any criminal drug statute or alcohol statute for a violation occurring in the workplace, while on or off duty, or on duty away from the workplace shall be immediately dismissed.
2. An employee convicted under any criminal drug statute or alcohol statute for a violation not occurring in the workplace while not on duty shall be subject to immediate dismissal for the first offense if convicted of a felony. If the conviction is not a felony, discipline up to and including dismissal shall be imposed.

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3. An employee under any criminal drug statute, who engages in the illegal manufacture, distribution, dispensation, possession or use of controlled substances in any JVEMSA workplace while on or off duty, or on duty away from the workplace shall be terminated. An employee engaging in such actions while off duty and away from the workplace shall be terminated including for the first offense.
4. If the use of legal drugs endangers safety, the EMS Director shall reassign on a temporary or permanent basis.
5. Legal Drugs. The appropriate use of prescription drugs and over-the-counter medications is not prohibited. However, the following guidelines must be observed:
  - (A) All prescription drugs shall be in the original container and in the employee's name.
  - (B) Any employee using a prescription drug should consult with the employee's physician regarding the effects of that drug in relation to the employee's work duties or the operation of motorized vehicles and/or machinery. Employees must read all labels carefully.
  - (C) On-duty employees may not use any over-the-counter medications or prescription drug medications where the medication manufacturer advises against their use while operating motorized vehicles and/or machinery, or where their use during working hours could affect their ability to perform work duties, unless approved by both the employee's physician and the EMS Director.
  - (D) The use of any prescription drug or over-the-counter medication, which could affect the employee's ability to perform the employee's work duties, must be reported to the EMS Director or his/her designee about such use and employee shall submit written approval for use of the drug or medication from the employee's physician, upon request.
6. The policies contained herein shall apply to volunteers as well as employees.

## 7.0 Conflict with Federal Law

It is understood that this policy does not conflict in any respect with Federal Law or Regulation. To the extent that this policy is in conflict with any Federal Law or Regulation, the requirements of this proposed policy shall be superseded and controlled by the requirement of Federal Law or Regulation.