

City of Detroit

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Mark W. Lockridge
AUDITOR GENERAL



MEMORANDUM

DATE: April 18, 2013

TO: Honorable City Council

FROM: Mark W. Lockridge, CPA, CIA *M.W.L.*
Auditor General

RE: Audit of the Fire Department – Substance Abuse Policy and Management

CC: Mayor Dave Bing
Donald Austin, Fire Commissioner
Cheryl Johnson, Finance Director
Kevyn Orr, Emergency Financial Manager

During our Audit of the Fire Department's Capital Assets and Inventories which is published in a separate report, it came to our attention that there was significant weakness in the administration of the Fire Department's substance abuse policy. Therefore, we decided to report this finding in a separate memorandum.

Our review of the Fire Department's process related to management of employee substance abuse revealed the following instances of internal control weakness and lack of adherence to substance abuse policy:

- January 1, 2008 through September 30, 2011, 21 Fire Department employees were tested positive for Urine Drug Screen and seven positive for Breathe Alcohol Test.
- Out of the 28 employees with positive test results, nine (32%) were the DFFA officers (three chiefs, one captain, two lieutenants, and three sergeants). During the period, twelve work-related car accidents were related to drug or alcohol usage.
- In one instance, four employees tested positive for cocaine or high alcohol level in their blood should have been discharged from work, but no disciplinary actions were taken by the Fire Department.

- In another instance, seven employees should have been discharged from work due to drug or alcohol abuse however they were given "last chance" to stay on the job. Two of those employees were later tested cocaine/alcohol positive for a second time, which was a violation of the last chance agreement, and got discharged.
- One employee was given a 29 days of duty suspension; however, he retired before charges were proffered.
- Three employees tested positive for marijuana or low alcohol level in blood should have been subject to duty suspension; however, no disciplinary actions were taken.

The Detroit Fire Department Substance Abuse Policy requires the employee will remain off duty, without pay, pending the results of the testing. If the test is found to be negative, the employee will be made whole of all lost time. When test results are positive, the employee will be relieved of duty and will be referred to the Personal Guidance Unit. The employee will also be disciplined up to and including discharge.

The City of Detroit and Detroit Fire Fighter Association (DFFA) Substance Abuse Disciplinary Guidelines requires:

- The DFFA members be discharged at first offense under the following circumstances:
 - Alcohol-testing positive 0.04 or more;
 - Use, sale delivery, or possession of illegal or controlled substances by employees while on duty; and
 - Testing positive for illegal or controlled substances (other than marijuana) unless prescribed by a physician.
- The DFFA members be suspended under the following circumstances:
 - Alcohol testing 0.02;
 - Marijuana testing positive;
 - Drinking on duty; and
 - Using or being under the influence of alcohol and/or illegal or controlled substances off duty in complete uniform or partial uniform.

The Office of the Fire Commissioner July 27, 2011 Official Bulletin Substance Abuse Policy states that any member who is found to be under the influence of drugs or alcohol while on-duty will be subject to the maximum penalty specified by Department Policy – including termination of his/her employment. Last chance agreements will not be available in the same manner as in the past.

The use or possession of alcohol or controlled substances by employees while on City property or engaged in providing City services threatens the safety of employees and the public and is detrimental to the provision of fire service.

Any alcohol or drug use which impairs, actually or potentially, an employee's job performance in any way poses a serious and unacceptable risk to the safety of his/her fellow employees and to the public.

According to Fire Department management:

- The prior Fire administration did not give an offender the maximum penalty specified by Department policy.
- Some officers at fire stations were on drugs themselves, they would be reluctant to report or discipline other employees.
- Some employees retired before charges were proffered.
- No disciplinary information could be located for three employees, therefore, no one knows if disciplinary actions were taken.

Recommendation

We recommend that the Fire Department follow the Department Substance Abuse Policy and the City of Detroit and Detroit Fire Fighter Association (DFFA) Substance Abuse Disciplinary Guidelines.