

## Drug- and Alcohol-Free Workplace

### 1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

### 1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members. Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Additionally, the Department is required to maintain a drug-free workplace in order to receive federal grants. Therefore, such use shall not be tolerated (41 USC § 8103).

### 1006.3 GENERAL GUIDELINES

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 Commander 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 Shift Commander in a timely manner.

If a member is adversely affected while on-duty as the result of an accidental exposure or other incident, a supervisor shall be notified immediately and appropriate action shall be taken to ensure the health and safety of the member.

#### 1006.3.1 USE OF MEDICATIONS

The Department recognizes that the use of cold medications and similar products used as prescribed and in appropriate doses should not normally affect a members fitness for duty. However, members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status. The supervisor should consult with the Shift Commander and review the Medication Reporting Form to determine if the use of the medication necessitates clearance from the member's physician before placing them in an on-duty status. The Medication Reporting Form denotes medications that do and do not require reporting and/or require a physicians review and approval. The form shall be reviewed and updated as needed in collaboration with the City Human Resources Manager. If completion is required, a copy of the Medication Reporting Form shall be retained by the Department and the original forwarded to Human Resources. Department members are responsible to update their supervisor as to any change relative to the use of medications.

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No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the known potential to impair his/her abilities without a written release from his/her physician and Shift Commander approval. Generally, this refers to prescribed medication that specifically denotes its affects on persons who may need to operate vehicles or machinery.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action up to and including termination.

Because Cannabidiol (CBD) is an unregulated over-the-counter product, members are prohibited from using or consuming (CBD) products that are not approved by the Federal Drug Administration (FDA) while on-duty. Members choosing to use CBD products while off-duty do so at their own risk, as any positive test results for the presence of Tetrahydrocannabinol (THC) may result in discipline up to and including termination.

### **1006.4 MEMBER RESPONSIBILITIES**

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing for personal use 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, in conformity with this policy, 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 member poses a risk to the health and safety of the member or others due to drug or alcohol use.

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. The Department is responsible to notify the granting agency of such conviction within 10 days of receiving such notice (41 USC § 8103).

### **1006.5 EMPLOYEE ASSISTANCE PROGRAM**

An employee assistance program (EAP) is a voluntary, work-based program that may offer free and confidential assessments, short-term counseling, referrals, and follow-up services to employees who have personal and/or work-related problems, including alcohol and other substance abuse. The City of Beloit offers such a program.. Members should contact the Human Resources Department for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

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### **1006.6 REQUESTING SCREENING TESTS**

A supervisor may request an employee submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts and observations, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
  - 1. In this instance the supervisor shall notify the Shift Commander and request a second supervisor if available to evaluate the member. If in agreement regarding impairment or at the direction of the Shift Commander, the member shall be transported to an approved medical facility to obtain an alcohol and drug screen in conformity with existing City policy. The Shift Commander shall initiate a personnel complaint and notify his/her commanding officer to determine the member's status. Further, upon completion of the alcohol/drug screen the Shift Commander shall prevent the member from continuing work and shall ensure that he/she is safely transported from the Department.
- (b) The employee discharges a firearm in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person or substantial damage to property.

#### **1006.6.1 SUPERVISOR RESPONSIBILITY**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request 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 disciplinary action up to and including termination.

#### **1006.6.2 SCREENING TEST REFUSAL**

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

- (a) Fails or refuses to submit to a screening test as requested.
- (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.
- (c) Violates any provisions of this policy.

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### **1006.7 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

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).

### **1006.8 CONFIDENTIALITY**

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 separately from the employee's other personnel files.