

69.1 PURPOSE AND POLICY

- .1 The purpose of this policy is to provide all employees with notice of the provisions of the department drug-testing program.
- .2 It is the policy of this department that the critical mission of law enforcement justifies maintenance of a drug-free work environment through the use of a reasonable employee drug-testing program.

69.2 PROHIBITED ACTIVITIES

- .1 No employee shall illegally possess any controlled substance.
- .2 No employee shall introduce into his/her body any controlled or other dangerous substance, unless prescribed by a licensed medical practitioner.
- .3 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.
- .4 Any employee having a reasonable basis to believe that another employee is illegally using, or in possession of any controlled dangerous substance shall immediately report the facts and circumstances to his/her supervisor or the watch commander.
- .5 No employee or applicant may refuse to fail to cooperate with established drug testing policies or procedures.
- .6 Alleged violations of this section shall be handled in accordance with the procedures outlined in Chapter 34 as well as in the City of Hagerstown Human Resources Manual as well as any collective bargaining agreement.

69.3 APPLICANT DRUG TESTING REQUIREMENTS

- .1 Applicants for any position within the department shall be required to take a drug screening test as a condition of employment during the pre-employment phase of the background investigation.
- .2 Applicants (both sworn and civilian) shall be disqualified from further consideration for employment under the following circumstances:
 - Refusal to submit to the required drug test.
 - A confirmed positive drug-test indicating drug use prohibited by this policy.
 - Failure to follow collection procedures.

69.4 EMPLOYEE DRUG TEST REQUIREMENTS

- .1 A supervisor may order an employee to take a drug test upon documented reasonable suspicion that the employee is or has been using illegal drugs, or has been using legal drugs illegally. This shall be done in accordance with established procedures as outlined in Chapter 34 as well as provisions of the Law Enforcement Officers' Bill of Rights.
- .2 All sworn employees, and all civilians in selected units, will be subject to random drug testing as outlined in section 69.5.
- .3 If any personnel refuse to submit to the required test or follow the required procedures, it shall be considered a violation of a direct order and disciplinary procedures may be instituted for violating said direct order.
- .4 Whenever there is reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen shall be obtained immediately, under direct observation of the testing personnel. The collection personnel will report the alleged alteration to HPD.

69.5 SELECTION OF SWORN EMPLOYEES FOR RANDOM DRUG TESTING

- .1 The Human Resources Department will utilize a random number generator to select a number from 12 through 24. This will be the number of tests to be conducted throughout the year, and will be known only to HR. For the year this policy goes into effect, each of those numbers will be reduced by the same number of months already passed, including the month it becomes effective (e.g. if the policy takes effect in March, the number range will be 9 through 18).
- .2 Based on the number of tests selected for the year, HR will use the same random number generator to select that number dates throughout the year. The generator will be set to select numbers from 1 through 365, each representing one day of the year. These will be the test dates, and will only be known to HR.
- .3 HR will use the City's Munis system to select 1 % of sworn employees (minimally one sworn employee), excluding those assigned to the Narcotics Task Force, for testing each date. After a sworn member is selected for a test date, his/her name will return to the pool and he/she will again become eligible for selection.
- .4 One week before each test date, Human Resources will provide the Support Services Administrator the date and the name of a randomly selected sworn member. The selection will be drawn from a pool of all sworn personnel. The Support Services Administrator will ensure the selected member is ordered to report for drug testing on the selected date. If the member is on leave that day, the member will be ordered to report on his/her next work day. The order to report will only be issued on the date of the testing.

69.6 SELECTION OF EMPLOYEES IN SPECIFIED UNITS FOR RANDOM DRUG TESTING

- .1 Employees in the following units/functions will be part of a separate pool for random drug testing:
 - Western Maryland Regional Crime Lab
 - Washington County Narcotics Task Force
 - Evidence Custody and Control
- .2 The same procedure as described for sworn employees will be followed, except that the minimum number of test dates will be from 2 through 6.

69.7 COLLECTION AND ANALYSIS PROCEDURES

- .1 The collection, analysis, and determination of results will be conducted according to Department of Transportation procedures in effect at that time of the drug test. (*See Sample Instructions at the end of this chapter*). The descriptions in this chapter are only intended to summarize those procedures, and where DOT procedures conflict with any provision of this chapter, DOT procedures shall apply.
- .2 DOT collection procedures provide for a split urine specimen where the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).
- .3 Specimens will be collected at a facility with staff trained in DOT collection procedures. Normally, this will consist of the following facilities:
 - Health@Work (first choice during their business hours).
 - Meritus Medical Center Emergency Department (second choice when Health@Work is closed; employee is to bring authorization form found at the end of this chapter).
- .4 Specimens will be sent for analyses to NIDA certified labs only.
- .5 The drug panel will be used for employees as is required for police applicants. If the illegal use of a specific drug not included in those requirements is suspected, the screen will include that drug also.

69.8 TEST RESULTS.

- .1 All results, positive or negative, are reported to a qualified Medical Review Officer (MRO) by the testing laboratory. The MRO reports the results to the Chief of Police or his/her designee. Requirements for MRO's are described in the DOT collection procedures.
- .2 If the MRO receives a positive result from the testing laboratory, the MRO will contact the employee to discuss the test results and to provide the employee an opportunity to submit information demonstrating authorized use of the drug(s) in question.
- .3 Should the department receive a positive test result report from the MRO, the employee will be notified prior to his next scheduled work shift in writing by the Chief of Police or his designee as to the positive test results. The employee will be suspended with pay following the guidelines outlined in Chapter 34 of the HPD Rules and Regulation Manual, or in accordance with any applicable rules as set forth in the City of Hagerstown Human Resources Manual.
- .4 The Internal Affairs Administrator shall begin an investigation into the matter in order to determine whether the employee has violated the Department's or City's rules and regulations.
- .5 In the event of a positive test result the employee may request testing of the split specimen. The employee must make the request, either verbally or in writing, to the MRO within 72 hours of being notified by the MRO of a verified positive drug test (and/or refusal to test because of adulteration or substitution). The MRO will notify the initial testing laboratory who will send the split sample to another NIDA certified laboratory for testing.
- .6 Because the split specimen exists to provide the employee with "due process" in the event that he or she desires to challenge the primary specimen's results, only the employee can request that the split specimen be tested. An employer or a union (or other labor representative) may not act on the behalf of the employee in requesting that the split specimen be tested.

Sample Instructions for Collection of Urine for Drug Testing

WHAT TO EXPECT

The collection of your urine will be conducted under procedures mandated by the Department of Transportation. The DOT regulations provide for your individual privacy unless there is reason to believe that you may have altered or substituted the urine specimen.

- You will be required to present photo identification to the collector. If you do not have a photo ID, an employer representative will be asked to identify you.
- You may ask the collector to show his/her identification.
- Remove any unnecessary outer garments, e.g., coat jacket. Empty pockets. All personal belongings must remain with the outer garment(s).
- The collector will have you wash and dry your hands. You will not be able to use soap at this time.
- You will be provided a sealed specimen bottle or collection container. The collector will unseal it in your presence.
- You will then provide the specimen in the privacy of a stall that allows for individual privacy. The toilet water will have bluing in it.
- You should observe the entire collection procedure. The collector will check the specimen, volume, temperature and color. The collector will then pour the specimen into bottle (a) and bottle (b). The collector will then seal the bottles.
- You will then be asked to initial the labels on each bottle to certify that it is your specimen.
- You will then be asked to complete copy 2 step 5 of the chain of custody form. If you are doing a dot collection. You should not list any medications or prescriptions on any other copy of the form except the copy you are given for your records.

The results of the laboratory analysis will be forwarded to the medical review officer. **If the results are negative**, the medical review officer will forward the results to the employer. **If the results are positive**, the medical review officer will contact you at the phone number you provided to give you the opportunity to discuss the test results and to submit information demonstrating authorized use of the drug(s) in question.

AUTHORIZATION FOR DRUG AND ALCOHOL TESTING
DONE AT

~~ MERITUS MEDICAL CENTER ~~

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

DATE: _____ TIME: _____

EMPLOYER: HAGERSTOWN POLICE DEPARTMENT

EMPLOYEE'S NAME: _____

Post-Accident _____ Random _____

Reasonable Suspicion/Just Cause _____

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NON -DOT PANEL 10 DRUG SCREEN _____

(PLEASE USE HEALTH@WORK ATN NON DOT FORMS)

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USE THE FOLLOWING LOCATIONS:

Take this to the MERITUS MEDICAL CENTER ER.

*** PLEASE BILL L952 - HEALTH@WORK ***