

**SUBSTANCE ABUSE POLICY AND  
SUBSTANCE ABUSE ASSISTANCE PROGRAM**  
(No. 57 October 2011)

**1084**

The purpose of this policy is to help ensure that all California Department of Forestry and Fire Protection (CAL FIRE) employees are free from the effects of drug and alcohol abuse. This policy is intended to be in addition to, and not a substitute for, other types of action, including employee assistance, adverse action and medical examination.

It is the intent of the Department to help any employee who is alcohol or drug dependent before he/she becomes unemployable. CAL FIRE actively encourages all employees to address drug and alcohol problems through avenues such as the Employee Assistance Program (EAP), Alcoholics Anonymous (AA), Narcotics Anonymous (NA) and CAL FIRE's Substance Abuse Assistance Program (SAAP). Each of these programs is highly confidential. Employees who use CAL FIRE's SAAP can be assured that the SAAP Coordinator(s) will safeguard employee information and will not share it outside the SAAP without the personal permission of the employee. The Department will protect the confidentiality of the records.

These programs are designed to assist all employees who seek help on their own or at the urging of others. They are designed for the employee who may be experiencing work-related problems, such as absenteeism or tardiness, as a result of drug or alcohol (i.e., substance) use or abuse. However, under no circumstances will the Department tolerate any employee using or being under the influence of alcohol or other substances to any extent that would impede the employee's ability to perform his or her duties safely and effectively. Once a supervisor has determined that an employee is impaired while on duty, the employee will be subject to adverse action. In the case of "sensitive positions" (see Section 1084.2 for a definition of sensitive positions), the incumbent found impaired while on duty will be terminated. An impairment determination can occur through lab testing for employees in "sensitive" positions; however, this determination can occur in other ways (e.g., CHP roadside sobriety tests), and will result in the same adverse action.

All supervisors and managers in the Department will be held personally responsible for actively taking steps to carry out this policy. This includes those who may be designated as rank-and-file but have supervisory responsibilities (e.g., Fire Captains). Nothing discussed in this section will prevent the Department from taking adverse action against employees who are convicted for violating the law when it relates to their job or the ability to perform their job, e.g., a CAL FIRE employee found to be selling drugs to inmates or wards.

## **SUBSTANCE ABUSE POLICY**

**1084.1**

(No. 57 October 2011)

- A. It is this Department's policy that no CAL FIRE employee who is on duty, on call, or on standby for duty shall:
1. Use, possess, or be under the influence of illegal or unauthorized drugs or other illegal mind-altering substances; or
  2. Use or be under the influence of alcohol to any extent that would impede the employee's ability to perform his or her duties safely and effectively. Employees who are in sensitive positions shall not perform safety-sensitive functions within four hours after using alcohol.
- B. Employees serving in designated sensitive positions shall be subject to drug and alcohol testing, referred to as substance testing, where there is reasonable suspicion that the employee has violated this policy as required by the State Department of Personnel Administration (DPA) Rules 599.960-599.966.
- C. In addition to reasonable suspicion testing, employees who are commercial drivers will also be subject to random testing; post-accident testing; pre-employment drug testing; return-to-duty testing and follow-up testing as required by the Code of Federal Regulations (CFR) 49 CFR Parts 382, et al, and 49 CFR Part 40 if they meet the following criteria:
1. Are in a position that requires the possession of a Commercial Drivers License (CDL); or who
  2. Are required to possess a CDL (excluding a restricted firefighter license) and drive a motor vehicle for the State of California that:
    - a. Has a gross combination weight rating or gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds; or
    - b. Has a gross vehicle weight rating of 26,001 or more pounds; or
    - c. Is designed to transport 16 or more passengers, including the driver (the Department of Motor Vehicles [DMV] has determined that the Crew Carrying Vehicles [CCVs] and Emergency Crew Transports [ECTs] are firefighting vehicles and can be driven by firefighters with a restricted firefighter license); or

- d. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).
- D. An employee in a sensitive position who tests positive for illegal substances and/or alcohol (alcohol concentration level of 0.04 or greater) while on duty, stand-by, or on call will be terminated.
- E. An employee who has an alcohol concentration between .02 and .039 must be removed from performing safety sensitive duties for 24 hours.
- F. No employee shall perform duties which, because of drugs taken under prescription, cannot be performed without posing a threat to the health or safety of the employee or others. Employees whose job performance is affected by prescription medication may be subject to reassignment, medical examination or other actions.
- G. Employees in sensitive positions who refuse to submit to testing as required by this policy shall be considered insubordinate and subject to adverse action. A refusal to test will be considered failing the test.

## **REFERENCES**

**1084.2**

(No. 57 October 2011)

Code of Federal Regulations (CFR) – 49 CFR, Parts 40 and 382  
Government Code Sections 3250-3262 and 3300  
Penal Code Sections 830.1 and 830.2  
California Code of Regulations 599.960-599.966  
Applicable Memoranda of Understanding  
Firefighter's Procedural Bill of Rights  
Peace Officer Bill of Rights

## SENSITIVE POSITIONS

1084.3

(No. 57 October 2011)

- A. Sensitive positions are those positions in which drug- or alcohol-affected performance could clearly endanger the health and safety of the employee or others; peace officer positions; and positions where the employee drives commercial motor vehicles and the possession of a commercial drivers' license (other than a restricted firefighter license) is required ([refer to exhibit](#)). These positions have the following general characteristics:
1. Their duties involve a greater than normal level of trust, responsibility for, or impact on the health and safety of themselves and others;
  2. Errors in judgment, inattentiveness, or diminished coordination, dexterity or composure while performing their duties could clearly result in mistakes that would endanger the health and safety of others; or,
  3. Employees in positions with such independence or performing such tasks that it cannot be safely assumed that mistakes could be prevented by a supervisor or another employee.
- B. Positions shall be identified as "sensitive" through the following process:
1. Subject to DPA approval, and where applicable, notice to the appropriate bargaining unit, the CAL FIRE Labor and Human Resources Office will identify positions that meet the sensitive position standards previously mentioned.
  2. The employees serving in these positions and the appropriate bargaining unit, if applicable, shall be notified that the positions have been identified as sensitive and shall be given a copy of this substance abuse policy.
- C. As vacancies for sensitive positions are filled, it is the unit's responsibility to notify the employee of the position's sensitivity and ensure that the employee has read and understands this policy.
- D. The unit must also notify the Substance Testing Program Coordinator ([Program Coordinator](#)) of appointments and separations to positions falling under the federal drug and alcohol testing regulations.

## TYPES OF TESTING

1084.4

(No. 57 October 2011)

### A. Reasonable Suspicion (State and Federal Testing)

1. Reasonable suspicion is the good faith belief based on specific articulable facts or evidence, observed by a supervisor, that an employee in a sensitive position may have violated this policy, and that substance testing could reveal evidence related to that violation. For the purposes of this policy, a supervisor is defined as one who leads and directs the work of others, including Fire Captains and Fire Apparatus Engineers. **All CAL FIRE employees who are in designated sensitive positions are subject to reasonable suspicion testing.** Refer to the [Reasonable Suspicion Testing Instructions](#) for step-by-step procedures.
2. Supervisors who make a determination of reasonable suspicion must receive 1) at least 60 minutes of training on alcohol misuse and 2) at least an additional 60 minutes of training on controlled substances use. The training shall cover the physical, behavioral, speech and performance indicators of probable substance abuse. The unit must maintain supervisory training records and report the employees' names and dates of training to the Program Coordinator.
3. The basis for all reasonable suspicion determinations shall be documented in writing. This shall include a specific description of the observations on which the determination is based.
4. When reasonably possible, and provided it does not interfere with employee or public safety, reasonable suspicion shall be confirmed by the direct observation of another supervisor or peace officer as defined under Penal Code Sections 830.1 and 830.2. The supervisor does not have to be a CAL FIRE employee.
5. The supervisor must describe the facts and observations in the case to a Designated Confirming Official (DCO). If the information provided to the DCO is sufficient to indicate probable cause for reasonable suspicion testing, the DCO will authorize the testing. The DCO in the field is the Unit Chief or designee. In Region Offices, the DCO is the Region or Assistant Region Chief or designee. In Headquarters, the DCO is the Personnel Officer or designee.
6. The supervisor will make an appointment with an authorized testing facility and transport the employee to the testing site. The supervisor must take the appropriate forms to the clinic (Refer to the [Drug and Alcohol Testing Forms To Be Used](#) exhibit). TESTING FORMS ARE NOT AVAILABLE AT THE CLINIC. After the test, the supervisor will make arrangements for the

employee to be transported home. The employee will be placed on administrative leave pending the test results.

7. The DCO must notify the [Program Coordinator](#) of the employee's name and date of test. The Program Coordinator will notify the Unit Chief of the test results. If the test is negative, the employee can be returned to duty. If the test is positive, the Unit Chief will initiate the adverse action process. The employee will remain on administrative leave until the effective date of the adverse action. The adverse action should be processed in an expedited manner to avoid keeping the employee on administrative leave for an excessive period of time.

B. Random Testing (Federal Testing only)

1. Employees in positions requiring commercial drivers' licenses are subject to controlled substance and alcohol testing on an unannounced and random basis. (Firefighters who drive firefighting vehicles with a restricted firefighter license are not covered by random testing.) Controlled substance tests equal to at least 50 percent of all covered drivers and alcohol tests equal to at least 10 percent of all covered drivers will be conducted each calendar year, spread over a twelve month period. The selection of drivers to be tested shall be based on a computer generated random selection. Each driver shall have an equal chance of being tested each time the selection is made.
2. CAL FIRE contracts with DPA for substance testing services. Drivers to be tested are selected from a pool of names comprised of employees from several state agencies.
3. DPA will notify the Program Coordinator which employees must be tested. The Program Coordinator will send the employee Notification of Scheduled Drug/Alcohol Test letters to the Unit Substance Testing Coordinator (Unit Coordinator), or his or her designee, to make arrangements to have the employee tested as soon as possible. The employee must not be notified his or her name has been selected until directed by the supervisor to report to the clinic for testing.
4. The person scheduling the test must contact an authorized Alere testing facility to schedule an appointment for the employee. Refer to the [Drug and Alcohol Testing Clinic Locations](#) exhibit for instructions on accessing the Alere website to locate a clinic. The person scheduling the test must ensure the employee is available for immediate testing. The employee must be provided with the appropriate testing forms to take to the testing facility. TESTING FORMS ARE NOT AVAILABLE AT THE CLINICS.
5. All random tests will be conducted while the employee is on duty.

6. Refer to the [Random Substance Testing Instructions](#) for step-by-step procedures.

C. Pre-employment/Pre-Duty Testing (Federal Testing only)

1. Employees in positions requiring commercial driver licenses must pass a pre-employment/pre-duty controlled substance test **prior** to the first time the employee performs a safety sensitive function. At this time, a pre-employment alcohol test is not required.
2. The prospective employee must complete an Employee Pre-Employment Drug/Alcohol Test Certification Form [PO-120](#) to verify that for the past two years, he or she has not tested positive, or refused to test, on any pre-employment test for a job covered by DOT regulations which he or she did not obtain. If the employee indicates a positive test or a refusal to test, he or she cannot be hired by CAL FIRE to perform safety sensitive duties until he or she has provided documentation that shows successful completion of DOT return-to-duty requirements which includes evaluation by a Substance Abuse Professional (SAP) with referral to a treatment or education program and follow-up testing as outlined in 49 CFR Part 40, Section O.
3. The unit must send a Drug/Alcohol Testing Record Request & Authorization Form [PO-224](#) to all known employers for the prior two years to verify that the driver has not had a positive drug or alcohol test or any other violation of the federal drug and alcohol testing regulations including refusing to test. If it is reported that the employee violated the regulations, documentation of the employee's successful completion of DOT return-to-duty requirements (including evaluations by a Substance Abuse Professional [SAP] and follow-up tests) is required before the employee can be hired.
4. A prospective employee who refuses to complete the PO-XXX and the PO-224 cannot be hired.
5. Refer to the [Pre-Employment Drug Testing Instructions](#) for step-by-step procedures.

D. Post-Accident Testing (Federal Testing only)

1. A driver who is in an accident involving a commercial motor vehicle (excluding vehicles operated by firefighters with a restricted firefighter license) shall be tested for alcohol and controlled substances if the following circumstances exist:

- a. The driver was using the vehicle to perform safety-sensitive functions and the accident involved the loss of human life; or
  - b. The driver received a citation under state or local law for a moving violation arising from an accident if the accident involved bodily injury to any person requiring immediate medical treatment away from the scene or resulted in damage to any vehicle that required the vehicle to be towed or transported away. In order for this section to apply, the citation must have been issued within 8 hours for an alcohol test, and within 32 hours for a controlled substance test.
2. The driver must notify the ECC of the unit where the accident occurs that there has been an accident and that he/she is in a position covered by federal drug/alcohol testing regulations. The ECC must immediately notify the duty chief, who will arrange for transportation and testing, if applicable. All testing documentation shall be forwarded to the employee's home unit.
3. Controlled Substances Testing - The driver must be tested for controlled substances as soon as possible, but no later than 32 hours after an accident. If a driver is not tested for controlled substances within 32 hours after an accident, the Unit shall forward to the Program Coordinator record stating the reason why the test was not administered.
4. Alcohol Testing - The driver must be tested for alcohol as soon as possible, but no later than 8 hours after an accident. If a driver is not tested for alcohol within 2 hours after an accident, the Unit shall forward to the Program Coordinator a record stating the reasons why the test was not administered promptly.
5. No driver required to take a post-accident test shall use alcohol for 8 hours following an accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.
6. A driver who is subject to post-accident testing must remain readily available for testing. Failure to remain available for testing will be deemed to be a refusal to test, and will result in an adverse action for insubordination.
7. Refer to the [Post Accident Substance Testing Instructions](#) for step-by-step procedures.

E. Return-To-Duty Testing (Federal Testing only)

1. An employee who tested positive for a controlled substance or alcohol must submit to, and pass, a return-to-duty drug and/or alcohol test before returning to work and performing safety sensitive duties again.  
**Employees who are terminated pursuant to this policy are not subject to return-to-duty testing or referral to a Substance Abuse Professional (SAP).**
2. Employees who test positive for drugs or alcohol must be referred to a SAP for evaluation, at State expense, before that employee can be returned to safety sensitive duties. DPA has contracted with SAP Referral Services, LLC (SRS) to provide SAP services.
3. The employee must contact Human Behavior Associates' central scheduling office at (888) 720-7277 to schedule an appointment with a SAP. An appointment is normally scheduled with a provider in his or her area within 72 hours. If the SAP indicates that the driver needs assistance in resolving problems associated with controlled substance use or alcohol misuse, the employee must participate in any assistance program prescribed. The cost of the rehabilitation is borne by the employee. Prior to returning to duty, the SAP will conduct a re-evaluation to determine that the employee has followed the recommendations of the SAP. The SAP will provide a written evaluation to the Program Coordinator. The Unit will be charged for the costs associated with the SAP evaluations.
4. After the SAP has cleared the employee to return to work, the employee must pass a drug and/or alcohol test before he or she begins performing safety sensitive duties.
5. Refer to the [Return-to-Duty Substance Testing](#) Instructions for step-by-step procedures.

F. Follow-up Testing (Federal Testing only)

1. Follow-up testing is required for employees who return-to-duty following a positive drug and/or alcohol test. The SAP who has cleared the employee to return to work will establish a written follow-up testing plan for the employee.
2. The employee will be subject to a minimum of 6 unannounced follow-up alcohol and/or drug tests during the first 12 months following his or her return to work, as determined by the SAP

3. The Unit must carry out the SAP's follow-up testing requirements. The Unit may schedule the dates to be tested, but must ensure the tests are unannounced, with no discernible pattern as to their timing, and that the employee is not given advance notice. Random tests that may have been conducted cannot be substituted for the required follow-up tests.
4. Refer to the [Follow-Up Substance Testing Instructions](#) for step-by-step procedures.

## **TESTING PROCESS AND STANDARDS**

**1084.5**

(No. 57 October 2011)

DPA has contracted with Alere Toxicology Services to provide services for the federal and State drug and alcohol testing programs. These services include urine collection for drug testing, breath alcohol testing, laboratory services and Medical Review Officer (MRO) services. Substance testing will be accomplished in the following manner:

### **A. Controlled substance testing**

1. The drug testing process will be performed on a urine sample using an immunoassay screening test and gas chromatography/mass spectrometry confirmatory test for positive tests.
2. Laboratory services will be provided by Alere through its Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory, located at 1111 Newton Street, Gretna, Louisiana. The collection site will use DHL courier service to pick up specimens and send to the Alere laboratory for analysis. DPA has established substance cut-off levels in the laboratory contract. Alere is responsible for determining if a positive or negative test result exists using these cut-off levels. Any subsequent contracts with other laboratories must conform to the established cut-off levels.
3. The test results (negative and positive) and related paperwork are reported to the MRO.
4. All urine specimens will be split into two separate containers at the time of collection. An employee who has a confirmed "positive" test result may request that a re-test, using the second portion of their split urine specimen be conducted at a SAMHSA certified laboratory of his/her choice. The employee must make the request to the MRO within 72 hours of receiving notice of the results of the first drug test. If the analysis of the split specimen fails to reconfirm the presence of the drugs or drug metabolites found in the primary specimen, or if the split specimen is unavailable, inadequate for testing, or untestable, the MRO shall cancel

the test and report the cancellation and the reasons for it to the employer, the employee and the federal Department of Transportation (DOT), if appropriate. If the second test confirms the results of the first test, the employee will pay for the costs of the second test. If the second test indicates that the first test results were incorrect, the State will pay for the second test.

5. Confirmed positive specimens shall be retained for one year following the test, or until the specimen is no longer needed for appeal proceedings or litigation, whichever is longer.

B. Alcohol testing

1. Alcohol testing will be administered using an Evidential Breath Testing Device (EBT) that is on the Conforming Products List published by the National Highway Traffic Safety Administration (NHTSA). The tests will be performed by a Breath Alcohol Technician (BAT). Positive alcohol tests results will be reported immediately to the Departmental representative shown on the Form DPA-177 by the BAT and the Program Coordinator.
2. Alcohol testing for reasonable suspicion is authorized only if the observations are made during, just before or just after the employee's work day. If an alcohol test is not administered within 2 hours following observations, the supervisor must provide a written record stating the reasons the alcohol test was not administered promptly. In addition, if the test is not administered within 8 hours, the supervisor shall cease attempts to administer the test and shall prepare a written record as shown above. These documents must be forwarded to the Program Coordinator.

C. Substances to be tested for under the federal DOT regulations include the following:

- Cannabinoids (Marijuana)
- Cocaine (Benzoyllecgonine)
- Opiates
- Phencyclidine (PCP)
- Amphetamines/Methamphetamines/MDMA (Ecstasy)
- Alcohol

D. Substances to be tested for under State regulations include the following:

- Cannabinoids (Marijuana)
- Cocaine (Benzoyllecgonine)
- Opiates
- Phencyclidine (PCP)
- Amphetamines/Methamphetamines
- Alcohol
- Barbiturates
- Benzodiazepines
- Methaqualone

With the approval of DPA, CAL FIRE may test for other controlled substances when it establishes a reasonable basis.

E. Testing Facilities

Testing must be conducted at one of the facilities shown on the Alere website (refer to the [Drug and Alcohol Testing Clinic Locations](#) exhibit). This exhibit includes the website address as well as telephone numbers for after-hours collections.

## **EMPLOYEE RIGHTS**

**1084.6**

(No. 57 October 2011)

- A. Employees suspected of violating this policy shall be entitled to representation during any investigative interviews which the employee believes could lead to a decision by the Department to take adverse action against the employee. However, if the employee cannot secure prompt representation before the test for any discussions which he believes could lead to adverse action, the discussion will be postponed but the test will go forward.
- B. Although there is no requirement to provide the employee with representation during the sample collection process, the Department will make a reasonable effort to grant employee requests for representation, as long as this can be done without delaying the testing process.
- C. Employees shall also be entitled to representation in any discussions with the MRO, except that the inability of the employee to arrange for such representation may not delay the conversation beyond 5 days after the earliest of the following:
1. Being contacted by the MRO, or
  2. Being contacted by the Department and ordered to contact the MRO, or
  3. Not being available for employer contact after a good faith effort on the employer's part.

- D. In addition to the rights outlined above, an employee with peace officer or firefighter status will be provided his or her rights in accordance with the provisions of the [Peace Officer's Bill of Rights](#) or the [Firefighter's Procedural Bill of Rights](#). Additional information can be found in Government Code Sections 3250-3262 and 3300.
- E. Provisions for the employee to acknowledge he or she has been provided his or her rights to representation are made on Form [PO-226](#), Confidential Temporary Relief of Duty - Substance Testing.
- F. The MRO shall provide an opportunity for the employee to provide information about factors other than illegal drug use, such as taking legally prescribed medication, which could cause a positive test result. The citing supervisor is to inform the employee of this right at the point of testing and document it on the Temporary Relief of Duty Memorandum for inclusion with the other substance testing materials.
- G. The employee will have the right to request that the split sample urine specimen be tested within 72 hours of being notified of a positive test result by the MRO at a SAMHSA certified laboratory of his or her choice.
- H. The Department will give the employee a full copy of any test results and related documentation of the testing process when the test results are positive. Copies of negative test results will be provided to employees upon written request to the Program Coordinator.

## **MEDICAL REVIEW OFFICER**

**1084.7**

(No. 57 October 2011)

- A. MRO services will be provided by a licensed physician (medical doctor or doctor of osteopathy) who has knowledge of substance abuse disorders.
- B. The MRO will review the laboratory report and chain of control materials to ensure that the technical testing standards have been met.
- C. The MRO will review all drug tests (positive and negative). If the drug test is positive, the MRO will contact the employee to conduct an interview by telephone. The MRO will ask the employee to provide information about factors other than illegal drug use, such as taking legally prescribed medication, which could cause a positive test result. The employee will provide substantiation, such as a copy of the prescription. If the employee cannot be reached for an interview, the MRO will proceed without it.

- D. The MRO shall notify each employee with a confirmed positive test that he or she has 72 hours in which to request a test of the split specimen. If the analysis of the split specimen fails to reconfirm the presence of the drug or drug metabolite found in the primary specimen, or if the split specimen is unavailable, inadequate for testing, or untestable, the MRO shall cancel the test and report the cancellation and the reasons for it to the employer and the employee.
- E. The MRO shall notify the Program Coordinator of the test results.

**RESPONSIBILITIES OF THE SUBSTANCE TESTING  
PROGRAM COORDINATOR**

**1084.8**

(No. 57 October 2011)

- A. Prepares and administers the substance testing contract with DPA.
- B. Audits and authorizes payment for substance testing services.
- C. Provides reports to DPA regarding the testing process.
- D. Notifies DPA to add and delete employees to the random test pool based on notifications from the Unit Coordinator.
- E. Orders and provides chain of custody testing forms to Unit Coordinators.
- F. Notifies the Unit Coordinators which employees have been selected for random testing.
- G. Responds to requests for employee substance testing information from prospective employers, as required by DOT regulations.
- H. Maintains substance testing records in accordance with the record retention schedule.
- I. Notifies Unit Coordinators of changes to the testing process and updates the Personnel Procedures Handbook as needed.
- J. Develops substance testing training programs for supervisors.
- K. Maintains supervisory training records.

## RESPONSIBILITIES OF THE UNIT SUBSTANCE TESTING COORDINATOR

1084.9

(No. 57 October 2011)

- A. Sends employees for pre-employment and other applicable substance testing.
- B. Sends verification letters to prior employers regarding substance testing.
- C. Notifies the Program Coordinator of employees to be added and deleted from the random test pool.
- D. Ensures that employees who are sent for substance testing are tested in accordance with the procedures in this policy and that the appropriate forms are submitted to the Program Coordinator.
- E. Notifies the Program Coordinator of supervisory training.
- F. Orders and provides substance testing forms to unit supervisors.

## SUBSTANCE TESTING MATERIALS AND EXHIBITS

1084.10

(No. 57 October 2011)

- A. Exhibits to the Substance Abuse Policy
  1. [CAL FIRE Designated Sensitive Positions](#)
  2. [Substance Testing Program Coordinator Listing](#)
  3. [Reasonable Suspicion Testing Instructions](#)
  4. [Drug and Alcohol Forms to be Used](#)
  5. [Drug and Alcohol Testing Clinic Locations](#)
  6. [Random Substance Testing Instructions](#)
  7. [Pre-Employment/Pre-Duty Drug Testing Instructions](#)
  8. [Post-Accident Substance Testing Instructions](#)
  9. [Return-to-Duty Substance Testing Instructions](#)
  10. [Follow-Up Substance Testing Instructions](#)
  11. [Peace Officer Bill of Rights](#)
  12. [Firefighter's Procedural Bill of Rights](#)
- B. Substance Testing Forms  
The following forms can be reproduced as needed:
  1. Substance Testing Reasonable Suspicion Documentation, [PO-225](#)
  2. Temporary Relief of Duty, [PO-226](#)
  3. Substance Abuse Professional Referral, [PO-121](#)
  4. Employee Pre-Employment Drug/Alcohol Test Certification, [PO-120](#)
  5. Drug/Alcohol Testing Record Request & Authorization, [PO-224](#)
  6. Drug/Alcohol Test Authorization, [DPA 177](#)

The following forms are "chain of custody" forms which cannot be reproduced. Unit Coordinators must ensure that sufficient supplies of the chain of custody forms are available in the Unit because the forms are not available at the clinics.

1. KROLL Federal Drug Testing Custody and Control Form (for federal tests—pre-printed facility number 271939)
2. KROLL U.S. Dept. of Transportation Alcohol Testing Form (for federal tests – pre-printed facility number 271939)
3. KROLL Non-Federal Custody and Control Form (for State tests – pre-printed facility number 271964)
4. KROLL U.S. Dept. of Transportation Alcohol Testing Form (for State tests – pre-printed facility number 271964)

## **RECORDS ACCESS**

**1084.11**

(No. 57 October 2011)

- A. All records related to substance testing are confidential and shall be kept in a secure location. After adverse action has been taken and any appeals have been concluded, the DCO shall forward all of the substance testing materials to the Program Coordinator.
- B. The testing records, and any other related information, shall only be released as shown below:
  1. To the employee who was tested or other individuals designated in writing by that employee.
  2. To DPA as needed for the effective review of this policy.
  3. To individuals who need the records or information to:
    - a. Properly supervise or assign the employee;
    - b. Determine, or assist in determining, what action the department should take in response to the test results; and
    - c. Respond to appeals or litigation arising from the drug test or related actions.

## **RECORDS RETENTION**

**1084.12**

(No. 57 October 2011)

The testing records, and any other related information, shall be retained by the Program Coordinator as shown below:

- A. The following documents will be maintained for 5 years:
  1. Positive alcohol tests indicating a breath alcohol concentration of 0.02 or greater and all related materials;

2. Verified positive controlled substance test results and all related materials;
  3. Refusals to submit to required alcohol or controlled substance tests and all related materials; and
  4. SAP's evaluations and referrals.
- B. The following documents will be retained for 3 years:
1. Pre-employment testing records including the Employee Pre-Employment Drug and Alcohol Test Statement, Form [PO-120](#) and the Drug/Alcohol Testing Record Request & Authorization, Form [PO-224](#).
- C. The following documents will be retained for 1 year:
1. Negative and cancelled controlled substance test results, and all related materials; and
  2. Alcohol test results indicating a breath alcohol concentration less than 0.02, and all related materials.
- D. The following documents will be retained indefinitely:
1. Records related to the education and training of supervisors shall be maintained while the individual performs the functions which require the training and for two years after ceasing to perform those functions.

**SUBSTANCE ABUSE ASSISTANCE PROGRAM POLICY** **1084.13**  
(No. 57 October 2011)

The Department of Forestry and Fire Protection (CAL FIRE) recognizes that alcohol and drug abuse may adversely affect job performance, and has therefore adopted and -is committed to a Substance Abuse Assistance Program (SAAP).

An employee does not have to be experiencing a job problem in order to seek assistance through the SAAP; self-referrals are welcome and strongly encouraged. The SAAP is also available to employees' families.

SAAP personnel without consent of management can address any alcohol or substance abuse situations.

## **AUTHORITY**

**1084.14**

(No. 58 July 2000)

Department management, effective March 1, 2000, establishes the CAL FIRE's Substance Abuse Assistance Program. Department management monitors and holds SAAP responsible for providing regular program accountability.

## **CONFIDENTIALITY**

**1084.15**

(No. 58 July 2000)

In compliance with the Evidence Code and Information Practices Act of 1977, all records pertaining to an employee's participation in the SAAP are confidential and remain separate from departmental personnel files. All contacts with the SAAP remain confidential, assuring that an employee's promotional opportunities or seniority status are not jeopardized as the result of an employee's participation in the program.

According to the provisions of Evidence Code Sections 1030, 1031, and Federal Public Law 93-616, amended in Public Law 93-282, the SAAP Coordinator, Advisors or Unit Representatives will not divulge any information obtained from an employee during any part of the intake and recovery process except:

- With the written consent of the employee.
- If an employee informs an SAAP Coordinator, Advisor, or Representative that he or she has or will harm him/herself or another.

## **DEPARTMENTAL COVERAGE OF SAAP**

**1084.16**

(No. 58 July 2000)

The SAAP is available to all employees and their immediate families. Possible costs may include partial payment for medical treatment and/or recovery facility fees not covered by the employee's health insurance plan. Employees participating in any phase of the program may use accrued sick leave, compensating time off, vacation and/or annual leave credits to cover absences from work. A leave of absence without pay may be granted only after the employee's sick leave, vacation, and compensating time off is exhausted.

## **RESPONSIBILITIES OF CAL FIRE PERSONNEL**

**1084.17**

(No. 58 July 2000)

The SAAP Coordinator is accountable to the CAL FIRE administration. All CAL FIRE employees are responsible for conducting themselves in accordance with established protocol, to uphold departmental policy and all relevant laws. The Substance Abuse Assistance Program is unique and distinct from other CAL FIRE programs.

## THE SAAP COORDINATOR

(No. 58 July 2000)

1084.18

Department-wide leadership and administration of the SAAP is provided by an individual whose most important qualification is experience and knowledge gained from personal recovery. This person's title is Substance Abuse Assistance Program Coordinator ([see exhibit](#)). The job scope of the SAAP Coordinator includes:

- Interface with CDF Firefighters and other employee organizations.
- Act as a resource for managers, supervisors, and employees who have questions about SAAP services.
- Promote, facilitate, and provide SAAP training for managers, supervisors, and entry level personnel.
- Establish and coordinate the activities of field coordinators.
- Advocate and monitor progress toward improving insurance coverage for substance treatment and recovery.
- Increase accessibility of SAAP services.
- Interface with non-departmental resources in the field of recovery to maintain updated information and transmit that information to field personnel.
- Provide the Chief Deputy Director with monthly statistical activity reports.
- Assure program accessibility to employees at all organizational levels of the department.
- Advise CAL FIRE management on matters involving substance abuse.

## **FIELD COORDINATORS**

**1084.19**

(No. 58 July 2000)

Area and Sacramento headquarters coordinators, whose most important qualification is experience and knowledge gained from personal recovery, provide substance abuse assistance services at the Area and Sacramento Headquarters level ([see exhibit](#)). The job scope of the SAAP Field Coordinators includes:

- Train Unit Advisors.
- Submit monthly activity reports to the SAAP Coordinator.
- Maintain current information regarding local recovery resources and facilities, and report this information to the SAAP Coordinator.
- Give oral presentations to headquarters and field personnel to explain the function of the SAAP program, and to promote substance abuse education and prevention.
- Assure needed services are provided to CAL FIRE employees and/or their families during initial stages of recovery process.
- Maintain liaison with recovery facility counseling staff to monitor client needs/progress.

## **UNIT ADVISORS**

**1084.20**

(No. 58 July 2000)

Unit Advisors, whose most important qualification is experience and knowledge gained from personal recovery, provide substance abuse assistance services at the Unit level. The job scope of the SAAP Unit Advisors includes:

- Maintain close personal contact with employees during the recovery process.
- Assist in Training at the Unit Level.
- Provide Input to the Field Coordinator as appropriate.

## **UNIT REPRESENTATIVE**

**1084.21**

(No. 58 July 2000)

These representatives, whose most important qualification is experience and knowledge gained from personal recovery, provide substance abuse assistance services. When available, the individuals will assist Unit Advisor(s) in any or all of above duties.

## **REFERRAL**

**1084.22**

(No. 58 July 2000)

Employees or immediate family members may avail themselves of the SAAP services through self-referral. In addition, employees may be referred from other sources, e.g. supervisor, physician, co-worker, Employee Assistance Program, or a Board of Adjustment. All referrals are strictly confidential.

## **PROGRAM PARTICIPANTS**

**1084.23**

(No. 58 July 2000)

Employees who are participating in the SAAP program shall receive the same consideration as employees having other illnesses.

Employees are expected to meet job performance standards and follow work rules. Continued unacceptable job performance after referral may result in adverse action up to and including dismissal. Employees are not exempt from normal administrative actions or discipline while participating in the SAAP.

Employees may be considered affected and referred to SAAP if their substance abuse interferes with or adversely affects performance of duties, reduces personal safety, adversely impacts dependability, impairs interpersonal relations, or discredits the department.

Employees are encouraged to seek assistance for drug and/or alcohol problems even if not experiencing a job problem.

Employees' job security and promotional opportunities will not be jeopardized as a result of participation in the SAAP.

Employees may request a leave of absence to enter a treatment or recovery facility if they have exhausted their leave credits.

Employees may discontinue or reinstate involvement in the SAAP at any time. Participation in the program is strictly voluntary, unless participation is under a "Last Chance" contract. If under a "Last Chance" contract, the employee must maintain his/her SAAP program or be subject to termination for breach of contract to the Department.

**NOTE:** When a "Last Chance" contract is written for an employee it will be specific and unique for each employee, based upon employee and Department needs.

In order to achieve maximum benefit from the SAAP, employees cooperate fully in their own recovery.

[\(see next section\)](#)

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[\(see Forms or Forms Samples\)](#)