



Ligonier Valley Police Department Ligonier, Pennsylvania

General Order ☒
Special Order ☐
Personnel Order ☐

ORDER NUMBER

Subject

Employee Drug Policy

Date of Issue

Effective Date

Expiration Date

Until replaced or rescinded.

Issued by:

Chief of Police

Amends

Rescinds

All previous applicable orders.

All previous applicable orders.

PLEAC Standard

Distribution

General Order Manual

This order consists of the following sections:

I. Purpose

The purpose of this policy is to outline and enforce procedures for maintaining a drug-free workplace.

II. Policy

The critical mission of law enforcement establishes a compelling need to maintain a drug-free work environment. Employees who engage in unauthorized use of controlled substances and drugs risk their safety, and that of their coworkers and the community they serve; undermine the integrity of the agency; and increase the potential for corruption. Therefore, it is the policy of the Ligonier Valley Police Department (LVPD) to prohibit all of its employees from the use, sale, purchase, manufacture, distribution, transfer or consumption of illegal drugs as defined by PA State and federal laws. This prohibition applies to all employees and potential employees of LVPD including uniformed and non-uniformed bargaining unit employees.

III. Definitions

Controlled Substance: Any substance that is illegal to consume, possess, manufacture or distribute, or any psychoactive substance, drug, or medication that requires the prescription of a licensed medical practitioner.

Drug: Substance that is defined as including alcohol, cannabis, narcotics or controlled substances as defined under the PA Crimes code Controlled Substance, Drug Device and Cosmetics Act.

Drug Test: The compulsory production and submission of the employee's urine for analysis for illegal drugs, or submission to a blood test for alcohol, in accordance with agency procedures, to detect prohibited drug usage. All drug tests will be administered by a licensed Third-Party Administrator.

Third Party Administrator: an experienced, fully licensed laboratory facility that oversees the collection and testing of urine.

Random Selection: A method of selection in which every employee in predetermined employee classifications has an equal chance to be chosen for drug testing each time a selection is conducted.

IV. Prohibitions

The LVPD does not tolerate the use, possession, sale, purchase, manufacture, distribution, transfer, or consumption of illegal drugs by its employees. No employee shall report to duty or remain on duty while testing positive for any illegal substance in violation of this policy. No employee will use an illegal drug while on duty. When required by official duties (including arrests, preservation of the chain of custody for evidence and by the LVPD K9 Handler) the handling or possession of illegal drugs is not covered by this policy

V. Screening requirements

A urine test shall be administered under the following circumstances:

- a. **Pre-hire Drug Screening.** All offers of employment shall be conditioned upon the applicant submitting to and passing a drug screen. Pre-hire drug screening will test for the presence of illegal drugs. Applicants who refuse to submit to this screening or who test positive will not be employed by the LVPD.
- b. **Testing for Cause.** An employee shall be screened for cause when a reasonable suspicion exists that the employee appears impaired due to an illegal drug or alcohol. An employee shall be notified in writing as to the reasons for the test and any individuals who provided information that would lead to a test being conducted
- c. **Causal/Incident-Related:** An Employee shall submit to a drug screen as soon as practicable after a reportable accident occurring in the course and scope of employment where the accident involves a member in an on-duty motor vehicle reportable accident, excluding when such motor vehicle hit wildlife.
- d. **Reinstatement, Return-to-Duty and Follow-Up Testing.** An employee who is disciplined for violation of this policy must submit to a drug screening test prior to being returned to duty and will be subject to unannounced follow-up drug screenings for a period of up to 12 months.

- e. Random Drug Screening. The LVPD workforce will be subject urine test screening on an unpredictable, unscheduled basis, as described later in this document.

VI. Drug Screening Procedures

- a. Pre-hire Drug Screening. Upon receiving an offer of employment, the applicant will be required to undergo a drug screen. Each applicant will read and sign a drug screen consent form prior to any test being administered. The applicant will be provided with the third-party administrator's information and scheduled for a drug screen. Any applicant who refuses to submit to a drug screen or tests positive will not be eligible for employment.
- b. Testing for Cause. LVPD employees will be tested for illegal drugs if there is reasonable suspicion that the employee is under the influence of any banned substances or abuse of prescription medication. For the purpose of this program, the term "reasonable suspicion" includes "aberrant behavior or unusual on-duty behavior" of an employee. The behavior must be observed on duty by the employee's immediate supervisor, a higher-ranking employee, or other managerial personnel (observations shall be documented by the observers). Testing for cause will also occur when an employee exhibits accepted symptoms of impairment caused by controlled substances or addiction to or dependence upon controlled substances.

Testing for cause will not occur when behavior can reasonably be explained by other causes such as fatigue, lack of sleep, side effects of prescription or over-the-counter medications, illness, or reaction to noxious fumes or smoke.

Testing for cause will be conducted only with the approval of the Chief of Police. At the time drug testing for cause is ordered, the person approving or ordering the testing will document in writing (including email) who is to be tested and why the test was ordered, including the specific objective facts constituting reasonable suspicion leading to the test being ordered, and the name of any sources(s) of this information. The employee will be ordered to immediately submit to a drug screen.

Drug screening for cause will be performed by a third-party administrator approved by LVPD. The employee will be given a copy of the results of the drug screen. If a drug screening test is positive, the employee will be subject to disciplinary action. The Chief of Police (or the LVPD Commission Chairman in the case of the Chief of Police) shall suspend an employee from duty with pay pending final disciplinary action.

- c. Accident and Incident -Related Screening. An employee involved in an accident or incident requiring screening as defined under this policy shall provide a sample for drug testing as soon as possible after the accident or incident. Required medical treatment or other emergency measures shall take precedence over testing.

VII. Drug Screening

a. Random

The Chief of Police shall semi-annually, randomly select the names of two members of the entire LVPD workforce for drug screening. The selection shall be done in the presence of a bargaining unit representative. Random drug screening will be performed by the same third party administrator who performs other drug screening for the LVPD.

- b. No employee shall be required to submit to more than two routine drug screens per year unless the Chief of Police has reasonable suspicion that the employee is exhibiting impaired behavior or symptoms of drug or alcohol use while on duty.

VIII.

A. Prohibited Activity

1. No employee shall illegally possess any controlled substance unless it is during the scope of their employment when required. The Department K9 Handler, if properly licensed or required during training activities shall be exempt from the possession of controlled substances as detailed in the policy.

2. No employee shall report for work or be on duty when his or her judgment or physical condition has been impaired by a controlled substance.

3. No employee shall ingest a controlled substance in any form unless prescribed for the employee and taken in accordance with the directions of a medical practitioner. When required to use any controlled substance or drug, to include prescription and over-the-counter medicine, which they have been informed has the potential to impair job performance, employees shall advise the LVPD Chief.

- a. The LVPD Chief shall document this and maintain this memorandum in the employees secured personnel file.

- b. The employee may be temporarily reassigned to other duties, where appropriate, or be made to take paid leave.

4. Any employee who unintentionally ingests, or is made to ingest, a controlled substance or drug shall immediately report to the Chief of Police so that appropriate medical steps may be taken to ensure the employee's health and safety.

5. With regard to the use of alcohol, employees shall not

- a. Consume alcohol while on duty unless authorized by a supervisor in the course of their employment and when it serves a legitimate law enforcement purpose

- b. Serve or consume alcohol on law enforcement premises or in vehicles owned by this jurisdiction.

- c. Consume alcohol in a public place when on duty or in uniform; or

- d. Report to work under the influence of alcohol.

6. Any employee having a reasonable basis to believe that another employee is illegally using or in possession of or is under the influence of any controlled substance or drug

shall immediately report the facts and circumstances to a supervisor or the LVPD Commission if the individual under suspicion is a supervisor.

B. Reasonable Suspicion Drug Testing

1. The Chief of Police may request drug test of any employee when there is reasonable suspicion to believe the employee is under the influence of illegal drugs or if the Chief of Police is suspect, the Commission may request the test
2. A Reasonable Suspicion Authorization form shall be prepared by the Chief of Police or the Commission, in the circumstances of the suspected is the Chief of Police. The Form shall include summary of the facts supporting the request. If the facts surround a policy violation or a discipline, it shall be cited in the form.
3. Reasonable suspicion to request a drug test is based on a totality of circumstances that include, but are not limited to
 - a. Abnormal conduct or aberrant behavior;
 - b. Information provided by reliable and credible sources; and
 - c. Observed difficulty in speaking, concentration, or moving which suggest impairment of a drug or controlled substance.
4. The members shall be placed on administrative leave, with pay, pending the outcome of the drug test.
5. A member subject to drug testing shall be transported to the testing location by a bargaining unit representative.

C. Random Drug-Testing Procedures

1. Drug testing shall take place during the members normal shift and schedule
2. Employees shall report to the collection site no later than two hours after being notified of their selection for drug testing. If the employee is unable to meet this requirement, he or she shall notify his or her supervisor immediately. Exceptions may be made for employees who are unavailable due to authorized leave or travel out of the area. In such cases, the employee shall not be notified that he or she has been selected for a random drug test until his or her first scheduled shift after his or her return.
3. If the member is unable to provide a drug test, such excuse shall be recorded. If the member refuses, absent reasonable excuse, to take the drug test, he or she shall be considered insubordinate, pending administrative actions.
4. Drug Testing Methodology
 - a. The testing shall consist of a two-step procedure: (1) initial screening test and (2) confirmation test.
 - b. All drug testing performed under this policy shall be performed by a professionally qualified laboratory meeting standards defined by local, state, or federal authorities and approved by this agency.
 - c. The sample shall be tested first using the initial drug screening procedure. An initial positive test result will not be considered conclusive; rather, it will be

classified as confirmation pending. Notification of test results to the Chief of Police shall be held until the confirmation test results are obtained.

- d. A specimen initially testing positive will undergo a confirmatory test that shall be technologically different and more sensitive than the initial screening test. The drug screening test selected shall be capable of identifying, at minimum, marijuana, cocaine, opiates, amphetamines, and barbiturates.

5. Drug Testing Procedure – Alcohol

- a. If there is reasonable suspicion that an employee is under the influence of alcohol, he or she shall be ordered to submit to a blood sample to the third party administrator
- b. Employees shall be notified that they have the right to have the sample examined by an independent laboratory of their choice and at their expense

D. Chain of Evidence and Storage

1. Each step in collection and processing of specimens shall be documented to establish procedural integrity and the chain of custody.
2. Where a positive result is confirmed, specimens shall be maintained in secured, storage in accordance with the third party administrator's storage policy.

E. Drug Test Results

1. All positive confirmatory test results shall be immediately relayed to the Chief of Police providing he or she is not the employee with the positive drug test result. Written test results shall be submitted by the Third Party Administrator to the Chief of Police within a pre-determined period of time. If the Chief of Police is subject to testing the next immediate Police supervisor shall notify the Police Solicitor to make notification to the Police Commission.
2. Any employee receiving a confirmed positive drug test result will be removed from duty with pay pending a hearing for disciplinary action up to and including termination of employment.
3. Employees shall be notified that they have the right to have the sample examined by an independent laboratory of their choice and at their expense.
4. The legal right of all personnel to maintain confidentiality in the results of their drug tests shall be observed by all employees.
5. All positive test results that can be justified by a valid medical documentation shall be considered a negative test result
6. This Chief of Police shall maintain all employee drug test results and other documents pertaining to the test results in a medical file, separate from any personnel files and in compliance with agency policy and law. These documents shall remain confidential and shall not be provided to the public, other employers or agencies without the written permission of the person whose records are sought.