
PERSONNEL MANAGEMENT

ALCOHOL AND DRUG POLICY

Purpose: The North Little Rock Police Department is committed to maintaining a drug and alcohol-free workplace. Therefore, this directive establishes departmental policy regarding accepted alcohol and prescription drug use by members and the conditions and testing procedures of the department.

Policy Statement: In the interest of member safety and productivity, the safety of the public, and the general effectiveness and efficiency of department operations, the department must ensure a drug and alcohol-free workplace.

Summary of Changes: The policy was updated, and sections of redundant information were removed.

Definitions:

Safety and Security-Sensitive Positions: A position where a momentary lapse of attention may result in grave and immediate danger to the public or compromise the enforcement of laws. These positions include police and any department member having access to information concerning ongoing criminal investigations or criminal cases, which could, if revealed, compromise, hinder, or prejudice the investigation or prosecution of the case.

Prohibited Substances: Alcoholic beverages and drugs are generally not allowed in the workplace. For this policy, the term "drugs" includes controlled substances identified by drug schedules I through V of Section 202 of the Controlled Substances Act, 21 USC § 812. The regulations under and defined in the Uniform Controlled Substances Act, Ark. Code Ann. § 5-64-201-216 include synthetic narcotics, marijuana, designer drugs, and prescription drugs. Prescription drugs used following the directions of a physician that do not interfere with a member's performance may be used after appropriate notifications.

Unauthorized Items: Members may not have any unauthorized items in their possession or any area used by them or under their control. Unauthorized items include, but are not limited to, alcoholic beverage containers and drug paraphernalia unless the possession of such things are necessary for a member's duties following department policies.

Procedure:

1. General Provision

- 1.1 All members must be free from the effects of drugs and alcohol during scheduled working hours as a condition of employment. Therefore, drinking alcoholic beverages or using drugs while on duty, on department property, in department vehicles, or wearing a department uniform is strictly prohibited.
- 1.2 The department reserves the right to require members to submit to chemical testing to determine the usage of drugs or alcohol as provided below. Members must submit to all required testing. Refusal to cooperate regarding collecting samples or submitting an adulterated or substituted urine sample will be deemed a refusal to submit to a test.
- 1.3 Although the termination of employment is the general policy for drug and alcohol violations, the department can choose employment conditions for reinstatement. In addition, conditions of continued employment could require completing an approved drug or alcohol treatment, counseling, or rehabilitation program. Members may also be required to execute a "last chance agreement," addressing any specific reinstatement terms or continued employment.
- 1.4 The use of legally available over-the-counter medications is excluded from this policy's requirements unless such use results in a state of intoxication or impairment that is a safety hazard.

2. Drug-Free Awareness Program/Education and Training

- 2.1 The department will inform members about:
 - 2.1.1 The department's policy of maintaining a drug and alcohol-free workplace;
 - 2.1.2 The penalties that the department may impose for drug and alcohol abuse violations; and
 - 2.1.3 The availability of the Employee Assistance Program (EAP).

3. Prescription Drug Reporting Requirements

- 3.1 Upon receiving a prescription for any medication in the following categories, a member must provide a letter from the prescribing doctor outlining the type, frequency, dose, and duration. Any change to the prescription will require a new letter from the prescribing doctor.
- 3.1.1 Narcotics;
 - 3.1.2 Stimulants;
 - 3.1.3 Hallucinogens;
 - 3.1.4 Depressants;
 - 3.1.5 Any prescriptions that could cause drowsiness, altered mental capabilities, or reduced motor functions; or
 - 3.1.6 Any prescription accompanied by a label or warning regarding the operation of heavy equipment or automobiles.
- 3.2 The letter must be provided immediately to the Professional Standards Unit upon returning to work after receiving the prescription.
- 3.3 The Professional Standards Unit will maintain all completed medication letters in the Professional Standards Unit Central Index.
- 3.4 Medication taken on an "as needed" basis or a refillable prescription will require an annual letter from the prescribing doctor.
- 3.4.1 The member's responsibility will be to inform the prescribing physician or pharmacist of the job description and duties so a professional decision regarding the limitations and restrictions of prescribed medication use.

4. Use of Alcohol and Drugs/Prohibited Conduct

- 4.1 All members covered under this policy are subject to the following rules and regulations regarding the use of alcohol and prescription drugs:
- 4.1.1 Members will not report for duty or remain on duty with a blood alcohol concentration of 0.02 or greater.
 - 4.1.2 Any member found to have a blood alcohol concentration of 0.02 or under the influence of any controlled substance will be relieved of duty for a minimum of 24 hours and tested before returning to work.
 - 4.1.3 Members will not consume alcohol while on duty, except as necessary in performing an officer's duties and pre-approved by a supervisor.
 - 4.1.4 Members required to undergo post-accident testing will not use alcohol for eight (8) hours following the accident or until they provide a post-accident test sample.
 - 4.1.5 Members will not report for duty or remain on duty while under the influence of any controlled substance or prescription medication, except when the use thereof is under the instructions of a licensed physician.

5. When Drug and Alcohol Testing Will Be Required of All Members

- 5.1 Members and applicants covered by this policy will be required to submit to chemical testing in the following circumstances:
- 5.1.1 When reasonable suspicion exists that a member violated any rule or regulation regarding the use of alcohol or drugs.
 - 5.1.2 As part of a pre-employment physical examination after a conditional job offer has been made, fitness for duty physical examination, or any other lawful required periodic physical examination. In addition, non-safety and non-security sensitive positions may require a pre-employment drug or alcohol test and a pre-employment physical examination after a conditional job offer.
 - 5.1.3 When a member suffers an on-the-job injury following a serious or potentially serious accident, an incident in which a member violated safety precautions or performed a careless act. Non-safety sensitive members are subject to testing when there is reasonable suspicion that the member may be under the influence of drugs or alcohol.
 - 5.1.4 The department reserves the right to require a return to duty and follow-up testing after any positive drug or alcohol test.
 - 5.1.5 When any prohibited drug or alcoholic beverage is found in a member's possession;
 - 5.1.6 When the laboratory values in any authorized test indicate the need for additional testing or where a laboratory must cancel a test due to a procedural error.
 - 5.1.7 The Professional Standards Unit administers the department's monthly random drug test.
 - 5.1.8 Upon transfer to and from the Narcotics Unit or Evidence Control and annually during assignment to these units.
 - 5.1.8.1 If any K-9 Unit checks narcotics out of the Property Room for training, they will be subject to random testing for three months.
- 5.2 The Professional Standards Unit will store testing records in the Professional Standards Unit Central Index.

6. Disciplinary Action

6.1 Members may be subject to disciplinary action, including discharge, for any of the following infractions:

- 6.1.1 If a member refuses to submit to an authorized drug or alcohol test. Refusal to submit to testing includes, but is not limited to, failure to proceed immediately to the testing site upon notification, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample.
- 6.1.2 Unlawful manufacture, distribution, consumption, possession, or sale of any prohibited substance, including an alcoholic beverage, while on duty, on department property, in department vehicles, or during meal breaks.
- 6.1.3 Any criminal drug statute violation or failure to notify the department of such violation immediately;
- 6.1.4 Testing positive for drugs or their metabolites in any authorized drug test.
- 6.1.5 Reporting to work under the influence of any medication that impairs or otherwise interferes with the member's ability to perform essential functions.
- 6.1.6 Failing to report medication use as outlined in Section 4 of this policy.
- 6.1.7 To be reinstated, following completion of a suspension for a positive drug or alcohol test, the member must pass a return to duty drug or alcohol test and be evaluated by an SAP.
- 6.1.8 The department will schedule the return to duty drug or alcohol test and the evaluation by an SAP to avoid lost work time beyond the suspension period.

7. Employment Status Pending Receipt of Test Results

7.1 The department reserves the right to decide whether the incident that prompted the test is of such a nature that the member should not be allowed to work until the test results are received. The member will be suspended without pay if such a decision is made. The member will be reinstated with back pay if negative test results exist. The city will only provide back pay if the member has not been given an appropriate disciplinary suspension for violating another rule.

8. Voluntary Drug/Alcohol Rehabilitation

- 8.1 An admission to having a drug or alcohol abuse problem is not "voluntary" if made after notification for drug/alcohol testing. Any member requesting assistance with a drug or alcohol problem will meet with a supervisor to discuss possible options. These options may include allowing the member to continue working while receiving treatment or being on medical leave. When a member voluntarily admits that they have a drug or alcohol abuse problem, the department will have the option of an evaluation by an SAP. In addition, the department will have the following rights when a member voluntarily admits to a drug or alcohol problem:
- 8.2 The member may be offered a "last chance agreement," whereby the member may return to work under conditions requiring enrollment and completion of an inpatient or outpatient program. The member may also be offered the opportunity to return to work under conditions requiring that they remain drug and alcohol-free as a condition of reinstatement or continued employment. The department, however, would not be responsible for financial obligations associated with treatment, excluding any payments otherwise available under the department's Employee Assistance Program.
- 8.3 If the member elects to return to work under such conditions, they must submit to any drug or alcohol tests administered as part of the program. The member must also provide the department with progress reports from the agency running the program monthly or more often if necessary.
- 8.4 Under such an agreement, the member must agree to unannounced drug or alcohol tests, at the department's discretion, for as long as necessary.
- 8.5 A voluntary admission does not relieve the member of responsibility and disciplinary action, even though the acts may be related to drug or alcohol abuse.

9. Authority/Responsibility

9.1 Reasonable Suspicion Testing: Any supervisor of the rank of Lieutenant or above may order a member to provide a sample for chemical analysis upon reasonable suspicion as provided in this directive. The ordering supervisor will immediately prepare a file on the matter and forward it through the chain of command to the Chief of Police. The file will contain detailed, written statement(s) of the evidence of reasonable suspicion along with the written order to the member and any other pertinent information. The supervisor will complete an *Alcohol and Drug Testing Order Form* and present a copy to the member. The supervisor will provide for the member's transportation to the testing facility. The member will be placed on paid administrative leave pending the testing results.

- 9.2 Random Test: The Professional Standards Unit will complete an Alcohol and Drug Testing Order Form for members selected for random testing. The Professional Standards Unit will deliver the order to the chosen member. The selected member will report immediately to the medical testing facility and provide an acceptable sample. The original form and the test results will be forwarded to the Professional Standards Unit for filing. The Professional Standards Unit will notify the Division Commander and Chief of Police in writing of any positive results.
- 9.3 Critical Incident: A chemical analysis for drugs and alcohol will be ordered by the investigating supervisor of at least the rank of Lieutenant to any member involved in a critical incident. The Lieutenant will make the order on the Alcohol and Drug Testing Form.
- 9.4 Other reasons for testing will be the responsibility of the Professional Standards Unit or member's supervisor for non-sworn employees. The order will be made on the Alcohol and Drug Testing Form.

10. Testing Facility

- 10.1 The North Little Rock Police Department will conduct drug and alcohol testing by analyzing the member or applicant's urine specimen at a certified laboratory. Scientifically accepted screening and confirmation tests will be employed in the analysis.

Patrick Thessing
Chief of Police