

EAST RANGE POLICE DEPARTMENT

Alcohol and Drug Use

POLICY
113

REV 03/10/2025

I. PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The East Range Police Department discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol.

This policy is not intended to supersede any future, or any previous, collective bargaining agreement as long as the minimum standards under state statute are met or exceeded (Minn. Stat. 181.955).

II. GENERAL GUIDELINES

- A. The consumption of illegal drugs is strictly prohibited and the consumption of alcohol by on-duty personnel is generally prohibited except as necessary and expressly authorized in the performance of an official special assignment. Personnel who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.
- B. Employees who have consumed an amount of an alcoholic beverage or taken any medication that would tend to adversely affect their mental or physical abilities shall not report for duty. The affected employee shall notify their supervisor as soon as the employee is aware that he/she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner.
- C. Before reporting to work or beginning to perform work on behalf of either City, an employee shall notify his/her supervisor, or another supervisor in his/her department, if he/she has consumed alcohol, ingested controlled substances or taken prescription drugs which may impair performance of duties. It will be the responsibility of the employee's supervisor to ask pertinent questions to determine the employee's ability to perform in a safe, fully functioning capacity. It will be the responsibility of the supervisor to document the authorization to come to work. The East Range Police Department Policy prohibits:
 - 1. Any individual from reporting to work under the influence of alcohol or drugs which affect his/her alertness, coordination, reactions, responses, judgment, decision-making or safety.
 - 2. Any individual from operating, using, or driving any equipment, machinery or vehicle in performance of City work while impaired or influenced by the use of alcohol or drugs.

3. Any individual from unlawfully manufacturing, distributing, dispensing, possessing, transferring, or using a controlled substance in the workplace or wherever the City's work is being performed.
4. During work hours or paid breaks, or while on the City's premises, any individual from consuming, using, selling, possessing, or transferring alcoholic beverages or controlled substances.

III. PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

- A. The East Range Police Department's Policy prohibits:
 1. Any individual from unlawfully manufacturing, distributing, dispensing, possessing, transferring, or using a controlled substance in the workplace or wherever the City's work is being performed. During work hours or paid breaks, or while on the City's premises, any individual from consuming, using, selling, possessing, or transferring alcoholic beverages or controlled substances.
- B. The policy statement above do not apply in the following situations:
 1. Activities which are part of a work assignment such as may occur in the Police Department and such use or possession is necessary in connection with the investigation of illegal activities.
 2. Possession of alcohol in an individual's personal vehicle on the City's premises as long as the situation is in compliance with applicable laws.
 3. Consumption of alcohol by elected officials as part of business or social events which occur outside of the normal business day provided that the elected official does not drive a City vehicle after having consumed alcohol.

IV. USE OF PRESCRIBED MEDICATIONS

Office employees who are medically required to take prescription medications during work hours shall not allow such medication to impair their ability to perform their work. Any employee who is required to take any medication with sides effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to his/her immediate supervisor.

No employee shall be permitted to work on or drive an Office-owned or –leased vehicle while taking such potentially impairing medication without a written release form his/her physician.

V. NOTIFICATION

- A. The East Range Police Department Policy requires:
 1. Pursuant to the federal Drug-Free Workplace Act of 1988, an employee must notify his/her supervisor (or another supervisor in his/her department) within five (5) calendar days if he/she is convicted of a criminal drug violation in the workplace. The City will notify the contracting/granting agency within ten (10) days of receipt of an employee conviction notice. Supervisor notify their department heads when he/she has evidence or reasonable suspicion to believe that an employee has or may have illegal drugs in his/her possession at work. It

will be the responsibility of the Department Head or their designee to contact the appropriate law enforcement agency to take action in these circumstances.

VI. VIOLATIONS

- A.** Violations of the East Range Police Department Policy will be handled as follows:
 - 1.** Employees who violate one or more of the policy statements will be subject to disciplinary action up to and including discharge.
 - 2.** Volunteers who violate one or more of the policy statements will have their City volunteer work ended.
 - 3.** Independent contractors who violate one or more of the policy statements while working for the City on City property or at a City event will be subject to cancellation of their contracts and ineligibility for future contracts for a period of one year.
 - 4.** Elected officials who violate one or more of the policy statements will be subject to the East Range Police Department's Code of Conduct.
- B.** Each situation involving a violation will be thoroughly investigated and action taken on a case-by-case basis. East Range Police Department employees have a responsibility to abide by the provisions of this policy. Any supervisor who observes an individual in violation of these provisions shall document the circumstances, facts and observations made. An investigation shall be conducted to determine the facts of the situation. For safety reasons, City employees have a responsibility to report any violation of this policy. The East Range Police Department may require that any employee in violation of any provision of this policy participate in a referral to the City's Employee Assistance Program. Compliance with any subsequent referrals for treatment programs will be mandatory.

VII. EMPLOYEE ASSISTANCE PROGRAM

- A.** The East Range Police Department will continue to offer drug-free awareness information for employees and encourages employees to take advantage of the City's health insurance program and/or employee assistance program. There may also be available a variety of insurance coverages which provide treatment for drug and alcohol abuse.
- B.** Employees may contact the Human Resources Department, their insurance provider or the Employee Assistance Program for additional information.
- C.** Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Programs or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to a performance problem (Minn. Stat. 181.951, Subd. 6).
- D.** Employees will be given administrative leave for Office-required referrals to EAP. Employees may be given administrative leave up to two confidential visits for self-referrals. State of Minnesota Employee Assistance Program at <http://www.mmb.state.mn.us/eap>. EAP counselor 800-657-3719 or 651-259-3840.

VIII. WORK RESTRICTIONS

If an employee informs a supervisor that he/she has consumed any alcohol, drug or medication which could interfere with the safe and efficient performance of his/her duties, the employee may be required to obtain clearance from his/her physician before he/she continues to work.

If a supervisor reasonably believes, based upon objective facts, that an employee's ability to perform his/her duties safely and efficiently may be impaired by the consumption of alcohol or other drugs, the supervisor may ask the employee whether he/she has consumed any alcohol or other drugs and, if so the amount and types of alcohol or other drugs consumed, the time of consumption, and the name of the person who prescribed the controlled substance.

If the supervisor reasonably believes, based upon objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall transport him/her or cause him/her to be transported safely away from the Office.

IX. REQUESTING SCREENING TESTS

- A.** The Office may request an employee to submit to a screening test only if the Office (Minn. Stat. 181-951; Minn. Stat. 181.952; Minn. Stat. 181.954):
 - 1.** Reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
 - 2.** Informs the employee of the specific facts supporting its belief and prepares a written record of those facts; and:
 - (a)** Informs the employee in writing whether the test will be for alcohol or drugs or both.
 - (b)** Provides a form to the employee acknowledging that the employee has previously seen or read this policy.
 - (c)** That the results of the test are not admissible in any criminal proceeding against him/her.
 - (d)** That he/she may refuse the test, but that a refusal may result in his/her dismissal or in other disciplinary action.

X. ADDITIONAL SCREENING TESTS FOR OFFICERS

- A.** The Office may request an employee to submit to a screening test if the employee:
 - 1.** Is a law enforcement officer and, during the performance of his/her duties, he/she discharges a firearm, other than unintentionally.
 - 2.** During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

XI. SCREENING TEST REFUSAL

- A.** An employee is subject to disciplinary action if he/she:
 - 1. Fails or refuses to submit to a screening test as requested.
 - 2. After taking a screening test which indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she had taken the controlled substance as directed pursuant to a current and lawful prescription issued in his/her name.

XII. TEST SAMPLES

- A.** The Office shall obtain samples that ensure a reliable chain of custody to include proper record keeping, handling, labeling, and identification of the sample to be test (Minn. Stat. 181.953 Subd. 5).
 - 1. Possession of the sample will be traceable to the employee from whom it was collected through submission to the laboratory.
 - 2. Testing samples shall be properly sealed and initialed by both the employee and the observer. The sample will always remain in direct view of the observer until placed in a secure area for submission to laboratory.
 - 3. The chain-of-custody record, or copy thereof, shall accompany the sample.
 - 4. Samples that are transferred must be recorded to include date, time and signature of the person releasing the sample and the person accepting the sample.

XIII. TEST SUBMISSIONS

Samples shall not be tested by the Officer but shall be submitted, at the organization's expense, to a testing laboratory that meets Minn. Stat. 181.953 standards.

XIV. TEST RESULTS

Within three working days after receipt of the test results, the Office shall notify the employee of the results, whether an initial or confirmatory test. During this notification the employee will also be advised of his/her rights regarding drug and alcohol testing.

Positive test results may result in discipline up to and including termination from employment (Minn. Stat. 181.952 Subd. 1 (4); Minn. Stat. 181.953 Subd. 10).

An employee may, within three days after written notice of the test results, submit for a copy of the results and/or submit in writing any explanation regarding a positive test or positive confirmatory test. The employee may also request, at his/her expense, a confirmatory retest after a positive confirmatory test (Minn. Stat. 181.952 Subd. 1 (5); Minn. Stat. 181.953 Subd. 9).

The results of the screening test will remain confidential medical records and separate from the employee's other personnel files. Release of information is limited and only allowed expressly by law or written consent (Minn. Stat. 181.954).

XV. REMEDIES

Any employee or collective bargaining agent may only bring a grievance under Minn. Stat. 181.956 after procedures have been exhausted under the collective bargaining agreement.

XVI. POLICY NOTIFICATION

All employees will be provided written notice of this policy and any amendment or changes. New employees will be provided the policy for review within six months of hire and before any testing. Notice of this policy shall be posted in a conspicuous location to include information on how to obtain copies of the written policy (Minn. Stat. 181.952 Subd. 2).

XVII. CONFIDENTIALITY

The Office recognizes the confidentiality and privacy due employees. Disclosure of any information relating to chemical abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

XVIII. REFERENCES AND REVISIONS

a. REFERENCES

- i. Minn. Stat. 181.955

b. REVISIONS

- i. 04/19/2016 – Initial Policy
- ii. 03/10/2025 – ERPSB Approval Date