
	MESQUITE POLICE DEPARTMENT
	120.00 DRUG AND ALCOHOL POLICY
	Effective Date: June, 2015
	Approved: _____ <div style="text-align: center;">  Chief of Police </div>

I. Definitions

- A. Drugs - any type of substance whose use or possession is regulated by law, including, but not limited to: prescription medication, any substance listed as a controlled substance in Title 21 of the U.S. Code, narcotics, stimulants, hallucinogens, depressants, steroids, marijuana, hashish, cocaine, heroin, morphine, codeine, opiates, phencyclidine, amphetamines, inhalants, barbiturates, and lysergic acid diethylamide. Also included are mind altering, behavior modification, psychotropic or psychoactive drugs or chemicals, and over the counter medications.
- B. Alcohol - means alcohol or any beverage containing more than one-half of one percent of alcohol by volume which is capable of use for beverage purposes, either alone or when diluted.
- C. Dependence - A condition in which a person is dependent on a substance, other than tobacco or ordinary caffeine containing beverages as evidenced by:
 - 1. Increased tolerance to substances
 - 2. Withdrawal symptoms without substances
 - 3. Lack of control of use of substances
 - 4. Continued use even with decline in physical health, social, personal, or occupational performance.
- D. Intoxicated - Not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of these substances, or any other substance into the body. Having an alcohol concentration of 0.08 or more. Texas Penal Code §49.01(2).
- E. Substance Abuse - any improper, unauthorized, illegal, or excessive use of drugs or alcohol, including, but not limited to, the following:
 - 1. Ingestion, inhalation, or injection of drugs or alcohol during work hours, in a City vehicle, or on City property.
 - 2. Ingestion, inhalation, or injection of drugs or alcohol during non-working hours which affects an employee's ability to properly and efficiently perform assigned duties during working hours.
 - 3. Being intoxicated, under the influence, or impaired while on duty.
 - 4. Use of a prescription or over-the-counter medication in a manner in which it was not intended.
- F. Under the Influence or Impaired - any use of alcohol or drugs which, to any degree, may limit an employee's ability to properly and efficiently perform his or her duties or poses a threat to the safety of the employee, other employees, citizens, or property.

II. Purpose

- A. It is the policy of the City to provide a work environment which is free from the use, consumption, sale, distribution, or possession of drugs or alcohol. The specific purpose of the policy is to outline the methods for maintaining a work environment free from the effects of drugs and alcohol. Illegal or improper use of drugs and alcohol can seriously damage physical health, impair judgment, cause psychological injury, and jeopardize the employee's safety and the safety of others.
- B. While at work, each City employee has a responsibility to deliver service in a safe, efficient, and conscientious manner. Therefore, the use, sale, distribution, possession or

being under the influence of alcohol or any drug, including prescription medication, as outlined in the provisions of this policy, is strictly prohibited.

- C. Employees in need of assistance regarding drug or alcohol usage are encouraged to explore the use of leave time and medical benefits in obtaining assistance through public and private referral agencies specializing in chemical dependency before the problem affects their job.
- D. In order to meet the objectives of this policy, the City has established a drug and alcohol-free awareness program for the purpose of informing employees about the dangers of alcohol and substance abuse, the City's Controlled Substance and Alcohol Abuse Policy, the availability of substance abuse counseling, rehabilitation programs, and disciplinary actions that may be imposed on an employee for violations of the City's Controlled Substance and Alcohol Abuse Policy.
- E. All employees, and especially supervisory personnel, will be provided with training necessary to identify work-related performance problems; to identify potential symptoms of substance abuse; to understand the methods of drug and alcohol testing; to document reasonable suspicion instances; and to understand and implement guidelines for disciplinary action.
- F. This policy is intended to protect the safety of each employee and his or her co-workers, property, and the public. Employees failing to follow any portion of this policy may be subject to disciplinary action, up to and including termination.

III. Alcohol/Drug Use

- A. Illegal use or possession of drugs, whether on-duty or off-duty, is prohibited and shall constitute a dischargeable offense.
- B. Except for the proper use or possession of prescription or non-prescription medication in accordance with section C below, the use, sale, or personal possession (such as on the person or in a desk, work area, locker, or vehicle) of drugs or alcohol while on duty, in a City vehicle, or on City property at any time is prohibited and shall constitute a dischargeable offense. Employees shall not bring or keep any alcohol on departmental premises, except in the furtherance of a police task. Any alcohol present on departmental premises shall be properly identified and stored according to policy.
- C. Prescription and Non-Prescription Medication.
 - 1. Employees taking any prescription medication must report such use to the Chief of Police or his designee if the use of such drugs may affect the worker's ability to perform assigned duties.
 - 2. Before taking any prescription medication, it is the employee's responsibility to ascertain from his or her physician and/or pharmacist whether the medication may have an adverse impact on the employee's performance of his or her duties, and, if so, to then submit a written statement from the employee's physician regarding the manner in which such drug could affect the employee. The physician will be provided a job description of the affected employee's position along with a standardized form. The form will require the physician to categorize the employee as fit or unfit for duty while taking the prescribed medication.
 - 3. Without limiting the foregoing requirements, employees shall report the use of any prescription medication or drug
 - a) which is a narcotic, stimulant, or hallucinogen,
 - b) which could cause drowsiness, altered mental capabilities, or reduced motor functions, or
 - c) which is accompanied by labels or warnings regarding the use of operation of heavy equipment or automobiles.
 - 4. Any information received from an employee under this provision will be kept confidential except to the extent it may be shared with individuals who are in a

need-to-know position, such as the employee's immediate supervisor or as required by state or federal law.

5. The use of medications that are legally available over-the-counter is excluded from the requirements of this policy, unless such use results in a state of intoxication or impairment that is clearly a hazard to safety.
 - D. Any use of drugs or alcohol that may have or has an adverse effect on the employee's performance or that could jeopardize the safety of others, City equipment, the City's relations with the public, or the reputation of the Department is a violation of this policy.
 - E. No employee shall report to work with the odor of alcohol on his or her breath.
 - F. Employees shall not consume drugs or alcohol while off-duty to the extent that such drug or alcohol use is perceivable by others when reporting for duty, when on duty, or when in uniform, or to the extent their job performance is impaired.
 - G. Employees shall not consume or use any substance which, by reason of odor or other characteristic, might reasonably lead a member of the public to conclude that the employee had consumed alcohol, or was under the influence of alcohol, while on duty or in uniform.
 - H. Employees shall not be intoxicated while on duty or in uniform. They shall not at any time be intoxicated in public view, whether on or off-duty, in uniform or out of uniform.
 - I. No employee in uniform shall purchase, possess, be under the influence of, or consume drugs or alcohol while on or off duty. Possession of lawfully seized drugs or alcohol for the purpose of transporting such items to the official departmental property control officer is not a violation of this section. The seized items shall be properly identified and stored according to policy.
 - J. The illegal use of anabolic or androgenic steroids is prohibited.
- IV. Employee Responsibilities
- A. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. An employee scheduled to be on call who is called out is subject to the provisions in this policy.
 - B. An employee not scheduled to be on call who is called out and is under the influence of or impaired by legally prescribed drugs or alcohol must so advise his or her supervisor and will not be required to report to work. An employee who is called out and who reports to work but fails to notify his or her supervisor that he or she is under the influence or impaired may be subject to disciplinary action, up to and including termination.
 - C. All supervisors are responsible for carrying out the provisions of this policy and for recognizing and documenting the reasonable suspicion of drug or alcohol use by employees, substance abuse, and possible dependence.
 - D. It is the responsibility of each employee of the department to perform the duties and assume the responsibilities of his or her position and rank in the investigation of complaints or allegations of misconduct regarding employees of the department, and to cooperate fully with all personnel of the department conducting such investigation. Each alleged or suspected violation of this policy by an employee of the department shall be reported as soon as possible to a supervisor by any department employee, sworn or non-sworn, who observes the alleged violation. Supervisors will initiate investigations when they become aware of infractions by any employee of the department.
- V. Drug or Alcohol Testing
- A. Each employee of the department may be subject to testing on an unannounced, random basis using a scientifically valid, random number generation method, as described in Chapter 15 of the City of Mesquite General Government Policies and Procedures Manual.

- B. All employees reasonably suspected of substance abuse will be required to submit to testing.
- C. Testing will be required following a fleet motor vehicle or motorized equipment accident in any of the following circumstances:
 - 1. The accident results in a bodily injury which requires medical treatment.
 - 2. A City vehicle or other City property is damaged.
 - 3. A third party (non-employee) vehicle or property is damaged.
 - 4. When, in the judgment of the Chief of Police or his designee, an employee is involved in a fleet accident without justifiable cause or cannot be discounted as a contributing factor to an accident.
 - 5. When, in the judgment of the Chief of Police or his designee, an employee could have prevented the accident by being more alert.
 - 6. Employees who drive City vehicles on or off duty will be subjected to testing for motor vehicle accidents as described above.
- D. Procedures for Administrative Drug/Alcohol Testing
 - 1. Random Drug Testing – The City of Mesquite Human Resources Department will randomly select police employees for drug testing using the procedure outlined in V. (A) of this order. The notification will be routed to the selected employee's supervisor, who will notify the employee that they must report to Human Resources for the drug testing as soon as possible (the testing must be completed within two hours of the employee being notified of the test).
 - 2. Reasonable Suspicion Drug Testing – If a command level officer determines that there is reasonable suspicion to believe that an on-duty employee is under the influence, impaired or intoxicated by drugs or alcohol, they may pursue a reasonable suspicion drug test for the employee. The command level officer should document exactly why they believe the employee is impaired. They should then contact the Director of Human Resources, or if the Director of Human Resources is inaccessible within a reasonable period of time, the Chief of Police, for approval to conduct a reasonable suspicion drug test. If reasonable suspicion drug testing is approved, the watch commander will administer an oral fluids test for drugs and an alcohol breath test in the watch commander's office with another supervisor as a witness. If the initial tests are positive, inconclusive, or appear to have been altered, the employee will be driven to an approved collection site (current site can be found in the W.C. Guide Book under drug testing) for urinalysis and/or other federally recognized tests. If the initial tests are negative, the employee may still be driven to an approved collection site for urinalysis and/or other federally recognized tests if their symptoms and actions establish reasonable suspicion of impairment due to drugs or alcohol.
 - 3. Vehicle Accident – When an employee is tested following a motor vehicle accident as described in V. (C) of this order, the watch commander will administer an oral fluids test for drugs and an alcohol breath test in the watch commander's office with another supervisor as a witness. If the initial tests are positive, inconclusive, or appear to have been altered, the employee will be driven to an approved collection site (current site can be found in the W.C. Guide Book under drug testing) for urinalysis and/or other federally recognized tests.
 - 4. An employee may enter into a voluntary agreement for additional drug testing to be performed by the department. The terms of that agreement would provide the testing parameters; however, a positive test result under those circumstances could result in disciplinary action up to and including termination. Generally, this option would be considered after an employee has been involved in or suspected

of a drug or alcohol related event and both parties agree that additional testing would be useful in maintaining a work environment free from the effects of alcohol and controlled substances.

- VI. Applicability of City Controlled Substance and Alcohol Abuse and Testing Policy.
All employees of the Mesquite Police Department are covered under this directive and also Chapter 15, Controlled Substance and Alcohol Abuse and Testing Policy, of the City of Mesquite General Government Policies and Procedures Manual and should become familiar with its contents.
 - VII. This policy, when signed by the Chief of Police, is in effect immediately.
- EFFECTIVE: October, 2006; REVISED: August, 2011; REVISED: June, 2015

