

Randolph Police Department Drug and Alcohol Policy

The Town and the Union recognize that Police Officer is a safety sensitive position, and that the Randolph Police Department must remain drug and alcohol free to accomplish its vital public safety mission. A police officer impaired by drugs or alcohol creates an unreasonable danger to his or her fellow officers, and to the public. In addition, drug and alcohol abuse impairs the health, well-being and productivity of the police department and its members. Consequently, the abuse of illegal drugs or alcohol will not be tolerated.

A. Prohibited Conduct.

1. The following conduct shall constitute an offense under this Policy.
 - a. The possession, use, transfer, manufacture or sale of any illegal drug.
 - b. The possession or use of alcohol during working hours, or while using Town vehicles or facilities.
 - c. Driving under the influence of alcohol or drugs.
 - d. Reporting to work with the metabolite of an illegal substance in the body, with a blood alcohol level at or above 0.02, or impaired by drugs or alcohol.
 - e. The commission of any drug or alcohol related offense.
 - f. Members of the bargaining unit shall not engage in the consumption or use of marijuana, THC or any other cannabinoid products. All officers are prohibited from using marijuana, THC or cannabis on or off duty, including for medicinal purposes.
2. Any employee who is arrested for or charged with a drug-related offense or driving while intoxicated must notify the Chief immediately, irrespective of whether the conduct occurred during working time.
3. For purposes of this Section, possession shall refer to unauthorized possession.

B. Prohibited Drugs.

For the purposes of this Article, prohibited drugs include all substances included in Schedules I through III of the Controlled Substances Act (21 U.S.C. §812). Included among those drugs are marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines and methamphetamines. Possession of a controlled substance without a doctor's prescription or other legal authorization violates this Policy and may be illegal.

An employee who is taking a controlled substance under a valid prescription should check with his or her physician to ensure that the medication will not interfere with the employee's ability to work safely and efficiently or otherwise disqualify him/her from being a Police Officer. Any questions or doubts should be raised with the Town Manager and/or the Chief.

Employees are required to take whatever steps are necessary to allow the Chief to communicate with the physician prescribing the medications. Abuse of validly obtained prescription drugs will be treated in the same manner as abuse of alcohol. Abuse of prescription drugs in all other cases will be treated as abuse of illegal drugs.

C. Drug and Alcohol Testing.

1. New hires.

Each new employee will submit to a drug test as a condition of hire and/or shortly after his or her date of hire.

2. Random Testing.

Employees may be subject to unannounced drug and alcohol testing during their employment with the Town with or without reasonable suspicion at such times as may be determined by Chief. The selection for random testing will be done on a non-discriminatory basis where each employee has an equal chance of being selected. The Town agrees to discuss the selection process with the Union prior to engaging in random drug testing.

3. Absence from Duty.

An employee who is absent from duty for more than sixty (60) continuous calendar days on sick leave, injured-on-duty leave, disciplinary suspension, or leave of absence may be tested once within the first seven (7) calendar days after his or her return to active duty.

4. Post-Incident.

An employee involved in an incident on the job which involves serious property damage, is life threatening, or involves serious bodily injury, or unsafe practice or violation of a safety rule, standard, or policy, may be directed by the Chief to submit to a drug and/or alcohol test.

5. Reasonable Suspicion.

An employee may be tested where the facts are sufficient to constitute reasonable suspicion of unauthorized use of a controlled substance and/or alcohol. Such determination shall be made by the Chief or the Chief's designee. Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonable person to suspect that an employee is using or is under the influence of drugs or alcohol so that the employee's ability to perform his/her duties is impaired. Reasonable suspicion shall be based upon information of objective facts obtained by the department and the rational inferences which may be drawn from those facts. The credibility and reliability of information obtained shall be weighed in determining the presence or absence of reasonable suspicion.

6. Follow-up Testing.

An employee who has violated this Policy may be required to submit to follow-up testing as a condition of his or her continued employment. A program of follow-up testing will be set forth in writing and will continue for a set period of time. During such follow-up testing period, the employee may be subject to random or unannounced testing for drugs and/or alcohol.

7. Failure to Submit to Testing.

A failure or refusal to submit to testing as outlined above, or refusal to cooperate with the department or testing laboratory, shall be treated as Prohibited Conduct under Section A of this Policy and, in addition, shall be considered insubordination warranting discipline under a just cause standard pursuant to the Agreement.

D. Drug and Alcohol Testing Procedures.

1. Collection.

An employee subject to drug or alcohol testing will be directed by the Chief or Chief's designee to report at a specified time to the testing site. In the case of random, post-incident, reasonable suspicion or follow-up testing, the employee to be drug and/or alcohol tested will be notified of the test requirement just prior to obtaining the urine sample or breath alcohol test. Advance notification of the testing will not be given, in any circumstances, to ensure the

integrity of the test/sample.

The employee will be accompanied by the Chief or a designated officer assigned to bring the employee to the testing facility. Collection of a urine sample will be supervised by qualified medical personnel, in accordance with the procedures established by the testing laboratory. Employees reporting for a drug test should be prepared to produce picture identification. If an employee has taken any prescription drugs, or has any other reason to believe that the test will result in a false positive, the employee must inform the testing laboratory before taking the test.

2. Processing.

The testing officer or testing laboratory will maintain the sterility of the sample (split) and the integrity of the sampling process by executing the chain-of-custody process for the sample given and all related documentation. Drug testing will be performed in accordance with federal government standards, under the supervision of qualified medical and laboratory personnel employed by the testing laboratory

If the results of the initial test are negative, the testing laboratory will advise the medical review officer ("MRO") that the drug test for the employee was negative. No additional tests on the specimen will be done.

If the results of the initial test are positive, a split sample shall be preserved for independent analysis. In the case of an initial positive test result, the employee may request the MRO to send the second (or split) specimen to a different certified lab for testing. If an employee wants the split specimen tested, the employee must advise the MRO within 72 hours of being notified of the positive test result of the primary specimen. The employee is responsible for the cost of analysis of the split specimen.

An alcohol test shall be deemed positive only if it is registered at or above a level of .02.

3. Reporting of Results.

The results of a drug or alcohol test will be reported verbally and in writing to the Town Manager and the Chief or the person he/she designates to receive those results.

Positive Results. Before a positive test is reported to the Town by the testing laboratory, the MRO will consider whether the positive test result was caused by legal drug use (pursuant to a validly obtained prescription). The MRO shall require that the employee produce any necessary written proof: and the employee shall authorize the MRO to obtain further information from his or her health care providers. If the MRO determines that the employee's explanation is medically corroborated by the test results (e.g., the substance identified in the test is contained in the prescribed drug) then the test will be reported to the Town as "negative". Note that medical marijuana is not a valid explanation for a positive drug test result. The laboratory will not provide to the Town any information it learns concerning prescription drugs (excluding medical marijuana) that the employee is taking pursuant to a validly obtained prescription. If the MRO is unable to obtain the employee's cooperation in order to make this determination, the positive result will be reported to the employer.

4. The Testing Laboratory.

The testing laboratory shall be selected by the Town from among laboratories that are certified by the State or Federal Government.

5. Prescribed Drugs.

An employee utilizing any prescribed medications or controlled substances that may affect their ability to safely perform assigned duties must immediately report this treatment to the Chief. It shall be the employee's responsibility to determine from their healthcare provider whether a prescribed treatment may impair job performance and/or disqualify them from serving as a Police Officer. Failure to report the use of said prescribed medication or a controlled substance may subject an employee to disciplinary action, up to and including dismissal. In the event there is a question regarding an employee's ability to safely perform assigned duties, clearance from the employee's healthcare provider will be required.

E. Enforcement.

1. Any employee who violates this Policy will be subject to discipline up to and including discharge. In such a case, the employee's continued employment may be subject to certain conditions, which may include participation in a rehabilitation program and/or follow-up drug and alcohol testing.
2. In the case of the first offense involving the abuse of alcohol or validly obtained prescription drugs, the Town, at its discretion, may take disciplinary action exclusive of discharge. To qualify for this safe harbor for the first offense, the employee shall be required to meet the following conditions:
 - a. The employee will be screened and evaluated for substance abuse by a substance abuse professional ("SAP") designated by the Town.
 - b. The SAP will provide the results of the screening and evaluation to the employee and to the Town, along with the SAP's recommendations for treatment. The employee shall take any necessary steps to release the SAP to communicate and share information with the Town.
 - c. The recommended treatment plan will be set forth in writing and shall include a set period of follow up testing, based upon the recommendation of the SAP. The employee shall be required to abide by all aspects of the treatment plan.
 - d. The employee shall bear the responsibility for the cost of the evaluation and any treatment recommended, to the extent it is not covered by health insurance. Any leave required for the purpose of attending treatment, or due to the employee's incapacity to perform the essential functions of the job, shall be unpaid. However, unpaid leave may be covered by accrued paid leave to the extent permitted by the Town's Family and Medical Leave Policy, except where the leave runs concurrently with a disciplinary suspension.
 - e. Failure to abide by the conditions herein, or the treatment plan, or any subsequent violation of this Policy, shall subject the employee to discipline up to and including discharge separate and apart from any discipline imposed by the Town as a result of the first positive test.
3. Nothing in this Article shall preclude the Department from disciplining or discharging an

employee under a just cause standard for any misconduct engaged in by them collateral to the use of an illegal drug or the abuse of alcohol (e.g., assault and battery), provided that the fact of a positive screening result for illegal drugs or alcohol may not be used in any way in proving such misconduct.

F. Employee Assistance Program

Any Town employee may receive assistance with treatment of a drug or alcohol dependency problem through the employee assistance program ("EAP"). Employees may voluntarily request such help or the Town may require participation in the EAP as a condition of continued employment. An employee's participation in the EAP is treated confidentially. Participation in any program or treatment through the EAP will not be disclosed to the Town without the participant's written permission. In cases where participation in the EAP is required as a condition of employment, the employee will be required to permit the Town to be informed only whether the employee is participating as required (i.e., keeping scheduled appointments).

G. Peace Officer Standards and Training (POST)

A violation of this policy will be reported to POST to the extent such reporting is required by POST.