

 El Paso Police Department Human Resources Operation Manual	Chapter 6
Chapter 6: Department Drug and Alcohol Testing Policy	Policy Effective: 10/13/2025 Previous Version: 10/11/2022

6.0 DEPARTMENT DRUG AND ALCOHOL TESTING POLICY

6.1 PURPOSE

The El Paso Police Department (EPPD) believes employees have a right to work in a drug and alcohol free environment. Persons under the influence of drugs and alcohol on the job may pose serious safety, health and security risks to the public and to other Department employees. In addition to the City's Drug-Free Work Place Policy, this policy provides directives to all sworn employees of the EPPD concerning procedures for drug and alcohol testing. Nothing herein shall replace or supersede any provision of the Drug and Alcohol Testing article in the Collective Bargaining Agreement between the City of El Paso, Texas and the El Paso Municipal Police Officers' Association (hereinafter referred to as the "CBA").

6.2 RANDOM TESTING

Random drug testing will entail the five panel testing and include the following drugs: Marijuana, Cocaine, Opiates, Amphetamines, Phencyclidine.

All sworn employees of the El Paso Police Department (hereinafter referred to in this policy as "employee" or "employees") are subject to random drug testing (through urine or blood). Forty percent (40%) of police officers of all ranks, including the Chief of Police, shall be subject to mandatory random drug testing during each calendar year in accordance with the Collective Bargaining Agreement (CBA).

Employees shall be subject to random testing on a fair and impartial statistical basis. The fair and impartial statistical basis (in which each police officer has an equal chance of being selected) shall be by a non-discriminatory computerized program operated and certified as non-discriminatory by an independent firm hired by the City, and the employee shall be tested upon being selected by the computer. The firm shall generate a list upon request by the EPPD Human Resources Manager (HRM)

A. Selection of Employees for Random Testing.

1. The random list will be delivered to the HRM or designee by email, or hand delivered letter.
2. The HRM or designee will issue a written directive to each employee on the list, ordering them to submit to drug testing at the specified date, time, and location, and will provide the reason for the test (post-accident, random or reasonable suspicion).
3. Except when in actual use, possession of and access to the list of names will be limited to the HRM and/or designee.

B. Notification to and Reporting by Employees for Random Testing.

The El Paso Police Department HRM will coordinate with the testing vendor concerning the date, time, location, and number of employees to be tested. The collection dates will not be announced to the affected employee(s) in advance.

1. The HRM will provide the respective commanders or designee with a list of names of those employees selected for testing. The Notification to Report-Drug/Alcohol Form (Form #17-11001, Revised 11/21/2017) will be utilized.
2. The commander or a Special Point of Contact (SPOC) will ensure that all selected employees are ordered both orally, and in written directive using the Notification to Report Form.
 - a. The use of the Notification to Report-Drug/Alcohol Form (Form #17-11001, Revised 11/21/2017) serves as a direct order by authority of the HRM on behalf of the Chief of Police to provide the necessary sample at the specified location.
 - b. This notice also instructs the selected personnel to report to the specified collection location within two hours of being served with the notice.
3. The HRM shall coordinate the testing process to coincide with an employee's regularly scheduled workday.
 - a. Supervisors will make every effort to ensure their employees report to the testing facility immediately upon notification.
 - b. An employee with a legitimate conflict (such as court or training) will immediately inform their supervisors of the conflict and must report for testing as soon as practical.
4. Supervisors will document the absence on the Notification to Report-Drug/Alcohol Form and forward it to the HRM when an employee is on approved leave (including calling in sick the day of the test). The form will be routed through the employee's chain-of-command to the HRM via email, hand-delivery or interoffice mail.
5. Employees missing a scheduled test for any reason will be rescheduled for testing within 24 hours upon the employee's return, irrespective of any random sampling selection.
6. An employee who fails to report for testing at the specified date and time for any unapproved reason, refuses, fails or is unable to provide an adequate specimen, shall be placed on administrative leave pending review.
7. Employees who become involved in an emergency situation or police action while en route to the testing facility must notify an on-duty supervisor as soon as practical and request a second employee be dispatched to take over any necessary police functions. When relieved, the employee scheduled for testing shall continue to the testing facility.

6.3 COLLECTION PROCEDURE

Collection of the necessary samples and analyses will be conducted by a contracted qualified and independent firm/laboratory, in accordance with the CBA. After arriving at the specified collection location, employees will comply with instructions received from laboratory screening personnel and the HRM or designee as required. Screening will only be done for prohibited drugs and/or alcohol. No other substances will be screened, nor will any other medical tests be conducted or performed.

- A. The collection dates for random testing will not be announced in advance.
- B. Employees will be required to present their El Paso Police Department identification card at the collection location.
- C. The samples will be provided in maximum feasible privacy.
- D. Appropriate chain of custody procedures will be followed at all times at the collection facility and at the laboratory that performs the analysis.
- E. Personnel who are summoned to provide a specimen for analysis will remain at the collection location in view of collection personnel until an adequate sample can be produced.

6.4 POSITIVE TESTS RESULTS

- A. If the initial screening indicates a positive test result, a second test of this specimen will be performed.
 - 1. A confirmed positive report will only be made after this second test also comes back positive.
 - 2. A confirmed positive test report will be maintained by the HRM in a secure area.
- B. Once the HRM or designee has received the initial notification from the drug-testing vendor that an employee has a positive test result, the HRM or designee will notify a supervisor in the employee's immediate chain of command.
- C. Upon notification of a confirmed positive test result, a supervisor's log (Blue Team) is initiated by the Backgrounds Unit. The Blue Team is forwarded to the HRM for review. The HRM forwards the Blue Team to IAD for investigation and follow-up. Notification of a confirmed positive test result is sent to the employee's immediate chain-of-command.
- D. Within two working days after receiving notification from his/her department director of the initial positive test result, the employee will have the opportunity, at his own expense, to request that a re-test be performed manually, utilizing the original split sample.
- E. The sample will be maintained for a period of one year.
- F. Drug tests results will be made available to the affected employee upon written request, subject to applicable rules, regulations and legal considerations.
- G. In accordance with applicable privacy laws, drug test results and documentation about drug testing results, other than disciplinary reports, shall be maintained in a secured (locked) cabinet in the office of the HRM. A separate, confidential file will be maintained for each employee who submits to drug or alcohol testing.
- H. Disciplinary Actions
 - 1. A verified, confirmed, positive test result which indicates illegal drug use – shall result in disciplinary action up to and including termination of the sworn member.
 - 2. A verified, confirmed, positive test result which indicates controlled substance abuse or presence of alcohol may result in disciplinary action up to and including termination of the sworn member.
 - 3. A verified, confirmed, positive test result which indicates illicit anabolic steroid abuse may result in disciplinary action up to and including termination of the sworn members.

6.5 REASONABLE SUSPICION TESTING

Reasonable suspicion testing. Will entail 10 panel testing, anabolic steroid testing and alcohol testing. A violation will occur when the employee has a breath alcohol concentration confirmation test level of 0.01 or greater. The 10 panel testing will be analyzed (Through Urine or Blood) for at least the following drugs and any adulterants: Marijuana (THC metabolite), Cocaine, Amphetamines, Opiates (including heroin), Phencyclidine (PCP), Barbiturates, Benzodiazepines, Methadone, Methaqualone, Propoxyphene Steroids (Anabolic Steroids) include. Bolasterone, Boldenone, Clostebol, Dehydrochloromethyl Testosterone, Fluoxymesterone, Mesterolone, Methyltestosterone, Nandrolone, Oxandrolone, Oxymetholone, Probenecid, Stanozolol, Testosteron.

- A. "Reasonable Suspicion" shall be defined in accordance with the CBA.
- B. Procedures for Reasonable Suspicion Testing. If a supervisor reasonably suspects that an employee subject to this policy is under the influence of a prohibited drug, prohibited inhalant, alcohol, or appears impaired due to the abuse of a prescription drug, the supervisor will:

1. Immediately remove the employee from performing regular duties, and, when possible, bring the employee to a private area away from the observation of coworkers and/or the public.
 2. Document in a supervisor's log to the employee's chain of command with a copy to the HRM all observations leading to the suspicion.
- C. Supervisors will contact the on-call HR Supervisor via Communications to make notification.
1. Immediately request that the employee's chain of command be contacted to authorize the employee be relieved of duty.
 2. If there is probable cause to believe a crime has been committed, then the appropriate arrest procedures will be followed.
 3. If there is no probable cause at this point to believe a crime has been committed, the supervisor shall:
 - a. Notify the chain of command and the Human Resources Manager.
 - b. Make arrangements for the employee to be taken home, and placed on administrative leave unless a decision is made to immediately conduct a drug and/or test, in accordance with this policy.

The collection procedures, as defined in Section 6.3 above, are followed with the additional condition: the affected employee will be escorted to the collection site and will not be permitted to operate a vehicle. The affected employee escort must be a supervisor or his/her designee.

6.6 POST-ACCIDENT/FIREARM DISCHARGE TESTING

- A. Conditions for Post-Accident/Firearm Discharge.
1. In accordance with the City's Drug Free Policy, any sworn employee that is involved in a motor vehicle accident or firearm discharge may be subject to a mandatory drug test.
 2. The collection procedures, as defined in Section 6.3 above, are followed with the additional condition: the affected employee will be escorted to the collection site and will not be permitted to operate a vehicle. The affected employee escort must be a supervisor or his/her designee.
 3. Supervisor will contact the on-call HR Supervisor via Communications to make notification.
- B. Critical Incident Testing (for either post-firearm discharge or post-accident situations) may consist of hair follicle, breath, urine or blood analysis.
1. Should the employee have at least 90 to 120 strands of 1.5 inches of hair available, the drug and alcohol testing may be done within 72 hours. If the employee removes any hair during the 72 hours following the critical incident, employee will be disciplined.
 2. Should the employee be hospitalized, the employee may also choose to authorize the HRM to conduct drug and alcohol tests on the blood tests obtained from the hospital; provided hospital policy allows for it.
 3. If neither option one or two are available, the HRM will coordinate drug and/or alcohol testing within 48 hours after the following incidents.
- C. Post-Firearm Discharge testing will be conducted under either of the circumstances listed below and will entail 10 panel testing, anabolic steroid testing and alcohol testing.
1. Discharge of a firearm, on or off duty, whereby a person was the intentional or accidental object of the shooting. This will include injury and non-injury shootings.
 2. Discharge of a firearm on or off duty, while performing a law enforcement function. The following are exceptions: discharge during training, discharge during weapon maintenance, approved shooting of an animal, approved shooting of an object.

- D. Post-Accident testing will be conducted under any of the circumstances listed below and will entail the five panel testing.
1. A sworn employee while driving a City vehicle, becomes involved in a vehicular accident which results in a human fatality.
 2. A sworn employee while driving a City vehicle, becomes involved in a vehicular accident and the employee receives a moving traffic violation arising from the accident.
 3. A sworn employee while driving a City vehicle, becomes involved in a vehicular accident from which any involved vehicle requires towing from the scene.
 4. A sworn employee while driving a City vehicle, becomes involved in a vehicular accident from which any person involved is transported from the scene for medical treatment.
 5. An event in which a sworn employee, on or off duty while performing a law enforcement function causes the death or serious injury of another person

6.7 RESPONSIBILITY FOR REPORTING LEGAL PRESCRIPTION DRUG USE AND ACCIDENTAL DRUG EXPOSURE

- A. If the medically approved and appropriate use of a prescription or over-the-counter drug adversely affect any El Paso Police Department employee's work performance or the safety of the employee or others, the employee must bring this fact to the attention of his/her immediate supervisor.
- B. The immediate supervisor will then inform the commander and Human Resources Manager. The Human Resources Manager will make a determination whether to question the employee's fitness for duty, and whether to limit, suspend or modify the employee's work activity, or otherwise reasonably accommodate such adverse effect.
- C. As part of this process, the employee may be requested to provide medical documentation of his/her ability to safely and effectively perform the essential functions of the position.
- D. Any information about the employee's medical condition obtained by a supervisor or manager is confidential, and will be shared only on a need to know basis. Any documentation of such medical information must be kept in the employee's confidential file.
- E. Employees subjected to the accidental exposure of any illegal drug must immediately notify the supervisor on duty.
1. The supervisor will handle all accidental exposures as required by departmental policy. Additional information that should be included are.
 - a. The substance the individual was exposed to
 - b. The period of exposure
 - c. Brief statement explaining the necessity for exposure
 2. A copy will be forwarded to the El Paso Police Department HRM who will maintain this documentation for use if needed in the drug-testing program.

6.8 DRUG AND ALCOHOL ABUSE TREATMENT

The El Paso Police Department encourages any employee who has an alcohol or other drug problem to seek treatment before the problem manifests itself in a violation of this policy and before the employee has a positive test result. To encourage employees to maintain a safe, healthy and productive work environment, the City of El Paso provides an Employee Assistance Program as an

option for an employee seeking treatment. An employee may not self-refer once notification of a drug test has been made.

- A. Employees are encouraged to voluntarily seek assistance for alcohol or other drug problems.
 - 1. All inquiries about assistance will be kept strictly confidential and will be disclosed only to those persons with a legitimate business need to know.
 - 2. An employee's voluntary disclosure of an alcohol or drug problem before submitting to a drug test or being requested to submit to a drug test may be considered by the Chief of Police as a mitigating factor should the facts warrant the matter being handled as a disciplinary issue.
 - 3. Information regarding the Employee Assistance Program is available at the El Paso Police Department's HR Department located at PDHQ.
 - 4. The El Paso Police Department will maintain the confidentiality of any request for such information by an employee or family member.
- B. An employee who is being treated for an alcohol or other drug problem may.
 - 1. Be placed on a medical leave of absence when an employee has exhausted all leave balances.
 - 2. Nothing in this policy is intended to conflict with the provisions of the Family and Medical Leave Act (FMLA) or Americans with Disabilities Act Amendments Act (ADAAA) and in the case of any conflict, the provisions of the FMLA and ADAAA prevail.
- C. An employee who seeks rehabilitation assistance must agree to the following.
 - 1. Actively participate in an appropriate alcohol or other drug treatment program of a licensed, accredited treatment facility, and follow all rules, guidelines and recommendations of that program or facility, including but not limited to, after-care recommendations.
 - 2. Complete the treatment program, not reject any treatment or recommendations of the program or facility, and not leave or discontinue the treatment program before being properly discharged.
 - 3. Upon completion of the treatment program, agree to unscheduled, periodic drug tests for a period of not less than one year to be administered by the City's alcohol and drug testing contract vendor. The failure of a subsequent drug test shall result in termination or suspension of the employee.
 - 4. Sign all necessary authorizations and consents to allow the treatment facility to furnish copies of the employee's treatment records to El Paso Police Department's physician so that the El Paso Police Department can monitor the employee's treatment program. All documentation shall be maintained in a secured (locked) cabinet in the office of the HRM. A separate, confidential file will be maintained for each employee who submits to drug or alcohol testing.
- D. An employee who seeks to return to active employment while undergoing treatment or after completing treatment must make the request in writing and.
 - 1. The employee must submit to a drug test and obtain a negative test result before returning to work
 - 2. El Paso Police Department's physician must determine that the employee is capable of returning to full duty status
 - 3. The employee must comply with all El Paso Police Department rules, policies and procedures and
 - 4. The employee must agree to unscheduled, periodic drug tests for a period of not less than one year

- E. These guidelines apply only to one requested leave of absence. Any request for additional leave of absence under this Drug and Alcohol Abuse Treatment section will be handled on a case-by-case basis and granted only at the sole discretion of the Chief of Police, his designee, and as required by law. A return to work agreement should be prepared by the affected employee's immediate supervisor, and a copy of this agreement should be sent to the El Paso Police Department HRM.

6.9 MEDICAL MARIJUANA POLICY

The El Paso Police Department will continue to maintain a commitment to provide a safe, quality-oriented and productive work environment. In addition to the public's safety, alcohol and drug misuse pose a threat to the health and safety of our department, our employees, our equipment, and facilities. Various factors contribute to the department's commitment to a drug free workplace.

Alcohol or drug misuse, as well as medical marijuana, can impair judgment and motor skills. The department has a responsibility to reduce any risk of impairment, as this poses a direct threat to safety. The department cannot accommodate or agree to any action that would result in a direct threat to safety.

- A. Marijuana remains as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. § 812). The Drug-Free Workplace Act of 1988, mandates that any organization receiving federal contracts or grants must implement a drug-free workplace policy.
- B. The federal firearms provisions (18 U.S.C. § 922(g)(3)) specifies that no person "who is an unlawful user of or addicted to any controlled substances" may "possess...or...receive any firearm or ammunition."
- C. While the Texas Compassionate Use Act allows for physicians to treat patients with specific medical conditions with low tetrahydrocannabinol (THC) cannabis, it does not include provision or protections for employees who use medical cannabis in violation of a drug free workplace policy, nor does it provide exceptions to the federal firearms provisions listed above.
- D. Any employee currently using medical marijuana, other prescribed substance/medication, or an over-the-counter drug that may adversely affect any El Paso Police Department employee's work performance or the safety of the employee or others, must bring this fact to the attention of his/her immediate supervisor or chain of command who will inform PD HR. The PD HR Manager will engage in the interactive process in accordance with the Americans with Disabilities Act.