

# Drug- and Alcohol-Free Workplace

## 1006.1 PURPOSE AND SCOPE

Best Practice MODIFIED

The purpose of this policy is deterring illegal drug use by law enforcement officers. Because illegal drug use is inconsistent with the duties, obligations and responsibilities of sworn law enforcement officers, this policy mandates that officers who test positive shall be terminated from employment. The policy sets forth uniform methods and procedures for implementing and administering law enforcement drug testing. The policy seeks to ensure the employment rights of individual law enforcement officers are consistent with legal principles.

## 1006.2 POLICY

Best Practice

It is the policy of the William Paterson University Police Department to provide a drug- and alcohol-free workplace for all members.

## 1006.3 GENERAL GUIDELINES

Federal MODIFIED

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Supervisor or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see the Work Restrictions section in this policy).

## 1006.4 MEMBER RESPONSIBILITIES

Federal

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty member is impaired due to drug or alcohol use.

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

### **1006.5 EMPLOYEE ASSISTANCE PROGRAM**

#### **Federal**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

### **1006.6 WORK RESTRICTIONS**

#### **Best Practice**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

### **1006.7 SCREENING TESTS**

#### **Best Practice**

A supervisor may require an employee to submit to a screening under any the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently (AG Guideline (May 2012)).
- (b) The employee discharges a firearm in the performance of his/her duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of his/her duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.
- (e) As part of the random drug testing program.

#### **1006.7.1 SUPERVISOR RESPONSIBILITIES**

##### **Best Practice**

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The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

### 1006.7.2 DISCIPLINE

#### Best Practice

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

### 1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

#### Federal

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### 1006.9 CONFIDENTIALITY

#### Best Practice

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

### 1006.10 RANDOM DRUG TESTING PROGRAM

#### State

The Department conducts mandatory random drug testing of all officers (AG Directive No. 2018-2 (3-20-2018)).

The Administrative Services Captain or the authorized designee shall ensure that the department implements a random drug testing program in compliance with the requirements of Attorney General Directive No. 2018-2 (3-20-2018).

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Officers shall be provided with notice of the random drug testing program and the consequences of a positive result. This policy as well as procedures relating to the random drug testing program shall be available to the public and posted on the department website (AG Directive No. 2018-2 (3-20-2018)).

### **1006.11 COMPLIANCE WITH LAW ENFORCEMENT DRUG TESTING POLICY GUIDELINES**

**State**

The Administrative Services Captain or the authorized designee should ensure that department drug testing procedures comply with the requirements of the Attorney General's Law Enforcement Drug Testing Policy Guidelines, as applicable (AG Guideline (May 2012)).