

<b>1000.08</b>	<b>Post-Accident Drug and Alcohol Testing (BU-11) Standard Operating Procedure</b>	
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*This procedure is for internal use only and does not enlarge an employee's civil liability in any way. The procedure should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this procedure, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.*

**Related Policies:** ADM 3.12, Memorandum of Agreement- Employer's Drug and Alcohol Testing (DAT) Policy, Class "E" Rules-1000-06, County of Hawaii Drug Free Policy, County of Hawaii Alcohol Free Policy, Drug and Alcohol Policy-ADM 3.13, Traffic Accident Procedures-ADM 4.2  
**Applicable HI Statutes:**

**I. PURPOSE**

This policy will outline the procedures for Post Traffic Accident drug/alcohol testing as noted in the agreements with the Unions and DOT 49CFR part 382. The Hawai'i Fire Department considers all officers, firefighters and emergency medical personnel to be in safety-sensitive public safety positions.

**II. APPLICABILITY**

This applies to all members of the Hawai'i Fire Department.

**III. OBJECTIVE**

To maintain a standard on dealing with Post Accident testing of members of the Hawai'i Fire Department.

**IV. POLICY**

It is the policy of this department to prevent accidents, mishaps, deaths and injuries associated with the misuse of alcohol and the use of drugs. It is the policy of the Hawai'i Fire Department to test employees following an on-duty traffic accident.

**V. GENERAL POLICY**

1. It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants while on-duty.
2. Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job.
3. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., use personal leave, use sick leave, use vacation leave, obtain a substitution, notify supervisor) to avoid unsafe workplace practices.
4. Personnel shall not report for duty, possess, nor participate in any department activity, after having used alcohol or a controlled substance in excess of the levels established by the respective agreements with the Unions.
5. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate

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disciplinary action will be taken for violations of this policy and in accordance with the respective agreements with the Unions.

- 6. Personnel who refuse to submit to drug and alcohol testing will be subject to disciplinary action up to and including termination in accordance with the Union agreement.

**VI. TESTING POLICY**

- 1. The post-accident test shall be administered in accordance with Union Agreements and/or DOT 49CFR part 382.
  - a. Testing shall be conducted as follows:
    - i. Transportation to and from the testing facility will be by the on duty Battalion Chief or the Fire Chief designee. Under no circumstances shall an employee who was involved in a motor vehicle accident as the operator be allowed to drive the vehicle to the test facility.
    - ii. Any employee tested under this section shall be placed on authorized leave without pay pending the results of the drug and alcohol tests (the employee shall be eligible to use vacation or compensatory time credits in lieu of such leave without pay).
    - iii. If such test results are negative, the employee shall be returned to work and credited with full back pay.
    - iv. If such tests results are positive, any period of authorized leave without pay shall be included as part of any applicable disciplinary suspension.
- 2. After the disposition of any immediately necessary business relating to the Post Traffic Accident Drug and Alcohol Test, the employee involved will be driven home (or to another appropriate destination) by department personnel. At the employee's option and expense, they may have a responsible second party (spouse, friend, taxi, etc.) provide such transportation. It is the responsibility of selected individuals and their respective chain of command to ensure that these steps are accomplished.
- 3. Any unusual circumstances which prevent compliance with this policy shall be documented and forwarded to the Fire Chief.