

Substance Abuse

SAN FRANCISCO SHERIFF'S DEPARTMENT



POLICY AND PROCEDURE

Procedure Number: C-03

Date Issued: October 29, 1990

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Approved by:

W a b g N i < 9 . L
C h a p t e r :
Rules of Conduct

SUBJECT: Substance Abuse

POLICY:

The San Francisco Sheriffs Department recognizes alcohol and other drug dependency as a serious illness that may lead to major behavioral and job performance problems. The misuse/abuse of alcohol and other drugs is also recognized as a potential health, safety and security problem. The abuse of alcohol, prescription drugs and the use of controlled substances is reflected in practically every occupation. The law enforcement profession is no exception. The SFSD recognizes it has a duty and responsibility to provide all its employees, both sworn and non-sworn, with a healthy and safe work environment. Further the nature of the law enforcement profession creates a demand for the highest standards of performance, professionalism and personal conduct from all SFSD personnel.

PURPOSE:.

To promote a drug-free, healthy, safe and secure work environment. To establish standards for an employee's safe and effective performance of duties when conscientious efforts to seek help in combating drug/alcohol abuse are exercised. To provide guidelines for the detection and deterrence of alcohol and drug abuse and eliminate any substance abuse which increases the potential for accidents, substandard performance or damage to the Department's reputation. Violations of this policy may result in discipline up to and including termination.

SCOPE:

This policy applies to all employees of the San Francisco Sheriffs Department. This policy applies to alcohol and to all controlled substances, drugs or medications, legal or illegal which could impair an employee's ability to effectively and safely perform assigned job duties.

DEFINITIONS:

Controlled Substance - As defined under the California Uniform Controlled Substance Act of the Health and Safety Code of the State of California, Section 11007 which states: "Controlled substance" unless otherwise specified, means a drug, substance or immediate precursor which is listed in any schedule in Section 11053 through 11058 inclusive.

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Impaired Job Performance - Diminished ability, in thought or action, to properly perform required work in a safe and effective manner.

Reasonable Suspicion - That degree of perception that would lead an ordinary, prudent and cautious person to believe, based on observations that the employee has ingested a controlled substance or is under the influence of alcohol. (The presence of the odor of alcohol, without other evidence of impairment, does not constitute reasonable suspicion.) For purposes of policy, the facts constituting "reasonable suspicion" must be articulable and must be "individualized", which means they are only relevant to a specific employee.

PROCEDURE:

L Regulations

- A. Employees shall not possess, or use any controlled substance whether on or off duty unless the substance has been legally prescribed to the employee by a person licensed to do so. Employees shall not sell or distribute any controlled substance on or off duty.**
- B. The unlawful manufacture, distribution, possession or use of alcohol while on duty or while on the SFSD premises is strictly prohibited.**
- C. Reporting to work under the influence of alcohol, illegal drugs, prescribed or over the counter drugs in excess of prescribed dosages, or becoming intoxicated while on duty or on the SFSD premises is strictly prohibited.**
- D. Any employee who is arrested by any jurisdiction for any crime, including drug or alcohol related offenses, must report this arrest and any subsequent court action within 24 hours of each incident or on the next business day to the Undersheriff.**
- E. Violation of this policy shall result in disciplinary consequences, which may include termination and possible criminal prosecution in accordance with applicable law.**
- F. The SFSD encourages active rehabilitation of employees with alcohol and drug problems. Accordingly, the Sheriff may mitigate disciplinary action in those cases where the employee initiates rehabilitation.**
 - 1. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance either from the Employee Assistance Program or other avenues.**
- G. While the SFSD will be supportive of those who seek help voluntarily, the Department will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help or continue substance abuse while enrolled in counseling or rehabilitation programs.**

EL Medications

- A. The proper use of medically prescribed drugs and authorized medication is not per se a violation of this policy, however, each employee shall report the use of medically authorized drugs which are likely to impair job performance to his/her immediate**

supervisor before beginning work and provide proper written medical authorization to work from a physician.

1. This authorization must be submitted immediately upon return to work after the physician has prescribed the drug.
 - a. Once informed, the employee's immediate supervisor will contact the appropriate medical personnel to determine whether the employee is fit to perform other duties. If not, the employee shall be placed on sick leave or disability leave if the injury was a result of employment.
2. It is the employee's responsibility to determine from the physician, pharmacist or other health care professional whether or not use of the prescribed drug would impair his/her ability to safely and effectively perform assigned job duties.
3. Any failure to report the use of such drugs or other substances, or failure to provide proper evidence of medical authorization, may result in disciplinary action up to and including termination.
4. Employees shall not possess prescription drugs for their own use that have been prescribed for others.

III. Employee Responsibilities

- A. Employees shall not report to work or be subject to duty while his/her ability to perform job duties is impaired due to alcohol or drug use.
 - B. Employees shall not possess, sell or distribute controlled substances.
 - C. Employees shall not possess or use alcohol or impairing drugs during working hours or while subject to duty or at any time while on SFSD premises.
 - D. Employees shall not directly or through a third party sell or provide controlled substances to any person while on or off duty.
 - E. Employees shall not directly or through a third party sell or provide alcohol to any person while on duty or at any time while on SFSD premises.
 - F. Employees shall notify their immediate supervisor, before beginning work, when taking any authorized medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties.
 - G. Employees shall cooperate with the administration of the urine test or face consequences of a charge of insubordination which will lead to discipline and may lead to termination.
- IL** Any employee who has specifically observed that another employee is illegally using drugs or narcotics, or is under the influence of alcohol, shall report such fact to his/her immediate supervisor or next higher ranking person in his/her chain of command, without delay. No retaliation will result from such report.

IV. Enforcement

- A. Managers and supervisors at all levels in the Department are responsible for the reasonable and consistent enforcement of this policy.**
- B. Managers and supervisors at all levels in the Department have a duty to confront employees suspected of substance abuse and an obligation to provide a substance abuse free workplace for their subordinates.**
- C. When a manager or supervisor has "reasonable suspicion" that an employee is intoxicated or under the influence of drugs and/or alcohol while on duty or on SFSD premises, he/she may request authorization from the Sheriff or Undersheriff to test an employee for alcohol/drug usage.**
 - 1. Any manager or supervisor requesting authorization to test an employee must immediately prepare written, confidential documentation of the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.**
 - a. Written documentation supporting requests for employee testing as well as the result of such tests will be contained in a separate confidential file that will be kept under the control of the Undersheriff.**
 - b. The reports or test results shall be disclosed to the tested employee upon request.**
 - 2. A positive test from a drug and/or alcohol analysis may result in disciplinary action up to and including termination.**
 - 3. The employee shall be informed that any refusal to cooperate with the administration of the drug test will be considered insubordination and may result in discipline up to and including termination. Such non-cooperative actions include any alteration of consent forms and any refusal to consent to, or cooperate fully with the collection of urine specimens.**
 - 4. Employees who have been disciplined for drug or alcohol violations shall be subject to random testing for up to two years, as a condition of continued employment with the Department.**

V. Employee Assistance Program

A. Self Initiated Participation

- 1 Any employee who voluntarily requests assistance in dealing with a substance abuse problem, prior to any direct disciplinary action or criminal action, may do so through the Employee's Assistance Program with complete assurance of confidentiality and without any adverse impact on his/her employment with the Department.**

B. Participation Through Referral

1. If the Department participates in the referral of an employee to a rehabilitation program, the Department shall monitor the progress of the individual in the rehabilitation/treatment program. Such monitoring shall include random drug/alcohol testing during the rehabilitation/treatment program and for up to two years after completion of such program.

VI. Rehabilitation

- A. The discontinuation of any involvement with controlled substances, alcohol or the abuse of prescription drugs, is an essential requisite for participation in any treatment program.

- B. Employees, who so request, may be granted leave of absence or sick leave while participating in a rehabilitation treatment program. If granted *such* leave, the employee shall agree to undertake and to successfully complete a course of treatment as agreed upon with the Sheriff

1. Employees may be required to successfully complete a rehabilitation/treatment program as an element of discipline.

- C. After successful completion of the rehabilitation or treatment program, the employee if on sick leave or leave of absence, shall be returned to active service at the discretion of the Undersheriff or Sheriff. The return to service may be conditioned on the completion of a medical examination, including a drug/alcohol test.
- D. Random drug and alcohol testing shall be required for those employees who have been referred to a rehabilitation/treatment program by the Department for up to two years after successful completion of the program. Any positive test result shall result in disciplinary action, up to and including termination.
- E. When an employee, whose participation in a rehabilitation program is initiated by the Department, fails to conform to the requirements of such rehabilitation/treatment program and/or fails to successfully complete the program, disciplinary action up to and including termination may result.

VU. Investigative Procedures

- A. Any supervisor who has observed an employee and has "reasonable suspicion" that the employee is under the influence of an illegal/controlled substance or alcohol shall immediately contact the highest ranking supervisor on duty at the assignment.
 1. The reporting supervisor and highest ranking on duty supervisor will discuss the basis for "reasonable suspicion" that the employee has used an illegal/controlled substance or is under the influence of alcohol on duty.
 2. The highest ranking supervisor on duty shall personally evaluate the employee's condition and must concur with the reporting supervisor's determination of "reasonable suspicion" to proceed.

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3. Supervisors shall not interrogate the employee as these questions could constitute an interrogation as defined in Section 3303(h) of the Government Code and the employee would be entitled to a representative.
 - a. If the employee volunteers information, it shall be documented in front of a witness.
 4. If "reasonable suspicion" is based on an employee's physical characteristics/behavior, then the form Suspected Substance Abuse Report - Initial Report, shall be completed by the supervisor contacting the Undersheriff.
- B. The ranking supervisor shall contact the Undersheriff or designee and articulate the observations which led to "reasonable suspicion" that the employee has used an illegal/controlled substance or is under the influence of alcohol on duty.**
1. The Undersheriff shall determine whether or not to proceed.
 2. If the decision is made to proceed, the Undersheriff shall contact an investigator of the same sex as the employee to respond immediately to the duty location and begin an investigation.
 3. That supervisor shall then contact his/her facility or section commander with a report on the situation.
- C. The investigator shall report to the duty assignment of the employee as soon as possible and shall assume responsibility for the investigation. He/She shall respond to evaluate the supervisor's "reasonable suspicion" of the employee and make a determination if a urine sample shall be required from the employee for testing.**
1. The investigator shall document in the presence of witnesses (preferably the employee's immediate supervisor and the highest ranking supervisor on duty) the directions, orders and responses of the employee when confronted. The employee shall be told the Department needs to test his/her urine based on the specific causes for "reasonable suspicion" that he/she has used an illegal/controlled substance and/or that he/she is suspected of being under the influence of alcohol on duty.
 2. If the employee volunteers information, it shall be documented in front of a witness.
 3. If the employee states he/she is under a doctor's care and is taking a prescribed medication, the employee shall be asked to produce the prescribed dispenser showing the employee's full name and the name of the prescribed medication. Such information shall be treated in the strictest confidence by the supervisor.
 - a. Even if a prescription is produced, the investigator shall require a urine test and the employee shall be relieved from duty as explained below, based on the "reasonable suspicion" of his/her impaired condition.
 4. If the investigator evaluates and concurs with the basis for "reasonable suspicion", the investigator shall request a urine sample.

5. **If the employee refuses the request, the employee's supervisor shall order the employee to comply.**
 - a. **The employee shall be told that any refusal to cooperate with the collection of urine samples shall be considered insubordination and may result in discipline up to and including termination.**
6. **The employee does not have the option to provide blood in lieu of urine.**
7. **The employee shall be relieved from duty pending the results of the test and/or administrative action.**

D. Testing Procedures

1. **If the employee agrees to provide the urine sample either voluntarily or as a result of the direct order, the investigator shall accompany the employee (of the same sex) to a designated restroom.**
 - a. **The Department shall attempt to prevent placing employees in embarrassing situations. Therefore employees shall not be compelled to provide a urine sample in the presence of co-workers or in the presence of family or friends. A separate private restroom shall be used.**
2. **The investigator shall:**
 - a. **Provide the employee with two sterile urine sample containers.**
 - b. **Have the employee remove the top and urinate in the containers. The urine sample shall be collected in full view of the investigator.**
 - c. **Have the employee seal the container with evidence seals provided and write their civil service signature across the seal. The investigator shall put both sample containers in an evidence envelope and complete the information on the face of the envelope. The employee shall then sign the back of the sealed envelope.**
 - d. **The investigator shall deliver the samples to the certified laboratory under contract to the Department**
 - e. **The investigator shall instruct the employee to call the Undersheriff for further instructions at 0900 hours on the next regular business day.**
 - f. **Arrange for another department employee to transport the employee home, when:**
 - 1) **Employee volunteers or is ordered to give a urine sample.**
 - 2) **Employee refuses to give a urine sample.**
 - 3) **Transportation arrangements cannot be made by the employee with a friend, family member or public transportation.**

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- g. The investigator shall record all observations, statements, etc. and include them in his/her report to the Undersheriff along with a completed Suspected Substance Abuse Report - Investigator's Report.
3. The employee who tests negative, absent from other incriminating evidence, shall be placed back on duty and made whole for any loss of wages, benefits or sick leave.
 4. The employee who tests positive for substance abuse shall be processed according to this procedure and the Department's disciplinary procedures.
 5. The Department shall provide the employee, at the Department's expense, the opportunity to have the sample tested and evaluated by a California state licensed, independent laboratory/testing facility, and the Department shall provide the employee an opportunity to rebut or explain the results.
 6. All reasonable efforts shall be made to keep the investigative process and all test results confidential.

VIII. Scientific and Technical Guidelines for Laboratory Testing

- A. Initial testing shall use an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine whether negative or positive for these five drugs or classes of drugs:

	n_gbal
Marijuana metabolites	100
Cocaine metabolites	300
Opiates	300
Phencyclidine	25
Amphetamines	1000

- B. Laboratory testing is not necessarily limited to the substances listed above.
- C. All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectroscopy (GC/MS) techniques. Quantitative GC/MS confirmation at the following cutoff values shall be used for the following drugs:
1. Results below the following cutoff values shall be considered negative:

	n_gLin_l
Marijuana metabolites	20
Cocaine metabolites	50
Opiates	300
Phencyclidine	25
Amphetamines	300

2. With the exception of marijuana and cocaine, the drugs listed in Section VIII., A, test results above the cutoff values listed, shall be considered positive evidence that an employee has mg illegal drugs.

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3. Test results for marijuana between 20 and 50 ng/ml, and test results for cocaine between 50 and 150 ng/ml shall be considered along with other evidence to ascertain whether or not an employee has used illegal drugs. Results over 50 ng/ml for marijuana and over 150 ng/ml for cocaine shall be considered positive evidence that an employee has used illegal drugs.
- D. A test that indicates a presence of 0.04 percent or more, by weight, of alcohol in his/her blood shall constitute a positive result that the employee was under the influence of alcohol at the time of the test.
1. Percent, by weight, of alcohol shall be based upon grams of alcohol per 100 milliliters of blood.