



# Current or Previous Employer Reference Request - 1

**Applicant Section:** Fill out entire top portion of form. Complete one form each for your three (3) most recent employers. Sign the form where indicated to authorize the release of this information to us. We will only contact your current employer in the event that you have been offered and accepted a position with the Northwest Fire District. **LEAVE THIS FORM ATTACHED TO YOUR APPLICATION PACKET.** Thank you!

Current or Previous Employer Name: \_\_\_\_\_

Company Address, City, State, Zip: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax # (if known) : \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Your position at the above company: \_\_\_\_\_

Your dates of employment: FROM \_\_\_\_/\_\_\_\_/\_\_\_\_ TO \_\_\_\_/\_\_\_\_/\_\_\_\_

Your reason for leaving: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Employer Section:** The individual above has applied for a position with our organization, and authorized the release of information regarding employment to us. In this lower section, please fill out as much information as you are permitted to, and return to us via the fax number or mailing address listed below. Thank you for your assistance!

Name & Title of person responding to this request: \_\_\_\_\_

Signature: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

Does the above information (position, dates of employment, reason for leaving) agree with your records?

YES  NO If no, please explain: \_\_\_\_\_

Would you rehire?  YES  NO If no, please explain: \_\_\_\_\_

*Please rate the applicant's job performance:*

Characteristic	Excellent	Above Average	Average	Poor	Comments
Quality of work					
Quantity of work					
Attendance					
Attitude and cooperation					
Dependability					
Professional knowledge					
Interpersonal relations					
Learning ability					

Current or ending salary: \$ \_\_\_\_\_ per \_\_\_\_\_ Additional Comments: \_\_\_\_\_

**Mail to:** Northwest Fire District  
Attn: Human Resources Department  
5225 W. Massingale Road  
Tucson, Arizona 85743

OR

**Fax to: (520) 887-0716**

Questions? Call Northwest Fire District Human Resources Department at (520) 887-1010



# Current or Previous Employer Reference Request - 2

**Applicant Section:** Fill out entire top portion of form. Complete one form each for your three (3) most recent employers. Sign the form where indicated to authorize the release of this information to us. We will only contact your current employer in the event that you have been offered and accepted a position with the Northwest Fire District. **LEAVE THIS FORM ATTACHED TO YOUR APPLICATION PACKET.** Thank you!

Current or Previous Employer Name: \_\_\_\_\_

Company Address, City, State, Zip: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax # (if known) : \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Your position at the above company: \_\_\_\_\_

Your dates of employment: FROM \_\_\_\_/\_\_\_\_/\_\_\_\_ TO \_\_\_\_/\_\_\_\_/\_\_\_\_

Your reason for leaving: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Employer Section:** The individual above has applied for a position with our organization, and authorized the release of information regarding employment to us. In this lower section, please fill out as much information as you are permitted to, and return to us via the fax number or mailing address listed below. Thank you for your assistance!

Name & Title of person responding to this request: \_\_\_\_\_

Signature: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

Does the above information (position, dates of employment, reason for leaving) agree with your records?  
 YES  NO If no, please explain: \_\_\_\_\_

Would you rehire?  YES  NO If no, please explain: \_\_\_\_\_

*Please rate the applicant's job performance:*

Characteristic	Excellent	Above Average	Average	Poor	Comments
Quality of work					
Quantity of work					
Attendance					
Attitude and cooperation					
Dependability					
Professional knowledge					
Interpersonal relations					
Learning ability					

Current or ending salary: \$ \_\_\_\_\_ per \_\_\_\_\_ Additional Comments: \_\_\_\_\_

**Mail to:** Northwest Fire District  
Attn: Human Resources Department  
5225 W. Massingale Road  
Tucson, Arizona 85743

OR

**Fax to: (520) 887-0716**



# Current or Previous Employer Reference Request - 3

**Applicant Section:** Fill out entire top portion of form. Complete one form each for your three (3) most recent employers. Sign the form where indicated to authorize the release of this information to us. We will only contact your current employer in the event that you have been offered and accepted a position with the Northwest Fire District. **LEAVE THIS FORM ATTACHED TO YOUR APPLICATION PACKET.** Thank you!

Current or Previous Employer Name: \_\_\_\_\_

Company Address, City, State, Zip: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax # (if known) : \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Your position at the above company: \_\_\_\_\_

Your dates of employment: FROM \_\_\_\_/\_\_\_\_/\_\_\_\_ TO \_\_\_\_/\_\_\_\_/\_\_\_\_

Your reason for leaving: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Employer Section:** The individual above has applied for a position with our organization, and authorized the release of information regarding employment to us. In this lower section, please fill out as much information as you are permitted to, and return to us via the fax number or mailing address listed below. Thank you for your assistance!

Name & Title of person responding to this request: \_\_\_\_\_

Signature: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

Does the above information (position, dates of employment, reason for leaving) agree with your records?  
 YES  NO If no, please explain: \_\_\_\_\_

Would you rehire?  YES  NO If no, please explain: \_\_\_\_\_

*Please rate the applicant's job performance:*

Characteristic	Excellent	Above Average	Average	Poor	Comments
Quality of work					
Quantity of work					
Attendance					
Attitude and cooperation					
Dependability					
Professional knowledge					
Interpersonal relations					
Learning ability					

Current or ending salary: \$ \_\_\_\_\_ per \_\_\_\_\_ Additional Comments: \_\_\_\_\_

**Mail to:** Northwest Fire District  
Attn: Human Resources Department  
5225 W. Massingale Road  
Tucson, Arizona 85743

OR

**Fax to: (520) 887-0716**

**By signing the Northwest Fire District employment application, you have stated you have read the following Northwest Fire District policies:**

**4.4 Equal Employment Opportunity (Amendment 7/28/09 add Caregiver to A., C., D.1.&2.-  
[www.eeoc.gov/policy/docs/caregiver-best-practices.html](http://www.eeoc.gov/policy/docs/caregiver-best-practices.html))**

**A. Policy**

The Northwest Fire District will maintain a policy of non-discrimination with regard to all employees and applicants for employment. There shall be no discrimination or bias because of race, color, religion, sex, age, national origin, sexual orientation, ancestry, disability, veteran status, or any other basis prohibited by statute. All aspects of employment within the District will be governed on the basis of merit, competence and qualifications. The District is the final judge of the suitability of all candidates for employment.

The District will comply with the applicable provisions of the Americans with Disabilities Act of 1990 by guaranteeing equal opportunity to individuals with disabilities. The District prohibits discrimination against "qualified individuals with disabilities" in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training and other terms, conditions and privileges of employment. It also applies to recruitment, advertising, length of service, layoff, leave, fringe benefits, and all other employment-related activities.

**B. Dissemination of Policy**

All applicants will be required to read this policy and sign an appropriate acknowledgement.

**C. Definitions**

Caregiver – Applicant or employee.

Caregiving Responsibilities – "family"

Caregiver Family – Spouses, Children, and any individual for whom the "caregiver" has primary caretaking responsibilities.

Complainant – A District employee, group of employees, or job applicant who has lodged a formal discrimination complaint with the District's Human Resources Director.

Discrimination – To make, directly or indirectly, any distinction in applicant selection procedures or in terms or conditions of employment on the basis of race, color, religion, sex, age, national origin, sexual orientation, ancestry, disability, veteran status, marital status, or any other basis prohibited by statute.

Employee – Includes all District employees of any status or classification.

Formal Complaint – A written charge of discrimination by an employee, group of employees, or job applicant.

Respondent – The party charged with discrimination. The respondent may be a District employee or Board Member, a District department, division or office, and/or the Northwest Fire District.

Retaliation – Any unwarranted action and/or change in the terms of employment subsequent to an individual filing a complaint, instituting proceedings, assisting in an investigation, or formally or informally objecting to discriminatory practices.

**D. Recognize Unlawful Discrimination Against Caregivers**

1. Common Stereotypes or Biases about Caregivers that may Result in Unlawful Conduct Including, Assuming That:
  - a. Female workers' caretaking responsibilities will interfere with their ability to succeed in a fast-paced environment;
  - b. Female workers who work part-time or take advantage of flexible work arrangements are less committed to their jobs than full-time employees;
  - c. Male workers do not, or should not, have significant caregiving responsibilities;
  - d. Female workers prefer, or should prefer, to spend time with their families rather than time at work;
  - e. Female workers who are caregivers are less capable than other workers; and
  - f. Pregnant workers are less reliable than other workers.
2. Examples of Prohibited Conduct Related to Workers' Caregiving Responsibilities, such as:
  - a. Asking female applicants and employees, but not male applicants and employees, about their child care responsibilities;
  - b. Making stereotypical comments about pregnant workers or female caregivers;
  - c. Treating female workers without caregiving responsibilities more favorably than female caregivers;
  - d. Steering women with caregiving responsibilities to less prestigious or lower-paid positions;
  - e. Treating women of color who have caregiving responsibilities differently than other workers with caregiving responsibilities due to gender, race and/or national origin-based stereotypes;
  - f. Treating male workers with caregiving responsibilities more, or less, favorably than female workers with caregiving responsibilities;
  - g. Denying male workers', but not female workers', requests for leave related to caregiving responsibilities; and
  - h. Providing reasonable accommodations for temporary medical conditions but not for pregnancy.

**E. Reporting**

Any applicant for employment may make either informal inquiries or complainants may submit formal complaints concerning alleged discrimination to the Fire Chief or Human Resources Director. The Human Resources Director is responsible for investigating Equal Employment Opportunity (EEO) complaints.

1. An employee may bring a complaint of discrimination to the attention of management via the chain of command:
  - The employee's immediate supervisor
  - The next higher level of management above the immediate supervisor
  - The Human Resources Director
  - The Assistant Fire Chief
  - The Fire Chief
2. If the supervisor is the alleged accused, the employee may go to the supervisor's manager.
3. Regardless of who receives the initial complaint, either the Fire Chief or the Human Resources Director will be notified on the same day by the person receiving the initial complaint. If neither of these individuals is immediately available, the person receiving the complaint must report it to one of these two people at the earliest possible time.
4. All communications regarding this subject will be handled as discretely as possible under the circumstances.

**F. Discipline**

If an employee is found to have made a false or misleading complaint of discrimination, he/she will be subject to disciplinary action up to and including termination.

#### **G. Mandatory Cooperation**

All employees, Board Members, or agents of the Northwest Fire District shall cooperate with any investigation, grievance process or resolution, whether informal or formal. Employees who fail to cooperate and attempt to undermine and/or discourage participation in an investigation or complaint process, will be disciplined, up to and including termination. To enable the District to achieve the goals of this policy, the Fire Chief and/or his/her designee shall have access to all relevant and necessary information.

#### **H. Non-Retaliation**

This policy also prohibits retaliation against employees or applicants who report incidents of discrimination. Any employee bringing a discrimination complaint or assisting in the investigation of such a complaint, will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of the complaint.

### **4.4.1. Americans with Disabilities Act (ADA)**

#### **A. Purpose**

The purpose of this policy is to comply with all Federal and State laws concerning the employment of persons with disabilities.

#### **B. Scope**

This policy applies to employees and volunteers of the District.

#### **C. Policy**

It is the District's policy not to discriminate against qualified individuals with disabilities with regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

- Northwest Fire District will reasonably accommodate qualified individuals with a temporary or long-term disability so that they can perform the essential functions of a job. An individual who can be reasonably accommodated for a job, without undue hardship, will be given the same consideration for that position as any other applicant.

- All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made with regard to the employee's immediate employment situation.

- The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

#### **D. Definitions**

As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADA policy.

- "Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment, or is regarded as having such an impairment, is a "disabled individual."

- "Direct threat to safety" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

- A "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

- "Reasonable accommodation" means making existing facilities readily accessible to and useable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examination, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.

- "Undue hardship" means an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include:

1. the nature and cost of the accommodation;
2. the overall financial resources of the facility at which the reasonable accommodation is to be made;
3. the number of persons employed at that facility;
4. the effect on expenses and resources or other impact upon that facility;
5. the overall financial resources of the District;
6. the overall number of employees and facilities;
7. the operations of the particular facility as well as the entire District; and
8. the relationship of the particular facility to the District.

**E. Eff. 01/01/09, Amended 1/13/09 - Amendment to Meaning of Words Within the Definition of "Disability"** The new act changes the meaning of some of the words within the definition of the term "Disability" and how those words are applied to individuals.

1. Substantially Limits. Will not be as a High of a Standard.

Definition: None yet. The Amendment Act, Congress gave the Equal

Employment Opportunity Commission (EEOC) the authority to revise its regulations regarding the definition to make them consistent with the Act's purpose. Currently, it is not to be such a high standard to meet and more people will qualify.

2. Mitigating Measures. Will not be considered.

Definition: Mitigating Measures, such things as:

- ▶ Medication, medical supplies, equipment, or appliances, low vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing, mobility devices, or oxygen therapy equipment supplies.
- ▶ Use of assistive technology
- ▶ Reasonable accommodations or auxiliary aids or services or
- ▶ Learned behavior or adaptive neurological modifications;

Except: The ameliorative (to improve) effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major activity.

3. Major Life Activities. Expanded to include Bodily Functions.

Definition: Major Life Activities

(A) In general include but not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

(B) Bodily functions include but are not limited to: functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

4. Episodic or in Remission. Limitations will be considered as if Active.

5. Regarded As. Will Be Very Broad, With No Substantially Limits Required.

► An individual meets the requirement of “being regarded as having an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

► Regard as does not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of (6) months or less.

The Amendments Act did not change the definition of reasonable accommodation. However, the Act does clarify that only individuals who meet the first (actual disability) and the second (record of a disability) parts of the definition are entitled to accommodations; individuals who meet the third part (regard as) are not entitled to accommodations.

Flexibility is built in to the reasonable accommodation obligation under the ADA, for example:

- Employers can choose among the effective accommodation options and do not always have to provide the requested accommodation,
- Employers do not have to provide accommodations that pose an undue hardship,
- Employers do not have to provide as reasonable accommodations personal use items needed in accomplishing daily activities both on and off the job,
- Employers do not need to make an accommodation for an individual who is not otherwise qualified for a position, and
- Employers do not need to remove essential functions , create new jobs, or lower production standards as an accommodation.

These are not all of the factors, but merely examples.

- “Essential job functions” refers to those activities of a job that are the core to performing said job for which the job exists that cannot be modified.

#### 4.5 **Workplace Violence** (Eff. 9/30/09, amended F.2. to say ‘employee may store weapon in locked vehicle parked on District property’)

##### **A. Purpose**

All District employees and volunteers have the right to work in an environment free from physical violence, threats, and intimidation. The District’s position is that violence is a form of serious misconduct that undermines the integrity of the employment relationship. No employee should be subject to unsolicited physical violence, threats, or intimidation. Such behavior may result in disciplinary action up to and including termination.

##### **B. Scope**

This policy applies to all Northwest Fire District employees and volunteers.

##### **C. Dissemination of Policy**

1. All applicants will be required to read this policy and sign an appropriate acknowledgement.
2. Board Members, vendors, suppliers, customers, etc. doing business on District premises will also be made aware of the intent of this policy.

##### **D. Definitions**

**Crime of Violence or Violence:** Includes any degree of murder, voluntary manslaughter, aggravated rape, rape, mayhem (maiming a person), aggravated robbery, robbery, burglary, aggravated assault, assault, physical or verbal threats, and battery.

**Weapon:** Includes an explosive or an explosive weapon, a device principally designed, made or adapted for delivering or shooting an explosive weapon, a machine gun, a short-barrel rifle or shotgun, a handgun, a firearm silencer, all illegal knives with blades that are more than six (6) inches in length, or knuckles, or any other implement for infliction of bodily injury, serious bodily injury or death, which has no common lawful purpose. *(This list is not exhaustive.)*

**Worksite/Workplace:** Includes all property owned or occupied by the District, or in a District vehicle.

**Possession:** Includes, but is not limited to, the presence of a weapon on the employee, in his/her personal vehicle or District vehicle, lunch box, locker, tool kit, bag, purse, cabinets, office, etc.

##### **E. Policy**

The District has a strong commitment to its employees and volunteers to provide a safe, healthy and secure work environment. The District also expects its employees to maintain a high level of productivity and efficiency. Despite some laws that allow people to carry firearms, the presence of weapons in the workplace or during working hours, are inconsistent with District objectives. While the District has no intention of intruding into the private lives of its present or potential employees or volunteers, it expects all employees and volunteers to report to work without possessing weapons and to perform their jobs without violence toward any other individual. The District expects all of its employees and volunteers to work in a manner so that they can perform their duties in a safe and productive manner.

##### **F. Prohibited Activities**

This policy specifically prohibits the following and an employee or volunteer may be disciplined up to and including termination for any of the following (this list is not exhaustive):

1. Use, possession, or sale of any weapon as described above.
2. Storing any weapon in a locker, desk, District vehicle, lunch box, tool kit, bag, purse or other repository on the worksite or other District premises. This does not preclude an employee from lawfully storing any firearm in the employee’s locked and privately owned motor vehicle or in a locked compartment on the employee’s privately owned motorcycle, as long as the firearm is not visible from the outside of the motor vehicle or motorcycle.
3. Illegal possession, use or sale of a weapon off District property that adversely affects one’s own, or other’s safety at work, or indicates a propensity for same.
4. Possession, use or sale of a weapon on District property that adversely affects one’s own, or other’s safety at work, or indicates a propensity for same.
5. Refusing to submit to an inspection for the presence of a weapon that is requested by the District.
6. Conviction under any criminal statute for the illegal possession of a weapon or for committing a violent act against the person or property of another.
7. Refusing to sign a statement to comply with the District’s policy on workplace violence.
8. Refusing to participate in an investigation pertaining to allegations or suspicion that violence has, or is likely to occur, or an investigation pertaining to the carrying of a weapon by the employee or a coworker.
9. Verbal or physical threats, threatening gestures, or statements.
10. Fighting

## **G. Reporting**

1. Complaints of workplace violence or threatening language or conduct of any type are to be brought to the attention of management via the chain of command:
  - The employee's or volunteer's immediate supervisor
  - The next higher level of management above the immediate supervisor
  - The Human Resources Director
  - The Assistant Fire Chief
  - The Fire Chief
2. If the supervisor is the alleged accused, the employee or volunteer may go to the supervisor's manager.
3. Regardless of who receives the initial complaint, either the Fire Chief or the Human Resources Director will be notified on the same day by the person receiving the initial complaint. If neither of these individuals is immediately available, the person receiving the complaint must report it to one of these two people at the earliest possible time.
4. All communications regarding this subject will be handled as discretely as possible under the circumstances.

## **H. Discipline**

1. An employee or volunteer who violates this policy by engaging in violent conduct or bringing a weapon into the workplace is subject to discipline up to and including immediate termination.
2. An employee or volunteer who violates this policy by bringing onto the worksite a weapon and whose employment is not terminated by the District will be subject to searches from time to time, for an indefinite period of time not to exceed one (1) year from the date of the violation.
3. An employee's consent to submit to a search is required as a condition of employment, and the employee's refusal to consent may result in disciplinary action, including discharge, for a first refusal or any subsequent refusal.
4. If an employee or volunteer is found to have made a false or misleading complaint of workplace violence, he/she will be subject to disciplinary action up to and including termination.

## **I. Mandatory Cooperation**

All employees, volunteers, Board Members, or agents of the Northwest Fire District shall cooperate with any investigation, grievance process or resolution, whether informal or formal. Employees who fail to cooperate and attempt to undermine and/or discourage participation in an investigation or complaint process, will be disciplined, up to and including termination. To enable the District to achieve the goals of this policy, the Fire Chief and/or his/her designee shall have access to all relevant and necessary information.

## **J. Non-Retaliation**

This policy also prohibits retaliation against employees or volunteers who report incidents of threats, physical violence, intimidating conduct, or weapons possession. Any employee or volunteer bringing a workplace violence complaint or assisting in the investigation of such a complaint, will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of the complaint.

## **K. Miscellaneous**

The District has the right to search any areas on District premises for weapons including, but not limited to, lockers, furniture, containers, drawers, equipment or other facilities, lunch boxes, briefcases, personal bags, personal toolboxes or tool kits, parking lots, District and personal vehicles parked on District premises.

If an employee is injured while participating in a fight or after instigating a fight, then entitlement to Workers' Compensation benefits may be denied.

## **L. Exceptions**

Exceptions to this policy must be approved by the Fire Chief. If an employee or volunteer is unsure whether an item is covered by this policy, he/she is instructed to follow the chain-of-command or contact the Human Resources Director for clarification. Employees are responsible for ensuring any item they possess is not prohibited by this policy.

## **4.6 Harassment/Sexual Harassment**

### **A. Purpose**

The purpose of this policy is to establish the District's position prohibiting harassment, to set forth guidelines for handling violations of the policy and to specify the related complaint handling procedure.

### **B. Scope**

This policy applies to all employees and volunteers of the District. Furthermore, the District has established appropriate procedures to ensure that vendors, suppliers, customers, or Board Members, etc. doing business on District premises will also be made aware of the intent of this policy.

### **C. Dissemination of Policy**

1. All applicants will be required to read this Policy and sign an appropriate acknowledgement.
2. Board Members, vendors, suppliers, customers, etc. doing business on District premises are also made aware of the intent of this policy.

### **D. Definitions**

**Harassment** – Unwelcome verbal, physical or visual conduct of a racial, ethnic or other type, which impairs an employee's ability to perform his/her job or has the purpose or effect of interfering with work performance or creating an otherwise offensive, hostile and/or intimidating working environment.

**Sexual Harassment** – Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such conduct:

1. Is made explicitly or implicitly a term or condition of employment.
2. Is used as a basis for employment decisions.
3. Has the purpose or effect of interfering with work performance or creating an otherwise offensive, hostile and/or intimidating working environment.

### **E. Policy**

1. Harassment, including sexual harassment, will not be tolerated. Any employee or volunteer who engages in any of the acts or behavior defined above is in violation of District policy.
2. The District will take corrective action when an employee is determined to have violated this policy. Such action will include a range of disciplinary measures, up to and including termination.
3. The District enforces all federal and state regulations relating to fair and proper treatment of all employees.

4. Any activity by anyone, male or female, that makes any employee feel that he/she is being sexually harassed, will not be tolerated.
5. Unauthorized actions that are offensive to another employee will not be tolerated.
6. When working, employees and volunteers are expected to exercise good judgment and avoid the creation of situations that could cause another employee or volunteer to feel threatened or uncomfortable.
7. Foul and vulgar language is offensive and is not acceptable in the workplace.
8. Any employee or volunteer who believes that he/she is being subjected to objectionable conduct by another employee or anyone doing business with the District should, if possible, address it with that individual; otherwise, he/she should follow the reporting guidelines (letter "F.") of this section.

**F. Reporting**

1. Complaints of harassment of any type are to be brought to the attention of management via the chain of command:
  - The employee's or volunteer's immediate supervisor
  - The next higher level of management above the immediate supervisor
  - The Human Resources Director
  - The Assistant Fire Chief
  - The Fire Chief
2. If the supervisor is the alleged accused, the employee or volunteer may go to the supervisor's manager.
3. Regardless of who receives the initial complaint, either the Fire Chief or the Human Resources Director will be notified on the same day by the person receiving the initial complaint. If neither of these individuals is immediately available, the person receiving the complaint must report it to one of these two people at the earliest possible time.
4. All communications regarding this subject will be handled as discretely as possible under the circumstances.

**G. Discipline**

1. If an employee or volunteer is found to have made a false or misleading complaint of harassment, he/she will be subject to disciplinary action up to and including termination.

**H. Mandatory Cooperation**

All employees, volunteers, Board Members, or agents of the Northwest Fire District shall cooperate with any investigation, grievance process or resolution, whether informal or formal. Employees or volunteers who fail to cooperate and attempt to undermine and/or discourage participation in an investigation or grievance process, will be disciplined, up to and including termination. To enable the District to achieve the goals of this policy, the Fire Chief and/or his/her designee shall have access to all relevant and necessary information.

**I. Non-Retaliation**

This policy also prohibits retaliation against employees or volunteers who report incidents of harassment or sexual harassment. Any employee bringing a harassment complaint or assisting in the investigation of such a complaint, will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of the complaint.

**4.20 Drug and Alcohol Testing Policy**

**A. Purpose**

The District believes that it is important to promote a drug-free community, to maintain safe, healthy and efficient operations, and to protect the safety and security of the employees, facilities and property of the District. Drugs or alcohol may pose serious risks to the user and all those who work with the user. In addition, the use, possession, sale, transfer, manufacture, distribution and dispensation of alcohol or illegal drugs in the workplace pose unacceptable risks to the maintenance of a safe and healthy workplace and to the security of District employees, facilities and property. Substance abuse, while at work or otherwise, seriously endangers the safety of employees as well as the general public and creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity and a decline in the quality of products and services provided by the District. For all of those reasons, the District has established this Drug and Alcohol Testing Policy.

**B. Scope**

This policy applies to:

1. All District employees.
2. All applicants who have received contingent job offers with the District.
3. This policy also applies to all employees of the District contractors who are performing services on District property, or who are operating District equipment, machinery or vehicles. Such employees of contractors are considered "employees" within the meaning of this policy.
4. Depending upon their specific job duties, certain employees may be subject to additional requirements under client requirements or state or federal regulations, including additional restrictions on drug or alcohol use and additional provisions for drug and/or alcohol testing.

**C. Dissemination of Policy**

1. All applicants will be required to read this Policy and sign an appropriate acknowledgement and receipt.
2. Board Members, vendors, suppliers, customers, etc. doing business on District premises are also made aware of the intent of this policy.

**D. Definitions**

**Illegal Drugs** – means any controlled substance listed in schedules I through V of the Federal Controlled Substances Act (21 U.S.C. § 812), medication or other chemical substance that (1) is not legally obtainable; or (2) is legally obtainable, but is not legally obtained; is not being used for the purpose(s) for which it was prescribed or intended by the manufacturer. Thus, "illegal drugs" may include even over-the-counter medications if they are not being used for the purpose(s) for which they were intended by the manufacturer. Examples of the types of substances controlled by these statutes include amphetamines, barbiturates, cocaine, methaqualone, opiates, phencyclidine (PCP) and THC (marijuana).

**Legal Drugs** – include prescribed and over-the-counter drugs or medications that have been legally obtained and are being used only for the purpose and person for which they were prescribed.

**Reasonable Suspicion** – belief based upon rational inferences drawn from specific objective facts that an employee is under the influence of controlled substances or alcohol. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

1. Erratic behavior;
2. Information provided by a reliable and credible source;
3. Direct observation of drug or alcohol use or evidence of such use;
4. Presence of the physical symptoms of controlled substance or alcohol use, such as glassy or bloodshot eyes, the odor of alcohol, slurred speech, poor coordination.

**Alcohol or Alcoholic Beverage** – any food substance or beverage that has an alcohol content.

**District Property and District Equipment, Machinery and Vehicles** – means all property, equipment, machinery and vehicles owned, leased, rented or used by the District.

**On Duty** – all working hours, as well as meal periods and break periods, regardless of whether on District property, and all hours when an employee represents the District in any capacity.

#### E. Policy

It is the policy of the Northwest Fire District to provide a drug and alcohol-free work environment by prohibiting the use, consumption, influence, possession, distribution or sale of illegal drugs or controlled substances and/or alcohol use while on duty so our employees have safe, healthy and productive conditions in which to work. The maintenance of such an environment justifies the use of a reasonable employee drug/alcohol testing program. Any employee failing to meet the requirements of this policy will be subject to discipline, up to and including termination of employment. The following list is not intended to be conclusive:

1. **Employees of the District shall not:**
  - a. Report to work under the influence of any controlled substance, alcohol or other intoxicants.
  - b. On duty or off duty, use, manufacture, possess, sell, or provide to another any controlled substance or improperly use any drug.
  - c. On duty, while on District property, or while operating District equipment, machinery or vehicles, possess or use alcohol or sell or provide alcohol or other intoxicants to another employee.
  - d. While in uniform, on or off duty, buy or use alcohol or other intoxicants.
  - e. Fail to report to supervision the use of legal drugs (prescribed or over-the-counter) that may adversely affect the ability to perform safety sensitive functions.  
If there is any doubt regarding the employee's ability to safely perform assigned duties while using such medication, clearance from the District Physician shall be required. The employee should not be allowed to work until clearance from the District Physician is obtained.
  - f. Fail to report to the designated testing facility immediately upon notification to submit to a post-accident (*if applicable*), reasonable suspicion, return-to-duty or follow-up alcohol or controlled substances test..
  - g. Fail to remain readily available for testing after an accident, which will be deemed a refusal to submit to testing. Testing must be conducted within eight (8) hours of accident.
  - h. Refuse to submit to a post-accident, reasonable suspicion, return-to-duty or follow-up alcohol and/or drug test, which will be deemed a positive test result.
  - i. Attempt to interfere, alter, substitute, adulterate, contaminate, or in any way affect the outcome of the alcohol or drug testing procedure.
  - j. Test Positive for alcohol and/or drugs.
2. This policy does not apply to the authorized possession of controlled substances by employees in the course of their duties (e.g. employees involved in paramedicine).
3. An employee whose urine alcohol concentration is .04 percent is in violation of this policy.
4. Any employee who is convicted of violating any criminal drug statute will be subject to discipline up to and including immediate discharge.
5. Employees are required to report any criminal drug statute conviction relating to self or knowledge of another employee, to their immediate supervisor within five days.

#### F. Reasons for Testing

**Pre-Employment** – All applicants who have received contingent job offers with the District will be required to undergo drug testing as a condition of employment.

**Reasonable Suspicion** – drug or alcohol use as determined by good faith behavioral observation, performance problems, accident/incident, or employee or citizen complaints that are not confirmed by a third party (for instance, but not limited to: slurred speech, lack of coordination, erratic behavior, odor of alcohol or marijuana, bloodshot eyes, dilated pupils, incoherence, drowsiness, chronic absenteeism, witnessed use).

**Post Accident/Incident** – If an employee (e.g., driver) is involved in an accident where there is substantial damage and/or medical attention is required for anyone involved and/or receives a violation, he/she will be screened for drugs and alcohol.

**Annual Physical** – All suppression employees and employees who are required to work in Immediate Danger to Life and Health (IDLH) atmospheres are required to undergo annual medical examinations to ensure continuing ability to perform the essential duties of their jobs. As a part of this annual examination, a drug/alcohol screening will be conducted for the maintenance of safety for employees, customers or the public at large.

**Return-to-Duty Following Positive Drug Test** – The cost will be incurred by the employee.

**Follow-Up Drug/Alcohol Testing** – costs incurred by the employee.

#### G. Substances For Which Testing May Be Required:

"Attachment A" includes the substances and the Screening and Confirmation cut-off levels. Substances (or the metabolite of the substance) that are added to the Controlled Substances Act (21 U.S. C. § 812) will become a part of the list.

#### H. Testing Methods and Collection

1. The testing method will include the following provisions:
  - a. Collection will be performed under reasonable and sanitary conditions.
  - b. The employee to be tested will have an opportunity to provide relevant medical, prescription or other information to medical personnel prior to being tested.
  - c. Collections will be documented through proper labeling and chain-of-custody procedures to preclude the possibility of contamination, adulteration or misidentification.
  - d. Sample testing shall be done by a laboratory approved or certified by the U.S. Department of Health and Human Services, the College of American Pathologists or the Arizona Department of Health Services.

- e. Specimens will be tested only for the presence of alcohol, illegal drugs and their metabolites.
  - f. Positive tests will be confirmed using a different chemical process from the initial test method (gas chromatography mass spectrometry, CGC/MS).
  - g. All positive tests will be reviewed by a forensic scientist and undergo medical review before notification to the District.
2. A two-step test, screen and confirmation will be utilized. The collection procedure requires that when the conditions for testing have been met, an employee will be escorted to a pre-determined facility while on paid time, or a mobile unit from the facility will be dispatched to the employee's working location. At the District's expense, testing will proceed as quickly as possible. Collection of the sample(s) will be done by medical facility personnel.
- Reasonable Suspicion** – A supervisor will take the employee to a designated testing facility.
- Post-Accident** – A supervisor will take the employee to a designated testing facility.
- Return-to-Duty** – The employee will be responsible to report to a designated testing facility at a scheduled time and/or on a scheduled day.
- Follow-Up** – The employee will be responsible to report to a designated testing facility at a scheduled time and/or on a scheduled day.
3. The Northwest Fire District reserves the right to test by any one of the various matrixes available, such as: urine, blood, breath, saliva, and other.

**I. Test Results**

1. Employee's right to explain a positive test result:
- a. An employee who tests positive will have an opportunity to meet with the Fire Chief or designee and may include a peer in this meeting to contest or explain the positive results before any employment status action is final. If an employee tests positive, no compensation will be earned for that workday.
  - b. Employees will be provided with a copy of their written test results upon written request.
2. Confidentiality of test results:
- a. All information, communications and/or documents obtained by the District in association with the testing portion of this policy shall become a part of the employee's confidential medical file (separate from the standard personnel file), with access only by the Fire Chief, Human Resources or their designee, and shall not be used or received in evidence, obtained in discovery or disclosed in any public or private proceeding, unless related to an action taken by the District or the employee, except disclosure to:
    - The tested employee, prospective employee or other person designated in writing by that employee or prospective employee.
    - Individuals designated by the District to receive test results or hear the explanation of the employee or prospective employee.
    - An arbitrator, mediator, court or governmental agency as authorized by state or federal law, or administrative proceedings.

**J. Consequences of Prohibited Conduct**

**Refusal to Submit to Testing**

Refusal by an employee to cooperate under this policy will be grounds for disciplinary action up to and including termination. Refusal by a prospective employee to cooperate under this policy or to delay the process will be grounds for the District to refuse to hire the individual.

A confirmed positive test result will result in one of the following actions:

1. **First Offense**  
Following a review by the Fire Chief and a qualified medical practitioner, the employee is subject to disciplinary action, which may include termination. If the disciplinary action taken by the District is less than termination, that action shall be followed by a Leave of Absence (without pay, after any and all PTO has first been utilized) for a maximum of thirty (30) calendar days to participate in a rehabilitation program approved by the District. The Fire Chief may grant additional time for rehabilitation. Any costs associated with a rehabilitation program will be the responsibility of the employee. Failure to comply with the terms of a rehabilitation program will subject the employee to termination of employment. If disciplinary action taken by the District is less than termination, the District will provide the employee with action to be taken (e.g. rehabilitation and/or counseling attendance, compliance with all District policies). Any non-compliance of action to be taken will be grounds for termination.
2. **Second Offense**  
Subject to a review by the Fire Chief and a qualified medical practitioner, the employee may be terminated. Any applicant who tests positive on a confirmatory test on any drug test required by the District and who does not successfully refute the test results in a timely manner by explanation will not be hired.

**K. Employee Assistance Program**

The District regards its employees as its most valuable asset. Accordingly, the District maintains an Employee Assistance Program (EAP) that provides help to employees who suffer from substance abuse and/or other mental health problems.

No employee will be subject to discipline for voluntarily seeking EAP assistance or substance abuse treatment. An employee may not, however, avoid discipline for violating the Drug and Alcohol Testing Policy (*Section 4.20*) by seeking this assistance after the employee is referred for testing pursuant to this Policy. In addition, an employee's participation in an EAP or referred substance abuse treatment program will not excuse the employee from being required to meet all of the same standards and qualifications for the job that apply to other employees, including performance, attendance and other measures.

The District will conduct drug-free awareness programs and/or distribute information periodically that will educate employees regarding the following:

- The dangers of drug and alcohol abuse in the workplace.
- The District's policy of maintaining a drug and alcohol-free workplace and the sanctions that may be imposed for drug and alcohol abuse violations.
- Available drug and alcohol counseling, rehabilitation and employee assistance programs.
- Employees are encouraged to approach their supervisors at any time with any questions they have about the District's Drug and Alcohol Testing Policy.

**L. Voluntary Notification**

Voluntary notification is the notification of drug/alcohol use/abuse by an employee to the employer prior to or after official notification (by the supervisor to the employee) up to the time that the employee is actually tested for reasonable suspicion or post accident. The voluntary notification is a *one-time only* opportunity in the employee's career before a first offense. Discipline will not be administered due to an employee's voluntary notification, however, EAP or counseling with the District's Behavioral Health Services Director will be strongly encouraged.

A leave of absence may be granted without pay after any and all PTO has first been utilized for a maximum of thirty (30) calendar days to participate in a rehabilitation program approved by the District. The Fire Chief may grant additional time for rehabilitation. Any costs associated with a rehabilitation program will be the responsibility of the employee. If an employee refuses to enter or does not successfully complete a prescribed rehabilitation program, the employee will be terminated.

**M. Family Medical Leave Act (FMLA, see 9.10)**

Treatment for substance abuse triggers the right to FMLA leave if the employee meets FMLA requirements. However, if an employee does meet FMLA requirements but does not complete the rehabilitation program, he/she may still be terminated.

**N. Americans With Disability Act (ADA) of 1990**

Follow-up drug and/or alcohol testing is permitted by ADA under the following circumstances:

- An employee has successfully completed a substance abuse rehabilitation program.
- An employee is participating in a supervised program and is no longer engaging in substance abuse.

**O. Employees With Commercial Driver's Licenses (CDL)**

In addition to the Drug and Alcohol Testing Policy, those employees whose job requirements include the maintenance of a CDL are federally mandated to adhere to the Department of Transportation (DOT) requirements.

<b>Attachment A: Cutoff Levels</b>		
<b>Drug</b>	<b>Screening Test</b>	<b>Confirmation Test</b>
Alcohol	40 mg/dL	40 mg/dL
Amphetamines	1000 ng/mL	500 ng/mL
Barbiturates	200 ng/mL	200 ng/mL
Benzodiazepines	200 ng/mL	200 ng/mL
Cocaine Metabolites	300 ng/mL	150 ng/mL
LSD	0.5 ng/mL	0.5 ng/mL
Marijuana	50 ng/mL	15 ng/mL
Meperidine	300 ng/mL	300 ng/mL
Methadone	300 ng/mL	300 ng/mL
Methaqualone	300 ng/mL	300 ng/mL
Opiates	2000 ng/mL	2000 ng/mL
Phencyclidine	25 ng/mL	25 ng/mL
Propoxyphene	300 ng/mL	300 ng/mL