



Pueblo County Sheriff's Office General Order Policies and Procedures Manual	
Pueblo County Sheriff's Office Section 4	
Part 12	Subject: Drug-Free Workplace Program
Related CALEA Standards: N/A	Related ACA standards: 5-ALDF-7C-01
Related CALEA Communications Standards: N/A	

Authority

This policy is issued pursuant to Sheriff David J. Lucero's directive in which authority to manage and direct all activities connected with random drug testing is delegated to the Undersheriff or designee.

Purpose

The Sheriff's Office facility operates a drug-free workplace, and employees are expected to remain free from the influence of illegal drugs and excessive alcohol intake. Abstinence from illegal drug use or excessive use of alcohol is a critical requirement of employment in the Sheriff's Office.

To provide guidance on the implementation and use of Random Drug Testing. Pursuant to the Drug Free Workplace Act of 1988, the Pueblo County Sheriff's Office is a drug-free workplace. This includes any compensated member, volunteer and all others as outlined in [GOPP Section 1 Part 1 - Office Structure](#)

The Pueblo County Sheriff's Office has a paramount interest in protecting its members and the public they serve by providing a safe and drug free work place. The professional responsibilities and integrity of the office demand that members refrain from illegal drug use, or the abuse of any drug or alcohol, and remain free of the negative consequences of that abuse.

The PCSO agency supports a drug-free workplace for all employees and includes, at a minimum, the following.

- Prohibition of the use of illegal drugs.
- Prohibition of possession of any illegal drug except in the performance of official duties.
- The procedures to be used to ensure compliance.
- The opportunities available for treatment and/or counseling for drug abuse.
- The penalties for violation of the policy. <5-ALDF-7C-01>

The respect and status of the office and its members can quickly be lost when allegations are made that drug or alcohol abuse may exist within the office. Testing members for drug abuse is critical to ensuring that these values are maintained.

The Pueblo County Sheriff's Office, therefore, establishes this policy for members, to outline procedures for the drug free workplace program and the testing for improper drug/alcohol use.

It is the policy of the Pueblo County Sheriff's Office that members shall not possess, manufacture, dispense, use or be under the influence of any federally controlled substance, whether on or off duty, unless the substance has been legally prescribed to the member by a physician or other authorized health practitioner licensed to do so.

In addition, members may not use, possess or be under the influence of alcohol while on duty, during meal breaks, or when performing police duties outside normal working hours. Exceptions may be granted during certain assignments with the approval of the member's commanding officer.

A member who uses a prescription drug that causes adverse side effects or may affect the ability to perform work in a safe and productive manner must notify his or her supervisor prior to starting to work. The supervisor will make the determination if the member can remain at work and what work restrictions, if any, are deemed necessary.

The Pueblo County Sheriff's Office does help with alcohol and drug related problems/addictions. This service is provided by the Employee Assistance Program, [FMLA Employee Guide WH-1506 August 2012](#) as stated in the [Pueblo County Personnel Policies Manual](#) Chapter 7, Drug and Alcohol Use. This office will comply with the guidelines of the Drug Free Workplace Act of 1988.

Violations of this policy may lead to disciplinary action, up to and including termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program.

Pre-employment

The Pueblo County Sheriff's Office will have an independent outside facility conduct a urinalysis and if the pre-employment candidate is positive for any prescription narcotic drug, it will be run through the (PDMP) Prescription Drug Monitoring Program to verify the applicant is on the prescription drug. The PDMP program will notify our office of the results.

Condition of Employment Drug Screening Regarding THC Tetrahydrocannabinol

Since the passing of Amendment 20 and Amendment 64, citizens of Colorado have been given guidelines for the responsible use of medical and recreational Marijuana. However, as a member of this office, in accordance with [Code of Federal Regulation](#) (48 CFR 52.223.6), Colorado Revised Statute (CRS 30-10-506), <http://www.lexisnexis.com/hottopics/colorado/>, [Pueblo County Personnel Policies Work Conditions and Rules](#) (Chapter 7), Sheriff's Office [GOPP Section 2 Part 1 - Code of Conduct](#), which mandate members of this office will comply with being a "drug-free" workplace.

To not disqualify potential candidates from this office for employment, candidates who have admitted to the use of Marijuana or other substances, as a condition of their employment, pledge to remain "drug-free" throughout the entirety of their employment with this office.

New employees will be required to complete in-house form #700. The confidential form will be filed with the Human Recourse office. As a condition of their employment, new employees must comply with the mandates of the form. During the first 6 months of their employment, these new employees will be required to submit to monthly urinalysis screenings as arranged by the Office of Professional Standards and Internal Affairs.

New employees understand their *due process* has previously been identified and served by completing this form. Upon the findings of a chemical test showing the new employee violated their pledge to remain "drug-free," the new employee will be subjected to the disciplinary process which can include termination.

New employees understand it is not acceptable or allowed that they use, condone use, even by their presence when in use, or otherwise associate with the people/places who use, sell or dispense Marijuana in any form. Marijuana and THC associated with Marijuana products or derivatives such as hash oil (BHO), or any slang term that otherwise describes THC substances, shall not be used and they shall not remain in the known presence of these described substances.

No matter the legality of any substance, to facilitate a federally mandated "drug-free" work environment, new employees agree to examination as is standard practice by the Office of Professional Standards and Internal Affairs at the time convenient for that Office. This is meant to keep new employees safe and is paramount to the protection of the public they serve.

Upon successfully completing 6 months to a year of monthly urinalysis screenings, new employees will no longer be subject to monthly urinalysis screenings, but will continue to be randomly tested with their peers as identified by the Office of Professional Standards and Internal Affairs

Drug Testing for Reasonable Cause / Informed Consent

Reasonable Suspicion means an articulate belief based on fact and reasonable inferences drawn from those facts. The term "Cause" is synonymous with the term "reasonable suspicion." Informed consent can be valuable

in determining long term compliance with a Drug Free Workplace. Informed consent can be given by any employee for the purpose of establishing irregularly regular drug testing.

The legalization of federally illicit drugs in the state of Colorado indicates a need for informed consent. Informed consent can be applied to all issues of drug testing inquiry. Informed consent is considered favorable to reasonable suspicion or cause as it requires no order.

All office members, regardless of rank or position, shall be subject to drug testing for reasonable cause. Reasonable suspicion shall be based on objective facts obtained by the office and rational inferences, which may be drawn from those facts.

The credibility of the sources of information, whether by tip, informant, personal observation, or voluntary admission, and other reliability of facts or information shall be considered in determining the presence or absence of reasonable cause. A member shall be required to submit to urinalysis, Breathalyzer, and/or other clinical analysis procedures as may be designated by the office, and at the time and place determined by the office.

1. Facts are sufficient to constitute reasonable cause that a member is unfit for duty and that usage of a controlled substance, whether prescription or non-prescription (over-the-counter), or alcohol may be the cause of the member's unfit condition.
2. A member's documented job performance is deteriorating through declining productivity, excessive absenteeism/tardiness, aberrant behavior, and/or personal or vehicle accidents, which question the conduct of the involved members.
3. A confidential investigation by the internal affairs unit determines that facts are sufficient to constitute reasonable cause that a member is a user of controlled substances that have not been legally prescribed to the member.
4. A member is observed possessing, using, or distributing illegal drugs or alcohol on duty.

Any member receiving or having information regarding the illegal manufacture, use, possession, or sale of any controlled substance by another member shall immediately bring that information to the attention of a supervisor or the internal affairs unit. Upon receiving this information, the internal affairs unit will conduct a confidential investigation.

Whenever possible, the member to be tested based on reasonable cause shall be notified during his or her tour of duty on the day of the drug test. No minimum notification time is required other than that which is necessary for transportation purposes.

Random Drug Testing / Regular Drug Testing

Random means a selection in such a way that each member of the office has an equal chance of being chosen. The selection of members for random drug testing shall be made by a secure computer selection process. Human intervention in this process shall be limited to the programming of the computer.

The medical provider who will be administering the drug screen test will maintain the computer program. A minimum of twelve members will be chosen per quarter for testing. Each month the Office of Professional Standards will update the medical provider with a list of changes (new hires and terminations.) All members of the Pueblo County Sheriff's Office will be subject to random testing.

Whenever possible, the member to be tested shall be notified during his or her tour of duty on the day of the drug test. No minimum notification time is required other than that which is necessary for transportation purposes.

The office of professional standards inspector will notify the member of their selection for random drug testing and that the member is to report to the medical facility to be tested. Once the member is notified, he or she will report directly to the medical facility (within three hours of notification) for the drug test. If the member fails to report for the test, he or she will be required to give a written response to the division captain, as to the reason and disciplinary action may be taken.

Affected member(s) who have been given informed consent may also be tested each time the random member(s) are chosen or at a time of the choosing by the office.

An outside independent facility will conduct a urinalysis and if the employee is positive for any prescription narcotic drug, it will be run through the (PDMP) Prescription Drug Monitoring Program. The PDMP program verifies that the office member has been prescribed the medication. The PDMP program also verifies that the member is using a narcotic drug while on duty which is a violation of the Sheriff's office policy. State laws require all pharmacies to enter office member's information into the PDMP database.

Drug Testing Procedures

Drug testing shall include an initial testing screen; and if the initial screen is positive for any controlled substance, as defined in the Colorado Revised Statutes and any applicable amendments thereof, and the substance has not been legally prescribed to the member, then a second "confirmatory" test shall follow. Drug testing will be completed by an independent outside facility. A licensed medical professional will be used to collect the sample. All otherwise applicable state and federal guidelines will be followed throughout the process.

Positive Test Results

The office of professional standards inspector will be notified of test results by the testing facility and the Inspector shall make the Undersheriff and sheriff aware as well. Every positive confirmatory test will be investigated. Upon completion of an investigation, the member's respective bureau chief shall decide what disciplinary and/or intervention action to take as a result of a positive confirmatory test and make their recommendations to the Undersheriff.

The Undersheriff will review all recommendations and decide and act on the course of action. The legal ingestion of a prescribed or over-the-counter drug that results in the member reporting for duty in an unfit condition may subject the member to administrative sanctions.

On-duty Reporting of Drug or Alcohol Abuse

On duty members, who suspect that another member is unable to perform his/her assigned functions due to the possible use or abuse of drugs prescribed by a physician or other authorized health practitioner, or due to the possible use or abuse of over-the-counter non-prescribed drugs, or any other drug, or alcohol shall report it to the supervisor.

If the supervisor is not available, the next in the chain of command should be used. Failure to report that a fellow member is unable to perform due to suspecting a substance was abused / misused is a violation of code of conduct drug free workplace standards.

The reporting member has no right to the findings of any subsequent investigation of the affected member and may be prohibited from further information. Reporting suspicious behavior that is believed to be substance abuse shall not be held against the reporting member except where it can be believed / proven that such information was given to inflict harm to the affected member's reputation.

The investigating supervisor shall explain to the bureau captain the actions of the member and any other information that supports the supervisor's reasonable belief that member is unfit to perform his/her duties and the use or abuse of drugs and/or alcohol is related to the member's condition.

If the condition results from an unintentional misuse of legally possessed drugs, the division captain may dismiss that member from his/her duties for that shift and charge the member with sick leave. If there is insufficient evidence supporting a member's contention that his/her condition is a result of a legally prescribed or over-the-counter prescribed drug, then he/she shall submit to drug/alcohol screening testing previously outlined for reasonable cause testing.

The decision to test an on-duty member shall be made by the bureau captain. If a test is ordered, the member shall be informed that there is a basis of reasonable suspicion, and a drug test will be administered. The members will then be taken without delay by a supervisor to the appropriate collection site where testing will be conducted.

If an off-duty member is determined to be unfit to perform his/her duties and the superior officer conducting the investigation relieves that member from duty, the superior officer shall:

1. Relieve the member of all known firearms.
2. Not permit the member to drive a vehicle.
3. If the test result is negative at any state of this process, the allegation of drug abuse against the accused member shall be considered as unfounded.
4. Any other allegations stemming from the original complaint, or discovered during the investigation of the original complaint, will be investigated and classified according to the evidence pertaining to those particular allegations.

In all instances, the decision to dismiss a member from his/her duties for that shift as outlined will be fully documented and based on facts. A complete report of the incident shall be prepared by the investigating supervisor and submitted to the member's bureau chief and the sheriff or his designee on the following regular business day. All reports pertaining to drug testing will be filed with the office of professional standards. In instances involving prescription drugs, the doctor's name, pharmacy, drug name, recommended dosage, and prescription number must be included in the documentation.

Such medical information is considered confidential and must be handled in a manner that fully protects the member's right of privacy pertaining to such information.

Deputies or other members assigned to work with or around illegal drugs as a function of their assignment shall be subject to drug testing at the discretion of the sheriff or his designee.



By Order Of The Sheriff