

## **Drug and Alcohol Testing in the Warren Fire Department**

By: Shawn M. Peura  
Lieutenant  
Warren City Fire  
111 South St SW  
Warren, Ohio 44483

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## **CERTIFICATION STATEMENT**

I hereby certify that the following statements are true:

1. This paper constitutes my own product, that where the language of others is set forth, quotation marks so indicate, and that appropriate credit is given where I have used the language, ideas, expressions, or writings of another.

2. I have affirmed the use of proper spelling and grammar in this document by using the spell and grammar check functions of a word processing software program and correcting the errors as suggested by the program.

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## ABSTRACT

The problem was that Warren City Fire Department does not have a random drug testing policy. The City of Warren is a drug free workplace; however, the Warren Firefighters IAFF Local #204 is currently the only bargaining unit in the city without random drug testing in their contract. The purpose of this study was to determine if there was a need for such a policy by studying other programs in place and their effectiveness from other public service departments. Specifically government agencies and public service labor contracts. The research method used was a descriptive research methodology which answered my research questions. Procedures used to conduct the study included; (a) studying existing programs; (b) studying existing pertinent literature; (c) studying existing contracts; (d) searching literature from the internet; (e) surveying fire departments using Google research; and (f) interviews with people involved with policy and a former addict.

The results of the research showed that while there is support for a random drug testing policy from the bargaining unit members and the city management, there is no monetary benefit to the City of Warren or to the IAFF Local #204 Bargaining Unit. The city will not provide any provisions for the random drug policy and the union will not agree to it without receiving something in trade. However, the one former addict stated in his interview that he would have never tried drugs if he knew he would have been tested.

The recommendation is to negotiate with the labor union and the City of Warren to adopt a random drug policy for the simple reason of keeping people from taking the first step.

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## INTRODUCTION

### **Statement of the Problem**

Currently the Warren City Fire Department does not have random drug and alcohol testing in place. Drug testing is only performed when a member is injured or a fire department vehicle has been involved in an accident and there is more than \$500 damage to the vehicle. Supervisors are supposed to be trained in the detection of drug use but as of this date, no training has been received. The supervisor contract addresses the issues of such training. There have been instances when some members were tested and others were not when there was an accident because of conflicting reports of how much damage was done. *The problem that this study addresses is the inconsistent application of the current drug and alcohol testing policy and procedures in the Warren City Fire Department. Would the implementation of a random drug policy eliminate some of the mistrust and safety issues that arise in the department on a regular basis?*

### **Purpose of the Study**

*The purpose of this study was to determine if we should pursue a policy for random drug testing for the members of the Warren City Fire Department or should we follow our current policy and wait for an accident or injury to happen before we send our members for a drug screen. The study will look at various facts compiled from different fire departments in the state. The study will also show the success and/or failures of similar policies throughout the state of Ohio.*

**Research Questions**

*The research questions this study investigated are:*

1. Are there inconsistencies and shortcomings of the current policy?
2. Would random drug and alcohol testing reduce accidents or injuries from happening?
3. Can a drug and alcohol testing policy increase the performance and output of firefighters?
4. What, if any, are the cost savings to the city and a savings in Workers Compensation premiums for the city if drug testing is implemented?

## **BACKGROUND AND SIGNIFICANCE**

*The potential impact this study had on the Warren City Fire Department is for the reader to have an idea of how a random drug policy could possibly be beneficial in many ways for the department. Not only for the safety of the citizens, but also for the safety of our firefighters. This study will explore the possibility of cost savings through insurance and workers compensation discounts.*

The Warren City Fire Department is a career fire department with currently 52 members. We provide fire protection to approximately seventeen (17) square miles of area and serve a population of about forty-two thousand (42,000) people. Currently we have no random drug and alcohol testing policy in place. Members are tested when they are injured and when there is damage to a vehicle they are operating. Supervisors are supposed to be instructed to detect the presence of drugs and or alcohol; however, most supervisors have not received the said training. If there is more than five-hundred dollars (\$500) damage to a vehicle during an incident the vehicle operator is to be tested also. The Warren City Fire Department supervisors are not trained in estimating damage to vehicles or property. If a vehicle sustains less than originally thought, does the test become null and void if that member fails the test? While we do not appear to have a drug or alcohol problem in our ranks, it would be easier to remedy the situation if we did by taking all of the guesswork out of it.

It would also create a difficult situation if we have to send one of our own to be tested when you know it may be career ending. Supervisors may be tempted to look the other way and hope the problem resolves on its own if they saw something that should prompt an investigation.

By having random testing in place, it can take a lot of the stress and guesswork from the supervisors and make it easier for them.

Recently we lost a firefighter due to a failed drug test after he wrecked a vehicle. It is instances like this that emphasize a new drug policy containing random testing. With a policy in place, would there be less of a chance of this happening? The accident may not have happened at all.

## LITERATURE REVIEW

The International Fire Chiefs Association's (IAFC) article "Drug and Alcohol-Free Awareness", IAFC Board of Directors, spoke of their stance on drug and alcohol free fire and emergency services agencies/organization. The IAFC encouraged developing written policies and have procedures in place to support and enforce this policy recommendation. Agencies should have testing in place including random testing, testing for cause, and critical event testing as a result of any incident that causes measurable damage to property or apparatus; or injury/death of civilians or agency personnel (International Association of Fire Chiefs, 2012).

There is some disagreement on the merits of drug testing. According the article "Privacy in America: Workplace Drug Testing" ACLU authors state that such tests are an invasion of privacy, and also the testing systems are flawed and may provide false negatives. This may also be a violation of the Fourth Amendment according to the article "An Analysis of Firefighter Drug Testing under the Fourth Amendment" by David J. Fish. Even in those instances where testing is permitted under the Fourth Amendment, the due process and clause and the equal protection clause of the Constitution prohibit certain practices and procedures in connection with the testing of employees (Fish, 1995).

Firefighter deaths in Boston showed that one of the firefighters had a high blood alcohol level during the autopsy and the other that was killed had traces of cocaine. This has sparked negotiations with the bargaining unit for Boston firefighters and the city officials to visit their current drug policy to add random testing. Boston has been a notable holdout in such programs according to fire officials around the nation. FDNY has tested more than half of its department

since 2004, with 24 testing positive. The 24 were fired under a zero tolerance policy. Many smaller cities have not seen the need for random testing; officials have said (Blumenthal, 2007).

Human Resource professionals recorded companies with high workers compensation incidence rates reported a drop from 14 percent to 6 percent after implementing drug testing programs, an improvement of 57 percent. The 2012 National Survey on Drug Use and Health (NSDUH), an annual survey sponsored by the Substance Abuse and Mental Health Services Administration (SAMHSA), reported an estimated 23.9 million Americans ages 12 and older were current illicit drug users. Around 8.9 percent of those employed full time reported use of illicit drugs in the workplace (Reilly, 2014).

NFPA 1500 “Fire Department Occupational Safety and Health” Section 8-1.5 states “Members who are under the influence of alcohol or drugs shall not participate in any fire department operations or other functions.” It also provides further clarification by stating: “Any member, career or volunteer, who reports for duty under the influence of alcohol or drugs or any other substance that impairs the member’s mental or physical capacity, cannot be tolerated.”

In the article “Pros and Cons of Drug Testing in the Workplace” by Kathryn Keep of Demand Media, it is stated that there are more than 17 million people over the age of 18 using illicit drugs. More than 75 percent were currently employed. It is clear that drug testing is necessary to maintain a drug free workplace. Drug use can cause workplace accidents and cause an increase in absenteeism. A drug using employee is 3.6 times more likely to be involved in an accident, and five times more likely to make a workers compensation claim, according to the National Institute on Drug Abuse. Impaired judgment can result in slow reaction times and misguided decisions, which also may lead to accidents (Keep, 2015).

The Journal of Global Drug Policy and Practice published an article called “Employee Drug Testing: Study Shows Improved Productivity and Attendance and Decreased Workers’ Compensation and Turnover”. This article states that a study showed that nearly one-fifth (19%) of Human Resource professionals reported a perceived increase in productivity after the implementation of a drug testing program. It also showed a decrease in employee absenteeism. Workers compensation claims dropped and productivity increased. Also noted in the article, the costs of the drug tests should not be an issue. The average costs being \$20-\$50, with in house instant urine tests being \$10-\$20 (Neil Fortner, 2011).

The Collective Bargaining agreement of the Warren City Firefighters Local 204 states that “It is the city’s policy to establish and maintain a drug free workplace”. However, there is nothing that is indicative of any enforcement of maintaining a drug free workplace. It takes an accident of significance or injury for anything to happen.

Drug testing for firefighters is encouraged by International Association of Fire Chiefs and the NFPA; however, some feel that is a violation of their rights. Even with evidence of lower accidents, less workers compensation claims, less absenteeism, and increased work output, there are still those that are opposed to testing.

Firefighter LODD (Line of Duty Death) benefits are denied to the families of fallen firefighters if the autopsy results determine that there was drug use or alcohol present at the time of death. This is determined by the FEMA Autopsy Protocol (Stull, 2008).

Some policies that are in place for fire departments actually permit firefighters to work with up to a .08 percent blood alcohol level without facing disciplinary action. The same policy also permits up to double the legal driving limit for cocaine and amphetamines, and five times the legal driving limit for marijuana (Damon, 2014).

## PROCEDURES

Research was gathered for this project by examining our current policy in detail. The author has also found other random drug policies on line. Research continued by sending an anonymous survey to 114 fire departments that are full time or combination. I received a total of thirty-six responses to my survey. The results of the survey are listed in Appendix 1.

**Question 1:** Please select the current staffing of your organization.

50 personnel or less     51-100 personnel     101-150     More than 150

**Question 2:** Does your department currently have a drug screening policy in place?

If you answered YES, please proceed to question 3. If you answered NO, thank you for your participation in this survey, no further information is required.

**Question 3:** How long has your drug screening policy been in place?

**Question 4:** Has your department experienced a positive test for an illegal or banned substance?

**Question 5:** Was the positive result due to random screening?

**Question 6:** Do you have a last chance agreement for positive screening results?

**Question 7:** Have you seen a decrease in Workers Compensation claims as a result of your department's random drug and alcohol screening?

**Question 8:** Have you seen a decrease in on the job injuries as a result of your department's random drug and alcohol screening

**Question 9:** Does your department experience premium reductions and or savings on your worker's compensation premiums due to having a random drug and alcohol screening policy?

A firefighter who previously had a substance abuse problem had also agreed to be interviewed for this research project. This interview took place on Sunday July 12, 2015 at 2030 hrs. He has used illegal drugs in the past and has attended rehab voluntarily for his addictions. He regularly attends Narcotic Anonymous meetings and is still clean and sober. His input to the project is transcribed in Appendix 2.

The city's human resource director had agreed to be interviewed for the project and the researcher had prepared a list of five questions for him to answer.

**Question 1:** Would there be a reduction in insurance premiums or workers compensation payments with a random drug screening policy?

**Question 2:** Would you support a drug free workplace for the City of Warren and all of it's employees?

**Question 3:** A member of the fire department posed the question "If we get random drug and alcohol screening for us, will that pave the way for everyone in the city including elected officials to be screened?" What would your response be to that question?

**Question 4:** Some of our local unions in the city already have random drug and alcohol screening in their contracts. Is it enforced and how often is it used?

**Question 5:** Do you believe that there would be less sick leave used and less injuries with the admittance of a drug and alcohol screening policy within the city?

The interview was conducted at his office on Friday July 10th at 1300 hrs, and it lasted approximately 30 minutes. The results of this interview is listed in Appendix 3.

The firefighter that tested positive after an accident, and was terminated agreed to be interviewed for the project. This interview was conducted at the Warren City Fire Department on Saturday January 2, 2016 at 1330 hours. His interview transcript is listed in Appendix 4.

Every member of my fire department was polled on their opinion of whether we should have a drug and alcohol screening policy in place and the pros and cons of random testing. The majority of the department is in favor of random drug testing with some that are totally against it. Forty-five members were for it, and seven were against it. The ones in favor of the random policy had legitimate concerns as follows.

-Who selects the names of those to be tested and how are they selected?

-Can we get a second chance agreement?

-How do we know it's truly random?

The search for information was conducted throughout this project using search engines such as Google and Yahoo, as well as searching for drug and alcohol policies in place for other companies, not limited to the fire service. Additional searches are performed for drug related

problems involving firefighters and accidents. Other labor union contracts for collective bargaining units were gathered and examined to determine what kind of random policies they might have.

Trade magazines such as Firehouse and Fire Engineering were searched for articles related to random drug testing policies.

## RESULTS

### Research Question 1.

-Are there inconsistencies and shortcomings of the current policy?

There have been instances where there was a wrecked vehicle, and the person was not sent for a drug test. It was determined by the senior ranking officer that there was not significant damage to vehicle and door. There have also been instances where a person was sent for a drug test, and there was significantly less than \$500 damage to the vehicle. Nobody is trained to determine dollar amounts of damage to vehicles and property. Supervision is also supposed to be trained in detection of drug use; however, there has been no training offered to supervision. Reasonable suspicion is also a way to test a member, but with no training in such detection, that is not a way to determine if a test should be given.

### Research Question 2.

- Would random drug and alcohol testing reduce accidents or injuries from happening?

After receiving survey results from fire departments that participated, it was determined that there was not a significant decrease of on the job injuries. We have not experienced anybody testing positive for drugs for an injury in the past twenty-five years.

### Research Question 3.

- Can a drug and alcohol testing policy increase the performance and output of firefighters?

The answer to this question can be determined on a case by case basis. Interviews were completed and a former drug and alcohol abuser stated that their awareness was improved after rehabilitation. While attendance was never an issue, the work improved along with mood and attitude. Another interview of a firefighter that was terminated due to failing a drug test after

wrecking a fire department vehicle was conducted. The person stated that his work never suffered; however, his wrecking of the firetruck may or may not have been related to his abuse. It is difficult to determine the effect of abuse until the worst case scenario occurs.

#### Research Question 4.

- What, if any, are the cost savings to the city and a savings in Workers Compensation premiums for the city if drug testing is implemented?

According to the results of the Google Survey, a little more than half of the fire departments experienced savings in their workers compensation payments and their insurance premiums.

After discussing the matter with the human resources director for the City of Warren, he explained that the maximum discount was already met, and there would be no costs savings involved. There is no monetary benefit for having a random drug testing policy. The only savings would come if there were an accident and that person was under the influence or using illegal drugs. The question could arise as to why there were no safeguards in place.

## DISCUSSION

The purpose of this study was to address the lack of a random drug policy for the Warren City Fire Department. The Warren City Firefighters Local #204 is the only bargaining unit in the City of Warren to not have such a policy. Agencies such as ours should have such policies in place, as cited in the IAFC. They encourage the development of written policies, and having procedures in place to support and enforce a drug free workplace and alcohol free emergency organizations. (International Association of Fire Chiefs, 2012).

The lack of a random drug policy is not related to just the fire service but to all service industries. An article called “Employee Drug Testing: Study Shows Improved Productivity and Attendance and Decreased Workers Compensation and Turnover”. This article stated that nearly one-fifth (19%) of Human Resource professionals reported a perceived increase in productivity after the implementation of a drug testing program. Workers Compensation claims dropped and productivity increased. This is similar to what the firefighter interviewed in Appendix 2 had stated. He noted that while absenteeism was not an issue, his productivity increased. However, the firefighter interviewed in Appendix 4 stated that he never had any issues at all with productivity, but a vehicle was wrecked while he was driving it, and he tested positive for illegal drugs. (Neil Fortner, 2011) Continuing with that same employee, another article is worth noting. “Pros and Cons of Drug Testing in the Workplace”, states that a drug using employee is 3.6 times more likely to be involved in an accident and five times more likely to make a workers compensation claim according to the National Institute of Drug Use. Impaired judgement can slow reaction times and lead to accidents. (Keep, 2015)

The City of Warren is experiencing financial hardships. While the IAFF Local #204 is the only bargaining unit in the city that does not have random testing, random testing is not performed as often as it should be with bargaining units that do have it in their contracts. The costs associated with the testing is one of the reasons cited. The average cost of a drug test is approximately \$20 -\$50, with an in-house instant urine test being \$10-\$20. (Neil Fortner, 2011)

Firefighters polled had asked about the legalities of such testing. It was stated that this is a violation of rights and an article agreed. "Privacy in America: Workplace Drug Testing", ACLU authors state that such tests are an invasion of privacy and the testing may be flawed. The issue some of the firefighters had was false positives and flawed results. Another article stated that drug testing may be a violation of the Fourth Amendment. "An Analysis of Firefighter Drug Testing under the Fourth Amendment" states that even when testing is permitted, the due process and clause and the equal protection clause of the constitution, prohibit certain practices and procedures in connection with the testing of employees. (Fish, 1995)

The study did show through internet searches and information received from other public service collective bargaining units that most of them had some sort of random drug testing policy in place. While the majority of the IAFF Local #204 do indeed support a drug policy, there is some that still distrust the testing.

## RECOMMENDATIONS

Based on the literature review, original research including the survey and interview, and review of all of the information compiled, the need for a random drug testing policy for the Warren City Fire Department is not necessarily needed as originally thought. There is no cost savings associated with Workers Compensation or insurance benefits; however, there may be significant future savings if the City of Warren was ever involved in a lawsuit involving a member of the fire department that was under the influence of drugs. However, evidence supports the original intent of this paper in support of random drug testing for the reasons listed below.

There needs to be support between management and the union to support such a policy. The city wants the union to contractually agree and the union wants something in return for it. This will not be possible from either side due to the financial situation of the city. Until there is a compromise, neither side will come to terms on the issue.

The IAFF Local #204 should consider random drug testing for a couple of different reasons. One is public perception. The public holds firefighters to a standard level of trust above and beyond that of a normal citizen. The policy change would have a positive effect on the community that is served. With the responsibility and trust that firefighters are afforded, the IAFF Local #204 should embrace this change. Another is peace of mind. Once again, by taking the responsibility out of the officers' hands of sending someone for a drug test, and leaving it to random testing can ease tension between officers and firefighters.

The most important reasons for a random drug testing policy were stated by the firefighter interviews listed in the Appendixes. The one firefighter wrecked a vehicle. While he denies that being under the influence was the reason, it is very possible it did attribute to the

accident. This will never be known for sure. The other interviewee stated that if there was a random drug testing policy in place, he would have never started down that path. That alone is worth looking at putting a random drug policy in place.

Recommendations that are being suggested by this research include:

1. Negotiating a random drug and alcohol testing policy that both sides can agree upon. This includes the way the selection is performed and the IAFF Local #204 being involved in the selection process.
2. The City of Warren shall negotiate with a company that will perform the tests regularly for a cost that is affordable to the city. The city shall see that the employees are tested regularly and accurately.
3. The Warren City Fire Department shall make sure all employees are aware of the Employee Assistance Program and how to utilize it. Should an employee have a positive result drug screen, a one-time offer for assistance shall be made. If the employee accepts the “Last Chance Agreement” specific to the positive result, a one-time offer for assistance should be made. Should the employee refuse the offer for assistance, the employee shall be terminated.
4. Lastly, the City of Warren and the IAFF Local #204 shall create a joint press release for the public explaining the addition of a policy as a positive move forward by the two groups. The fire department is held to a higher standard that is above and beyond that of the general workforce. The fire department is permitted entry into homes of the public without questions of the integrity of the personnel. Additionally the public comes into contact with the department as they respond on the roads throughout the city. The press release will

reinforce the overall safety of the citizens within the city as the highest priority for the City of Warren and The IAFF Local #204.

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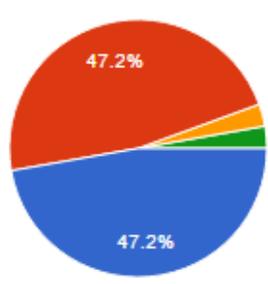
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APPENDIX 1 – GOOGLE RESEARCH SURVEY

# 36 responses

## Summary

Please select the current staffing of your organization including full time and part time employees



50 personnel or less	17	47.2%
51-100 personnel	17	47.2%
101-150 personnel	1	2.8%
More than 150	1	2.8%

Does your department currently have a random drug screening policy in place?



Yes	18	50%
No	18	50%

Has your department experienced a positive test for an illegal or banned substance?



**Was the positive result due to random screening?**



**Do you have a last chance agreement for positive screening results?**



**Have you seen a decrease in Workers Compensation claims as a result of your department's random drug and alcohol screening?**



**Have you seen a decrease in on the job injuries as a result of your department's random drug**

**screening?**



**Does your department experience premium reductions and or savings on your workers compensation premiums due to having a random drug and alcohol screening policy?**



## **APPENDIX 2 – INTERVIEW WITH WARREN FIREFIGHTER**

This is the transcript of my interview with the Warren Firefighter that had used illegal drugs in the past. He agreed to be interviewed for the research project with the hopes that this will prevent someone else from going through the same thing. He was using cocaine, alcohol, and opiates on a regular basis. On a not so regular basis he was using crack, and LSD. He was fortunate to be able to stop using and regularly attends Narcotics Anonymous meetings.

**Question #1:** While you were using drugs, would you have stopped if there was a random drug testing policy in place?

**Answer:** If there was a random drug and alcohol testing policy in place, I would have never started using drugs. I cleaned myself up to get this job and stayed clean for about a year. Then I started to realize how lax it was and what I could get away with. After a while, my social using started to become habitual.

**Question #2:** Are you in support of a random drug and alcohol testing policy for the Warren City Fire Department?

**Answer:** Absolutely 100%. If there was a policy in place I would have never started down that road.

**Question #3:** Did you use the EAP (Employee Assistance Program) to get help with your addictions?

**Answer:** I had no idea that existed. Didn't know what that even was.

### **APPENDIX 3 – INTERVIEW WITH HUMAN RESOURCE DIRECTOR**

This is the transcript of my interview with the Human Resources director for the city of Warren.

I had prepared a list of five questions for him and he explained his answers to me in an interview.

**Question #1:** Would there be a reduction in insurance premiums or workers compensation payments with a random drug screening policy?

**Answer:** We are self-insured for our health insurance so that would not affect our costs. There are no discounts for a random drug screening policy for workers compensation because of our retrospective rating plan. We already get the highest discount possible. But, in his opinion, it would be better for the city financially because of reduced accident rates.

**Question #2:** Would you support a drug free workplace for the City of Warren and all of its employees?

**Answer:** We already are a drug free workplace and we use the Employee Assistance Program.

**Question 3:** A member of the fire department posed the question “If we get random drug and alcohol screening for us, will that pave the way for everyone in the city including elected officials to be screened?” What would your response be to that question?

**Answer:** As I said before, I am 100% for random drug testing of all employees. Elected officials would have to volunteer to be tested.

**Question 4:** Some of our local unions in the city already have random drug and alcohol screening in their contracts. Is it enforced and how often is it used?

**Answer:** The firefighters are the only union in the city that do not have random drug testing. We have it, but honestly do not use it as much as we should due to financial issues. That is a bad reason and we should use it a lot more regardless of our financial situation. If the firefighters union wants drug testing in their contract, they will get it.

**Question 5:** Do you believe that there would be less sick leave used and less injuries with the admittance of a drug and alcohol screening policy within the city?

**Answer:** Yes I do.

**APPENDIX 4 – INTERVIEW WITH FIREFIGHTER THAT WAS RELEASED**

I interviewed a former firefighter that was released from his job for wrecking a firetruck then failing his drug test. He agreed to answer my questions for the research project. This interview took place at the Warren City Fire Department Central Fire station on January 2, 2016 at 1330 hours.

**Question #1:** Do you think if the Warren City Fire Department had random drug testing in place, would you have still used them?

**Answer:** I probably would have. It was not an ongoing problem and I decided to have some fun one night. It stayed in my system and I got caught. Not proud of it, but it wouldn't have stopped me. The city does not test the people that have random drug testing anyway.

**Question #2:** If the city did have an aggressive testing policy and did test everybody, would you still have partaken? Knowing you may be subject to random testing?

**Answer:** I cant answer that honestly. I know that as you get older and you have a lot of years on the job, you see how it works and you think that they will not get you. I may have, or maybe not. I screwed up and got caught. I never thought that it would have happened.

**Question #3:** If you were still working, would you support a random drug testing policy?

**Answer:** It wouldn't matter to me one way or another. I see nothing wrong with it.

