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- I. Purpose

This Directive establishes operational and procedural guidelines pertaining to the alcohol testing program set out in The Maryland-National Capital Park and Planning Commission - FOP Collective Bargaining Agreement. The Collective Bargaining Agreement introduced a new contract provision, effective February 1, 1999, controlling the testing of all officers within the Unit for the improper use of alcohol while on duty or on Commission property. The intent of this directive is to clarify and insure consistent application of this provision of the Collective Bargaining Agreement, in both Divisions.

- II. Policy

The Collective Bargaining Agreement governs the alcohol testing of Park Police Officers who are covered by the Agreement, and all officers covered by this Agreement will comply with this Directive.

- III. General Provisions

Effective February 1, 1999 all Park Police Officers covered by the provisions of the Collective Bargaining Agreement, in both Divisions, will be subject to Reasonable Suspicion, Post-accident, Return-to-work, Follow-up and Random alcohol testing as defined in the Collective Bargaining Agreement. The Post Accident provisions are clarified as follows:

The Collective Bargaining Agreement requires the testing of any officer who has been involved "in any accident or incident which resulted in damage to Commission property, damage to the property of third persons, or personal injury". This requirement is qualified by language clarifying that testing is not required when "there is no dispute that the officer was not at fault and management concludes that the damage to all vehicles involved in the accident will not come to more than Two Thousand Dollars (\$ 2,000.00)." When future application of this provision involves either an accident that does not involve vehicles, or an incident resulting in property damage, management will apply the same qualification. Specifically, managers will not be required to send the officer for testing when there is no dispute that the officer was not at fault and management concludes that the damage will not come to more than Two Thousand Dollars (\$ 2,000.00).

The fact that the manager is not required to test in every post-accident case does not mean that the manager is prevented from testing the officer when reasonable suspicion exists.

- IV. Procedures

- A. General Procedures for Alcohol Testing

- 1. Testing for alcohol is done using breath specimens. Testing will be performed by a certified Breath Alcohol Technician (BAT) using an evidential breath testing (E.T.) device.

2. The first test is an initial screening test. If the initial test shows a reading less than 0.04 (four one-hundredths of a gram of alcohol per 210 liters of breath), the test is recorded as negative. If the initial test is 0.04 or greater, a confirmation test must be conducted. (See Attachment "A")
3. If a confirmation test is necessary, a fifteen minute waiting period will be observed before this second test is conducted. If the confirmation test result is different from the initial test, the lower of the two test results will be used to determine the outcome.
4. A positive confirmation test for alcohol will result in the immediate notification of the officer's supervisor, who will respond to the testing site and may suspend the officer in accordance with the Directive, "Law Enforcement Officer's Bill of Rights".
5. Testing site personnel will immediately notify the Park Police supervisor (sergeant or above) and the DORM, Safety Office accompanying the officer to be screened of any attempt at or indications or subterfuge intended to delay, avoid, or adulterate the giving of a breath specimen.

B. Personnel Procedures for Alcohol Testing

1. Prior to obtaining a specimen, the testing staff will positively identify the officer being tested. In testing involving reasonable suspicion, the officer's supervisor or designee will accompany the officer to the testing site. If necessary, a supervisor or designee should also accompany officers involved in post-accident testing.
2. If the results of the confirmation test are positive, the Chief, Park Police Division will provide the following information and documentation to the officer in writing:
  - a. A copy of the laboratory's test indicating the test results;
  - b. A copy of this Directive;
  - c. Notice that the Division will investigate the matter and, if appropriate, charge the officer under the Law Enforcement Officers' Bill of Rights.
  - d. This information will be provided to the officer either in person or by means of certified mail, within thirty (30) days of the date the test was performed.
3. Any and all disciplinary actions arising from positive test results, or failure to comply with this Directive or the provisions of the Collective Bargaining Agreement, will be handled in accordance with the Directive, "Law Enforcement Officer's Bill of Rights", which may result in action up to and including termination.
4. Officers who test positive for alcohol, refuse to participate in required testing, or do not comply fully with the testing process, may also be required to:

- a. Report to the Commission's Employee Assistance Program (EA.) for evaluation by a Substance Abuse Professional. Officers must report to the EA. no later than 10 work days after notification of such requirement. The officer will be required to work with, and follow all recommendations made by the Substance Abuse Professional for necessary treatment. Treatment must be completed no later than 120 days from date of enrollment in a recommended program.
- b. After completion of the EA.-recommended treatment program, participate in an unannounced Return to Duty test for alcohol. Failure to comply with EA. recommendations will result in immediate Return to Duty testing.
- c. Return to Duty testing will be handled in accordance with the Collective Bargaining Agreement. Officers must receive a negative test result before being permitted to return to full duty status.
- d. Once an officer is permitted to resume full duties following evaluation by the EA.'s Substance Abuse Professional, the officer must participate in no less than 6 unannounced tests for a period of not less than 12 months and no greater than 60 months. Follow-up testing will be handled in accordance with the Collective Bargaining Agreement.

**Approved Park Police Document  
Signed Original on File**