

WEST PATERSON FIRE DEPARTMENT

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Authority: PAUL SALOMONE JR., CHIEF

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BOROUGH OF WOODLAND PARK WEST PATERSON FIRE DEPARTMENT DRUG AND ALCOHOL-FREE WORKPLACE POLICY

The West Paterson Fire Department has a strong commitment to the health, safety, and security of its members and to the residents of West Paterson. Firefighters who abuse drugs and alcohol pose serious safety and health risks to themselves, fellow firefighters, and the citizens of our borough. Such abuse also places the West Paterson Fire Department at risk. The West Paterson Fire Department will take reasonable measures to maintain an environment, which is free of substance abuse, to provide a safe and secure place for our firefighters and the communities in which we operate and to maintain and preserve the West Paterson Fire Department's excellent reputation.

Our goal is to balance our respect for the members of the West Paterson Fire Department individuals with the need to maintain a safe, productive, and drug-free environment. It is the intent of the West Paterson Fire Department to offer assistance to those who need it, while sending a clear message that the misuse or unlawful use of drugs, alcohol, or controlled substances is incompatible with the need for a safe and productive work environment free from substance abuse. The purpose of this policy is to provide guidelines for all firefighters regarding substance use and abuse and to provide the Chief of the West Paterson Fire Department and the West Paterson Fire Department Board of Fire Officers with practical procedures for its administration.

In addition to those programs and guidelines specifically described herein, the West Paterson Fire Department will implement those procedures and programs required by applicable law or regulation.

I. DEFINITIONS

Substance abuse means the misuse or unlawful use of alcohol, drugs (prescribed or otherwise) or controlled substances. It includes, but is not limited to, the use of illegal drugs, drugs that are legal but were obtained illegally, and prescription drugs used for other than prescribed purposes, dosages, or persons. It includes being under the influence of alcohol or drugs to the degree that it impairs judgment, performance, or conduct, with such impairment being acknowledged or determined by a professional medical opinion and/or a scientifically valid test. It includes also the unauthorized use of alcohol while on West Paterson Fire Department business.

II. CURRENT FIREFIGHTERS (REFERRAL AND TESTING)

This policy applies to current firefighters of the West Paterson Fire Department. The West Paterson Fire Department does not condone substance abuse by its firefighters. However, the West Paterson Fire Department does recognize that substance abuse may be treatable and will assist current firefighters who may experience a substance abuse problem by referring the individual to supportive resources to help them understand and correct it. All associated costs are the responsibility of the affected firefighter including any and all medical expenses incurred in connection with treatment for substance abuse as defined under this policy. However, the West Paterson Fire Department expects all firefighters to maintain a satisfactory level of performance and conduct. Firefighters are solely responsible for acknowledging their substance abuse problem and for seeking and accepting counseling or rehabilitation assistance before it impairs their performance, results in disciplinary action, or jeopardizes their membership. Access to those resources is described below.

1. Self-Referrals

Firefighters who are experiencing a substance abuse problem are encouraged to make a self-referral to their company officer and/or the Chief of the West Paterson Fire Department. Such referrals will be treated with maximum respect for individual confidentiality and no one will reveal information obtained during a counseling session without written permission, unless inconsistent with safety or security considerations or otherwise required by law.

2. Supervisor/Manager Referrals

A) Reasonable Suspicion – If any West Paterson Fire Department officer or member has reasonable suspicion to believe a firefighter is acting in an impaired or unsafe manner (an accident or injury may form part of the basis of this suspicion) or has engaged in the misuse or unlawful use of alcohol, drugs, or controlled substances the follow shall occur:

1. The company officer (Asst. Chief, Captain, 1st Lieutenant, 2nd Lieutenant) or the Chief of the West Paterson Fire Department should remove the individual promptly from the fire station, regardless of whether the cause for the behavior is known to the officer. The Chief of the West Paterson Fire Department may make a mandatory referral to a West Paterson Fire Department designated physician or designated medical clinic, who will examine and determine the cause of the problem. This may include mandatory drug and/or alcohol screening as determined by the physician. The decision of whether to submit a volunteer to a drug screening may only be made by medical personnel. The firefighter in question will be required to sign a consent release form authorizing the diagnostic procedure (e.g., urine, breath, saliva, or blood samples) and releasing the test results to the West Paterson Fire Department.
2. The physician will determine if the firefighter is capable of performing firefighting duties, should be sent home or sent to a medical/treatment facility, or if another alternative is appropriate.

B) Performance/Conduct

1. There may be instances when a firefighter is not acting in an impaired or unsafe manner, but where the firefighter's performance or conduct is unsatisfactory and the company officer believes personal problems may be a factor. A company officer may refer the firefighter to the Chief of the West Paterson Fire Department for assistance while the routine performance management or disciplinary process continues.
 2. If a determination is made by the Chief of the West Paterson Fire Department that there is reasonable suspicion to believe that a firefighter is abusing substances, a mandatory referral should be made to a West Paterson Fire Department designated physician for medical evaluation.
 3. At the discretion of the West Paterson Fire Department designated physician, a mandatory drug and/or alcohol test may be ordered if substance abuse is suspected. The individual will be required to sign a consent release form acknowledging his/her understanding, authorizing the diagnostic procedure (e.g. urine, breath, saliva, or blood samples) and releasing the test results to the West Paterson Fire Department.
- 3. Physician-Directed Tests** – A West Paterson Fire Department designated physician may order a mandatory drug and/or alcohol test directly without referral if there is a reasonable suspicion to believe that a firefighter is impaired, acting in a manner that poses threat of injury to others (an accident or injury may form part of the basis for this suspicion) or engaged in the misuse or unlawful use of alcohol, drugs, or controlled substances.
- 4. Medical/Firefighter Assistance Guidelines**
- A. A firefighter may be referred for mandatory counseling or rehabilitation assistance if substance abuse is diagnosed by the West Paterson Fire Department designated physician as previously described.
 - B. Such mandatory programs may include, but are not limited to, the following:
 - 1) satisfactory participation in and completion of a counseling/rehabilitation program approved by the designated physician.
 - 2) written certification of satisfactory participation and completion by the program director or equivalent authority including an indication that the individual is substance abuse free. Such an indication should be supported by such objective evidence as a record of sustained negative drug screens, and/or
 - 3) participation in an approved program of continuing care at the

conclusion of the program.

- C. The Borough Administrator will discuss his/her determination with the Chief of the West Paterson Fire Department, who will provide the company officer with a projected return-to-duty date, if the individual is not permitted to immediately return to his/her station. The Chief will also discuss with the company officer any disciplinary action, which might be appropriate for the on-duty behavior, which caused the firefighter's removal from the station.
- D. If an accommodation is necessary in conjunction with a counseling/rehabilitation program, the Chief will consult with the company officer and the Borough Attorney to determine the feasibility of requested accommodations for the firefighter. Each case will be considered on individual circumstances.

III. DISCIPLINE AND TERMINATION

Independent of any counseling or rehabilitation program which may or may not occur, firefighters will be subject to serious disciplinary action dependent on the severity of the situation for the following conduct while on duty, while conducting West Paterson Fire Department business, or while in a West Paterson Fire Department facility vehicle:

- a) unauthorized use, possession, or concealment of alcohol
- b) being under the influence of alcohol, drugs, or controlled substances to the degree that it impairs judgment, performance, or conduct, including operating a motor vehicle while under the influence of alcohol, drugs, or controlled substances
- c) unlawful use, possession, concealment, manufacture, sale, purchase, dispensation, or distribution of alcohol, drugs, or controlled substances
- d) violation of any other West Paterson Fire Department policy, procedure, or work rule, oral or written, while abusing alcohol, drugs, or controlled substances.

Firefighters found to be involved unlawfully with alcohol, drugs, or controlled substances on their own time may be subject to serious disciplinary action depending on the circumstances or relevance to West Paterson Fire Department business or interests.

Failure to comply with any of the requirements of this policy will be considered a serious disciplinary offense.

IV. SPECIAL NOTIFICATIONS

Firefighters must notify the Chief of the West Paterson Fire Department or his designee immediately of any criminal drug statute convictions for violations and for convictions of operating a motor vehicle while under the influence of alcohol, drugs, or controlled substances.

V. DISABILITY

If a firefighter is disabled from fulfilling his/her firefighting duties because of a substance abuse problem, the firefighter may be eligible for leave.

VI. LABORATORY TESTING

Drug and/or alcohol screening for all West Paterson Fire Department firefighters will be performed by facilities approved by the West Paterson Fire Department and the Borough of West Paterson, following federal and state approved testing methodologies including GC/MS confirmation of all positive results. Generally such procedures will follow recommended guidelines of the National Institute of Drug Abuse (N.I.D.A.) and will include strict chain-of-custody procedures.

VII. POSTING OF POLICY

In accordance with federal law a copy of this policy will be issued to each member or potential member of this department. A copy of this policy will also be kept at each firehouse.