

S.O.P. #: PERSONNEL 24

SUBJECT: ALCOHOL AND DRUG ABUSE CONTROL POLICY

DIVISION: CAREER PERSONNEL

Objective: This policy will cover all uniformed personnel. Other employees are still covered by the Office of Human Resources substance abuse policies.

Every employee of Baltimore County has a right to a safe and drug-free workplace. Every citizen of or visitor to Baltimore County has a right to expect public employees to be both alcohol-free and drug-free because public safety, health, and welfare are threatened by county employees who abuse or misuse these substances. These Standard Operating Procedures are being implemented in order to address documented instances of substance abuse related problems on the part of departmental members, which have caused a real and substantial risk of harm to their fellow employees and/or the public at large. These Standard Operating Procedures are designed to eliminate substance abuse problems within the Fire Department. The goal is to rehabilitate members identified as having substance abuse problems, and terminate only those members who fail to agree to or comply with the recommended rehabilitative plan, and/or the goals of this Substance Abuse policy. This policy will cover steps that the department will take to prevent, detect, and discipline employees who either abuse or misuse alcohol or drugs.

Section 1: Conduct of Members

A. Department Members:

1. May not abuse alcohol, any drug substance, or possess any illegal drug/substance.
2. Found to be in violation of the law or this policy will be disciplined.

B. The Fire Department will:

1. Protect the public and its members by striving to ensure that members are free from drug/substance abuse and dependence.
2. Ensure the rights of members in testing.

Section 2: Expectation of Privacy

- A. There is no expectation of privacy with regard to the abuse of any alcohol or drugs.
- B. Subject to the process of law, all property belonging to the Department of the County Government is subject to inspection, at any time, and without notice. Such property is to be free of any illegal drugs/substances or alcohol.

Section 3: Reasons for Alcohol/Drug Testing

- A. Members are subject to alcohol/drug testing for the following reasons: (a) Random, (b) Post-Accident, (c) Reasonable Suspicion, (d) Return to Duty, (e) Follow-up Testing, or (f) New sworn employees.
 1. Random – A System wherein a computer randomly selects three (3) employees per day, Monday through Friday, for unannounced alcohol and drug tests, using random sampling techniques, based on the employees' ID numbers.

2. Post-Accident –
 - a. Post Vehicle Accident - As soon as practical following an occurrence involving a county vehicle, the driver shall undergo alcohol/drug testing if:
 1. There is a loss of human life.
 2. Bodily injury occurs to any person who as a result of the injury, immediately receives medical treatment away from the scene of the accident.
 3. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported from the scene by a tow truck or other motor vehicle.
 - b. Post Non-Vehicle Accident – After any non-vehicle incident that involves personal injury, the Division/Battalion Chief or Fire Director, with reasonable suspicion, may order alcohol/drug testing for any member involved in the accident.
3. Reasonable Suspicion – The existence of facts and the rational inferences that may be drawn from such facts or an objective base of knowledge sufficient to induce an ordinary, prudent and cautious person under the same circumstances to believe that a person may be selling, purchasing, transferring, possessing, using, or abusing alcohol or drugs in any way that is illegal or in violation of this SOP.
4. Return to Duty – This includes the return to work from (a) any administrative/summary suspension, or (b) leave of absence/reinstatements, unless prohibited by law. Those returning from either administrative or summary suspension may not work in emergency operations until test results are received.
5. Follow-Up – This includes prescribed testing as outlined in disciplinary actions or voluntary agreement with an employee.
6. All new sworn employees and those requiring annual HazMat physicals, will undergo alcohol/drug testing as per County Employment Policies.

Section 4: Alcohol/Drug Testing Procedures

A. Random Testing

1. Every Monday thru Friday, by 0700 hours, the Assistant Chief or designee will complete the random selection process and request the names of three (3) persons to be selected. Once the names are selected, the designated officer will contact the appropriate work site and advise the officer-in-charge of the name of the selected employee.
2. Upon reporting to work, the selected employee will immediately report to the County designated medical facility, which is Business & Employee Health Services located at 1766 York Road, Lutherville, MD 21093, for testing. The after hours and holiday site is Mercy Medical Centers Emergency Department located at 301 St. Paul Place, Baltimore, MD, 21202. Under no circumstances will the member be allowed off on any type of leave until after testing (other than emergencies requiring emergency leave that may be granted by the Fire Chief). Employees shall refrain from eating or drinking anything for 15 minutes prior to the breathalyzer test.
3. After testing, the member will immediately report back to their duty station unless they have a positive breathalyzer test. Employees shall not drive after a positive breathalyzer test.
4. Employees who are off-duty on any scheduled/approved leave days will not be required to report that day. Their employee number will be returned to the database.

B. Post Accident

1. Immediately after any vehicle accident (defined in Section 3 #A2 above) uninjured drivers (including tillers) of any fire department vehicles will immediately report to the closest County designated medical facility for alcohol/drug testing. Uninjured employees involved in a non-vehicle accident, are also included in this section.
2. Injured members, who meet the above criteria, and who are transported to a County designated medical facility, will also be tested at that facility as outlined in Section 3A.

3. Injured members who are transported to a hospital will follow current SOPs for reporting to a County designated medical facility. The criteria for testing will be the same as above.
4. If the County designated medical facilities are closed, the Division/Battalion Chief or Fire Director shall send the employee to Mercy Medical Center Emergency Department, 301 St. Paul Place, Baltimore, MD 21202.

C. Reasonable Suspicion – Upon reasonable suspicion the employee’s immediate supervisor shall:

1. Immediately notify the appropriate ranking officer (Division/Battalion Chief or Fire Director) when a suspected violation occurs.
2. Carefully observe the appearance and demeanor of the member suspected.
3. Carefully document observations on a Form 58(s).
4. Carefully collect and preserve any physical evidence that may relate to the incident (i.e., beverages or beverage containers, etc.). Written records must be kept if the evidence changes hands, to maintain the chain-of-custody. Division/Battalion Chief or Fire Director may use their digital cameras, when appropriate.
5. Do not leave the employee unattended or allow the employee to drive a motor vehicle. The member is not permitted to leave his/her duty assignment/work place.
6. During regular business hours the Division/Battalion Chief or Fire Director shall transport the employee to Business & Employee Health Services, 1766 York Road, Lutherville, MD 21093.
If the County designated medical facilities are closed, the Division/Battalion Chief or Fire Director shall send employee to Mercy Medical Center Emergency Department, 301 St. Paul Place, Baltimore, MD 21202.
NOTE: At the discretion of the ranking officer, the Baltimore County Police Department may be called upon to administer an alcohol breathalyzer.
NOTE: The on-duty Safety Officer shall be notified anytime this service is used.
7. After testing for “reasonable suspicion”, the employee will not work in emergency operations until all test results are received. If the alcohol test is negative, then the employee will be assigned to Headquarters until the test results are received.
8. The Division/Battalion Chief or Fire Director will obtain a copy of the results and include them in the investigation.

D. Return to Work

1. When an employee is scheduled to return to work from:
 - a. Any administrative or summary suspension.
 - b. A leave of absence or reinstatement into the department will require alcohol/drug testing unless prohibited by law.
2. When a County designated medical facility is the releasing authority, it will perform the drug test while the employee is at the center.
3. If the alcohol or drug tests are negative then the employee will be allowed to return to work.
4. The employee will follow all return to work procedures.
5. Employees who test positive will be disciplined as per department policy.

E. Follow-Up

1. This testing is performed on those who are under disciplinary action or agreement with the department.
2. The Division/Battalion Chief or Fire Director shall escort the employee to the nearest County designated medical facility.
3. The employee shall submit to both alcohol and drug testing.
4. If the alcohol or drug tests are negative, then the employee may return to work.
5. If the employee tests positive then the employee will be disciplined as per department policy.

Section 5: Issues and Outcomes

A. Request for assistance with alcohol/drug abuse prior to notification of a positive outcome.

1. The department views alcohol/drug abuse or addiction as a serious matter. It is also viewed as a health matter that is treatable. Therefore, the department encourages those who may have substance abuse issues to voluntarily enter a treatment program. The 24-hour, toll-free, emergency phone number for Cigna is 888-431-4334.
2. Employees who admit to alcohol/drug abuse or addiction problems prior to the notification of a positive outcome, are encouraged to notify their immediate supervisor.
3. Upon request of an employee, for alcohol/drug abuse assistance, the immediate supervisor will arrange for alcohol/drug testing (unless already performed) as per the guidelines under "Reasonable Suspicion".
4. After testing, the employee shall be referred to the county EAP program for evaluation. The employee must sign a release of medical records allowing reporting to the Assistant Chief. The EAP program will forward a notice to the Assistant Chief indicating that a treatment plan has been established. The Assistant Chief will determine the appropriate departmental action. This may include a voluntary agreement, a performance plan, or disciplinary action, or all of the above.
5. Employees will be assigned to non-operational duties until the Assistant Chief makes a final determination. Those personnel needing in-patient care, out-patient counseling, out-patient medical care or other approved assistance may use "Sick Leave" as per current SOPs.
6. The following situations do not meet the criteria for this allowance:
 - a. When the situation involves activity where the employee is charged with a crime or other administrative violations.
 - b. When licensing authorities have revoked or restricted licenses or certifications that are required for continued employment.
 - c. Situations where the Fire Chief determines that alcohol/drug abuse is chronic or ongoing and not likely to be rehabilitated.

B. Refusal to Test

1. If the employee refuses to report or complete any alcohol or drug test, they will be considered to be in violation of a direct order from the Fire Chief and therefore, will immediately be suspended.
2. The suspension will remain in effect until the employee complies with testing rules under the "Reasonable Suspicion" procedure or when the time limit of summary suspension is reached.
3. Those who refuse alcohol/drug testing will be charged with failure to obey a direct order and be referred to an Administrative Hearing Board with a recommendation for termination.
4. The Fire Chief will terminate any probationary employee who refuses to submit to alcohol/drug testing.

5. Anyone who tampers with any Department or County designated medical facility drug testing materials will be considered guilty of "Refusal to Test".

C. Positive Tests

1. Alcohol

- a. Employees whose breathalyzer results are between .02-.04% will be placed off-duty, on leave time, for the remainder of the shift. The company officer will complete a Form 22, Documentation of Verbal Counseling. The employee shall be referred to the county EAP program for evaluation. The employee must sign a release authorization form allowing the EAP representative to keep the Assistant Chief informed of compliance with recommendations and treatment.
- b. After three instances where the employee has a measured level of between .02-.04%, they will be charged as being repeat offenders of this SOP.
- c. Employees whose breathalyzer results are greater than .04% will be considered in violation of this SOP.
- d. Employees who are in violation of this SOP will be immediately suspended. The Division/Battalion Chief or Fire Director shall arrange for transportation home.
- e. A copy of the breathalyzer results will be included in the Division/Battalion Chief or Fire Director's official report.
- f. Employees who are found to be in violation of the policy as defined in #1b and #1c above will be placed on departmental charges. Regardless of the action(s) imposed, an employee will not return to work prior to achieving a negative alcohol/drug test.

2. Drugs

- a. County designated medical facility will inform the Office of Human Resources who will inform the Assistant Chiefs of the results of each drug test. Prior to the reporting of a "positive" test, the Medical Review Officer will contact the employee. After speaking with the employee, the Medical Review Officer makes the final determination on the results.
- b. If an employee tests positive, the Assistant Chief will notify the Battalion/Division Chief who will summarily suspend the employee.
- c. Since a "split sample" is collected, the employee has 72 hours to arrange for the other sample to be tested at another certified lab. The employee will be responsible for all costs of the second test.
- d. If the second test using the "split sample" is negative, the test result will be considered negative.
- e. Employees who test positive will be placed on departmental charges. Regardless of the action(s) imposed, an employee will not return to work prior to achieving a negative alcohol/drug test.

Section 6: Testing Procedures

- A. Testing may be performed at any open County designated medical facility.
- B. Testing will include a breathalyzer test for alcohol and a urine test for drugs.
- C. Specimen collection will be performed as per Appendix 3 guidelines.
- D. A "split specimen" collection method will be used as per Appendix 3 guidelines.
- E. Members who are contacted by the Medical Review Officer will immediately return the phone call.
- F. Results of all alcohol/drug testing will be forwarded to the Office of Human Resources who will inform the the Assistant Chiefs. They will be placed in a separate file reserved for drug-testing results.
- G. Employees will be paid overtime if the testing extends outside the regular hours of work.
- H. Actions that are reserved for Division/Battalion Chief or Fire Director may not be delegated to company officers (i.e., suspension, transportation for testing, etc.)

S.O.P. #: PERSONNEL SERIES 24

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Section 7: Disciplinary Action

- A. Any member who has a positive alcohol (above .04% or third occurrence between .02%-.04%) drug test will be immediately suspended.
- B. A reinstatement hearing will be scheduled as per the guidelines for summary suspension.
- C. Charges and Specifications will be filed as per the Rules and Regulations.
- D. Disciplinary procedures will be initiated per the Rules and Regulations.
- E. Any case involving a positive test will also be referred to the Baltimore County Employee Assistance Program.

Section 8: Documentation Maintained by Authorized Testing Agency

- A. The following documentation is maintained by the authorized testing agency and is available for review, upon request:
 - 1. Department of Health and Human Services Certification for Quest Diagnostic, Norristown, PA.
 - 2. Maryland Department of Health Hygiene Medical Laboratory Permit for Quest Diagnostic, Norristown, PA..
 - 3. Quality Assurance and Operations Overview for Quest Diagnostic
Quest Diagnostic – Norristown
400 Egypt Road
Norristown, PA 19403
 - 4. ND 10 Panel Drug Test with Positive/Negative Cutoff Levels.