



Office Of The Sheriff
Allegany County
Maryland

GENERAL ORDER NO: **1-600.00**

TO: All Patrol and Judicial Personnel

RE: **SUBSTANCE ABUSE POLICY**

PURPOSE: To protect employees and citizens by establishing procedures for Substance Abuse Testing along with appropriate departmental responses to employees engaging in the possession, usage, manufacture, or distribution of illegal drugs. The Sheriff's Office has an obligation to take measures that will contribute to a drug free work environment.

EFFECTIVE DATE: 2004

REVISION DATE: 3/1/2016

1-601.00 Goals of the Substance Abuse Policy are:

- .01 To protect the public by fostering a work force free from drug or substance abuse and dependency.
- .02 Ensure that prospective employees' fitness is not impaired by drug or other substance abuse.
- .03 Maintain public confidence and trust through exemplary on and off duty behavior.
- .04 Take appropriate disciplinary action when substance abuse is detected in conjunction with rehabilitative opportunities offered to employee. Abuse involving legal and illegal substances has a major adverse impact on the welfare of all citizens and results in billions of dollars in lost productivity each year. Because such abuse would directly affect the ability of the Sheriff's Office to fulfill its mission, this Policy is adopted to address such problems as they may occur.

1-602.00 Definitions

- .01 Abuse: Abuse of a substance as it pertains to this Order includes, but is not limited to:

- A. Any use of any illegal substance (Criminal Law Article, Title 5).
 - B. Use of a prescription drug in a manner other than that prescribed by a licensed physician or in a manner inconsistent with the medically prescribed or intended use, or in circumstances where use is not permitted.
 - C. Use of non-prescription drugs in a manner other than that prescribed by the manufacturer in such a way as to impair the employee 's ability in performing their job description.
 - D. Use of alcohol while on duty, or use of alcohol prior to going on duty which impairs the employee 's ability to perform their job duties in a safe manner.
 - E. Use or possession of alcohol contrary to the laws of Maryland.
 - F. The intentional use of any substance, legal or illegal, which impairs job performance.
- .02 Alcohol: Includes Ethyl and Ethanol Alcohol.
- .03 Aliquot: A portion of a submitted specimen used in laboratory testing. Several aliquots can be taken from a single specimen.
- .04 Collection Site: Site designated by the Department where employees present themselves for the purpose of providing a specimen of breath, blood, or urine which will be tested for the presence of drugs or alcohol.
- .05 Collection Site Person: A person who instructs and assists the employee at a collection site and who receives and makes an initial examination of the specimen provided by the individual. A collection site person shall have successfully completed training in specimen collection.
- .06 Confirmation Testing: Testing used after the initial screening test to confirm the presence of drugs in the specimen. The test will be performed by a NIDA certified laboratory, (National Institute of Drug Abuse), using GC/MS Testing, (Gas Chromatography, Mass Spectrometry).
- .07 Controlled Dangerous Substance: Any substance classified as such by the Food and Drug Administration (FDA) or any drug for which possession without a prescription is prohibited by the laws of the State of Maryland.
- .08 Cut Off Level: The minimum level of a drug concentration in a specimen required for test results to be classified as positive.

- .09 Drugs: For purpose of this Order, drugs are defined as:
- A. A substance, (narcotic or non-narcotic), which is subject to control under the Maryland Uniform Controlled Dangerous Substance Act, (Schedule I-V), as well as non-controlled substances for which enforcement remedies are available pursuant to Annotated Code of Maryland, Criminal Law Article, Title 5.
 - B. Any other substance, (excluding alcohol), which may impair one ' s mental faculties, mood, judgment, or physical appearance.
- .10 Drug Test: A test administered under approved laboratory conditions and procedures to detect usage of drugs.
- .11 Impaired: Being under the influence of a substance while on duty such that motor senses, (i.e.; sight, sound, hearing, coordination, balance, reactive reflex, etc.), or mental capacity/judgment are adversely affected.
- .12 Medical Review Officer (MRO): Licensed physician utilized to review test results and determine if there is any legal reason for a positive reading in a specimen.
- .13 Member: An employee of the Sheriff ' s Office, sworn or non-sworn, including part time or temporary employees.
- .14 Negative Test: Test indicates no presence of drugs or a level of drugs below the mandated cut off figure.
- .15 Positive Test: Testing of a specimen which indicates presence of drugs after initial screening and confirmation testing, above NIDA set cut off levels.
- .16 Specimen: A sample of employee ' s blood, breath, or urine, obtained for the purpose of determining if there is a presence of drugs or alcohol in the employee ' s blood system.
- .17 Substance: A material which, when abused, impairs an employee ' s normal physical, mental, or judgmental capabilities.
- .18 Suspicion (Reasonable): The existence of facts and rational inferences drawn from facts or an objective base of knowledge sufficient to induce a reasonable and prudent person to believe an individual may be selling, purchasing, transferring, possessing, dispersing, using or abusing alcohol or drugs in any way that is illegal or a violation of this policy. Such suspicion may be based upon, but not be limited to:

- A. Observable phenomena such as direct observation of drug, alcohol, or other substance use, and/or the physical symptoms of being impaired such as slurred speech, staggered gait, lack of coordination, etc.
 - B. A pattern of abnormal conduct or erratic behavior.
 - C. Arrest or conviction for a drug/alcohol, or other substance abuse offense.
 - D. Information provided by reliable and credible sources and independently corroborated by other observations; or,
 - E. Evidence that the employee has tampered with a previous drug test.
- .19 Unfit for Duty: Reasonable, articulated belief that an employee is impaired and incapable of safely performing assigned duties and responsibilities.
- .20 Work Site: Any location where departmental employees are on duty.

6-603.00 Prohibitions

- .01 The following actions are prohibited by departmental employees:
- A. The use, sale, possession, manufacture, or dispersing of a controlled dangerous substance on or off duty.
 - B. The consumption of alcohol while on duty, (except in moderation as required by job task and approved by the Sheriff).
 - 1. Members of this Department will not report for work with a blood alcohol content beyond that of indigenous alcohol normally found in the body; .003%.
 - C. The abuse of any substance which will impair job performance.
 - D. The consumption of alcohol while in departmental uniform.
 - E. The operation of a departmental vehicle while impaired by any substance.
 - F. The consumption of alcohol while on call, or in an alert or stand-by status.

1-604.00 Reasonable Suspicion

- .01 In accordance with the Law Enforcement Officers' Bill of Rights, Public Safety Article, 3-104(L), sworn personnel may be ordered to submit for alcohol or controlled dangerous substance testing. In addition, all county employees may be required to submit for alcohol or substance abuse testing. Such testing may be ordered when reasonable suspicion is developed to indicate an employee may be engaged in substance abuse as defined by this Order, or has a history of substance abuse.
- .02 Supervisors are responsible for monitoring work performance and the behavior of subordinates. Careful observation may reveal symptoms indicative of substance abuse or involvement, if such activities exist. Attachment #1 gives a list of symptoms to be aware of, but is not inclusive. It must be remembered that symptoms may in no way be connected to substance abuse or involvement. Symptoms could be a result of a medical problem, or other personal circumstances. Such behavior should be noted by supervisors and appropriate action taken.

1-605.00 Supervisory Action

- .01 Supervisors are responsible for discussing adverse behavior with subordinates in an attempt to learn the reason for the behavior. Symptoms exhibited which could indicate substance abuse or involvement pursuant to this Order will be brought to the attention of the Patrol Commander immediately.
- .02 If employee reports for duty with a blood alcohol content exceeding indigenous levels of .003%, the supervisor will take immediate action to include:
- A. Immediately relieve the employee from duty to include operation of departmental vehicles.
 - B. Relieve employee of weapons, if applicable.
 - C. Note and be able to articulate employee behavior and why possible substance abuse was indicated.
 - D. Make sure someone is with the employee at all times in the initial phases of the investigation. Remember, the symptoms could be a result of a medical condition. Obtain medical assistance if necessary.
 - E. Interview the employee to determine if a legitimate reason exists for the conditions.

- F. If at all possible, have another supervisor or senior employee witness the behavior.
- G. If a legitimate reason is indicated for the behavior, take appropriate short term action; i.e., placing the employee on vacation, sick leave, etc., along with follow up counseling.
- H. Collect information for a detailed departmental substance abuse form, if applicable. Substance Abuse forms will be completed before the end of the shift on which the incident occurred and forwarded to the Sheriff for review. A copy of the completed form will be provided to the employee.
- I. If no legitimate reason for the behavior can be ascertained, contact a member of the command staff. If the command staff member deems it warranted, an order for a substance abuse test will be signed, and arrangements made for laboratory testing. Advise the employee that they are suspended with pay pending administrative review. The employee will be required to sign a Consent Form for the drug testing. The employee should be informed that refusal to sign the Consent Form and cooperate with the testing procedures are grounds for dismissal.
- J. If the substance abuse suspected is alcohol related, the supervisor may order an immediate Intoximeter Test utilizing a certified instrument operator. Results of Intoximeter Tests will be attached to the Substance Abuse Form.
- K. Supervisors will ensure transportation for personnel exhibiting signs of impairment to their residence, and to the collection site. A supervisor will accompany the employee into the collecting facility.

1-606.00 Testing Facility

- .01 Only laboratories which have, at a minimum, the following requirements will be utilized as testing facilities:
 - A. Laboratories which are certified by the State of Maryland, Department of Health and Mental Hygiene in accordance with Annotated Code - Health General, 17-214.
 - B. Out of State Laboratories meeting requirements in the Health General Code.
 - C. Laboratories with adequate security facilities:
 - 1. Physical security; i.e., locks, alarms, etc.

2. Testing procedures in accordance with NIDA Regulations.
 - D. Laboratories must be certified to use GC/MS testing in confirmation tests.
- .02 Testing facilities and MRO to be used will be designated by the Sheriff and will meet the requirements of this Order.

1-607.00 Types of Tests

- .01 The following methods of testing may be utilized to detect substance abuse:
- A. Breath Test: Test for blood alcohol content. Administered by personnel certified in the operation of the Intoximeter.
 - B. Urine Test: Used to detect presence of alcohol, controlled dangerous drugs, or other substances in the body.
 - C. Blood Test: Used to determine the presence/level of alcohol.
- .02 Two tests are used to determine drug presence in the body as follows:
- A. Basic Immunoassay Test: Basic initial screening test given for the purpose of eliminating “negative” urine specimens from consideration.
 - B. Confirmation Testing: Enhanced testing performed on urine samples which have tested positive in the Immunoassay Test. Testing used is GC/MS testing which is much more specific and accurate.

1-608.00 Laboratory Testing Procedures

- .01 The Sheriff's Office will utilize a laboratory which conducts testing procedures in accordance with NIDA regulations as follows:
- A. The employee to be tested will be required to show picture identification or will be identified by a departmental supervisor.
 - B. The employee will be instructed to empty pockets and leave personal belongings outside the collection room.
 - C. The employee will be assisted by a Collection Site Technician who will explain specimen collection procedures and the chain of custody.
 - D. The employee will be required to wash hands.

- E. The employee will be provided with a specimen container, given an explanation as to necessary requirements, and directed into a private lavatory. The lavatory will have no sink or trash can, and water in commodes will have a bluing agent added.
- F. Once the employee has provided the specimen, it will be given directly to the technician, who will examine the specimen to ensure it meets necessary testing requirements.
- G. After examination by the technician, both the technician and the employee will verify, by signatures, the following:
 - 1. That the specimen is the employee's.
 - 2. That the specimen has been placed in a sealed, tamper proof container.
 - 3. That the specimen container has been placed in a sealed, tamper proof plastic bag.
- H. If confirmation testing is necessary and must be done at another laboratory, the specimen will be transported by certified mail, company courier, or Sheriff's Office Supervisor. Chain of custody to the laboratory will be strictly documented on laboratory forms provided.

1-609.00 Test Results

- .01 The Department will utilize laboratories which follow Federal Department of Transportation (DOT) guidelines for cut off levels in both initial and confirmation testing. All confirmation testing will be quantitative analysis.
- .02 All results of drug tests will be forwarded by the laboratory to the Medical Review Officer (MRO).
- .03 If the initial test is negative, the Sheriff or his designate will be so notified and the information relayed to the employee.
- .04 If a confirmation test is necessary and tests positive, the MRO will conduct an interview with the employee to determine if the positive reading can be attributed to medical or other reasons. If the MRO is satisfied that there is a legitimate reason for the positive test, the MRO will declare the test to be a negative test. If no legitimate reason can be established, the MRO will declare the test as positive.

- .05 Generally, the MRO will not notify the Department of positive results until an interview has been conducted with the employee. After a request for an interview with the employee by the MRO, the employee has five (5) days in which to respond for an interview. If he/she fails to do so with the five days, the MRO will notify the Sheriff or his designate of the test results. Notification may be made to the Sheriff personally and/or by certified written results.
- .06 If an employee tests positive to a controlled dangerous substance, the employee must be provided with:
- A. A copy of the laboratory tests including results.
 - B. A copy of the departmental written policy on use or abuse of controlled dangerous substances an alcohol.
 - C. A written notice that, by law, the employee may request an independent test of an aliquot from the original specimen, cost to be born by the employee. A laboratory chosen for an independent test must be certified for such testing in accordance with the Annotated Code of Maryland, Health General Article, 17-214.
 - D. A written notice if the Department intends to seek disciplinary action, termination, or a change in conditions of employment.
 - E. Information in A-D of this section after a positive test has been confirmed by the MRO must be forwarded to the employee within 30 days from the date the test was performed. Information will be transported in person, or by certified mail.

1-610.00 Confidentiality

- .01 All matters dealing with substance abuse cases will be held in the strictest of confidence and released only upon written consent of the employee, by Order of Judicial Authority, disciplinary/grievance procedures, or within the department on a “need to know” basis only. All such files will be stamped as “Confidential”.
- .02 The Medical Review Officer (MRO), in the course of obtaining information by interview or by laboratory testing, may not reveal to the employer information regarding:
- A. The use of a non-prescription drug, (excluding alcohol), that is not prohibited under the laws of the state.

- B. The use of a medically prescribed drug, unless the person being tested is unable to establish that the drug was medically prescribed under the laws of the state.

1-611.00 Re-Tests of Specimen

- .01 Requests by the employee for an independent re-test will be forwarded through the department to the MRO for disposition. Results from re-test will be forwarded to the MRO and distributed as previously outlined in this Order.
- .02 Aliquots for independent re-testing will be hand carried to the laboratory by a departmental supervisor, if possible, or by certified mail if personal delivery is not practical. In either mode of transportation, the chain of custody will be strictly documented.

1-612.00 Records Retention

- .01 Records of substance abuse cases will be maintained in a separate secured area, away from personnel files. The Sheriff will be responsible for records security and will release information in accordance with "30-610.01" above.
- .02 Records concerning substance abuse or any other violation of this Order will be maintained a minimum of three (3) years from an employee 's last day of employment with the department.

1-613.00 Employee Assistance Program

A key goal of the Substance Abuse Program is to direct employees involved in substance abuse into a program that may assist the employee in curtailing the dependency. Programs for substance dependency will be utilized.

- .01 In conjunction with disciplinary actions available when substance abuse is detected, the employee 's willingness to participate and complete such programs will be considered in administering disciplinary action.
- .02 "Safe Haven Policy": An employee may, of his/her own volition, advise the Sheriff or his designate of involvement in substance abuse. If such disclosure is made prior to detection of such activities by the department, no disciplinary action will be taken against the employee for first time admissions. The employee will be directed into an assistance program aimed at ending the substance abuse.

1-614.00 Disciplinary Action

- .01 Disciplinary action involving sworn personnel will be in accordance with the Law Officers' Bill of Rights, and through progressive discipline whenever appropriate.
- .02 Disciplinary actions in cases of substance abuse or other violations of this Order must be decided on a case-by-case basis, depending upon total circumstances and prior record of the employee. Disciplinary actions may range from fines/loss of vacation time to termination of employment.
- .03 Personnel testing positive for substance abuse shall be immediately removed from normal duty and assigned to administrative duties which do not involve carrying a firearm, operating a departmental vehicle, or handling substances defined by this policy, pending the outcome of disciplinary proceedings.
- .04 Employees convicted of off duty alcohol offenses shall be subject to discipline up to termination of employment.
- .05 Disciplinary action involving non-sworn personnel engaged in substance abuse or other violations of this Order will be in accordance with this Order utilizing progressive discipline, whenever appropriate.
- .06 Employees who have been found to be involved in substance abuse will be subject to random drug or alcohol testing, at the Sheriff's discretion, for the remainder of their employment with the Sheriff's Office.
- .07 A positive test may result in change of work assignment, temporary or permanent, at the Sheriff's discretion.

1-615.00 Employee Training

- .01 All departmental employees will receive periodic training on substance abuse effects, and on the Departmental Substance Abuse Policy.
- .02 Departmental supervisors will receive periodic training on the Substance Abuse Policy, and on identifying characteristics which may indicate a substance abuse problem, or involvement with illegal substances as defined by this Order.

1-616.00 Employee Responsibility

- .01 It is the responsibility of employees who are using over the counter medications to be aware if the medication impairs their ability to safely perform their job duties, and to inform their supervisor so that reassignment or other appropriate action may be taken.

- .02 It is the responsibility of the employee to check with any physician prescribing medicine to ascertain if it will result in impaired capabilities; i.e., drowsiness, impaired coordination, etc., which may effect the ability to safely perform his/her job. If such effects are known, they should be reported to the supervisor, or the employee should relieve themselves from duty by requesting vacation or sick leave.
- .03 Any employee arrested for the use, sale, possession, or dispersing of a controlled dangerous substance, or an alcohol related offense is required to report the arrest to the Sheriff or his designate immediately.

1-617.00 Searches for Controlled Dangerous Substances

- .01 The department reserves the right to conduct searches or inspections of departmental property assigned to an employee whenever reasonable suspicion is developed indicating a violation of this policy. Such searches/inspections may include lockers, desks, or departmental vehicles, (excluding private articles; i.e., gym bags, brief cases, etc.).

1-618.00 Pre-Employment Drug Screening

- .01 All prospective employees, before being hired by the Department, will undergo testing for controlled dangerous substance usage as prescribed in this Order. Prospective employees will be tested by procedures as outlined in this Order. Candidates whom the MRO have deemed as testing positive, (after confirmation testing), will be eliminated from employment consideration.

By Order Of:

Craig A. Robertson, Sheriff

ALLEGANY COUNTY SHERIFF'S OFFICE

BEHAVIOR AND JOB PERFORMANCE

“WARNING SIGNS”

Job behavior and work performance should be the concern of every supervisor. Expert knowledge concerning abuse of controlled substances or abused drugs is not necessary, but supervisors should remain alert to changes from the normal work pattern and/or behavior of an employee.

Listed below are various “symptoms” that usually appear on the job, indicating some consequences of substance abuse. These warning signs can appear singularly or in combination, and may signify problems other than substance abuse. For example, alcoholism, diabetes, high blood pressure, thyroid disease, psychiatric disorders, emotional problems and certain heart conditions all share some of the same signs. Therefore, it is important to remember unusual or odd behavior may not be associated in any way with alcohol or drug abuse. The role of the supervisor is to recognize and document changes without making any moral judgment or taking the position of counselor or diagnostician.

Signs of Deteriorating Job Performance

Weariness, exhaustion
Argumentative
Higher than average accident rate on the job
Unusual untidiness
Exaggerated self-importance
Inconsistency in quality of work
Yawning excessively
Displays violent behavior
High/low periods of productivity
Blank stare
Avoids talking with supervisors regarding Absenteeism
Poor judgment/more mistakes than usual and general carelessness
Slurred speech
Unsteady walk
Lapses in concentration
Sunglasses worn at inappropriate times
Acceleration of absenteeism and tardiness, especially Mondays, Friday, before and after holidays.
Difficulty in recalling instructions
Difficulty in remembering instructions
Using more time to complete work/missing deadlines
Unusual effort to cover arms.

Changes in appearance after lunch and breaks.
Increased difficulty in handling complex situations
Appears to be depressed all the time or extremely anxious all the time.
Frequent unreported absences, later explained as emergencies.
Overreaction to real or imagined criticism.
Irritable
Unusually high incidents of colds, flu, upset stomach, headaches
Avoiding and withdrawing from peers
Complaints from co-workers
Borrowing money from fellow workers
Suspicious
Emotional unsteadiness (i.e.; outburst of crying)
Mood changes after lunch break
Complaints of problems at home, such as separation, divorce and child discipline problems.
Withdrawn or improperly talkative
Leaving work area more than necessary; (i.e., frequent trips to water fountain and bathroom).
Spends excessive amount of time on the telephone.
Taking needless risks
Persistent job transfer request
Frequent use of unscheduled vacation time
Requesting to leave work early for various reasons
Accidents
Disregard for safety of others