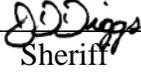


<b>YORK-POQUOSON SHERIFF'S OFFICE</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Alcohol/ Drug Testing</b>	<b>NUMBER: GO 2-35</b>
<b>EFFECTIVE DATE: May 15, 2019</b>	<b>REVIEW DATE: February 21, 2019</b>
<b>AMENDS/SUPERSEDES: GO 2-35, February 1, 2003</b>	<b>APPROVED:</b> _____  Sheriff
<b>VLEPSC:</b>	

1 **INDEX WORDS**

- 2
- 3 Applicants
- 4 Breath Testing Device
- 5 Blood Test
- 6 Drug Screening Required
- 7 Field Breath Test
- 8 Internal affairs investigation
- 9 Narcotics Task Force Members
- 10 Pre-employment Investigations
- 11 Urinalyses

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13 **POLICY**

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15 It is the policy of the York–Poquoson Sheriff's Office to maintain a safe, healthy and productive

16 work environment for all employees. To that end, the Sheriff's Office will act to eliminate any

17 substance abuse whether it be alcohol, illegal drugs, prescription drugs, or abuse of any

18 substance, which could impair an employee's ability to safely and effectively perform their

19 particular job, and which increases the potential for accidents, absenteeism, substandard

20 performance, poor employee morale or tends to undermine the public's confidence in the

21 Sheriff's Office's work force.

22

23 **PURPOSE**

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25 The purpose of this general order is to establish the alcohol and drug screening procedures for

26 deputy sheriffs of the York–Poquoson Sheriff's Office.

27

28 **PROCEDURES**

- 29
- 30 • Applicant Physical Examinations
- 31 ○ A drug screening will be required of all applicants during their pre-employment
- 32 physical examination.
- 33 ▪ Specifically, a urine drug screening examination shall be performed.
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- Self-Admission of Alcohol or a Prescription Drug Dependency
    - The Sheriff is concerned about the wellbeing of all Sheriff's Office Employees. To that end, barring admissions arising out of allegations of misconduct, employees who self-admit dependency on alcohol or prescription drugs shall be handled on an individual basis with confidentiality and with the ultimate goal of the employee returning to full duty.
  - No Misconduct
    - Employees who self-admit to alcohol or a prescription drug dependency may be afforded the following:
      - Referral to the York County Employee Assistance Program or other drug and alcohol abuse assistance program,
      - Temporary reassignment if available and appropriate.
    - Employees who self-admit to alcohol or a prescription drug dependency may be required to do the following:
      - Attend sessions through the York County Employee Assistance Program or other drug and alcohol abuse assistance program as a condition of continued employment.
      - Be temporarily reassigned to an administrative position, if available and appropriate.
      - Utilize accrued annual or sick leave for treatment or rehabilitation programs, or
      - Utilize accrued annual or sick leave, if the continued presence at the Sheriff's Office is determined to not be in the best interest of the Sheriff's Office, during treatment or rehabilitation.
      - Upon return to duty, submit to random drug or alcohol testing.
  - Admissions of Alcohol or Prescription Drug Dependency Arising from a Misconduct Allegation.
    - Employees who self-admit to an alcohol or prescription drug dependency arising from a misconduct allegation will be handled on a case by case basis.
      - The misconduct allegation investigations and adjudications shall be conducted in accordance with [RR 1-9 Complaints/Internal Affairs](#).
      - Referral to the York County Employee Assistance Program or other alcohol and drug treatment program may be made pending the outcome of any internal affairs investigations at the discretion of the Sheriff.
      - The same services and/or accommodations made for those who self-admit, not as a result of a misconduct allegation, may be made available following the administration of any disciplinary action for the misconduct, at the Sheriff's discretion.
  - Alcohol and Drug Screening Procedures
    - Alcohol/ drug screening is used to test for any substance which could impair an employee's ability to effectively and safely perform the functions of their job, including but not limited to:
      - Alcohol,

- 81           ▪ Amphetamines,
- 82           ▪ Barbiturates,
- 83           ▪ Cocaine,
- 84           ▪ Heroin,
- 85           ▪ Marijuana, and other cannabinoids,
- 86           ▪ Morphine, and its derivatives,
- 87           ▪ Methadone,
- 88           ▪ Methamphetamines,
- 89           ▪ Methaqualone,
- 90           ▪ Prescription medications,
- 91           ▪ PCP,
- 92
- 93           ○ Testing shall be in accordance with established clinical procedures.
- 94           ○ Tests for the presence of alcohol in the blood will be conducted by a supervisor
- 95           initially using an approved breath testing device.
- 96           ▪ If the employee tests positive a follow up blood test may be administered.
- 97           ▪ The use of the breathalyzer at the regional jail is not authorized for employee
- 98           alcohol testing unless the criminal allegation of DUI is involved.
- 99           ❖ A positive test shall be considered a Blood Alcohol Concentration of .02 mg/l
- 100           or higher.
- 101
- 102           ○ Tests for the presence of drugs will normally be accomplished by the use of a urine or
- 103           blood test.
- 104           ▪ After the drug analysis is completed, the sample shall be processed in accordance
- 105           with established clinical procedures.
- 106
- 107           ○ During normal working hours and after hours, a blood or urine sample will be taken
- 108           at an approved medical facility or laboratory with the ability to conduct the respective
- 109           testing in accordance with established clinical procedures.
- 110
- 111           ● Testing program
- 112           ○ All Sheriff's Office personnel may be periodically required to provide a sample of
- 113           their blood, breath, or urine for analysis.
- 114           ○ An employee's time involved in taking drug or alcohol test shall be considered time
- 115           worked.
- 116           ○ Deputies involved in the following shall be required to provide a sample of their
- 117           blood, breath, or urine for analysis:
- 118           ▪ Shooting incidents,
- 119           ▪ Traffic accidents which result in serious bodily injury or death.
- 120           ▪ Whenever reasonable suspicion exists indicating that the individual is under the
- 121           influence of alcohol or illegal drugs,
- 122           ▪ Has used a narcotic drug or controlled substance, and is displaying abnormal
- 123           behavior that could be attributed to alcohol or drug use.
- 124
- 125           ○ Deputies who are assigned to the narcotics unit or task force may be required to
- 126           submit a sample of their urine for a drug test:

- 127                   ▪ While a member of the unit, as required by the Investigations Division  
128                    Commander.  
129
- 130                   ○ Refusal by any employee to submit immediately to alcohol/drug analysis when  
131                    requested by the Sheriff, Chief Deputy, Division Commander or supervisor shall  
132                    constitute insubordination, which alone carries disciplinary action up to and including  
133                    termination.  
134
- 135                   • Sample collection
- 136                   ○ Sheriff's Office personnel who are notified to provide a sample of their breath, blood  
137                    or urine for alcohol or drug screening shall report to the medical facility or laboratory  
138                    selected to do the analysis.
- 139                   ▪ The Chief Deputy may:
- 140                    ❖ Accompany employee to the medical facility or laboratory where the sample  
141                    is to be collected;
- 142                    ❖ Designate a supervisor to accompany the employee and oversee the process,  
143                    or
- 144                    ❖ Order the employee to report to the designated medical facility or laboratory  
145                    to be tested.
- 146                    ➤ Failure to report to the designated facility constitutes disobedience to an  
147                    order which alone carries disciplinary action up to an including  
148                    termination.  
149
- 150                   ○ Upon arrival, the employee shall be taken to a collection area to provide the required  
151                    sample(s).
- 152                   ○ The escorting supervisor, if appointed, shall personally observe the sample being  
153                    given.
- 154                    ▪ Male supervisors shall oversee urine sample collection from male personnel;
- 155                    ▪ Female supervisors shall oversee urine sample collection from female personnel.  
156
- 157                   ○ If the deputy who is to provide a urine sample is unable to do so, that deputy shall  
158                    remain at the designated facility, with the escorting supervisor, if appointed, until  
159                    such time they are able to provide the sample.
- 160                    ▪ At no time shall the deputy leave the facility or the direct control or presence of  
161                    the escorting supervisor if appointed until the sample has been provided.  
162
- 163                   ○ Once collected, the escorting supervisor, if appointed, shall ensure that the collection  
164                    containers are properly labeled and sealed, and that all documentation is completed.
- 165                    ▪ A laboratory receipt or property and evidence receipt shall be obtained or  
166                    completed for the sample by the escorting supervisor, if the escorting supervisor  
167                    must take possession of the sample, to establish and maintain the chain of  
168                    custody.  
169
- 170                   • Confirmed findings
- 171                    ○ Applicants

- 172           ▪ The confirmed finding of an illicit narcotic or controlled substance from an
- 173           applicant, unless the substance has been prescribed by a doctor for that individual,
- 174           will result in the withdrawal of the conditional offer of employment.
- 175
- 176       ○ Employees
- 177           ▪ The confirmed finding of an illicit narcotic or controlled substance from any
- 178           member of the York County Sheriff's Office, unless the substance is prescribed by
- 179           a doctor for that member, will result in the immediate suspension without pay,
- 180           pending a formal internal affairs and possible criminal investigation.
- 181           ▪ The confirmed finding of a BAC reading in excess of 0.02 mgl will result in the
- 182           immediate suspension without pay, pending a formal internal affairs investigation.
- 183
- 184       • Reasonable suspicion
- 185           ○ Circumstances which constitute a basis for suspecting that an employee is under the
- 186           influence of drugs or alcohol include, but are not limited to:
- 187           ▪ Observed possession or use of drugs or alcohol.
- 188           ▪ Apparent drug or alcohol intoxication,
- 189           ▪ Observed abnormal or erratic behavior,
- 190           ▪ The presence of physical symptoms of drug or alcohol use such as:
- 191            ❖ Glassy or bloodshot eyes,
- 192            ❖ Pinpointed pupils under normal lighting conditions,
- 193            ❖ Alcohol odor on breath,
- 194            ❖ Slurred speech,
- 195            ❖ Poor coordination and/or reflexes,
- 196            ❖ Needle marks/scar tracks on arm,
- 197            ❖ Unusual perspiration or shaking,
- 198            ❖ Unusual drowsiness or sluggishness,
- 199            ❖ Other types of behavior such as:
- 200              ➤ Flagrant disregard for safety rules,
- 201              ➤ Serious misconduct,
- 202              ➤ Fighting or argumentative/abusive language,
- 203              ➤ Refusal to follow superior's instruction, and
- 204              ➤ Unauthorized absence from the job.
- 205
- 206       • Alcohol and Alcohol Testing
- 207           ○ Supervisors who suspect that an employee may be under the influence of alcohol
- 208           shall follow the procedure outlined below:
- 209           ▪ The supervisor shall inform the employee:
- 210              ❖ Of their suspicion that the employee is under the influence of alcohol, and
- 211              ❖ That failure to take or cooperate with the testing procedure shall be considered
- 212              a positive result and disobedience to an order which is cause for disciplinary
- 213              action.
- 214
- 215           ▪ The supervisor shall administer a field breath test to the suspected employee.
- 216              ❖ The field breath test device shall be a Sheriff's Office approved device which
- 217              has been calibrated.

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- In the event the suspected employee passes the field breath test:
  - ❖ The supervisor shall immediately notify the respective Division Commander of the circumstances surrounding the reason for suspecting the employee was under the influence of alcohol.
  - ❖ The supervisor shall complete a memo documenting the observations establishing reasonable suspicion for administering the test as well as the test results and forward the memo to the Division Commander.
    - The Division Commander shall, as soon as practicable, notify the Chief Deputy and as soon as possible forward the memo from the supervisor to the same.
  
- In the event the employee fails or refuses the field breath test:
  - ❖ The refusing employee shall immediately be removed from duty.
  - ❖ The supervisor shall immediately notify the respective Division Commander.
  - ❖ The supervisor shall complete a memo documenting the observations establishing reasonable suspicion for administering the test as well as the test results and forward the memo to the Division Commander.
    - The Division Commander shall immediately notify the Chief Deputy.
      - ✓ The Chief Deputy shall:
        - ✱ Determine the duty status of the employee, and
        - ✱ Initiate an internal affairs investigation.
  
- Drugs and Drug Testing
  - Prescription Drugs
    - Employees who are prescribed prescription drugs shall report the drug use to the Chief Deputy, through their chain of command if the drug prescribed could cause any of the following side effects:
      - ❖ Confusion,
      - ❖ Dizziness,
      - ❖ Depression,
      - ❖ Drowsiness,
      - ❖ Lack of coordination,
      - ❖ Loss of judgement, or
      - ❖ Any side effect which may hinder their performance of assigned duties.
  
    - The Chief Deputy may require the employee to complete a medical release to discuss the underlying issues and medication effects with the prescribing physician.
    - The Chief Deputy shall determine the duty status of the effected employee which may include:
      - ❖ Return to full duty,
      - ❖ Assignment to administrative duties,
      - ❖ Placement on administrative leave,
      - ❖ Submission to a fitness for duty examination by the Sheriff's Office designated physician or phycologist.

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- Supervisors who are aware of an employee’s prescription drug use and observe any of the above listed side effects, which hinders the employee’s ability to perform their job function, may relieve the employee from duty and place them on temporary administrative leave.
- Supervisors relieving an employee under these circumstances shall:
  - ❖ Immediately notify their respective Division Commander of the action.
  - ❖ Prepare a written memo documenting their observations and actions taken and forward to the respective Division Commander.
    - The Division Commander shall immediately notify the Chief Deputy and forward the memo to the same.
      - ✓ The Chief Deputy may require the employee to complete a medical release to discuss the issue with the prescribing physician or psychologist.
      - ✓ The Chief Deputy shall determine the duty status of the effected employee which may include:
        - \* Return to full duty,
        - \* Assignment to administrative duties,
        - \* Placement on administrative leave,
        - \* Submission to a fitness for duty examination by the Sheriff’s Office physician.
- Observed Use of Illegal Drugs and other Illicit Substances
  - Supervisors who have observed an employee using illegal drugs or other illicit substances shall follow the procedure outlined below:
    - The supervisor shall immediately relieve the employee from duty, and
    - Collect any evidence of the offense,
    - Immediately notify their respective Division Commander of the incident and action taken,
    - Complete an incident report documenting the illegal use.
      - ❖ The Division Commander shall immediately notify the Chief Deputy of the incident and the action taken.
      - ❖ Forward any documentation of the incident to the Chief Deputy as soon as possible.
        - ✓ The Chief Deputy shall:
          - \* Notify the Sheriff,
          - \* Initiate an internal affairs investigation,
          - \* Direct the initiation of a criminal investigation, if appropriate,
          - \* Determine the offending employee’s duty status.
- Reasonable Suspicion of Illegal Drug and other Illicit Substance Use
  - Supervisors who have reasonable suspicion an employee is using illegal drugs or other illicit substances shall follow the procedure outlined below:
    - Immediately relieve the employee from duty,
    - Immediately notify their respective Division Commander of the circumstances of the reasonable suspicion, and

- 310           ▪ Complete a memo documenting in detail the reasonable suspicion of the illegal
- 311           use and forward to the Chief Deputy through the Division Commander.
- 312           ❖ The Division Commander shall immediately notify the Chief Deputy of the
- 313           details of the suspected illegal use.
- 314           ✓ The Chief Deputy shall:
  - 315            \* Notify the Sheriff,
  - 316            \* Determine if drug testing is appropriate, and
  - 317            \* Take or direct that the offending employee be taken to an appropriate
  - 318            facility for a blood test, if appropriate,
  - 319            \* Designate a supervisor to accompany the offending employee, if
  - 320            appropriate,
  - 321            \* Notify the Sheriff,
  - 322            \* Initiate an internal affairs investigation,
  - 323            \* Direct the initiation of a criminal investigation, if appropriate,
  - 324            \* Determine the offending employee's duty status.