



Chapter: Member Conduct and Authority
Subject: 02-04 – Drug-Free Workplace
Effective: March 1, 2023
Supersedes: N/A
Distribution: Department Members

PURPOSE: This Order establishes department policy for a drug-free workplace.

02-04-1 DEFINITIONS:

- A. Alcohol: Means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.
- B. Controlled Substance: Means any drug or other substance, or immediate precursor, as designated and defined by the Uniform Controlled Substances Act.
- C. Marihuana: Means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin.

02-04-2 POLICY:

- A. The Michigan State Police (MSP) is committed to protecting the safety, health, and wellbeing of all members. A drug- and alcohol-free workplace supports this commitment and is vital to our integrity, reputation, and mission. Use of controlled substances and alcoholic beverages in violation of this policy is prohibited. The MSP will support and assist members who voluntarily seek assistance with drug and alcohol problems before becoming subject to discipline or termination under this or other department written directives.
 - (1) Members are required to comply with the federal Comprehensive Drug Abuse Prevention and Control Act (also known as the federal Controlled Substances Act) which considers Marihuana to be a Schedule I controlled substance. Therefore, members are prohibited from manufacturing, distributing, dispensing, or possessing a controlled substance, including marihuana, except when lawfully prescribed by a licensed medical practitioner or as part of their official duties with the Michigan State Police. The manufacture or sale of controlled substances in performance of a work assignment must receive prior authorization from the Director or designee.
 - a. Enforcement members are further prohibited from using marihuana by the federal [Gun Control Act](#), which prohibits an individual who uses marihuana from possessing a firearm or ammunition.

- (2) Members may only use legally prescribed drugs and medication in the dosage and frequency lawfully prescribed by a licensed medical practitioner. Members will notify an immediate supervisor when required to use prescription medication which has the potential to impair job performance.
- (3) The consumption of alcohol while on duty or reporting to duty while under the influence of alcohol is prohibited for all members.

02-04-3 PROCEDURES:

Procedures for drug and alcohol testing can be located on the Human Resources Division website under [Drug and Alcohol Testing Program](#) and Official Order 03-40 – Drug and Alcohol Testing, for department policy.

02-04-4 DISCIPLINARY ACTION

A. Disciplinary Action

- (1) Any member who is found to have knowingly manufactured, distributed, or dispensed a controlled substance or is found to have possessed a controlled substance without a legal prescription, may be subject to disciplinary action up to and including termination and when appropriate, referral for criminal prosecution.
- (2) Any member who is found to be under the influence of, or who is found to have a detectable amount of a controlled substance in their system in violation of this policy may be subject to disciplinary action up to and including termination.
 - a. Members who are not terminated may be offered an opportunity to complete an approved rehabilitation program.
 - i. During rehabilitation, the member will be subject to unannounced drug or alcohol testing.
 - ii. Following rehabilitation, upon the recommendation of the substance abuse professional, the member may be subject to unannounced drug or alcohol testing for a period of time and at the frequency specified by the substance abuse professional.
 - iii. Members may refer to their applicable collective bargaining agreement for additional information.
- (3) Any member found to have a positive or suspicious test result for alcohol or a controlled substance in violation of this policy will be immediately placed on administrative leave while an investigation is conducted by the Professional Standards Section.

02-04-5 MEMBER ASSISTANCE AND SELF-REFERRAL

- A. Members are strongly encouraged to seek assistance if there is a concern that they or a family member may have a drug and/or alcohol problem. It is recognized that early intervention and support improve the success of rehabilitation.
- B. Members who voluntarily seek assistance with drug and alcohol problems before becoming subject to discipline or termination under this or other department written directives will be referred to treatment providers and allowed to use accrued leave credits or a leave of absence while seeking assistance. Additional accommodations may be allowed, as required by law.

- C. Confidential counseling and referrals to sources of assistance are available to any member through the following:
 - (1) The Office of Behavioral Science (OBS) at 888-677-2999.
 - (2) The Michigan State Police Peer Support Program which provides one-on-one support during and after a personal crisis, including substance abuse, through the guidance of a trained Peer Support Person.
 - (3) The Employee Service Program (ESP) provides expert, confidential employee assistance to classified state employees to help identify strategies for resolving concerns that affect personal or work life, including substance abuse.
 - a. ESP services are provided free of charge. Entrance into the ESP can occur by self-referral, recommendation, or referral by the Office of Behavioral Science.
 - (4) The department's Wellness Application which provides members and their families with 24/7 access to resources.

DIRECTOR

Annual Review Responsibility: Transparency and Accountability Division
Human Resources Division

Accreditation Standards: CALEA 26.1.1