



# Ocean City Police Department General Order

<b>Subject:</b> Employee Drug Testing		<b>No.</b> G.O. 200 F-1	
<b>Rescinds:</b> 200 H-1 (08/01/1994)	<b>Amends:</b>	<b>Related Directive:</b> G.O. 500 A-1 & G.O. 500 A-4	
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<b>References:</b> - I.A.C.P. Models for Management - Maryland Law – Heath General Title 17 Section 214 - C.O.M.A.R. Title 12 Subtitle 04, Chapter 01, Section .18 and .19			

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**I. Purpose:**

The law enforcement profession has several uniquely compelling interests that justify the use of employee drug testing. The public has a right to expect that those who are sworn to protect them are at all times both physically and mentally prepared to assume those duties. There is sufficient evidence to conclude that the use of controlled substances and other forms of drug abuse will seriously impair an employee's physical and mental health, and, thus, job performance. Unfortunately, there is also evidence that some police officers, like other human beings, can fall prey to these serious human temptations. Where law enforcement employees participate in illegal drug use and drug activity, the integrity of the law enforcement profession and public confidence in that integrity are destroyed. This confidence is further eroded by the potential further corruption created by drug use.

To ensure the integrity of the Agency and to preserve public trust and confidence in a fit and drug free law enforcement profession, the Department has implemented a drug testing program to detect any prohibited drug use by employees. The purpose of this policy is to provide all sworn and civilian employees with notice of the provisions of the Department drug testing program.

**II. Definitions:**

- A. **Sworn Employees:** Those employees who have been formally vested with full law enforcement powers and authority.
- B. **Non-sworn Employees:** Those employees who may come into contact with handling of drugs according to Agency guidelines and procedures.
- C. **Supervisor:** Those employees assigned to a position having day-to-day responsibility for supervising subordinates, or who are responsible for commanding a work element.
- D. **Drug Test:** The compulsory production and submission of urine or any other acceptable substance by an employee in accordance with state law, departmental procedures, and city policy, for chemical analysis to detect prohibited drug usage.
- E. **Reasonable Suspicion:** Specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead the reasonable person to suspect that the individual is or has been using drugs while on or off duty.
- F. **Probationary Employee:** For the purpose of this policy, a probationary employee shall be considered to be any person who is conditionally employed with the Agency/Town.
- G. **Seasonal Police Officer:** Those employees who are seasonally employed as police officers by the Agency.

**III. Policy:**

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, which shall be administered in accordance with this Order.

**IV. Prohibitions:**

The following rules shall apply to all applicants, probationary, civilian, sworn and seasonal employees while on and off duty:

- A. No employee shall illegally possess any controlled substance.
- B. No employee shall ingest any controlled or other dangerous substance, unless as prescribed by a licensed medical practitioner.
  - 1. Employees shall immediately notify their supervisor when required to use prescription medicine that has the potential to impair job performance. The employee shall advise the supervisor of the known side effects of such medication, as well as the prescribed period of use.
  - 2. Supervisors shall document this information through the use of an internal memorandum and forward the documentation to the Police Department Human Resources Coordinator. This documentation shall be maintained in the employee's medical file.
  - 3. The employee may be temporarily reassigned to other duties where appropriate.
- C. No employee shall ingest any prescribed medication in amounts beyond the recommended dosage.
- D. Any employee who unintentionally ingests, or is made to ingest, a controlled substance shall immediately report the incident to his/her supervisor so that appropriate medical steps may be taken to ensure the employee's health and safety.
- E. Any employee having reasonable suspicion to believe that another employee is illegally using, or is in unlawful possession of, any controlled substance shall immediately report the facts and circumstances to his/her supervisor.

**V. Rules and Regulations**

- A. Applicant Drug Testing
  - 1. Applicants for employment shall be tested in accordance with Maryland Police Training Commission's regulations on current/prior drug usage as outlined in Maryland Code of Regulations Title 12 Subtitle 04 Chapter 01 Sections .18 & .19.
  - 2. A positive test or refusal to submit to the test, shall result in immediate

rejection of the candidate.

**B. Probationary Employee and Seasonal Police Officer Drug Testing**

1. Probationary employees shall be required as a condition of employment to participate in any unannounced mass/mandatory drug test scheduled during the probationary period. The frequency and timing of such tests shall be determined by the Chief, or his/her designee.
2. All seasonal police officers are subject to drug testing during their employment, and shall undergo a random drug test during their tenure with the Department.

**C. Employee Drug Testing**

Sworn employees, or non-sworn employees who may come into contact with drugs, will be required to take drug tests as a condition of continued employment in order to ascertain prohibited drug use in the following circumstances:

1. A commander may order an employee to take a drug test upon documented reasonable suspicion that the employee is or has been using drugs. A summary of the facts supporting the order shall be made available to the employee prior to the actual test.
2. In the case of a civilian complainant, reasonable efforts shall be made to fully identify the complainant and document the complaint.
3. A drug test may be administered as part of any regular physical examination required by this department.
4. All sworn officers, or previously designated non-sworn employees, shall be uniformly tested during any announced, mass/mandatory testing required by the department. The Chief of Police or his/her designee shall determine the frequency and timing of such tests.
5. A drug test may be considered as a condition of appointment to a specialized units within the department, and shall be administered as part of the required physical examination of that position.

**E. Facilities**

All lockers, desks, cars, other articles of Departmental property and any containers therein are subject to inspection without notice.

**VI. Procedure: Drug Testing**

- A. All testing shall be conducted in accordance with Maryland Law, Health-General Title 17 Section 214 and The Maryland Police Training Commission Standards as outlined in, Maryland Code of Regulations (COMAR) Title 12 Subtitle 04 Chapter 01 Section .18 & .19

- B. Sworn employees shall not report to the testing facility with weapons of any description.
- C. Employees reporting for a required drug test must have their drivers' license and Ocean City Police Identification Card to provide to the health official administering the test
- E. Whenever there is a reason to suspect that the employee may have altered or substituted the specimen to be provided, the testing facility personnel shall notify a lieutenant or above of the problem.

**VII. Reporting: Drug Testing**

- A. Employees having negative drug test results shall receive a memorandum stating that no such drugs were found. If the employee requests such, a copy of the letter will be placed in the employee's personnel file.
- B. Any employee who breaches the confidentiality of testing information shall be subject to disciplinary action/punitive measures.
- C. All records pertaining to department required drug tests shall remain confidential, and shall not be provided to other employers or agencies without the written permission of the person whose records are sought.
- D. Drug test results and records shall be stored and retained in compliance with State Law, or for an indefinite period in a secured area where there is no applicable State Law.
- E. The Office of Professional Standards shall assure the test results are maintained in accordance with this Policy.