



City of
Corpus
Christi

*“Partners in the Workplace
Excellence in Public Service”*



Subject: Police Department's Alcohol and Drug Testing Policy NO. H.H. 15.1

Approved: 
George K. Noe
City Manager

Revised Date: June 1, 2004

A. INTRODUCTION:

The Corpus Christi Police Department has a responsibility to provide the highest level of public safety service attainable by a city. All employees of the Department share in the responsibility. The sensitive position of all sworn police officers and their law enforcement duties require assurance that officers do not use illegal or prohibited drugs and that there be no public perception that police officers use illegal or prohibited drugs. This assurance extends also to civilian employees of the Department in certain sensitive job assignments. It also requires assurance that Police Department personnel are not under the influence of alcohol while on duty.

The City of Corpus Christi is also obligated under the drug Free Workplace Act of 1988 to provide and maintain a workplace free of illegal or prohibited drugs.

B. EFFECTIVE DATE AND EMPLOYEES COVERED:

This Policy becomes effective on the above date and will be incorporated into the Police Department General Manual as of that date.

This Policy applies to all employees of the Police Department, both sworn and civilian, regardless of rank or assignment, except for those civilian employees occupying the positions or job assignment listed in Appendix 1 to this Policy. Those employees are subject to the general City Alcohol and Drug Abuse Policy (H.R. 15.0).

C. PROHIBITIONS:

This Policy prohibits:

1. The use, unauthorized possession, manufacture, distribution or sale of illegal drugs, or drug paraphernalia.

2. The unauthorized use, possession, manufacture, distribution or sale of any controlled substance.
3. The presence of a detectable level of any illegal drug or unauthorized controlled substance or any metabolite of any such substance in the body at the same time.
4. Unless authorized by a supervisor, being under the influence of alcohol or possessing alcohol while:
 - (a) on City premises or worksites or conducting City business: or
 - (b) operating or occupying and City vehicle at any time: or
 - (c) at any location during the employee's working hours including all lunch and break times.
5. Use of alcohol while off duty to the extent that it results in intoxication or obnoxious or offensive behavior which discredits the employee or the Department or renders the employee unfit to report for his/her next regular tour of duty.
6. Unauthorized storage in any locker, desk, City vehicle or other repository on City premises or worksites of any illegal drug, drug paraphernalia, unauthorized controlled substances or alcohol.
7. Switching or adulterating any urine sample submitted for testing.
8. Refusal to consent to testing and submit a specimen for testing when required under this Policy. Consent is indicated by signing any form required by the City Medical Advisor or laboratory collecting the specimen for testing.
9. Failure to pass any drug or alcohol test administered under this Policy.
10. Refusal to consent to inspection of any desk, locker or other City property under an employee's control when requested by a supervisor.
11. Arrest or conviction for any drug or alcohol-related crime committed at any time.
12. Failure to notify the Chain-of-Command after an arrest or conviction for any drug or alcohol-related crime committed at any time.
13. Failure to report to his/her supervisor the use of any controlled substance prescribed by a physician or non-prescription drug which may impair the employee's ability to safely and fully perform his/her duties.

14. Failure to keep prescribed drugs in their original container which identifies the drug, date of prescription and prescribing physician or to provide other proof of drug prescription and prescribing physician.
15. Failing to adhere to the provisions of any agreement executed by the employee which requires treatment or counseling for alcohol or drug abuse.

D. DEFINITIONS UNDER THIS POLICY:

1. **ILLEGAL DRUG:**

“Illegal drug” includes heroin, cocaine, crack cocaine, cannabinoids (marijuana, hashish, THC), PCP (phencyclidine), LSD (lysergic acid diethylamide) and any other controlled substance not validly prescribed by a physician.

2. **CONTROLLED SUBSTANCE:**

“Controlled Substance” includes all of the above illegal drugs plus any other substances covered by Schedules I through V of the Federal Controlled Substance Act (21 U.S.C. 801 et seq.) or the Texas Controlled Substances Act (Chapter 481, Texas Health and Safety Code). Controlled substances include amphetamines, barbiturates, methadone, benzodiazepines, methaqualone, morphine, codeine and anabolic steroids. A controlled substance is “unauthorized” if the employee does not have a valid prescription for that substance at the time of its use or possession.

3. **CITY PREMISES OR WORKSITES:**

“City premises or worksites” include all property, buildings, structures, jobsites (where an employee is working), parking lots, and means of transportation owned, leased, or otherwise used for City business including motor vehicles, equipment, or machinery.

4. **FAILING A DRUG TEST:**

“Failing a drug test” is defined as a confirmation of initial test results which show positive evidence of the presence of an illegal drug or unauthorized controlled substance in the body.

5. **PASSING A DRUG TEST:**

“Passing a drug test” is defined as initial or confirmation test results which do not show evidence of the presence of an illegal drug or unauthorized controlled substance in the body.

6. **DETECTABLE LEVEL:**

“Detectable level” is defined as a quantity of a drug or drug metabolite equal to or greater than the detection limit for that substance as established by the testing laboratory, with the Chief’s approval.

E. DISCIPLINARY ACTION FOR VIOLATIONS OF THIS POLICY:

1. The following violations of this Policy shall be grounds for termination:
 - a. Unauthorized possession, use, manufacture, distribution or sale of any illegal drug, drug paraphernalia or controlled substances at any time, or:
 - b. Possession or use without authorization of alcohol while on duty or while occupying any City vehicle or during break periods, or:
 - c. Failing a drug test administered under this Policy.
2. Any employee who violates any other provisions of this Policy shall be disciplined up to and including termination.
3. Within thirty (30) days after the Police Chief is notified of an employee’s conviction under any criminal drug statute, disciplinary action will be initiated related to the conviction.

F. DRUG TESTING:

Drug testing will be conducted using a laboratory certified by the Department of Health and Human Services. Chain-of-Custody procedures will be followed to account for the integrity of each urine sample by tracking its handling and storage from point of specimen collection to final disposition of the Specimen.

The initial test (also known as a screening test) shall be an enzyme immunoassay screen (EMIT) to eliminate “negative” urine Specimens from further consideration.

If the initial test indicates a positive result, a confirmation test by gas chromatography/mass spectrometry (GC/MS) will be used to confirm the presence of a specific drug or metabolite. The confirmation test shall be independent of the initial test in order to ensure reliability and accuracy. For classes of drugs where C/MS is not an approved confirmation procedure, an alternative confirmation test will be used.

Appendix I

Based on job assignments, the following designated Civilian positions are subject to the City-Wide Alcohol and Drug Policy, H.R. 15.0 and the Police Department's Alcohol and Drug Policy, H.R. 15.1.

Civilian Job Titles

<u>Activity Number</u>	<u>Activity Name</u>	<u>Position Title</u>
11780	IDENTIFICATION	Crime Scene Technician Examiner Fingerprint Supervisor Fingerprint Technician Police Identification Supv. Police Photographer Senior Staff Assistant Staff Assistant
11800	METROCOM	Communication Clerk Communications Supervisor Public Safety Dispatcher Senior Staff Assistant Staff Assistant

The Chief shall designate a Testing Officer with full authority to order personnel compliance to oversee the integrity of the drug-testing procedures and general administration of this policy. The Testing Officer's specific responsibilities and duties shall be established by Chief.

Drug testing under this policy will include:

1. Pre-employment: All job offers are contingent upon passing a drug test. Applicants who fail a drug test will be ineligible to apply for employment in the future.
2. Assignment: Any employee who is assigned to the Vice, Narcotics, Organized Crime or Emergency Reaction Units or as a dispatcher or clerk in the Communications Division, or as a bomb technician must pass a drug test prior to assignment. Additionally, all employees assigned to those Units or Divisions shall be subject to periodic testing upon order by the Chief.
3. Reasonable Suspicion: If individualized reasonable suspicion exists that any employee has used or possessed an illegal drug or unauthorized controlled substance or has violated the alcohol-related provisions of this policy, the Chief may order the employee to submit a urine and/or blood specimen for alcohol and/or drug testing.
4. Physical Examination or Return-to-Duty: A drug and alcohol test shall be included in every physical examination conducted by the City Medical Advisor when an employee returns to work after being out more than thirty (30) calendar days. A drug and alcohol test shall be included in any annual physical examination program required by the Department.
5. Promotion: Except for Senior Officers' designations, appointment off any eligibility list for promotion will not become effective until the eligible person has passed a drug test.
6. Post-accident: Any employee who, while operating a City vehicle, is involved in an accident involving a fatality, serious bodily injury or substantial damage to property, shall be subject to drug and alcohol testing. The decision to order such testing shall be made by the highest ranking supervisor present at the scene of the accident or other incident. The test shall be performed as soon as possible at the order of such supervisor.
7. Post-Firearm Discharge: Any discharge or a firearm in the line of duty other than during a training program or at the firearm range, shall subject the employee to drug and alcohol testing. The decision to order such testing shall be made by the highest ranking supervisor present at the scene of the incident. The test shall be performed as soon as possible at the order of such supervisor.
8. Random Testing: The Police Department will randomly test at least fifty percent (50%) of employees covered under this policy every twelve (12) months.

Employees will be selected using a secured computer-based random number generator that is matched with the employee's social security number.

The randomly selected employee will be notified of the test requirement just prior to transport to the designated laboratory or medical facility to obtain the urine sample. The employee will be accompanied by the Testing Officer. The Testing Officer shall supervise the taking of the urine sample and shall be responsible for proper conduct and uniform procedures of the urine sampling process.

G. COMPLIANCE WITH POLICY:

- (1) Applicants and employees subject to testing will have the opportunity, prior to testing, to list all prescription and non-prescription drugs they have used in the last thirty (30) days and to explain the circumstances surrounding the use of such drugs.
- (2) Any employee who has agreed, in connection with a prior violation of this policy to submit to random testing for a prescribed period of time, may be tested as described in the agreement signed by the employee.
- (3) An applicant or employee with an alcohol content of .05% will be presumed to be under the influence of alcohol for purposes of this policy.
- (4) If the Medical Review Officer's (MRO) review of drug test results indicates a legitimate medical explanation for the confirmed positive test result, no further action will be taken against the employee and an applicant will be eligible for hire. If the MRO's review determines there is no legitimate medical explanation for the confirmed positive test result, the employee will be subject to disciplinary action up to and including discharge upon the first offense.
- (5) Violation of this policy will be considered to be a violation of a departmental rule or regulation.

H. MEDICAL REVIEW OFFICER:

The Medical Review Officer (MRO) for the City of Corpus Christi will be the designated City Medical Advisor or any physician designated by the City's Director of Public Health who is a licensed physician with knowledge of drug abuse disorders.

The MRO at the request of the Chief may review the results of drug testing and interpret confirmed positive test results to determine if there is an alternative medical explanation of the confirmed positive result.

H. ACKNOWLEDGMENT OF COMPLIANCE WITH POLICY:

Employees subject to this policy are required to acknowledge receipt of this policy and agree to abide by its terms. Each employee will sign an acknowledgement form. An example of this form is attached as Appendix II.

J. ALCOHOLISM AND DRUG ADDICTION:

While occasional or "social" use of drugs and alcohol can become detrimental to the workplace and to personal health, we recognize that alcoholism and drug addiction are medical disorders which can be treated. The City of Corpus Christi believes it has a responsibility to provide assistance to our employees through the Employee Assistance Program, but the initiative in seeking such help is the responsibility of the employee.

Employees who voluntarily seek diagnosis and accept treatment for alcohol or drug-related problems before the problem becomes evident, will be offered rehabilitation help on a strictly confidential basis using the leave policies currently available for other health-related problems. Whether voluntary or mandatory rehabilitation is required, these costs are the responsibility of the employee. Medical Plan Insurance may be used to the extent provided under the individual's health insurance coverage. If misconduct or declining job performance brings illegal or non-prescribed drug or alcohol abuse problems to light, the employee will be subject to appropriate disciplinary action.

K. IMPLEMENTATION OF DRUG-FREE AWARENESS PROGRAM:

The Drug-Free Awareness Program will provide an ongoing education effort for employees to prevent and eliminate drug and alcohol abuse that may affect the workplace. This program will cover:

1. the dangers of alcohol and drug abuse in the workplace;
2. this Alcohol and Drug Policy;
3. the availability of treatment and counseling for employees voluntarily seeking such counseling through the Employee Assistance Program; and
4. the discipline which will be imposed for violations of this policy.

Supervisors are the "keys" to successfully implementing this policy. Initial and ongoing supervisory training will be mandatory for supervisors and will cover the following areas:

- a. Identifying and documenting job performance and on-the-job behavior which may reflect the impact of personal problems;
- b. Identifying evidence of on-the-job use or presence of alcohol or drugs;
- c. Procedure for referral of troubled employees to the Employee Assistance Program;
- d. Procedure for testing employees suspected of violating this policy;
- e. Constructive confrontation techniques;
- f. Orientation on drug testing procedures and technology; and
- g. Procedures for conducting workplace inspections.

New employees will be trained on this policy through orientation or the Academy. New supervisors will be trained through recurring sessions provided on the Training Calendar.

L. RECORDS PROCEDURES:

1. Release of Information:

Requests for employment verification or reference for an individual terminated under this policy shall be forwarded to the Human Resources Department for response. For Texas Employment Commission hearings on granting unemployment insurance, the City will cite a rules violation as the reason for termination and will supply a copy of the letter of termination which states specific reasons. Where there is doubt about the release of information, the Legal Department shall be consulted for guidance.

2. Reporting Convictions to Federal Agency:

In compliance with the Drug Free Workplace Act, the Human Resources Department will notify the appropriate federal agency within ten (10) days after receiving notice from the employee of a conviction under criminal drug statutes.

Appendix II

**Acknowledgment Form
Police Department's Alcohol and Drug Policy – H.H. 15.1**

City of Corpus Christi

I have received a copy of the City of Corpus Christi Police Department's Alcohol and Drug Policy. I understand that compliance with it is a condition of employment.

I have carefully heard and or/read this Policy and understand its content. I agree to follow this Policy. I understand failure to do so will result in my being in violation of this Policy and will subject me to disciplinary action up to and including termination on the first offense.

I understand that this signed for documents the City's compliance with the Drug-Free Workplace Act of 1988.

I understand that this Policy will become effective on _____.

Date

Employee's Signature

Employee's Social Security Number

Employee's Name (Printed)

PLEASE RETURN TO: Human Resources Department
Records Section

Acknowledgment Form

**City of Corpus Christi's
Alcohol and Drug Policy – H.R. 15.0, Revised 1/1/95**

I have received a copy of the City of Corpus Christi Alcohol and Drug Policy as revised and effective January 1, 1995. I understand that compliance with it is a condition of employment.

I have carefully heard and or/read this Policy and understand its content. I have been given an opportunity to ask questions about the revisions to this Policy and received explanations in English and Spanish. I agree to comply with this Policy. I understand failure to do so will result in my being in violation of this Policy and will subject me to disciplinary action up to and including termination on the first offense.

I understand that this signed for documents the City's compliance with the Drug-Free Workplace Act of 1988 and other federal regulation, which may apply to City employees in the future. I understand that in addition to the City-Wide Alcohol and Drug Policy, HR 15.0, that I may also be subject to the provisions of Department of Transportation's (DOT) Federal drug and alcohol testing programs as set out in City Policies HR 15.3 and 15.4 which apply to employees who hold positions in the City's Gas Department and/or to employees who are required to drive, or may be called upon to drive, a City commercial vehicle which requires a Commercial Driver's License (CDL). If I am covered by more than one City Alcohol and Drug Policy, I understand that I must remain in compliance with the Policy, which applies to the position I hold as a condition of employment and in addition to this Policy.

Date

Employee's Signature

Employee's Social Security Number

Employee's Name (Printed)

Department Name

Activity Number

PLEASE RETURN TO: Human Resources Department, Records Section