



**GERONIMO VILLAGE VOLUNTEER FIRE DEPARTMENT**



# ***THE BY-LAWS***

***EFFECTIVE 09/14/2005  
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## SECTION A: MISSION STATEMENT

- ARTICLE I: The mission of Geronimo Village will be:
- To minimize loss of life and property while providing fire suppression and emergency first responder medical care.
  - To promote the education of fire safety and prevention.
  - To initiate and promote involvement and participation with our community.
  - To strive for excellence in departmental growth and performance and to honorably represent the Department through unselfish acts of kindness.
- ARTICLE II: Geronimo Village Volunteer Fire Department, Inc. will be referred to as hereto forth the "Department". Bexar County Emergency Services District #2 will be referred to as hereto forth "ESD#2". Bexar County Fire Marshal's Office will be referred to as hereto forth "FMO".

## SECTION B: BOARD OF DIRECTORS

- ARTICLE I: The Board of Directors will consist of the following positions: [President](#), [Vice President](#), [Treasurer](#), [Secretary](#), [Sergeant at Arms](#), [Historian](#) and [Chaplain](#).
- ARTICLE II: The Board of Directors will be elected positions by the voting membership.
- ARTICLE III: The nominees to the Board of Directors will meet the following requirements:
- Will be at least Twenty-One (21) years of age.
  - Will be a member in good standing with the Department for at least one (1) year.
  - Will not be a former or current ESD#2 Commissioner. This is to avoid a conflict of interest between the Department and ESD#2.
- ARTICLE IV: Duties of the Board of Directors
- President
    - Conduct and preside over all Business and Board meetings
    - Will sign all contracts and legal documents with approval of the Board of Directors
    - Appoints all committees
    - Cast the deciding vote only when opposing sides are equally divided with the exception of electoral voting.
    - During elections, the acting President has the right to vote for the candidate of his/her choosing
    - Responsible for completing the Vice President's background check.
    - Will appoint the "Webmaster"

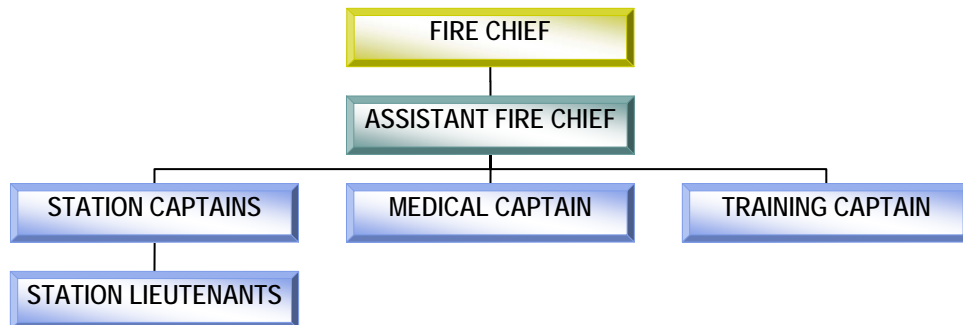
- Vice President
  - Perform all duties of the president in his/her absence
  - Responsible for maintaining all Department insurance
  - Responsible for completing all background checks excluding his/her own.
  - Responsible for assuming the duties of the Sergeant at Arms during business meetings in his/her absence.
- Treasurer
  - Receive and disburse all funding of the Department
  - Process Payroll
  - Process Accounts Payable
  - Prepare and present all financial reports for Business meetings and ESD#2 meetings
  - Responsible for maintaining and preparing the overall Budget
    - Budget to be approved by the Board of Directors
  - Keep a filing system that will be open to the Department and the public upon request in writing
  - Responsible for obtaining professional services for preparing and filing taxes
- Secretary
  - Take and record all business and board meeting minutes
  - Conduct all correspondence and preserve all records and papers
  - Will provide Webmaster with updated by-laws to be posted to the website as needed.
  - Keep a filing system that will be open to the Department and the public upon request in writing
- Sergeant At Arms
  - Hold meetings to order
  - Responsible for knowing the Department's By-Laws, Constitution, and having a general knowledge of "Robert's Rules of Order"
  - Responsible for interpreting "Robert's Rules of Order"
  - Responsible for conducting "Pledge of Allegiance" and "Roll Call" at all meetings if present
  - Responsible for submitting "Sign In" sheet to the Secretary
- Historian
  - Responsible for an annual year book to included: Pictures of Various Public Relation Events, Trainings, and Fundraisers
  - Responsible for keeping an archive of previous Newsletters
  - Will to be a member of the Resource & Data Collections Committee
- Chaplain
  - Responsible for opening meetings with prayer and perform such other related duties as the President shall request, including the sending of appropriate cards
  - Assist with finding resources for individuals that may need emotional assistance

ARTICLE V: *Approval of Board of Directors* – To get approval from the Board of Directors means that the Board of Directors must vote on the issue/subject at hand with at least a quorum established. The majority of that quorum must vote in favor of the issue/subject at hand to get an “Approval”.

## SECTION C: OPERATIONS OFFICERS

ARTICLE I: The Operations Officers will consist of the following positions: [Fire Chief](#), [Assistant Fire Chief](#), [Medical Captain](#), [Training Captain](#), [Station Captain](#), and [Station Lieutenant](#).

ARTICLE II: Chain of Command



ARTICLE III: All Operations Officers will be certified, at minimum through the State Fireman’s and Fire Marshal’s Association or Texas Commission on Fire Protection, at the basic level, and an Emergency Medical Technician – Basic Level through Texas Department of State Health Services or the National Registry.

ARTICLE IV: Duties and Requirements of the Operations Officers

- Chief
  - Will be appointed by the Board of Directors
  - Will be responsible for creating and presenting a Fire Operations budget that will be approved by the Board of Directors and included in the annual budget.
  - Will have all operational command of all active First Responders, Cadets, and paid personnel
  - Will appoint all Captains and Lieutenants
  - Will be responsible for determining and purchasing and placement of all equipment (See Section I. Article V.)

- Will be responsible for assisting the Vice President in maintaining Department insurance
  - Will be responsible for maintaining Run Reports and submitting it to proper agencies
  - Will be authorized to enter into mutual aid contracts in coordination with ESD#2 and the FMO with the approval of the Board of Directors
  - Will not reside with or be an immediate family member of an ESD#2 Commissioner
- Assistant Chief
    - Assists the Chief and assumes the Chief's duties in his/her absence
    - Will be responsible for maintaining and keeping equipment and inventory records
    - Will assist Chief with purchasing and placement of equipment
    - Will be appointed by the Board of Directors
    - Will not reside with or be an immediate family member of an ESD#2 Commissioner
- Medical Captain
    - Responsible for quality control on all medical forms before turning into the Chief
    - Responsible for creating a medical budget that will be approved by the Board of Directors and included in the annual budget
    - Responsible for purchasing needed supplies to insure and adequate inventory
    - Responsible for keeping a medical equipment inventory
    - Responsible for issuing proper medical equipment
    - Responsible for checking medical personnel certifications
    - Preferred to be a Paramedic
- Training Captain
    - Responsible for checking all fire certifications
    - Responsible for creating a training budget that will be approved by the Board of Directors and included in the annual budget
    - Responsible for maintaining and updating Department and Individual records and forwarding training reports to proper agencies for personnel and Department Certifications
    - Will conduct suitable drills and instructions to fulfill certification requirements at a minimum of twice a month
    - Monthly Training schedule to be approved by the Chief and posted at all manned stations
    - Will be a Level II Certified Instructor
- Station Captain

- Responsible for designated station and equipment
- Responsible for reporting damaged or missing equipment to the Assistant Chief
- Station Lieutenant
  - Will assist Station Captain in fulfilling his/her duties

**SECTION D: MEMBERSHIP**

**CHANGE**

**SECTION D: MEMBERSHIP**

ARTICLE I: Membership is open to anyone interested in furthering the cause of the Department and willing to give his/her time to for Department activities. New members must meet the following requirements to join the department:

- Submit a completed application for membership the night of a regularly scheduled business meeting.
- Must be present during the official "read in"
- Must agree to a criminal history check and a driver history check (if applicable). The Chief will perform the background check before the next scheduled business meeting.
- Pending a background check, the general membership will vote accept the individual for membership at the next scheduled business meeting. At this time, the new member will start their two (2) month (60 day) new member probation.

**At all times all Members and Employees must meet the following requirements:**

- Must agree and follow these by-laws and all Department rules and guidelines up to and including the SMOP's (Standard Medical Operating Procedures), Member/Employee Handbook and SOG's (Standard Operating Guidelines) at all times
- The contents of the SOG's will be determined by the Chief.
- The contents of the Employee Handbook will be determined by the Board of Directors and Chief.

ARTICLE II: Membership Categories

- *Active First Responders* are those members who are at least 18 years of age or older, have signed an application, have obtained and submitted a criminal history and drivers license check, and have been accepted by the membership and approved the board of directors. They wish to actively participate in department activities and wish to be a firefighter and/or medical first responder. After the expiration of their two (2) month (60 day) probation period they have full membership voting privileges.

These members are required to attend training sessions. (See [Section E, Article VI.](#))

- *Active Members* are those members who are at least 18 years of age or older, have signed an application and have been accepted by the membership and approved by the Board of Directors. These members wish to actively participate in Department activities but do not wish to be a firefighter and/or medical first responder. Since these members are not active first responders there is no requirement for them to obtain a drivers license check, after the initial application to the Department is accepted. However, these members are still required to obtain a criminal history check. These members are considered to have full membership privileges after their two (2) month (60 day) probation period.
- *Associate Members* are those individuals who have donated to the department but have never applied for membership. These members are, also, those who used to be active firefighters and/or medical first responders, but no longer participate as a first responder or active member.
- *Cadets* are those personnel who are at least 14 years of age but have not yet reached their 18<sup>th</sup> birthday. They have signed an application, with a signed *notarized* consent of a parent or legal guardian; have been accepted by the membership and approved by the Board of Directors. All cadets must maintain a passing grade in each subject of a "C" average. (Each class taken must have a "C" average or higher.) All Cadets are required to submit each report card for verification to the Fire Chief. Interim progress/grade reports will not be accepted. If the Cadet is unable to maintain at least a "C" in each subject, he or she will be suspended from all fire department activities until a passing grade is achieved on the report card. Cadets who are suspended will be reinstated upon verification of a passing report card. The purpose of the cadet program is for young people to learn about fire and EMS services as a possible career goal or as a future Active First Responder. Cadets will always be under the direct supervision of adult first responder personnel and will not be allowed to enter structure fire situations or hazardous material hot zones. They must ride in the cab area of all apparatus at all times with a seat belt fastened. Cadets do not have any voting privileges until they have become Active First Responders or Active Members when they turn 18 years of age. Cadets are not allowed at the station with out an Active First Responder and *must* leave the station property at 10:00 pm on school nights and 11:00 pm any other night. These members are required to attend training sessions. (See [Section E, Article VI.](#))

ARTICLE III: Departmental Status will consist of the following:

- *Good Standing* – a member is good standing is one that is not under suspension, investigation, or on probation.
- *Probation:*
  - *New member 60 day Probation* – a member who has not completed his/her initial (2 Month) 60 day probation period. They can not vote. They must attend three consecutive business meetings unless they provide a reasonable excuse to an officer. Must attend all training sessions unless they provide a reasonable excuse to an officer. At the end of the 60 day probationary period, the Board will review their performance and vote on removal of probationary status or present cause for termination to general membership. (See [Section D, Article V.](#))
  - *Disciplinary Probation* – a member who is on probation as a result of disciplinary action. This member will have voting rights revoked during his/her probationary period.
- *Suspension* – a member who is on suspension as a result of disciplinary action. This member will be allowed to attend business meetings and open Board meetings. This member will not be allowed to vote, attend any training, departmental functions or respond to any calls where this Department has been toned out.
- *Leave of Absence (LOA)* – A leave of absence will be granted if a member submits the request in writing. A member returning from LOA will retain previously held Departmental Status. Meaning, a member under probation/suspension must still complete the full or remaining terms of the disciplinary action.

ARTICLE IV: Any current member who is charged with a Class B misdemeanor crime or higher will automatically be suspended from the department. If the member is found to be guilty and sentenced for the crime, he or she will lose their membership status. However; if the member is exonerated of all charges he/she will resume the same membership status prior to the incident.

ARTICLE V: Membership can be terminated for "Just Cause" with two-thirds (2/3) vote of the voting membership present. Absentee voting will not be allowed.

ARTICLE VI: Physical altercations between two or more members will result in immediate suspension of all parties involved pending an internal investigation. Membership status can be changed by the Chief for any misconduct/violation of the Standard Operating Guidelines (SOG's).

ARTICLE VII: Limit of Membership to one Fire Company or Fire Department: Except as otherwise provided in this article, no person may be a member of any other fire department while a member of Geronimo Village VFD. The exception is for personnel who are paid employees. Geronimo Village VFD members, who are paid employees of another fire department are exempt from this limitation.

## **SECTION E: MEETINGS**

ARTICLE I: There shall be a general meeting on the first training day of every month. Meetings will be postponed to the following training day in the event of a holiday.

ARTICLE II: The order of business for a general meeting shall be:

- Pledge of Allegiance
- Prayer by the Chaplain or Designee
- Truck Assignments
- Report of previous meeting minutes
- Treasurer's Report
- Officers' Report
- Report of the Board of Directors
- Committee Reports
- Unfinished Business
- New Business
- Vote on New Membership
- Good of the Department/Community activities
- Roll call report by the Sergeant at Arms
- Adjournment

ARTICLE III: After a motion has been made and seconded, discussion will be limited to two (2), three (3) minute, periods for any person concerning the previous motion made.

ARTICLE IV: Special Meetings may be called by a majority of the Board of Directors.

ARTICLE V: Whenever possible, members will be given ten days notice of special meetings or changes to meeting schedules.

ARTICLE VI: All members, after their New Member 60 Day probationary period, must attend at least one (1) Business meeting every Quarter and two (2) trainings every month. (Trainings are required for First Responders and Cadets only.) Violation of this will result in disciplinary action.

## **SECTION F: ELECTIONS/VOTING**

ARTICLE I: Elections of the Board of Directors will be held in the September Business Meeting as the first item of New Business. Each candidate will be allowed to speak on their behalf before the vote.

ARTICLE II: All voting will be conducted by a Show of Hands, Secret Ballot, or Absentee.

ARTICLE III: All votes for Elections will be by secret ballot only, with the exception to appointment by "Acclimation". Absentee voting will be allowed during elections only. Members who choose to vote via "Absentee Voting" will turn in votes in writing to the Nomination Committee prior to 7:00 pm (19:00) on the day of the vote. An Absentee vote can not be changed once submitted. In the event of a run off, a member's Absentee vote will be valid through out the run off, unless the candidate becomes dropped from the ballot. Candidates are to be appointed by a majority vote.

ARTICLE IV: Run Off Election

- In the event that more than two candidates run for a position and there is not a majority, then the candidate with the lowest amount of votes will be dropped. This process will continue until one (1) candidate has received a majority vote.

ARTICLE V: By-Laws may only be amended by two-thirds (2/3) of the votes cast after being read at two consecutive Business Meetings.

ARTICLE VI: All other votes, with exception to Elections and By-Laws, will be conducted by Show of Hands unless specified by any member present. These must have a majority vote. Absentee voting will not be allowed.

## **SECTION G: COMMITTEES**

ARTICLE I: The following standing committees will be appointed by the President:

- Membership and Public Relations
- Fundraising
- Property Management
- [Grievance](#)
- Barbeque
- Thrift Shop
- Resource & Data Collections
- Santa Run
- Nominations
- Rentals

ARTICLE II: Each committee may determine its own method of procedures, with exception to the [Grievance Committee \(See Section L\)](#), and select its own

chairman, if not appointed by the President. The chairman will lead over said committee. All committees will be accountable in their actions to the Board of Directors. Each committee member must hold a status of "Good Standing" through out the term served. A member on a committee without a status of "Good Standing" will have to resign his/her position on the committee immediately.

ARTICLE III: The Webmaster will be a member of the Resource and Data Collections committee and be qualified or have experience as a Webmaster. This individual will be required to make all changes to the website including the posting of updated materials.

## **SECTION H: DEPARTMENT PROPERTY**

ARTICLE I: The Department will be equipped with the proper apparatus to adequately protect life and property.

ARTICLE II: Apparatus and equipment needed shall be purchased by the Chief and/or Assistant Chief, after the approval the Board of Directors.

ARTICLE III: No person will enter any place where a fire apparatus is housed or handle any apparatus or equipment belonging to the Department, unless accompanied by an Active First Responder of this Department.

ARTICLE IV: No apparatus will be hired out with out the approval of the Board of Directors.

ARTICLE V: In the event of a call for Mutual Aid, the Department's response area will not be left unprotected and will always have at least one piece of apparatus in service within the Department boundaries.

## **SECTION I: FINANCES**

ARTICLE I: A petty cash fund of no more than \$300.00 will be maintained by the Treasurer.

ARTICLE II: All funds, with the exception of petty cash, are to be deposited into a bank account under the Department name at the recommendation of the Treasurer and the approval from the Board of Directors. The President, Vice President, Secretary, Treasurer, Fire Chief, and Assistant Fire Chief will be authorized signers on the account, unless they are members of the same household, in which case only one will be authorized to sign on the account. All checks will have two signatures; one of the signatures will be either the President or Treasurer at all times with the exception to [Section I, Article V \(emergency purchases only\)](#).

ARTICLE III: Acceptance/Use of Debit and/or Credit Cards will be approved by the Board of Directors annually after Elections. Debit Cards will not be used for purchases reimbursed/funded by the Bexar County Emergency Services District #2.

ARTICLE IV: The Department will not be obligated to pay any debts made by anyone, unless first approved by the Board of Directors with exception of [Section I, Article V. \(emergency purchases only\)](#). Members requesting reimbursement for personal expenses will require the approval of the Board of Directors. These members are required to fill out and submit all proper paper work and original receipts prior to reimbursement.

ARTICLE V: The Chief and Assistant Chief will obtain the approval Board of Directors before purchasing any apparatus or equipment. The Chief and Assistant Chief have the right to make emergency purchases for parts and equipment or supplies necessary to keep the apparatus in operation. These emergency purchases will not exceed \$1,000.00 for any one purchase.

ARTICLE VI: The Board of Directors, Operations Officers, and any other member having access to Department funds will be bonded for an amount sufficient to cover one year's funds. Bonding will be covered under the Department's insurance policy.

## **SECTION J: GENERAL / MISCELLANEOUS**

ARTICLE I: Where the By-Laws do not govern, Robert's Rules of Order will be followed.

ARTICLE II: The Board of Directors and/or the Department will have 7 business days to respond to any written requests.

## **SECTION K: DISSCONTINUANCE**

ARTICLE I: Upon dissolution or discontinuance of the Department, the Board of Directors will, after paying all liabilities of the Department from Department funds and returning all equipment owned by the Bexar County Emergency Services District #2, dispose of the remaining assets to other volunteer fire departments within Bexar County or Medina County that qualify as a 501(c)3 or 501(c)4 of the Internal Revenue Act of 1954 or to the Bexar County Fire Marshal's Office to distribute/dispose of as required by law of the State of Texas.

## SECTION L: GREVIANCE PROCEDURES

ARTICLE I: Purpose: Establishes guidelines for any and all disputes that may arise during the operation of the Department. All members will abide by these rules.

ARTICLE II: The following guidelines will be followed for any and all disputes.

- If an individual has a dispute with another volunteer, they will use the "Chain of Command" up to and including the Chief;
- If the Chief is unable to remedy the issue then the accuser shall go to a board member for resolution;
- If the matter is not resolved after using the "Chain of Command" and subsequently by notifying a board member, then a grievance must be submitted in writing to the President or a Board member and a second copy submitted to a grievance committee member.

ARTICLE III: All grievances submitted from this point forward will follow the guidelines set forth:

- The Grievance Committee will consist of three (3) or more active members of the Department and will have an established Chairperson and Secretary of the committee. They may use, in whole or in part, the "Robert's Rules of Order" to conduct the actions of the committee. These by-laws will supersede "Robert's Rules of Order";
- All grievances must explain the situation and what steps the accuser has taken to resolve the matter. Explanations will be in complete detail including all witnesses, dates, times, location(s), and the officer in charge at the time of the incident;
- Full names and titles must be used in the grievance at least once. No nicknames or initials;
- The accuser must give his or her full name, rank, address, telephone number, and any additional means of contact (pager, email, etc.);
- A direct accusatory statement must be made listing one individual per grievance;
- At the time the grievance is filed, a general gag order is in place. All involved parties will not discuss the matter with any individual who is or is not involved other than the President or board member and/or grievance committee member to whom the complaint was submitted;
- All grievances must be typed;
- All investigations must be conducted in a timely manner;
- After an investigation of the grievance is completed, the committee may conduct a hearing if deemed necessary. The time and date of the hearing will be convenient for all individuals within reason. All parties involved must appear or face default judgment and possible suspension from the department. The hearing will be recorded via written minutes and tape recording;

- The tape recording will be filed with the written minutes in the business office and a copy of the report will be placed in the file(s) of all involved parties;
- In the event that a member of the grievance committee or family member/member in same household becomes involved in a grievance other than via the grievance committee, then that member will have to temporarily step down from the grievance committee. He/She will be able to resume the grievance committee pending that they still hold a status of "Good Standing";
- In the event that a grievance committee does not exist at the time the grievance was submitted, the President will appoint a grievance committee and designate the chairperson. All parties involved or family members of the parties involved will NOT be appointed to the grievance committee;
- In the event the Board of Directors are of the consensus of opinion that the grievance committee is not discharging its responsibilities in an efficient, timely, or appropriate manner, the Board may take the following steps:
  - Disband the grievance committee
  - Replace any or all of the grievance committee members
  - Award its officer's (the Board of Directors) positions on the grievance committee as it sees fit;
- The grievance committee will make written recommendations to the Board as to the disposition of the grievance. The Board will make the ultimate decision and pass judgment.

ARTICLE IV: Arbitration:

- All members hereby agree that as a precondition to joining and/or continuing as a member of the Department, as stated in these by-laws, that a member will obey these by-laws and the Standard Operating Procedures (SOP's). Members specifically agree not to pursue and hereby waive any and all claims of the cause of action against the Department and all members acting in their capacity as volunteer or paid personnel.
- In the event that a dispute arises between members, we as members of the Department understand that the sole remedy and means of redress shall be set forth below:
  - Grievance procedure, see above;
  - Should the grievance procedure as set forth above not resolve the issue to all parties' satisfaction, the issue which was the subject of the grievance shall be resolved by way of binding arbitration pursuant to the Texas General Arbitration Act. All costs related to the pursuit of arbitration will be the responsibility of the individuals participating in the arbitration and not the responsibility of the Department, ESD#2, or the FMO.

## **SECTION M: DRUG POLICY**

ARTICLE I: Purpose: To establish a policy for a drug-free workplace.

ARTICLE II: Scope: All Department Personnel

ARTICLE III: Responsibility: It is the responsibility of all Department personnel to adhere to this policy

ARTICLE IV: The Department is a zero tolerance Drug-Free Workplace. All personnel are absolutely prohibited from unlawfully manufacturing, distributing, possessing or using controlled or illegal substances in the workplace. It is a condition of membership/employment that all personnel refrain from taking illegal drugs on or off the job.

The Department has established this drug-free workplace policy to deter the use of drugs and alcohol in the workplace by establishing standards and procedures for drug testing of all personnel and job applicants. The Department hopes this policy will result in a safe working environment for all Department personnel and job applicants.

ARTICLE V: Personnel will be subjected to the following drug tests:

- Job Applicant Testing: All persons making application for a position with the Department will be tested once accepted into membership or offered employment. A refusal to submit or a positive confirmed test result will be used as a basis to reject the applicant for membership or employment at that time.
- Reasonable Suspicion Testing: A member/employee may be required to submit for testing when the Department has a reasonable suspicion, as defined in the Act that a member/employee is using or has used drugs in violation of the Department's policy. The Department has a reason to suspect a member/employee when it has an articulable belief that the member/employee possess or uses drugs or alcohol at the workplace; is observed intoxicated or impaired by drugs or alcohol; has been reported by a reliable and credible source as using drugs; has tampered with a drug test; has caused or contributed to or been involved in an accident while at work, or is engaged in abnormal conduct or erratic behavior while at work, or shows significant deterioration in work performance or there is evidence that a member/employee has used, possessed, sold, solicited, or transferred drugs while working. The reason to suspect will be based on specific and particular facts and the reasonable inferences drawn from the facts in light of experience.

- Routine Fitness for Duty Testing: A member/employee may be asked to submit to a drug test as part of a routinely scheduled fitness for medical examination that is either part of the employer's established policy or that is scheduled routinely for all members of an employment classification or group.
- The Department has two employment classifications that require routine fitness for duty testing. Those classifications are (1) operators of apparatus and (2) Active Responders. All personnel so classified must submit to random testing.

ARTICLE VI: Before a Positive Drug Test Result: If you are experiencing problems with drugs or alcohol, you are encouraged to contact the Chief and Chaplain to help assist you in your problem. You may use the assistance or request a referral to another agency. In either case, the information will be kept strictly confidential.

If you voluntarily come forward and seek help prior to being required to submit to a drug or alcohol test, no disciplinary action will be taken against you. However, you will still be expected to perform your job and report for work unless your treatment program counselor requires you to miss work. The cost of the treatment program you choose to enter will be the responsibility of the member/employee. Enrollment in a treatment program or attending counseling will not grant you a license to violate any Department policies or shield you from disciplinary action for such violations. The Department reserves the right under circumstances including, but not limited to, safety and security to reassign you to another position.

After you return to work, follow-up testing for drugs or alcohol will occur on a quarterly, semi-annual, or annual basis for a period up to two years. If you test positive for drugs or alcohol following the completion of the primary phase of your treatment program, you will be terminated and your membership and/or unemployment benefits may be denied.

ARTICLE VII: After a Positive Test Result: If you have a confirmed positive test result, the Department will send you a letter, within five business days of the receipt of notification, notifying the member/employee and the Department of your positive test result along with a copy of the positive test result and the name and address of the laboratory. The letter will outline your rights and the manner in which you may challenge a positive test result. You are responsible for any costs associated with the challenge.

ARTICLE VIII: Challenges to Test Results: The applicant/member/employee will have the right to challenge any confirmed positive test result. All challenges must be filed within five business days of receiving such results. The first stage requires that the applicant/member/employee explain or contest

the result in writing to the Fire Chief or President. If the explanation is unsatisfactory, the applicant/member/employee will be notified of such in writing within fifteen days of the date the applicant/member/employee challenge was received. If the member/employee was involved in an accident and denied medical and/or indemnity benefits, the member/employee may file an administrative challenge by notifying the Board of Directors and Chief. If no workplace injury occurred, the member/employee may challenge the test result in a court of competent jurisdiction. If the member/employee decides to challenge the test result, it is your responsibility to notify the laboratory that the member/employee is challenging the test result. The applicant/member/employee will be solely responsible for all costs associated with such a challenge.

- Within 90 days after written notification of a positive test result, the applicant/member/employee will be permitted by the Department to have a portion of the specimen re-tested, at the expense of the applicant/member/employee. This should be explained in detail in the initial letter of notification to the applicant/member/employee.
- If the applicant/member/employee desires to have the specimen tested at another laboratory, the applicant/member/employee must have the first laboratory transfer the specimen to the second laboratory. The Department will not make the transfer. The applicant/member/employee will be solely responsible for all costs associated with such a transfer.
- The member/employee/applicant can administratively challenge the results of a drug test by notifying the Board of Directors and Chief within thirty (30) days after receipt of the employer's response to his/her explanations.

ARTICLE IX: Cost of Testing: The Department will pay the cost of initial and confirmation drug tests that it requires of personnel. A member/employee will pay the cost of any additional drug tests not required by the employer.

ARTICLE X: Follow-up Testing: An member/employee who in the course of employment, enters an member/employee assistance program for drug related problems, or an alcohol and drug rehabilitation program, may be tested as a follow-up measure and thereafter on a quarterly, semi-annually, or annual basis for two years thereafter.

ARTICLE XI: Drugs Tested: You may be tested for any or all but not limited to the following:

- Alcohol
- Amphetamines
- Barbiturates

- Benzodiazepines
- Cannabinoids
- Cocaine
- Methadone
- Methaqualone
- Opiates
- Phencyclidine
- Propoxyphene
- LSD
- Ecstasy

ARTICLE XII: Reporting Use of Prescription or Non-Prescription Medications: A(n) member/employee or job applicant will be able to confidentially report the use of prescription or non-prescription medications, both before and after being tested, as presence of those medications in that it may effect the outcome of the test. A list of the most common medications by brand name, common name and by chemical name, which may alter or effect a drug test, is listed in this SOG.

ARTICLE XII: Confidentiality: All information, interviews, reports, statements, memoranda, and drug and alcohol test results, written or otherwise received by the Department through this Policy are confidential communications and will be maintained in your file. The Department, any laboratory, member/employee assistance, drug or alcohol treatment program or their agents who receive or have access to this information concerning drug test results will keep it confidential. Additionally, The Department, its agent, the laboratory or treatment program will not be prohibited from releasing this information when consulting legal counsel in actions brought under or related to Texas State Statutes, or when such information is relevant to its defense in civil or administrative matter.

ARTICLE XIV: Consequences of Testing Positive or Refusal to Allow Test

- Job Applicants: An applicant who refuses a drug test will not be hired or accepted to membership. Any current member/employee who refuses a drug test will be terminated and removed from membership. An applicant who submits to a drug test that is both positive and confirmed as positive will not be hired or accepted to membership.
- Member/employee who has not been injured: In the event an member/employee who has not been injured, refuses to submit to a drug test or tests positive and confirms positive may be subject to one or more of the following:
  - Immediate suspension pending results of an administrative challenge
  - Immediate discharge from membership/employment.

- A member/employee who is injured: In the event an member/employee is injured in the course and scope of their employment/membership and who refuses to submit to a drug test or who submits and is tested pursuant to the Department's policy and who has a positive confirmation of a drug will:
  - Forfeit their eligibility for medical and indemnity benefits under the Worker's Compensation Act.
  - Forfeit their eligibility for unemployment benefits.
  - Immediate suspension pending results of an administrative challenge
  - Be terminated from employment/membership.

ARTICLE XV: Convictions: If you are charged with any drug related crime (sale, use, or possession), you must notify the Fire Chief or President within five days of your conviction. Failure to notify the Department through the chain of command of such charge or conviction is grounds for termination and removal of membership status.

ARTICLE XVI: Miscellaneous

- A notice of drug testing in vacancy announcements will be included for those positions where drug testing is required.
- A notice of the Department's drug testing policy will be posted in an appropriate and conspicuous location on the Department's premises.
- All drug testing will be conducted by a Department designated laboratory, which is licensed and approved by the Texas State Department of Health Services. The testing will be conducted with appropriated chain of custody procedures in place to ensure accuracy and continuity in specimen collection handling and transfer and storage.
- All applicants for employment and personnel of the Department's drug program and testing procedures will be informed of the drug policy. An applicant is defined as a person who has applied for a position with the Department and who has been offered a job contingent upon successfully passing a drug test. Two copies of the policy's consent form will be given to applicant; one signed, dated, and returned to the Department and one kept by the member/employee.
- If the initial test is negative, the Department may request a confirmation, at the expense of the Department. If the initial test is positive, a confirmation test with the laboratory must be obtained at the Department's cost.
- The Department will provide the member/employee or applicant, upon request in writing a copy of the test results. A member/employee or job applicant whose drug test result is confirmed as positive in accordance with this program will not, by virtue of the result alone, be deemed to have a "handicap" or

“disability” as defined under federal, state, or local handicap and disability discrimination laws.

- The Department will employ or contract with the Chief who is responsible for receiving and reviewing all confirmation results from a laboratory. The Chief is responsible for contacting all positive tested individuals to inquire about possible prescriptive or over-the-counter medications which could have caused a positive test result. The Chief will notify the President only of the verbal and written results. Confidentiality of drug testing will be maintained.