

**Commissioners of Fire District No. 3
Franklin Township - Somerset County
New Jersey
RESOLUTION 08-16
DRUG & ALCOHOL POLICY**

WHEREAS, there exists a need to establish a Computer Policy in Fire District No.3,

NOW THEREFORE BE IT RESOLVED, that the Commissioners of Fire District No. 3, Franklin Township, Somerset County, New Jersey, hereby establish an Acceptable Use Policy;

BE IT FURTHER RESOLVED, by the Commissioners of Fire District No.3 Franklin Township, Somerset County, New Jersey that the attached Computer Use Policy be adopted effective May 21, 2008.

_____ Douglas Krushinski, Chairman	_____ Yes	_____ No	_____ Abstain
_____ Michael, Gilliam, Clerk	_____ Yes	_____ No	_____ Abstain
_____ Frederick Wian, Treasurer	_____ Yes	_____ No	_____ Abstain
_____ Vincent Inzano, Commissioner	_____ Yes	_____ No	_____ Abstain
_____ Alfred Pinnella Jr., Commissioner	_____ Yes	_____ No	_____ Abstain

**I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION
APPROVED BY THE COMMISSIONERS OF FIRE DISTRICT NO. 3,
FRANKLIN TOWNSHIP, SOMERSET COUNTY, NEW JERSEY AT THEIR
REGULAR MEETING HELD ON MAY 21, 2008**

Michael Gilliam, Clerk

FRANKLIN TOWNSHIP FIRE DISTRICT NO. 3

DRUG and ALCOHOL POLICY

I. Policy

The Fire District has a strong commitment to the health, safety and welfare of its employees, their families, and the residents of Franklin Township. Widely available statistics and information establish that the incident of drug and alcohol abuse is increasing and that the effect is devastating to lives, business and the community at large. The Fire District is concerned that due to the potential for abuse among some of our employees, the safety of our employees and the general public could be endangered. Our commitment to maintaining a safe and secure work place requires a zero tolerance policy with supportive programs relating to the prevention, detection and treatment of substance abuse by employees.

This policy applies to all employees of the Fire District while on the job and to situations wherein employee's off-the-job or off-premises conduct impairs work performance or undermines the public confidence in, or harms the reputation of, the Fire District.

Although the Fire District has no intention of intruding into the private lives of its employees, we recognize that involvement with alcohol or other drugs off the job eventually takes its toll in job performance. Our concern is to assure that employees report to work in condition to perform their duties safely and efficiently in the interest of their fellow workers and taxpayers, as well as themselves.

II. Goal

It is the goal of the Fire District to provide a safe work place by eliminating the hazards to health and job safety created by alcohol and other drug abuse. We believe this goal to be in the best interest of our employees and the taxpayers of Franklin.

III. Definitions

- a) The term "illegal drug" means drugs and controlled substances, the possession or use of which is unlawful, pursuant to the laws of any county and federal, state and local laws and regulations in the United States.

Drugs and controlled substances that are not legally obtainable, or that are legally obtainable, but have not been legally obtained, are considered to be illegal drugs. Examples include street drugs such as cocaine, heroin, marijuana and phencyclidine and controlled substances such as amphetamine and methamphetamine, and barbiturates.

- b) The term "controlled substance abuse" includes prescribed drugs not being used for prescribed purposes or in a prescribed manner

IV. Sanctions

The Fire District will not tolerate or condone substance abuse and any employee who engages in the sale, use, possession or transfer of illegal drugs or controlled substances, or who offer to buy or sell such substances; the use of alcohol during working hours; or the abuse of prescribed drugs will be subject to disciplinary action up to and including termination.

V. Employee Responsibility

- No firefighter shall use alcohol within four (4) hours preceding the performance of firefighting functions.
- No firefighter required to perform a firefighting function shall report for, or remain on duty while having an alcohol concentration greater than 0.00.
- No supervisor having actual knowledge that a firefighter has used alcohol within four (4) hours of performing a firefighting function or has an alcohol concentration greater than 0.00 shall permit that person to perform or continue to perform firefighting functions.
- No firefighter who will be required to undergo post accident alcohol/drug testing shall use alcohol for eight (8) hours following the accident or until he/she undergoes the post accident test; whichever occurs first.
- No firefighter shall refuse to submit to any alcohol/drug test required by this policy.
- Penalties for refusal shall be indicated below.

The Fire District believes that each employee has the responsibility to:

- Report to work at all times free of alcohol or other drugs and their affects;
- Seek assistance for alcohol and/or drug abuse related problems through an approved program before job performance is affected; and
- Support the Fire District's efforts to eliminate alcohol and other drug abuse among employees where it exists.

VI. Assistance in Overcoming Illegal Drug Use or Controlled Substance Abuse

Early recognition in treatment of illegal drug use or controlled substance abuse is important for successful rehabilitation, return to productive work and reduced personal, family and social disruption. The Fire District encourages the earliest possible diagnosis and treatment for illegal drug use or controlled substance abuse. The Fire District supports sound treatment efforts. Whenever feasible, and subject to the limitations described herein, the Fire District will assist employees in overcoming illegal drug use or controlled substance abuse. However, the decision to seek diagnosis and accept treatment for illegal drug use

or controlled substance abuse is definitely the individual employee's responsibility as the Fire District does not have an established assistance program.

A. Self Referral

Employees with personal alcohol, drug or controlled substance abuse problems should request assistance from the Board of Commissioners or Line Officers. Assistance will be provided on a confidential basis, and each employee will be afforded the opportunity to seek treatment and counseling services. Employees who voluntarily request assistance in dealing with a substance abuse problem will do so without jeopardizing their continued employment with the Fire District.

B. District Referral

Employees who test positive for illegal drug use or controlled substance abuse and who are referred, at the Fire District's request, for testing will be limited to one opportunity for counseling or treatment to cease the use of illegal drugs. A second positive test for the use of illegal drugs will result in immediate termination.

VII. Authorized Use of Prescribed Medicine

An employee undergoing prescribed medical treatment with any drug or controlled substance that may impair his/her physical or mental ability should report this treatment to the Supervisor. The Supervisor, in consultation with Management, will determine whether the Fire District should temporarily change the employee's job assignment during the period of treatment.

VIII. Testing

- a) The Fire District will test all applicants, whether new employees or re-hires. The Fire District requires that every newly hired and re-hired employee be free of illegal drug use and controlled substance abuse. Each offer of employment will be conditioned upon the successful completion of the test for illegal drugs and controlled substances as prescribed by the Fire District. Any applicant who tests positive in the pre-employment drug test shall be rejected and shall be ineligible for hire unless the applicant adequately established a legal basis for the use of drug or controlled substances with respect to which the applicant tested positive.
- b) The Fire District will test all current firefighters on a yearly basis as part of the annual Fire District Physical.
- c) Applicants and employees subject to testing must, prior to testing, sign an approved form agreeing to the testing, authorizing the release of test results to

the Commissioner and authorizing the disclosure of the results to any other persons the Commissioner determines needs to know for the safety and welfare of the other employees and the residents of the Fire District.

- d) Whenever a Commissioner or Line Officer has reasonable suspicion that an employee is under the influence of alcohol or drugs, then the following procedure shall immediately be applied:
1. An employee reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work by his/her District Line Officer and shall be instructed to wait for a reasonable amount of time until a Commissioner and/or Chief Officer can transport the employee from the work site.
 2. The District Line Officer in charge shall document incident on Fire District No. 3 Alcohol and Drug Policy Incident Report provided by District. (Form attached).
 3. The employee shall be transported to a qualified testing facility where a drug and/or alcohol test would be required. If an employee refuses to sign the approved form agreeing to the testing, that individual shall be notified that he/she may be subject to appropriate disciplinary action. Disciplinary action may include termination.
- a) The Fire District will afford the applicant and/or employee subject to testing the opportunity, prior to testing, to list all prescription and non-prescription drugs and controlled substances they have used and to explain the circumstances surrounding the use of such drugs and controlled substances. Failure of any employee to establish adequately a legal basis for the use of any drug or controlled substance with respect to which the employee tests positive shall constitute a violation of this policy.
- b) The Fire District's officers, employees, agents and representatives may use such information in connection with Fire District business and for purposes of employment and disciplinary actions, and disclose it when required to government agencies and to others upon valid legal requests, legal proceedings and other situations to protect the interests of and otherwise in accordance with policies on employee data.
- c) The Fire District prior to taking any action, will give all employees who test positive the opportunity for a hearing before the Board of Commissioners. adequate notice shall be given the employee prior to the hearing.
- d) The Fire District will establish and maintain any and all additional testing programs and requirements that may be necessary or appropriate to comply with applicable rules and regulations of all governments.

IX. Hearing

- a) Upon receipt of the completed investigative report, the District Commissioners shall conduct a hearing with notice to the employee.
- b) The accused employee shall be notified, in writing, at least ten (10) days before the hearing of this matter. The accused employee may request one (1) postponement of the hearing upon receipt of the notice in order to obtain legal counsel, however, the delay occasioned by such request shall not exceed thirty (30) days from the date of receipt of the notice by the accused employee.

It is recommended that the accused employee seek legal counsel.

- c) The accused employee shall be entitled to attend the hearing and testify in his/her own behalf. If allegations were made by another employee against the accused employee, the accused employee shall be entitled to confront and cross-examine the employee who reported the drug use.
- d) The accused employee shall be entitled to call witnesses in his/her own behalf and to introduce evidence which bears upon the issues presented by the investigative report.
- e) At the conclusion of the hearing, the Board of Commissioners shall have the sole discretion to impose discipline, which may include the termination of employment of such employee.

X. Severability

The provisions of this policy are severable and if any of these provisions shall be held to be unconstitutional, or otherwise invalid by any Court of competent jurisdiction, the decision of such Court shall not affect or impair the remaining provisions.

Alcohol and Drug Policy Incident Report

Section I: *To be completed by officer in charge*

Incident Date: _____ **Incident Time:** _____

Incident Location: _____

Name of Person being reported: _____

Narrative:

Section II: *To be completed by Chief Officer*

Date Received: _____ **Time Received:** _____

Name of Chief Officer: _____

Name of Officer making report: _____

Narrative:

Section III: *To be completed by Board of Commissioners, Fire District No. 3.*

Date Received: _____ **Time Received:** _____

Name of Chief Officer: _____

Was person sent for drug/alcohol testing? **YES** **NO**

Results of drug/alcohol test: **PASS** **FAIL**

Disposition:



COMMISSIONERS OF FIRE DISTRICT NO. 3
FRANKLIN TOWNSHIP • SOMERSET COUNTY • NEW JERSEY
FEDERAL TAX EXEMPTION NO. 22-3164902
Office 732-249-0308 Fax 732-249-6186

I _____ have read and understand the District's
Print Name

Drug & Alcohol Policy and agree to abide by it.

Signature

Date