

DEPARTMENT GENERAL ORDER 03-25

OFFICE of the CHIEF OF POLICE
REPLACES: General Orders 00-10/00-10A
SOP 300.12.00

DATE: October 17, 2003

DRUG/ALCOHOL TESTING

I. PURPOSE.

To establish guidelines governing the circumstances under which department employees may be subjected to drug/alcohol tests, and the administration of same.

II. DEFINITIONS.

Drug/Alcohol Test - An examination administered at a medical facility, or by a qualified medical practitioner, to determine if an employee is under the influence of either alcohol or drugs.

III. TESTING CONDITIONS/CAUSATION.

Employees may be required to submit to a drug or alcohol test when the following conditions arise:

1. There is a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol.
2. An employee has been involved in an accident or other situation on City time or business that results in physical injury or property damage.
3. Where safety procedures were violated, unsafe acts performed, or other acts committed that indicate the employee(s) involved may have been impaired by alcohol or a controlled substance.

4. An employee is/has been operating equipment or a vehicle unsafely.
5. During the physical examination portion of employment screening for those positions that require a pre-employment physical.
6. At random for those employees who require a valid commercial driver's license.

IV. TESTING PROCEDURES.

When an alcohol or drug screening is ordered during regular business hours, Monday-Friday, the employee's supervisor or his designate will notify personnel, and then convey the employee to the City's designated testing facility with as little delay as possible. Upon arrival at the testing facility, the employee will sign an authorization and release form before the test is administered. In the event an employee refuses to sign the forms, refuses to submit to the tests, or who otherwise refuses to cooperate, the employee will be indefinitely suspended without pay, and may be terminated.

If the testing needs to be done during non-business hours, there are two possible options. If the employee needs medical attention they should be taken to the hospital emergency room, and the ER physician requested to take a sample. If the employee does not need medical attention, the supervisor or his designate should call the after-hours collection hotline at the provided phone number. Collection hot-line personnel will record the information and dispatch a staff member directly to the police department to obtain the needed sample. Supervisors shall not convey or direct a subordinate to the emergency room if they do not need medical attention.

While awaiting the results of a test, an employee must remain available and ready to report to duty. If the test results are negative, the employee should report to duty immediately. If the employee's test results are positive, and there are no mitigating circumstances to be considered, further investigation and disciplinary action may be taken, up to and including discharge.

In the event a drug test is ordered for an employee involved in an auto accident, and for some reason the medical testing center cannot perform the test within a reasonable length of time, an appointment may be made for a later time (within 8 hours). However, should this exceed regular business hours, then the after-hours collection hotline should be utilized. Pursuant to the supervisor's judgement, the employee will return to normal duty during this waiting period. If a reasonable suspicion exists to believe that the employee is under the influence of alcohol or drugs, and is impaired, the employee will be assigned to administrative duties until a test can be performed. A drug test may be completed within eight hours of an incident and still be valid.

Should problems arise with obtaining a test within the eight (8) hour time period, or unexpected complications compromise the testing process, the supervisor will utilize the chain of command to apprise the Assistant City Manager of the situation. The testing process will then be held in abeyance until a solution can be worked out.

A. Substance Tolerance Limits

An alcohol test will be considered positive if the concentration level of blood/alcohol content is .04 or greater. Drug concentration levels that will be considered positive are outlined in the City's drug and alcohol policy.

B. Recall to Duty

Employees who are recalled to duty for an emergency should inform their supervisor if they are under the influence of alcohol or drugs. Employees who are under the influence of either should not report for duty. However, failure to be able to report for duty due to drug or alcohol consumption, when the employee is knowingly on-call, or could reasonable expect to be called, may be grounds for disciplinary action.

C. Off-Duty Interventions

Off-duty public safety officers who witness an emergency in which they may be of some assistance, should not intervene if impaired, and should use sound judgement in making such a decision. Should intervention occur in such a situation, the employee shall be considered as acting without official departmental approval and may be subject to disciplinary action contingent upon the results and surrounding circumstances of the intervention.

D. Exceptions to Testing

In minor accidents where:

1. A City-owned vehicle is legally parked and struck, while occupied by a department employee.
2. A City-owned vehicle in transport where the department employee is determined not to be at fault and there is no noticeable damage to either vehicle, or injuries. This determination must be made by a supervisor.

3. A City-owned vehicle is stopped, with emergency lights and/or flashers activated and is struck while an employee is outside of same.

In such instances, the authorized supervisor may waive a post-accident test by completing the “Non-Vehicular Drug/Alcohol Test Waiver” form.

V. RIGHT TO SEARCH.

When a violation of this policy is suspected, the City/Department reserves the right to search, without employee consent, all areas and property in which the City/Department maintains full or joint control with the employee. This includes, but is not limited to: offices, desks, vehicles, and lockers. Personal items such as briefcases, purses, personal vehicles, personal clothing, etc. may be searched only with the owner’s consent or under the authority of a valid search warrant.

BY ORDER OF:

THOMAS J. BYRNE
Chief of Police

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