Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding controlled dangerous substances (CDS) and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of the St. Mary's County Sheriff's Office to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

(a) Alcohol and CDS use in the workplace or on office time can endanger the health and safety of office members and the public.

(b) Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Supervisor or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

1006.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES

(a) Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using CDS or alcohol on office premises or on office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

(b) Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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(c) Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to CDS, medication or alcohol use.

(d) Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and CDS problems (41 USC § 8103). Insurance coverage that provides treatment for CDS and alcohol abuse also may be available. Employees should contact the Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or CDS problems lead to performance problems.The Sheriff's Office encourages employees to seek treatment voluntarily and the County makes available the Employee Assistance Program.

For procedures related to Employee Assistance Program, see the St. Mary's County Sheriff's Office LE Procedures Manual: Assistance and Treatment

1006.6 WORK RESTRICTIONS

(a) If a member is on-duty and informs a supervisor that he/she has consumed any alcohol, CDS or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

(b) If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol, CDS or medication, the supervisor shall prevent the member from continuing work. Prior to allowing the member to leave the office, the supervisor will initiate notification procedures as described in the Personnel Complaints Policy.

1006.6.1 RETURN TO DUTY/BEFORE RESUMING SAFETY-SENSITIVE WORK

Per the St. Mary’s County Sheriff’s Office policy, employees who previously tested positive on a drug or alcohol test, and who, under the discipline policy are allowed to return to work, shall be subject to substance abuse testing before being released for duty by a Substance Abuse Professional. Test results must be negative.

1006.7 SCREENING TESTS

(a) A supervisor may require an employee to submit to a screening under any the following circumstances (Md. Code HG § 17-214(h)):

1. The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or CDS that is impairing the employee's ability to perform duties safely and efficiently.

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2. The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
3. The employee discharges a firearm issued by the Office while off-duty, resulting in injury, death or substantial property damage.
4. The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property

(b) A deputy or correctional officer who is under investigation may be ordered to submit to a blood alcohol test and/or a blood, breath or urine test for CDS when the testing specifically relates to the investigation (Md. Code PS § 3-107).

For procedures related to Screening Tests, see the St. Mary's County Sheriff's Office LE Procedures Manual: Random Screening and Employee Notification Process

1006.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or CDS, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1006.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

(a) Fails or refuses to submit to a screening test (Md. Code PS § 3-107).

(b) After taking a screening test that indicates the presence of a CDS, fails to provide proof, within 72 hours after being requested, that the employee took the CDS as directed, pursuant to a current and lawful prescription issued in the employee's name.

For procedures related to Discipline, see the St. Mary's County Sheriff's Office LE Procedures Manual: Discipline

1006.7.3 TESTING REQUIREMENTS

When an employee is required to be tested for job-related reasons for the use or abuse of any CDS or alcohol, this office shall:

(a) When using a single-use test device, collect, handle, store and ship each specimen in a manner that maintains the employee donor's identity and confidentiality, the physical integrity of the specimen and precludes contamination of the specimen (Md. Code HG § 17-214(d)(1)).

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(b) Maintain a written record of the chain of custody of each specimen from the time that the specimen is collected until the time that the specimen is no longer needed for retesting (Md. Code HG § 17-214(d)(2)).

(c) Have the specimen tested by a laboratory that is certified or otherwise approved and at the time of testing provide the name and address of the laboratory, if requested by the employee (Md. Code HG § 17-214(b)(1)).

(d) Upon notice from the laboratory that an employee has tested positive, deliver to the employee by certified mail or in person and within 30 days from the date the test was performed (Md. Code HG § 17-214(c)(1)):

1. A copy of the laboratory test indicating the test results.
2. A copy of this policy.
3. If applicable, written notice of intent to take disciplinary action, terminate employment or change the conditions of continued employment.
4. A statement or copy of the provisions set forth in Md. Code HG § 17-214(e) which permits the employee to request independent testing of the same sample for verification of the test result.

(e) Any employee who tests positive for drugs or tests positive for alcohol greater than 0.02 g/DL shall be immediately removed from duty.

(f) Any employee who is allowed to return to work under this policy must successfully complete the following before doing so.

1. Referral to and assessment by a Substance Abuse Professional (SAP).
2. Treatment and rehabilitation program as developed by the SAP.
3. Return to duty tests with negative results.
4. Return to work agreement that is developed in conjunction with the SAP outlining terms for return to work, including ongoing treatment, aftercare conditions, and, for any safety-sensitive employee, additional follow-up testing for up to five years, with a minimum of six tests the first year.

For procedures related to Testing Requirements, see the St. Mary's County Sheriff's Office LE Procedures Manual: Drug Screening, Collection and Results

1006.7.4 DISCLOSURE OF INFORMATION

(a) Information that may not be disclosed to the Office includes (Md. Code HG § 17-214(i)(1)):

1. The use of a nonprescription drug, excluding alcohol, that is not prohibited under state law.
2. The use of a medically prescribed drug, unless the employee being tested is unable to establish that the drug was medically prescribed for the employee in accordance with state law.

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(b) The prohibitions against disclosure of information do not apply to the extent that they prevent a person from complying with the applicable provisions of the federal Commercial Motor Vehicle Safety Act of 1986 and the federal Motor Carrier Safety Regulations (Md. Code HG § 17-214(i)(2)).

(c) The results of a mandatory test are not admissible or discoverable in a criminal proceeding against a deputy or correctional officer. (Md. Code PS § 3-107).

1006.7.5 TRAINING

(a) The Office shall establish a program to train individuals to collect specimens and perform CDS tests in the workplace in accordance with the provisions of Md. Code HG § 17-214(k).

(b) The responsibilities of this office shall include:

1. Keeping a record of the training received by each trainee.
2. Establishing a procedure to ensure that each trainee receives the minimum training required to properly perform and demonstrate competency in performing the test.
3. Maintaining documentation that indicates the trainee has been trained in accordance with state law.

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY

(a) The Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

(b) The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's medical file in accordance with the Personnel Records Policy.

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