



SOUTH MIAMI POLICE DEPARTMENT

GENERAL ORDER NUMBER: 12.5	DATE OF ISSUE: October 1, 2014	EFFECTIVE DATE: April 15, 2019	NUMBER OF PAGES: 4
CFA STANDARD: SUBJECT: <i>Random Drug Testing</i>	NEW () RESCINDS (X) AMENDS (x) OTHER ()	By Order Of:  Rene Landa, CHIEF OF POLICE	

CFA STANDARD:

SECTIONS:

- 12.5.1 Drug Testing
- 12.5.2 Random Drug Testing
- 12.5.3 Procedure
- 12.5.4 Forwarding of Results

RESCINDS: All existing orders in conflict.

PURPOSE: To establish departmental policy and provide guidelines for the operation of a random drug testing program. The City of South Miami already mandates this policy for certain employees in high liability positions. Law enforcement personnel will also be randomly tested to help foster trust by the people we serve in the employee of the South Miami Police Department

SCOPE: All departmental personnel.

POLICY: It is the policy of the South Miami Police Department that employees will not use narcotics unless legally prescribed by a physician pursuant to the law of the state of Florida. As members of an agency entrusted with enforcing the laws of the state of Florida and the ordinances of the City of South Miami, employees will be tested randomly to ensure compliance with this policy.

DEFINITIONS:

Controlled Substance: Any substance (or drug)_listed in Chapter 893.03, FSS.

Drug :_Any substance, including alcohol, that is restricted or prohibited by this General Order.

Member: All personnel employed by the South Miami Police Department and others, as identified by the Chief of Police.

Random Drug Testing: Names of individuals chosen for no specific reason other than their names or some other identifier (DOB, Social Security Number, etc.) that were chosen by an outside vendor for testing pursuant to contract with the City of South Miami.

Urinalysis: A less invasive way of testing for drug use. Analysis of urine for named controlled substances at a level of concentration that is indicative of personal use.

Reasonable Suspicion: Suspicion founded upon knowledge and circumstances sufficient to cause an ordinary prudent man to believe something to be factual.

12.5.1 Drug Testing:

I. PROHIBITED ACTIVITY:

- A. No employee shall illegally possess any controlled substance.
- B. No employee shall ingest any controlled substance unless prescribed by and taken in accordance with directions of a licensed medical practitioner.
- C. Employees shall notify their immediate supervisor when required to use prescription medication which they have been informed has the potential to impair job performance.
 - 1. The employee shall advise the supervisor of the known side effects of such medication and the prescribed period of use.
 - 2. Supervisors shall document this information via chain of command to the Division Commander.
 - 3. The employee may be temporarily reassigned to other duties, where appropriate.
- D. Any employee having a reasonable basis to believe that another employee is illegally using or in possession of any controlled substance or drug shall immediately report the facts and circumstances to their supervisor.
- E. No employee shall consume any intoxicating beverage while on duty or on police premises unless authorized by a supervisor in the course of their employment.
- F. No employee shall:
 - 1. Be under the influence of alcohol while on duty.
 - 2. Report for duty with the odor of alcohol on his/her breath.
 - 3. Report for work or be on duty when his/her judgment or physical condition has

been impaired by alcohol or medication.

II. CURRENT EMPLOYEE DRUG TESTING PROCEDURES:

- A. The Chief of Police or his designee can order an employee to take a drug test when “reasonable suspicion” of illegal use of controlled substances exists. Failure to comply may result in disciplinary action being taken against the employee.
- B. Pursuant to the City of South Miami’s Drug Free Workplace policy, members of the South Miami Police Department are subject to random drug testing, according to their respective collective bargaining agreement where one exists.

III. REASONABLE SUSPICION TESTING

- A. The Chief of Police can order drug testing of employees when “reasonable suspicion” of illicit drug use exists.
- B. Refusal to submit to drug testing, or evidence of an attempt to compromise the validity of the test, shall subject the employee to disciplinary action.
- C. Upon confirmation of positive drug test results, active employees shall be subject to disciplinary action, which may result in the employee’s termination.

12.5.2 Random Drug Testing

The South Miami Police Department will submit the names of employees to the company chosen by the City to conduct random drug testing. The company will return to the Department names chosen randomly from that list to undergo random testing on a quarterly basis.

- A. Pursuant to policies in effect in the appropriate collective bargaining agreements, employees will be chosen only once a calendar year for this random testing.
- B. The Department may still require drug testing pursuant to existing policies if the employee is involved in an accident with City property or while driving a vehicle owned by the City.
- C. Nothing in this policy forbids the City from ordering an employee to report for testing if they can present a credible report that leads to the reasonable suspicion that the employee may be under the effect of illegal drugs due to their actions while on duty.
- D. Testing positive for illegally used drugs will result in disciplinary action that can include termination.

12.5.3 Procedure

- A. **Testing Process**

1. Employees chosen to be tested will be presented with written orders from the Chief of Police or his designee to report in a timely fashion to the testing center for a urinalysis examination.
2. Employees will cooperate fully with the testing personnel and may in no way try to subvert the intent of the testing.
3. If an employee cannot present him/herself for testing when directed, a memo outlining the reasons why the employee failed to follow through with the order will be sent to the Chief of Police.
4. If the reason for failure to comply with the order is deemed invalid, it will be presumed to be an act of insubordination and disciplinary action may be forthcoming.
5. If an employee cannot be tested for a valid reason (extended leave, military leave, FMLA), their name will be added to the list of names for the next quarterly testing period.
6. Employees scheduled on the Midnight Shift will be paid the appropriate amount of overtime should they be entitled when the testing facility is not open during their work hours.

12.5.4 Forwarding of Results

Employees who have been found to have been tested positive for illegal use of drugs will be subject to disciplinary action. Findings of any violation will be forwarded to any state agency requiring to be notified of such findings as part of professional certification.