

2015 Negotiations between  
City of Corpus Christi &  
Corpus Christi Fire Fighters Association

**Association Proposal 2.20.2015 @ 2:30 p.m.**  
**[Initial Proposal]**

**APPENDIX “C”**

**Fire Department’s Alcohol and Drug Policy**

**A. INTRODUCTION**

The Corpus Christi Fire Department has a responsibility to provide the highest level of public safety service attainable by a City. All employees of the Department share in this responsibility. The sensitive position of all firefighters involved in fire suppression and/or emergency medical services or other assigned duties requires assurance that there is no use of illegal or prohibited drugs. It also requires assurance that firefighters are not under the influence of alcohol while on duty.

The City of Corpus Christi is also obligated under the Drug-Free Workplace Act of 1988 to provide and maintain a workplace free of illegal or prohibited drugs.

**B. EFFECTIVE DATE AND EMPLOYEES COVERED.**

The amendments provided by this policy become effective upon execution of the 2005-2008 collective bargaining agreement between the City and the Union and will be incorporated into the Fire Department General Manual to be effective as of that date.

This policy applies to all sworn personnel and cadets in the Fire Department, regardless of rank or assignment. All civilian personnel are covered under the citywide policy (H.R. 15.0).

**C. PROHIBITIONS:**

This policy prohibits:

1. The use, unauthorized possession, manufacture, distribution or sale of illegal drugs or drug paraphernalia.
2. The unauthorized use, possession, manufacture, distribution or sale of any controlled substance.
3. The presence of a detectable level of any illegal drug or unauthorized controlled substance or any metabolite of any such substance in the body upon being tested.
4. Being under the influence of alcohol or possessing alcohol while:
  - (a) operating or occupying any city vehicle at any time; or

- (b) at any location during the firefighter's working hours including all lunch and break times.
5. Use of alcohol while off duty in violation of Civil Service Commission Rules and Regulations, and Chapter 143, Local Government Codes.
  6. Unauthorized storage in any locker, desk, City vehicle or other repository on City premises or worksites of any illegal drug, drug paraphernalia, unauthorized controlled substances or alcohol.
  7. Switching or adulterating any breath or urine sample submitted for testing.
  8. Refusal to consent to testing and submit a specimen for testing when required under this policy. Consent is indicated by signing any form required by the City's Medical Advisor or laboratory collecting the specimen for testing.
  9. Failure to pass any drug or alcohol test administered under this policy.
  10. Refusal to consent to inspection of any desk, locker or other City property under a firefighter's control when requested by a supervisor or law enforcement officer
  11. Arrest or conviction for any drug or alcohol-related crime committed at any time.
  12. Failure to notify the Fire Chief within five (5) days after arrest or conviction for any drug or alcohol-related crime committed at any time.
  13. Failure to report to his/her supervisor the use of any controlled substance prescribed by a physician or non-prescription drug which may impair the firefighter's ability to safely and fully perform his/her duties.
  14. Failure to keep prescribed drugs in their original container which identifies the drug, date of prescription and prescribing physician or provide other proof of drug prescription and prescribing physician.
  15. Failing to adhere to the provisions of any agreement executed by the firefighter which requires treatment or counseling for alcohol or drug abuse.
  16. Refusing to sign a statement agreeing to comply with this Alcohol and Drug Policy.
  17. Knowingly, taking prescribed medication in a manner or dosage other than as prescribed.

**D. DEFINITIONS UNDER THIS POLICY**

1. **ILLEGAL DRUG:** includes heroin, cocaine, crack cocaine, cannabinoids (marijuana, hashish, THC), PCP (phencyclidine), LSD (lysergic acid diethylamide) and any other controlled substance not validly prescribed by a physician.

2. **CONTROLLED SUBSTANCE:** includes all of the above illegal drugs plus any other substances covered by Schedules I through V of the federal Controlled Substances Act (21 U.S.C. 801 et seq.) or the Texas Controlled Substances Act (Chapter 481, Texas Health and Safety Code). Controlled substances include amphetamines, barbiturates, methadone, benzodiazepines, methaqualone, morphine, codeine and anabolic steroids, A controlled substance is “unauthorized” if the firefighter does not have a valid prescription for that substance at the time of its use or possession.
3. **CITY PREMISES OR WORKSITES:** include all property, buildings, structures, job sites (where a firefighter is working), parking lots, and means of transportation owned, leased, or otherwise used for City business including motor vehicles, equipment, or machinery. An employee’s vehicle is also included in this definition when being used to conduct City business or when parked during an employee’s working hours, including lunch or break times; provided however, that personal vehicles parked on city property may only be inspected or searched by law enforcement personnel based on probable cause.
4. **FAILING A DRUG TEST:** is defined as a confirmation of initial test results which show positive evidence of the presence of an illegal drug or unauthorized controlled substance in the body.
5. **PASSING A DRUG TEST:** is defined as initial or confirmation test results which do not show evidence of the presence of an illegal drug or unauthorized controlled substance in the body.
6. **DETECTABLE LEVEL:** is defined as a quantity of a drug or drug metabolite equal to or greater than the detection limit for that substance as established by the testing laboratory, with the Chief’s and Union’s approval.

E. DISCIPLINARY ACTION FOR VIOLATIONS OF THIS POLICY

1. The following violations of this policy shall be grounds for termination.
  - a. unauthorized possession, use, manufacture, distribution or sale of any illegal drug, drug paraphernalia or controlled substance while on duty, in a City vehicle or on break time or,
  - b. use without authorization of alcohol while on duty or while occupying any City vehicle or during break period,
  - c. failing a drug test administered under this policy.
2. Any firefighter who violates any other provisions of this policy shall be disciplined up to and including termination.
3. No firefighter may be disciplined for reporting to duty when ordered to do so, if the firefighter has disclosed any consumption of alcohol during his/her off duty hours.

F. DRUG TESTING

Drug testing will be conducted using a laboratory certified by the Department of Health and Human Services (NIDA). Chain-of-custody procedures will be followed to account for the integrity of each urine sample by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

Each specimen submitted for testing under this policy shall be split and a sample shall be reserved for an independent analysis in the event of a positive result.

Each specimen submitted for testing under the testing provision of this policy with the exception of pre-employment, will be assayed for the presence of the following compounds.

<u>DRUG GROUP</u>	EMIT SCREEN	GC-MS CONFIRMATION
	DETECTION LEVEL	DETECTION LEVEL
	<u>ng/ml*</u>	<u>ng/ml*</u>
Amphetamine	1,000	500
Barbiturates	300-1000	200
Benzodiazepines	300	200
Cocaine Metabolites	300	150
Marijuana	50	15
Metabolites	300	300
Methadone	300	200
Methaqualone	300	200
Opiate Metabolites	300	300
Phencyclidine	25	25
Propoxyphene	300	200

\*nanograms/milliliter

The laboratory will also assay each specimen for signs of possible adulteration. Specimen alteration assays will consist of two or more of the following:

- \* Creatinine
- \* Chloride
- \* Specific Gravity
- \* Ph

Pre-employment testing shall utilize the SAP 10.

The initial test (also known as a screening test) shall be a enzyme immunoassay screen (EMIT) to eliminate “negative” urine specimens from further consideration.

If the initial test indicates a positive result, a confirmation test by gas chromatography/mass spectrometry (GC/MS) will be used to confirm the presence of a specific drug or metabolite. The confirmation test shall be independent of the initial test and uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. For classes of drugs where GC/MS is not an approved confirmation procedure, an alternative confirmation test will be used.

The Chief shall designate a Testing officer with full authority to order personnel compliance to oversee the integrity of the drug testing procedures and general administration of this policy. The Testing Officer's specific responsibilities and duties shall be established by the Chief.

**Drug testing under this policy will include:**

1. Pre-employment: All job offers are contingent upon passing a drug test. Applicants who fail a drug test will be ineligible to apply for employment in the future.
2. Post-accident: Any firefighter, up to and including the Fire Chief, who, while operating a City vehicle, is involved in an accident, shall submit to drug and alcohol testing. The test shall be performed as soon as possible.
3. Reasonable Suspicion: If individualized reasonable suspicion exists that any firefighter has used or possessed an illegal drug or unauthorized controlled substance or has violated the alcohol-related provisions of this policy, the Chief may order the firefighter to submit a urine and/or blood specimen for alcohol and/or drug testing.
4. Random Testing: The Fire Department shall be divided into 45 groups consisting of the following work sites or groups:

Administrative Offices (Includes the City Manager, Human Resources Director, and Fire Chief)  
Training Center  
Fire Prevention & Arson Investigation  
Each Station will consist of 3 separate groups (A, B, & C shifts)  
Three additional groups will be added upon opening of a new station.

Random drug testing shall occur by the random selection of one of the above work groups or sites. The testing agency shall provide a computer-based random selection of the group to be tested each month. Two groups will be selected and tested each month. The Chief, or designee, will notify the employees selected for a test within no more than three (3) hours of the testing. Any firefighter either permanently or temporarily assigned, including members working trades for regular firefighters, shall be subject to testing.

All testing will be conducted on site except for personnel assigned to Training, Fire Prevention & Arson, and Administration. Personnel not tested on site will be required to report to a designated lab within 3 hours of notification by their supervisor.

Employees on vacation, sick leave, other leave, or on City business outside the city, will not be notified or have to take the test.

#### G. COMPLIANCE WITH POLICY

1. Applicants and firefighters subject to testing will have the opportunity to submit a list of prescription and non-prescription drugs they have used in the last thirty (30) days and to explain the circumstances surrounding the use of such drugs to the MRO before a decision regarding test results is made.
2. Any firefighter who has agreed in connection with a prior violation of this policy to submit to random testing for a prescribed period of time (maximum of one (1) year) may be tested as described in the agreement signed by the firefighter.
3. A firefighter with an alcohol content of .04% will be presumed to be under the influence of alcohol for purposes of this policy.
4. If the Medical Review Officer's (MRO) review of drug test results indicates a legitimate medical explanation for the confirmed positive test result, no further action will be taken against the firefighter and an applicant will be eligible for hire. If the MRO's review determines there is no legitimate medical explanation for the confirmed positive test result, the firefighter will be subject to disciplinary action up to and including discharge upon the first offense.

#### H. MEDICAL REVIEW OFFICER

The Medical Review Officer (MRO) for the City of Corpus Christi will be a City's Medical Advisor or any physician designated by the City Manager who is a licensed physician with knowledge of drug abuse disorders and certified as a Medical Review Officer for drug testing.

The MRO shall review all drug testing results he/she receives and interpret confirmed positive test results to determine if there is an alternative medical explanation of the confirmed positive result.

#### I. ALCOHOLISM AND DRUG ADDICTION

While occasional or "social" use of drugs and alcohol can become detrimental to the workplace and to personal health, we recognize that alcoholism and drug addiction are medical disorders which can be treated. The City of Corpus Christi believes it has a responsibility to provide assistance to our employees through the Employee Assistant Program, but the initiative in seeking such help is the responsibility of the firefighter.

Firefighters who voluntarily seek diagnosis and accept treatment for alcohol or drug-related problems before the problem becomes evident, will be offered rehabilitation help on a strictly confidential basis using the leave policies currently available for other health-related problems. Whether voluntary or mandatory rehabilitation is required, these costs are the responsibility of the firefighter. Medical Plan Insurance may be used to the extent provided under the individual's

health insurance coverage. If misconduct or declining job performance brings illegal or non-prescribed drug or alcohol abuse problems to light, the firefighter will be subject to appropriate disciplinary action.

#### J. IMPLEMENTATION OF DRUG-FREE AWARENESS PROGRAM

The Drug-Free Awareness Program will provide an ongoing education effort for the firefighters to prevent and eliminate drug and alcohol abuse that may affect the workplace. This program will cover:

1. The dangers of alcohol and drug abuse in the workplace;
2. This Alcohol and Drug Policy;
3. The availability of treatment and counseling for firefighters voluntarily seeking such counseling through the Employee Assistance Program; and
4. The discipline which will be imposed for violations of this policy.

***Supervisors are the “keys” to successfully implementing this policy. Initial and ongoing supervisory training will be mandatory for supervisors and will cover the following areas:***

1. Identifying and documenting job performance and on-the-job behavior which may reflect the impact of personal problems;
2. Identifying evidence of on-the-job use or presence of alcohol or drugs;
3. Procedure for referral of troubled firefighters to the Employee Assistance Program;
4. Procedure for testing firefighter suspected of violating this policy;
5. Constructive confrontation techniques;
6. Orientation on drug procedures and technology; and
7. Procedures for conducting workplace inspections.

Cadets will be trained on this Policy at the Academy and new supervisors will be trained through recurring sessions provided on the Training calendar.

#### K. RECORDS PROCEDURES

##### 1. RELEASE OF INFORMATION:

Requests for employment verification or references for an individual terminated under this policy shall be forwarded to the Human Resources Department for response. For Texas Employment Commission hearing on granting unemployment insurance, the City will cite a rules violation as the reason for termination and will supply a copy of the letter of termination which states specific reasons. Where there is doubt about the release of information, the Legal Department shall be consulted for guidance.

## 2. REPORTING CONVICTION TO FEDERAL AGENCY:

In compliance with the Drug Free Workplace Act, the Human Resources Department will notify the appropriate federal agency within ten (10) days after receiving notice from the firefighter of a conviction under criminal drug statutes.

