

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER MULTI-BUREAU	DATE OF ISSUE MARCH 3, 2025	EFFECTIVE DATE MARCH 3, 2025	NO. 42-25
SUBJECT: GENERAL ORDER Alcohol & Drug Abuse Policy		DISTRIBUTION All Personnel	AMENDS
REFERENCE: NYSLEAP 14.4, JAIL 26			RESCINDS 42-10

Purpose: To define the policy of the Monroe County Sheriff's Office (MCSO) regarding the misuse of alcohol and/or drugs by employees.

* **Policy:** The MCSO regards any misuse of alcohol or drugs by employees to be an unacceptable practice, which results in poor health and unsatisfactory work performance. Employees will submit to a breath test for alcohol abuse or urinalysis test for drug abuse, based upon reasonable suspicion by the Sheriff's Office that they are under the influence of alcohol or drugs. Employees discovered to be misusing alcohol or drugs will not be permitted to continue working except as approved by the Sheriff. Individuals engaged in the misuse of alcohol or illegal use, sale or distribution of drugs will be subject to disciplinary action and possible criminal prosecution where appropriate. Employees who have completed treatment in an approved program or facility will be permitted to return to work after medical substantiation is submitted to the Sheriff's Office and clearance has been received from the Sheriff's Physician. As a condition of re-employment, the employee must agree to permit random examinations during the twelve-month period following reinstatement.

Definition: Sheriff's Physician- The medical provider under current contract with the MCSO.

I. Test Authorization

- A. When a supervisor or command officer has reason to believe that an employee is working under the influence of alcohol or drugs, they shall notify the appropriate bureau chief through the chain-of-command.
- B. The bureau chief will assess the situation and contact the Sheriff and/or designee for authorization to conduct the appropriate screening test.

II. Testing Procedure

- A. Alcohol Testing: Upon reasonable suspicion that an employee is under the influence of alcohol and test authorization has been obtained from the bureau chief:
 - 1. The supervisor will cause a preliminary screening device to be utilized to determine any alcohol level.
 - 2. If the screening device determination is positive and indicated the presence of alcohol, a Breathalyzer or Datamaster test will be conducted by a certified operator designated by the attending supervisor.
 - 3. If the Breathalyzer or Datamaster test is positive for alcohol, the employee shall be relieved from duty immediately.

4. The supervisor will record a complete account of the incident on a MB-003 Intra-departmental Correspondence, along with all other documents and statements of witnesses.
 5. The complete package will immediately be forwarded to the appropriate bureau chief.
 - * 6. A witness (Sergeant or above) must be present when the employee is requested to submit to a test. Employees shall be advised that they are entitled to consult with either union representative or an attorney of their choice prior to the testing. If an attorney or union representative is not immediately available, the test will still be conducted.
- B. Drug Testing: Upon reasonable suspicion that an employee is using or is under the influence of drugs and test authorization has been obtained from the bureau chief:
1. A command officer or a sworn member of the Internal Affairs Unit (IA) shall be notified immediately and shall respond to the location of the employee.
 2. During normal business hours, a command officer and a sworn member of IA will contact the Sheriff's Physician. Arrangements will be made to have the employee tested at the Sheriff's medical provider's location.
 3. During non-business hours, the Sheriff's Physician or member of the physician's staff will be contacted at their residence or through the physician's answering service.
 4. The Sheriff's Physician will make arrangements for a test to be performed as soon as possible.
 - * 5. In the event that the Sheriff's Physician is unavailable, the employee will be transported to the Sheriff's Physician's emergency department of choice.
 6. The emergency staff will perform the drug testing procedure. It will be the responsibility of the Internal Affairs Unit to contact the Sheriff's Physician during the next business day in order to initiate formal notification of the testing procedure.
 7. The above referenced testing procedure will apply to both internal and/or potential criminal matters involving employees.
 8. The command officer will record a complete account of the incident on a MB-003 Intra-Departmental Correspondence, attaching all other documents and statements of witnesses.
 9. The complete package will be immediately forwarded to the appropriate bureau chief who will then forward it to the Undersheriff, or directly to the Undersheriff if the testing procedure was performed under auspice of IA.
 - * 10. A witness (Sergeant or above) must be present when an employee is requested to submit a test. Employees shall be advised that they are entitled to consult with either a union representative or an attorney of their choice prior to the testing. If an attorney or union representative is not immediately available, the test will still be conducted.
- C. Confirmation of a drug test sample:
1. When a test is screened positive, an additional confirmation test will be conducted from the sample initially collected.

2. The testing laboratory will maintain a portion of the sample for thirty (30) days.
3. If the test is confirmed positive and the employee wishes independent confirmation of the results, they may do so at their own expense.
4. The employee must obtain authorization for a sample release from the bureau chief and arrange for the testing laboratory to transfer a portion of the original sample to another New York State licensed laboratory for the completion of additional testing.

III. Refusal

- * A. Refusal to submit to either an alcohol or drug test (including initial screening test) will result in immediate suspension from duty and the subsequent service of disciplinary charges for insubordination.
- B. When an employee is immediately suspended, the supervisor will confiscate their department-issued weapon, badge (if applicable) and ID card.

IV. Notifications

- A. When an employee has been given a drug test, pursuant to this order, the employee shall be advised as to the grounds for reasonable suspicion, in writing and at a time when the investigation shall not be impaired by such disclosure. A copy of the results the drug test shall be given to the employee when it becomes available.
- * B. When an employee has been given a drug test pursuant to this order, in addition to the above disclosure, and only if the member chooses to have a union representative, the designated union representative shall be advised as to the grounds for the reasonable suspicion, in writing, and at a time when the investigation shall not be impaired by such disclosure. A copy of the results of the drug test shall also be given to the designated union representative when it becomes available and is deemed appropriate. The grounds for reasonable suspicion and the test results provided to the designated union representative shall identify the employee by gender and race only.

By Order of the Sheriff,



Todd K. Baxter