

# Rockville City Police Department

## GENERAL ORDER



<b>Subject</b> DRUG AND ALCOHOL TESTING		<b>Procedure</b> G.O. # 5 - 32
<b>Authorizing Signature</b> 	<b>Effective:</b> 04-01-19	<b>Total Pages</b> 7

### I. PURPOSE

The purpose of this General Order is to establish guidelines for drug and alcohol testing.

### II. POLICY

It shall be the policy of the Rockville City Police Department to test its sworn officers, hereafter referred to as "Employee(s)", and any employees who handle evidence, for drugs and alcohol. The Personnel Policies and Procedures Manual for the City of Rockville also describes the process and procedure for the implementation and enforcement of all policies relative to substance abuse/misuse and drug/alcohol testing. Fair and reasonable testing methods will be used to enforce this policy, including voluntary testing, random testing, reasonable suspicion testing and post-accident testing. This General Order is not applicable to applicant testing. The illegal use of drugs and controlled substances by employees of the Rockville City Police Department will not be tolerated. The use of urinalysis testing for illicit drug use and/or abuse, as established in the City's Personnel Policies and Procedures Manual, PPP #190-10 Procedure on Drugs and Alcohol, shall constitute the primary means of detecting and deterring drug use/abuse within the Department, and is incorporated by reference into this general order. Violation of this policy shall result in disciplinary action up to and including termination.

### III. Definitions

- A. **Alcohol** – means drinks made by fermenting fruit juices, sugars and fermentable carbohydrates with yeast to form alcohol. These include beer, malt liquor, cider, wines, spirits such as brandy, gin and rum, liqueurs from distilled spirits and fortified wines. The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol
- B. **Drug** - means amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein and those contained in the Controlled Dangerous Substance statutes. All illegal substances (narcotic and non-narcotic) which are subject to control under the Maryland Uniform Controlled Dangerous Substances Act (Schedule I-V) and those non-controlled substances, inclusive, for which enforcement remedies are available pursuant to the Annotated Code of Maryland.
- C. **Drug test** - means any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.
- D. **Initial drug test** - means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens.

- E. **Confirmation test** - means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. May also be referred to a confirmed test or confirmed drug test.
- F. **Employee** - means any person who is a sworn employee, or any employee who has access to evidence, who works for salary, wages, or other remuneration for the Rockville City Police Department.
- G. **Prescription or nonprescription medication** - means a drug or medication obtained pursuant to a prescription or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.
- H. **Property** – includes, but is not limited to, city owned buildings or facilities, equipment, vehicles, desks, lockers, containers, storage units and file cabinets.
- I. **Reasonable suspicion drug testing** - means drug and or alcohol testing based on a belief that an employee is using or has used drugs or alcohol in violation of the Rockville City Police Department policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon but not limited to:
  - 1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
  - 2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
  - 3. Evidence an individual has tampered with a drug test during employment with Rockville City Police Department.
  - 4. Information an employee has caused, or contributed to, an accident while at work.
  - 5. Evidence that an employee has used, possesses, sold, solicited, or transferred drugs, outside of Department policy, while working or while on city property or while operating a city vehicle, machinery or equipment.
  - 6. Injury means any injury to any person, including the employee.

#### IV. Consent

Compliance with this general order, as well as the City's overall Drug and Alcohol Policy, is a condition of continued employment for all Rockville City employees. Those current employees who refuse to follow the policy and do not consent to testing will be subject to disciplinary action, to include termination.

**V. General**

- A. Employees of the agency shall not take any illegal drugs, dangerous substances or prescription drugs whether on or off duty, unless prescribed by a person authorized to do so.
- B. No employee shall introduce into his/her body any prescribed or over-the-counter medication in amounts beyond the recommended dosage, or otherwise use a legal drug in an illegal manner.
- C. The Department does not permit employees to use or possess marijuana, including medical marijuana, regardless of duty status, even if the employee has a medical marijuana card that conveys on him or her "caregiver" or "patient" status in the state of Maryland.
- D. Employees shall not report for duty under the influence of alcohol or consume alcoholic beverages while on duty, unless approved by a supervisor for law enforcement purposes.
- E. Any employee who takes prescription or nonprescription medication which may impair judgment or prohibit an employee from performing regular duties must notify his or her supervisor immediately. The supervisor will advise the employee to contact Human Resources to discuss next steps.
- F. All property belonging to the Department or on Departmental property is subject to inspection at any time, without notice.
- G. The substances subject to testing may include alcohol, amphetamines, barbiturates, benzodiazepines, cocaine or cocaine metabolites, marijuana (cannabis/cannabinoids) metabolites, methadone, methaqualone, opiates, phencyclidine, steroids, and propoxyphene.

**VI. Voluntary Submission**

- A. Employees of the Rockville City Police Department who believe they have been contaminated by or exposed to any CDS or other hazardous substance may voluntarily submit to a reasonable suspicion chemical test immediately, or as soon as reasonably practicable.
- B. The employee must notify their immediate supervisor who will then arrange for the employee to be transported to the testing site.
- C. An administrative report detailing the facts and circumstances concerning the contamination or exposure will be completed.
- D. Employees who believe they have been contaminated by or exposed to any CDS or other hazardous substance will not be authorized to return to duty until cleared to do so by a professionally licensed healthcare provider.

**VII. Random Testing**

All employees are required to submit to unannounced drug and alcohol testing when selected pursuant to the random selection process established by Human Resources.

### **VIII. Reasonable Suspicion Testing**

The basis for making a determination on when to conduct a reasonable suspicion test is drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. The basis for the determination shall be documented in an administrative report. An employee of the Rockville City Police Department will submit to drug testing if they are accused of consuming alcoholic beverages prior to duty or while on duty, without supervisor permission, or accused of unlawful use of a Controlled Dangerous Substance.

Sworn members who are required to undergo a reasonable suspicion test will be placed under emergency suspension in accordance with General Order #2-5. Employees, who are not sworn members, will not be authorized to return to work until cleared to do so by the Human Resources Director, or designee.

- A. Upon reasonable suspicion, the supervisor will immediately contact the accused employee and advise the employee not to operate any vehicle. The supervisor will respond to the accused employee's location and transport the employee for testing.
- B. If the employee is subject to undergo reasonable suspicion testing, the following procedure will apply for the testing of alcohol:
  - 1. A supervisor shall transport the employee to the Breathalyzer test and witness the administering of the test.
  - 2. Note and record the elapsed time between the initial report of the suspicion and the administration of the Breathalyzer test.
  - 3. The test shall be administered as soon as possible after the basis for a reasonable suspicion test. There is not a two-hour time limit.
  - 4. The supervisor shall complete an administrative report and forward through appropriate channels.
- C. If the employee is subject to undergo reasonable suspicion testing, the following procedure will apply for the testing of drugs:
  - 1. Accompany the employee to the approved testing site.
  - 2. Remain at the facility with the employee until the submission is complete.
  - 3. Transportation for the employee will be arranged.
  - 4. A supervisor shall complete an administrative report and forward through appropriate channels.

### **IX. Post- Accident**

- A. Non-sworn members will be required to submit to post-accident drug and alcohol testing pursuant to the City's Personnel Policies and Procedures Manual, PPP #190-10 Procedure on Drugs and Alcohol.

- B. Sworn members, who are on-duty and operating a vehicle, shall be required to immediately submit to both drug and alcohol testing when involved in an accident which results in any of the following:
  - 1. There is a fatality; or
  - 2. Injury that requires medical treatment; or
  - 3. A citation has been issued to the operator of the City vehicle.
- C. Sworn members, who are on-duty and operating a vehicle, may be required to immediately submit to both drug and alcohol testing when involved in an accident which results in any of the following:
  - 1. There is damage to public, private, or City-owned property.
  - 2. A supervisor has objective facts giving them reason to believe that the employee is at least partly responsible for an accident while the employee is at work.
- D. This policy does not apply to parked and unoccupied vehicles.
- E. Sworn and Non-sworn employees are not authorized to operate city-vehicles until results of the drug and accident tests are confirmed.

**X. Positive Test Results**

- A. The Chief of Police and the Office of Professional responsibility will receive notification from the Human Resources Director, or designee, regarding any test results of Police Department employees.
- B. Supervisors shall suspend the police powers of any sworn employee who tests positive for a Controlled Dangerous Substance.
- C. Supervisors will suspend the police powers of a sworn employee who takes a Breathalyzer test and records a blood alcohol content (BAC) higher than 0.0, while on-duty. Supervisors shall not allow officers or civilians to operate their personal vehicles with a BAC higher than 0.0. Transportation will be arranged if an employee records a BAC higher than 0.0.
- D. Suspensions shall be done in accordance with General Order 2-5
- E. The employee will be notified of their right to request an independent testing of the same sample taken from the employee for verification of the presence of any prohibited substance by a laboratory certified and licensed in accordance with the laws in the State of Maryland, and of the time period within which they must exercise such right. The retesting of any sample, at the request of the employee, will be at that employees own cost and expense.

**XI. Refusal to Submit to Testing**

- A. Supervisors will order employees to submit for testing for all tests.
- B. Failure to comply with this policy is grounds for discipline. Such discipline may include action up to and including termination.
- C. Employees who refuse to submit to a test will be suspended from duty in accordance with General Order 2-5.
- D. Employees who fail to report for the test without prior approval will be deemed to have refused to take the test and will be suspended from duty.
- E. Supervisors must notify the Office of Professional Responsibility immediately of the refusal.

**XII. Testing Sites**

- A. Alcohol testing based upon a determination of reasonable suspicion will take place at the Rockville City Police Department, located at 2 W. Montgomery Ave., Rockville, MD 20850.
- B. Alcohol testing for all other basis for testing will take place at:
  - 1. Adventist HealthCare Urgent Care, 750 Rockville Pike, Rockville, MD 20852 for all tests to take place between 08:00 to 20:00.
  - 2. Shady Grove Emergency Room, 9901 Medical Center Dr., Rockville, MD 20850 for all tests to take place between 20:00 to 08:00.
- C. Drug tests for all basis for testing will take place at:
  - 1. Adventist HealthCare Urgent Care, 750 Rockville Pike, Rockville, MD 20852 for all tests to take place between 08:00 to 20:00.
  - 2. Shady Grove Emergency Room, 9901 Medical Center Dr., Rockville, MD 20850 for all tests to take place between 20:00 to 08:00.

**XIII. Confidentiality**

Department recognizes the confidentiality and privacy due to its employees. 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 employee involved or pursuant to lawful process.



Rockville City Police Department  
AUTHORIZATION FOR DRUG AND ALCOHOL TESTING

**\*\*\* PLEASE HAVE PICTURE I.D. WITH YOU \*\*\***

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

EMPLOYER: City of Rockville

NAME OF EMPLOYEE TO BE TESTED: \_\_\_\_\_

Reason for Testing:

- Post-Accident
- Random
- Reasonable Suspicion/Cause

Alcohol Test Required:

- Yes
- No

Type of Drug Test:

NON -DOT, 10-PANEL DRUG SCREEN

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**USE THE FOLLOWING LOCATIONS:**

Adventist HealthCare Urgent Care  
750 Rockville Pike, Rockville, MD 20852  
Between 08:00 to 20:00

Shady Grove Emergency Room  
9901 Medical Center Dr., Rockville, MD 20850  
Between 20:00 to 08:00

Billing Instructions:

Adventist HealthCare Urgent Care – invoice pursuant to City of Rockville agreement RFP #10-18.

Shady Grove Emergency Room – send invoice and test results to “City of Rockville” and address to:  
City of Rockville  
Human Resources Department  
111 Maryland Avenue  
Rockville, MD 20850

Results can also be securely faxed to: 240-403-9485.  
Questions – contact the Safety & Risk Division at 240-314-8470.

