

**Stillwater Fire District**  
**Stillwater, New York**

Fire District Policy and Procedure

Policy Number: 1 of 2004

Policy Name: Drug and Alcohol Free Workplace

Date Issued: March 2004

Effective: March 2004

Revised: April 2016

Review Date: January 2017

**I. PURPOSE**

A. The purpose of this policy is to create a safe work environment for all of the firefighters of the Stillwater Fire District and to outline disciplinary action for violation of this policy.

**II. POLICY**

A. The Stillwater Fire District has embraced a policy which does not condone the use, sale, distribution, or possession of drugs or alcohol which may create an unsafe work environment.

B. All new member candidates shall be subject to a mandatory drug testing and tests will be random or for reasonable cause thereafter.

i. Company membership applications shall clearly state that all new members are subject to mandatory drug testing.

ii. *Candidates who fail the drug testing shall no longer be considered for membership until such time as they can pass the mandatory testing and then will be subject to testing on demand.*

C. The policy on alcohol shall be that if an individual has consumed alcohol that they will not participate in any response activity for at least two hours for each beverage consumed.

D. The policy on drugs includes prescription drug abuse and since it is difficult to determine cause and effect, members suspected of drug use due to irrational actions or abnormal behavior shall be placed on leave until a determination has been made whether the abuse or use of drugs as resulted in the suspect behavior.

i. Members shall be subject to drug testing by the District's medical provider prior to returning to active duty.

E. Any apparatus drivers involved in an accident involving two or more vehicles or in the event of an injury or fatality shall be subject to drug and alcohol tests.

F. Members of the Arvin Hart Fire Company may be subject to criminal, civil and disciplinary penalties if they distribute, sell, attempt to sell, possess, use or purchase controlled substances while on the property of the Fire District or while performing at, responding to or returning from a fire department related activity. Such acts, even if engaged in while off duty, may result in disciplinary action. In those locations where it is permitted, a member may possess and use a

controlled substance which is properly prescribed for the member by a physician. Members are also prohibited from on duty use of, or impairment from alcohol. If any member with supervisory responsibilities has reasonable suspicion that a member is unable to perform job duties due to a disability which may be caused by the use of controlled substances or alcohol, or as a result of an accident during a response or incident shall report that member to a Chief or Commissioner and that member may be required to undergo testing. If the cause of the disability or accident is found to be drug or alcohol related, the member shall be immediately suspended until the next Board of Fire Commissioners meeting. The suspension shall be documented in writing and filed in the member's personnel file. The Board of Fire Commissioners in conjunction with the Chief Officers may refer the member to voluntary and confidential participation in an accredited employee assistance program (EAP), at no cost to the District. Other options include pursuing suspension or other disciplinary measures:

### **III. DISCIPLINARY ACTION**

- A. Members found in violation of this policy or who refuse testing upon reasonable cause shall be dismissed from the fire district by the Board.
  - 1. Members suspended as a result of this policy will be given the opportunity to present documentation from a trusted source such as a qualified EAP program or medical provider as proof that the member was not in violation of this policy.
    - a. Trusted Source is defined as a medical doctor contracted by the Fire District, attorney, judge, court, EAP Provider etc.
    - b. Upon review of the documentation members found not to be in violation of this policy shall be reinstated with no loss in time or privileges.
  - 2. Members in violation of this policy who seek participation in an accredited employee assistance program shall be suspended from the fire company until documentation from the program administrator is provided which attests to rehabilitation.
  - 3. Members found in violation of this policy a second time are subject to immediate and permanent dismissal from the fire district.

By Order of Board of Fire Commissioners – Stillwater Fire District

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Chairman Board of Fire Commissioners