



PRINCE GEORGE FIRE AND EMS

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Date: 12/01/2023

Title: Intoxicants PGFEMS

Authorized By:

I. Purpose

- A. Prince George County Fire and EMS is committed to providing a safe and drug-free work environment for all of its members. No member of PGFEMS shall report to duty, respond to any emergency or non-emergency call and/ or operate any PGFEMS equipment under the influence of any intoxicant outlined in this policy. PGFEMS acknowledges that a member's health can affect their job performance and supports any member seeking treatment from substance abuse programs. This policy establishes the guidelines and procedures for the testing, reporting, and tracking of all illegal drug and alcohol use. For the purpose of this policy, the term "illegal drug" is to include marijuana and other marijuana related products which are illegal under federal law.

II. Scope

- A. This policy applies to all personnel of the Prince George County Fire and EMS (PGFEMS), regardless of rank or position, including full-time, part-time, and volunteer members. It encompasses all situations where members are on duty, responding to emergency and non-emergency calls, or engaged in any capacity where the operation of PGFEMS equipment or representation of the PGFEMS is involved.
- B. The scope extends to the prohibition of reporting for duty or remaining on duty when a member has used any illegal drugs, as defined under federal law, or is under the influence of alcohol. It further includes the use of prescription drugs that may impair performance or any substances that might hinder an individual's ability to perform their duties safely and effectively.
- C. In addition to outlining the procedures for testing and reporting, this policy also delineates the responsibilities for compliance tracking and ensures the confidentiality of the test results. It details the consequences of policy violations and provides a framework for supporting members through substance abuse programs, aligning with the department's commitment to upholding the highest safety and health standards for its members and the community they serve.

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III. Definitions

- A. **Alcohol:** Any beverage containing alcohol. While the purchase and consumption of alcohol are legal outside of work, reporting to work under the influence, consuming alcohol on county premises, in county vehicles, or at any work-related site, including functions or events, is prohibited unless explicitly authorized by appropriate management for specific events.
- B. **Drugs:** This includes all controlled substances, illicit drugs, synthetic substances, and other substances regulated by federal or state law. It does not include over-the-counter medications used in accordance with their directions and physician-prescribed medications taken as directed unless they impair job performance.
- C. **Drug Paraphernalia:** Any equipment, product, or material that is used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.
- D. **Member:** Any individual who is actively involved in the operations or activities of Prince George Fire and EMS. This also extends to contractors, interns, and consultants when engaged in PGFEMS-related activities.
- E. **Premises:** All land, buildings, facilities, and other property owned, leased, or used by Prince George Fire and EMS. This includes but is not limited to, workspaces, offices, vehicles, parking areas, and any location where work-related duties are performed.
- F. **Prescription Drugs:** Any medication legally prescribed by a healthcare provider that is used in the manner intended by the prescribing provider. Members must be aware of the potential effects of their medication on their performance and must disclose any potential job impairment to their supervisor. Proof of prescription must be available upon request.
- G. **Random Testing:** Random Testing – An unannounced selection of any PGFEMS member. All members remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing.

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- H. **Reasonable Suspicion:** The belief, based on objective and articulable facts and rational inferences drawn from those facts, that a member may be using or under the influence of drugs or alcohol. Such facts and inferences may include observable phenomena, such as direct observation of substance use, physical symptoms of being under the influence, patterns of abnormal or erratic behavior, or reports of substance use provided by reliable and credible sources.
- I. **Accident:** For the purpose of this policy, an "accident" is defined as any incident involving a PGFEMS vehicle or a member performing official duties that results in property damage, injury, or death. This definition is inclusive but not limited to vehicular collisions, response-related incidents, and on-scene operations.
- J. **Post-Accident:** Any situation where a member is involved in an accident or incident in the workplace, regardless of severity, and there is a reasonable possibility that drug or alcohol use could have contributed. This necessitates an evaluation and possible testing to rule out the influence of drugs and alcohol in the incident.
- K. **Under the Influence:** For the purpose of this Policy, "under the influence" shall be interpreted as:
1. Having a controlled or illegal substance(s) in one's system; or
 2. Due to reasonable cause or suspicion of drug use, being required to take a drug test and having a verified positive result; or
 3. Being impaired physically and/or mentally as a result of drug, alcohol and/or prescription drug ingestion.

IV. Prohibited Acts

- A. The following actions are violations of the PGFEMS Substance Abuse Policy and will lead to immediate administrative actions:
1. Any member found to be violating this policy will be subject to immediate administrative leave pending further investigation.
 2. No member of the PGFEMS is permitted to report to duty, attend calls, or operate any equipment or vehicles provided by the department if under the influence of alcohol, drugs, or any substance that impairs cognitive or physical abilities.



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3. A blood alcohol concentration (BAC) that exceeds 0.04%, as verified by a breathalyzer test administered by an authorized Prince George Police officer or another designated law enforcement official, will be considered a violation of this policy.
4. Any PGFEMS member who undergoes drug screening and is found to have a detectable level of prohibited substances as defined by the department's approved drug screening panel will face disciplinary action. This encompasses all illicit drugs, controlled substances taken without a proper prescription, and the misuse of prescribed medications.
5. Refusal to comply with the alcohol or drug testing requirements as stipulated by this policy will result in immediate placement on administrative leave. Further actions may include disciplinary measures up to and including termination from the department.
6. All members must disclose to their direct supervisor the use of any prescribed medications that may influence the results of a drug test before performing their job responsibilities. Such disclosure should be substantiated with appropriate documentation from the prescribing healthcare provider, which must include details about the prescribed substance, the dosage, and the manner in which the medication should be used.
7. Any of the above items may result in administrative or disciplinary action, up to and including termination of employment or removal from volunteer status. Members placed on administrative leave shall remain on administrative leave until an investigation is conducted by the Chief of Fire and EMS.



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V. Legalization of Marijuana in Virginia

The Virginia Cannabis Control Act (Title 4.1, Subtitle II of the Code of Virginia (1950), as amended) does not require Virginia employers to tolerate the use, possession, or being under the influence of marijuana or marijuana products in the workplace.

The use of marijuana and marijuana products are still illegal under federal law and the use is prohibited by the County.

In accordance with Virginia Code 40.1-27.4 (1950), as amended, an employee may lawfully use cannabis oil during non-work hours pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease as long as the employee does not show up to work impaired by the use of cannabis oil.

VI. Accidents:

- A. Members of PGFEMS must comply with the drug and alcohol testing policy detailed in PGFEMS department policy 2.9, "Accident Notification and Investigation," following any vehicular or operational incident that qualifies as an "accident" under the PGFEMS definition. An accident is defined by occurrences resulting in property damage, injury, or death and includes, but is not limited to, vehicular collisions, emergency response-related incidents, and on-scene operations. The execution of drug and alcohol testing post-accident is critical for maintaining safety standards and assessing the need for potential disciplinary action.
- B. The prescribed measures for post-accident drug and alcohol testing are:
 1. Timing of Tests:
 - i. The post-accident test must be administered within two hours of the incident. If testing within this window is not achievable, the reasons for the delay must be fully documented.
 - ii. Tests carried out after the two-hour mark must include documentation of the time elapsed since the accident to inform the results' assessment.



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2. Availability for Testing:

- i. Members must be accessible for testing following an accident. A failure to remain at the scene or within reach for testing, unless due to required medical care or emergency aid, may be regarded as a refusal to test.
- ii. Medical care for injuries takes precedence over testing requirements, and members may seek the necessary help without penalty.

3. Prohibition of Substance Use Post-Accident:

- i. Members are forbidden from consuming alcohol within two hours after the accident or before undergoing an alcohol test, whichever happens first, to prevent compromising the testing outcomes.

4. Suspension of Duties:

- i. Affected members are to suspend all job-related activities until they have completed the drug and alcohol testing and received the go-ahead to return to their duties from the Chief of PGFEMS or the designated authority.

5. Implementation and Oversight:

- i. The Battalion Chief on duty is responsible for the oversight and facilitation of the 12-panel rapid drug test. Members not requiring an ambulance for treatment will be transported by the Battalion Chief for testing.
- ii. If the preliminary breath test yields a positive result, the test may be carried out by the Battalion Chief or a law enforcement officer may be required to transport the member for further evaluation as a part of the official investigation process.

VII. Random Testing

- A. All members of PGFEMS are subject to and shall submit to random drug or alcohol screenings. An individual selected for random testing shall be notified within two hours of the scheduled testing by the Fire and EMS department. The pre-approved test will be administered by the on-duty Shift Commander. Proof of the results from the rapid testing shall be sent to the Chief of Fire and EMS to maintain it in a confidential file separate from the member's personnel file.

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VIII. Reasonable Suspicion

- A. A belief based on rational inferences drawn from specific objective facts that a member or officer is under the influence of controlled substances or alcohol. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:
1. A pattern of abnormal or erratic behavior
 2. Information provided by a reliable and credible source.
 3. Direct observation of drug or alcohol use or evidence such as drug paraphernalia.
 4. The presence of the signs or physical symptoms of controlled substance or alcohol use, such as glassy or bloodshot eyes, the odor of alcohol, slurred speech, poor coordination.
- B. The attached Reasonable Suspicion Record should be used to document any behavior outlined in the above section. (See attachment B). This form shall be submitted directly to the Shift Commander for their review. If conflicts prohibit the Shift Commander from being utilized, then submit directly to the Chief of Fire and EMS.
- C. The department shall require member to be tested, upon reasonable suspicion, for the use of drugs or alcohol. The member shall submit to testing, upon reasonable suspicion, for the use of drugs or alcohol when requested to do so by their supervisor.
- D. Once a reasonable suspicion determination is made, it is the responsibility of the employer/supervisor to assure that the member under suspicion is evaluated, and when necessary, transported to a specimen collection site to provide a urine/breath sample. Onsite collection and testing is permitted with approved testing materials by Prince George Police and the Fire and EMS Shift Commander.

IX. Consent for Testing

- A. Members shall be requested to execute a consent form, which authorizes the conduction of tests and the subsequent disclosure of test results to authorized departmental or county officials. A template for this consent form can be found in Attachment A.

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X. Non-Compliance and Refusal to Test

A. A member's refusal to comply with the drug or alcohol testing required by this policy may lead to disciplinary measures, including dismissal. Acts of non-compliance include, but are not limited to:

1. Not reporting to the designated testing site promptly as specified by the department following an order to test.
2. Leaving the testing site before the procedure is complete.
3. Inability to produce an adequate urine sample without a valid medical rationale.
4. Inability to provide a sufficient sample of saliva or breath when required without a valid medical explanation.
5. Any act that impedes the testing process.
6. In instances of reasonable suspicion that a member of PGFEMS is under the influence, it is incumbent upon the Battalion Chief on duty and members officer to arrange safe transportation for the member's return home.

XI. Administration of Tests

A. The Battalion Chief on duty shall ensure that the drug or alcohol testing process is executed correctly and that results are accurately recorded. All pertinent data concerning the testing will be relayed to the Chief of PGFEMS for evaluation. Depending on the situation and the availability of resources, testing may be carried out using approved onsite test kits or at a designated medical facility.

XII. Return to Duty Protocols

A. Conditions for Resuming Duty Post-Testing: A member subject to drug or alcohol testing will be placed on leave from their duties and shall not return to work until any of the following criteria are met:

1. Receipt of a confirmed negative test result and formal reinstatement by the Chief of Prince George's Fire and EMS (PGFEMS) or a person designated by the Chief for this responsibility.
2. Successful completion of a recognized rehabilitation program and subsequent official authorization to resume duty by the Chief of PGFEMS.

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3. A determination by the Chief of PGFEMS or their designee that the original suspicion which led to testing was unfounded, based on the findings of a thorough investigation.

XIII. Support Through the Employee Assistance Program

- A. The responsibility for seeking rehabilitation for drug or alcohol misuse lies with the individual member. Members experiencing substance misuse issues are urged to seek assistance proactively to preclude any policy violations. The County Employee Assistance Program (EAP), (county employees and their household members only) at no cost, offers a confidential service aimed at assisting with personal issues that might affect work performance. This program includes assessments, consultations, and, where suitable, referrals.

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Drug and Alcohol Testing Consent Form (Attachment A)

I, _____, hereby give my consent to authorize my department known as Prince George Fire and EMS and the testing laboratory designated to conduct test deemed necessary to determine the absence or the presence of any prohibited drugs and/ or alcohol in my body.

I give my consent to release the results of the test(s) and other medical information from the laboratory to Prince George Fire and EMS.

Prince George Fire and EMS may also request proof that I am taking a controlled substance as directed pursuant to a lawful prescription issued in my name. I agree to provide such proof within 72 hours.

I further understand that a positive test, refusal to authorize this form, refusal to take the test, or failure to produce a specimen, may result in disciplinary action up to and including dismissal.

Members Signature: _____ Print: _____

Date: _____

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Observed Behavior- Reasonable Suspicion Record (Attachment B)

Employee Name: _____

Observation Date: _____ Time: (from _____ AM / PM to _____ AM / PM)

Location: _____

Cause for Suspicion

Presence of drugs and/or drug paraphernalia (specify):

Appearance

_____ Normal	_____ Puncture Marks	_____ Dilated/Constricted Pupils
_____ Tremors	_____ Bloodshot Eyes	_____ Inappropriate or Profuse Sweating
_____ Flushed	_____ Runny Nose/Sores	_____ Inappropriate Wearing of Sunglasses
_____ Disheveled	_____ Dry-Mouth Symptoms	_____ Other

Behavior/ Speech

_____ Normal	_____ Incoherent	_____ Slurred
_____ Silent	_____ Confused	_____ Slowed
_____ Whispering	_____ Other	

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Awareness

_____ Normal _____ Paranoid _____ Mood Swings
_____ Lethargic _____ Confused _____ Lack of Coordination
_____ Disoriented _____ Other

Motor Skills/ Balance

_____ Normal _____ Swaying _____ Falling
_____ Staggering _____ Other

Walking/ Turning

_____ Normal _____ Swaying _____ Arms Raised for Balance
_____ Stumbling _____ Falling _____ Reaching for Support
_____ Other

Work Performance

_____ Unusual or distinct pattern of absenteeism and/or tardiness _____ Frequently missed deadlines or takes more time to complete job than necessary
_____ Frequent complaints of illness negatively affecting work performance _____ Takes needless risks
_____ Increased high/low periods of productivity _____ Disregard for safety of others
_____ Frequent lapses in concentration and/or judgment _____ Frequent complaint of co-workers
_____ Frequent accidents/ mistakes _____ Frequently borrowing money from co-workers

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Paul Beamer

Other observed Actions or Behaviors (please specify):

Witnessed By:

Signature: _____ Print Name: _____

Title: _____ Date: _____ Time: _____

Supervisor use only:

Do you have any medical problems for which you are currently being treated? _____

If yes, what are you being treated for? _____

What is your doctor's name, address, and telephone number? _____

Are you using any medications? _____ If yes, what medications and for what reason?

Do you have any medical problems for which you are not currently being treated? _____

If yes, please describe: _____

Are you using any type of drug? _____ If yes, what? When? Where? With whom?

Have you had alcohol, an alcoholic beverage, or another substance with alcohol in it? _____

If yes, what? _____ When? _____

Where? _____ With whom? _____

Employee Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

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