

**RESOLUTION 2017-52  
RADNOR TOWNSHIP**

**A RESOLUTION OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, ADOPTING AN EXTENSION TO THE CONSOLIDATED COLLECTIVE BARGAINING AGREEMENT (CBA) WITH THE FRATERNAL ORDER OF POLICE (FOP) THROUGH DECEMBER 31, 2021.**

*WHEREAS*, the Binding Arbitration Act of 1968 provides that settlements entered into as a result of collective bargaining shall be reduced to written agreement; and

*WHEREAS*, the Police and the Township have previously reached an agreement concerning terms and conditions of employment of Police through December 31, 2018 (“Consolidated CBA”); and

*WHEREAS*, such agreement was reached through the collective efforts of the FOP and the Administration with the guidance and support provided by the Township’s Citizen Audit Review and Financial Advisory Committee (CARFAC); and

*WHEREAS*, such terms and conditions of the agreement were approved by the Board of Commissioners at their public meeting on May 19, 2014; and

*WHEREAS*, the Police and the Township have agreed to extending the terms of the existing Collective Bargaining Agreement which is set to expire on December 31, 2018 and providing an additional three years under the Agreement which will now expire on December 31, 2021;

*NOW, THEREFORE*, it is hereby **RESOLVED** THAT the Police and the Township agree that the three year extension to the Consolidated CBA shall be adopted and the new expiration date shall be December 31, 2021.

**SO RESOLVED**, at a duly convened meeting of the Board of Commissioners of Radnor Township conducted on this 13<sup>th</sup> day of March A.D., 2017.

RADNOR TOWNSHIP


By:



Name: Elaine P. Schaefer

Title: President

ATTEST:

  
Robert A. Zienkowski  
Township Manager / Secretary

**AGREEMENT**

THIS AGREEMENT, made this 13 day of March, 2017, by and between the FRATERNAL ORDER OF POLICE, DELAWARE COUNTY LODGE #27, on behalf of the Police Officers of the Township of Radnor (hereafter referred to as "Police"), and the TOWNSHIP OF RADNOR (hereinafter referred to as "Township").

**WITNESSETH**

WHEREAS, the Binding Arbitration Act of 1968 provides settlements entered into as a result of collective bargaining shall be reduced to written agreement; and

WHEREAS, the Police and the Township have previously reached an agreement concerning terms and conditions of employment of Police through December 31, 2018; and

WHEREAS, the Police and the Township have agreed to extend that agreement through December 31, 2021;

NOW, THEREFORE, the Police and the Township agree that the existing Collective Bargaining Agreement ("CBA") shall be modified as herein indicated, which constitutes the Agreement reached between the parties:

**1. Wages** – Art. 1 of the CBA shall be amended to provide as follows:

Each Officer shall receive an across the board increase to his/her base salary of 2.5% on January 1, 2013; and an additional 2.75% on January 1 of 2014, 2015, 2016, 2017, 2018, 2019, 2020, and 2021. In addition, Patrol Officers hired on or after January 1, 2005 shall receive the full Patrol Officer base salary after 60 months of service. For illustrative purposes, the base salary of all positions in the bargaining unit shall be as follows:

<b>Patrol Officer (hired AFTER 1/1/2004)</b>	<b>1/1/2013</b>	<b>1/1/2014</b>	<b>1/1/2015</b>	<b>1/1/2016</b>	<b>1/1/2017</b>	<b>1/1/2018</b>
New hire without Act 120 certification (65%)	\$52,122	\$53,555	\$55,028	\$56,541	\$58,096	\$59,693
New hire with Act 120 certification (70%)	\$60,140	\$61,794	\$63,493	\$65,239	\$67,033	\$68,877
After 18 months of service (80%)	\$64,150	\$65,914	\$67,726	\$69,589	\$71,502	\$73,469
After 24 months of service (85%)	\$68,159	\$70,033	\$71,959	\$73,938	\$75,971	\$78,061
After 36 months of service (90%)	\$72,168	\$74,153	\$76,192	\$78,287	\$80,440	\$82,652
After 48 months of service (95%)	\$76,178	\$78,272	\$80,425	\$82,637	\$84,909	\$87,244
<b>After 60 months of service (100%)</b>	<b>\$80,187</b>	<b>\$82,392</b>	<b>\$84,658</b>	<b>\$86,986</b>	<b>\$89,378</b>	<b>\$91,836</b>
Investigator	\$86,602	\$88,983	\$91,430	\$93,945	\$96,528	\$99,183
Corporal	\$88,206	\$90,631	\$93,124	\$95,685	\$98,316	\$101,020
Sergeant	\$96,224	\$98,870	\$101,590	\$104,383	\$107,254	\$110,203
Lieutenant	\$115,471	\$118,647	\$121,910	\$125,262	\$128,707	\$132,246
Traffic Safety Unit	\$86,602	\$88,983	\$91,430	\$93,945	\$96,528	\$99,183

<b>Patrol Officer (hired AFTER 1/1/2004)</b>	<b>1/1/2019</b>	<b>1/1/2020</b>	<b>1/1/2021</b>
New hire without Act 120 certification (65%)	\$61,335	\$63,021	\$64,754
New hire with Act 120 certification (70%)	\$66,053	\$67,869	\$69,735
After 18 months of service (80%)	\$75,489	\$77,565	\$79,698
After 24 months of service (85%)	\$80,207	\$82,413	\$84,679
After 36 months of service (90%)	\$84,925	\$87,260	\$89,660
After 48 months of service (95%)	\$89,643	\$92,108	\$94,641
<b>After 60 months of service (100%)</b>	<b>\$94,361</b>	<b>\$96,956</b>	<b>\$99,622</b>
Investigator	\$101,910	\$104,712	\$107,592
Corporal	\$103,797	\$106,652	\$109,584
Sergeant	\$113,233	\$116,347	\$119,546
Lieutenant	\$135,880	\$139,617	\$143,456
Traffic Safety Unit	\$101,910	\$104,712	\$107,592

Investigator (Detective) = 8% above base  
 Corporal = 10% above base  
 Sergeant = 20% above base  
 Lieutenant = 20% above Sergeant  
 Traffic Safety Unit = 8% above base

The new rate of base pay shall apply only to Officers officially assigned by Management to the Traffic Safety Unit for a period of duty that is greater than two consecutive weeks; however, the new rate shall not apply to temporary assignments (such as to assist with periodic traffic

accident, speed check, etc.). Nothing herein shall be construed to create any new right on the part of either party regarding assignments to the Traffic Safety Unit. Notwithstanding the foregoing, Management shall have the sole discretion to assign, reassign, and unassign Officers, in good faith, to and from the Traffic Safety Unit as it deems in the Department's and Township's best interests.

**2. Educational Incentive** – Art. 23 of the CBA shall be amended to provide as follows:

A. Eligibility

Effective January 1, 2017, all Officers shall receive, as educational incentive, for post-high school education credits, the following increases to their annual salary:

Minimum of:	30 credits	\$125.00
	60 credits	\$250.00
	90 credits	\$375.00
	120 credits	\$500.00

These credits must be taken at an accredited college or university. Although the credit hours attained by the Officer shall be retroactive, they apply to all courses completed by the officer, to be paid once a year in the first pay of July, determined as of December 31 of the prior year.

B. Schedule

For years 2019, 2020, and 2021, qualifying Officers shall receive the following increases, as educational incentive, to their annual salary:

	<u>2017 and 2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
<u>30 credits</u>	\$125.00	\$325.00	\$525.00	\$750.00
<u>60 credits</u>	\$250.00	\$500.00	\$750.00	\$1,000.00
<u>90 credits</u>	\$375.00	\$650.00	\$925.00	\$1,250.00
<u>120 credits</u>	\$500.00	\$800.00	\$1,100.00	\$1,500.00

3. **Drug and Alcohol Testing Policy** – Art. 42 of the CBA shall be retitled “Drug and Alcohol Testing Policy” and shall be amended as follows:

All Officers shall be subject to the terms and conditions set forth in the Drug and Alcohol Testing Policy, which is attached to this Agreement as Exhibit “C” and is incorporated herein by reference.

In addition, “Unenforceability of Benefits” shall be renumbered as Art. 43; “As Is Clause” shall be renumbered as Art. 44; and “Duration of Agreement” shall be renumbered as Art. 45.

4. **Duration of Agreement** – Art. 45 of the CBA shall be amended to provide as follows:



All benefits that do not designate an effective date shall become and remain effective as of January 1, 2013 and shall continue in full force and effect through December 31, 2021, or until such later date as the Police and the Township may hereafter agree as to be the extended

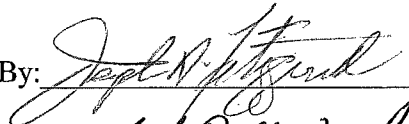

termination date. Any such extended date shall be evidenced by an amendment to this agreement, in writing, and executed by both parties hereto.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have hereunto set their hands and seals.

**RADNOR TOWNSHIP**

**FRATERNAL ORDER OF POLICE,  
DELAWARE COUNTY LODGE #27 ON  
BEHALF OF THE POLICE OFFICERS  
OF RADNOR TOWNSHIP**

By:   
Attest:   
Date: 3-3-2017

By:   
Attest:   
Date: 3/8/17

## RADNOR TOWNSHIP POLICE DEPARTMENT

### Drug and Alcohol Policy

#### I. Philosophy

Radnor Township and the Radnor Township Police Department are committed to establishing and maintaining a workplace free of illegal substances, illicit substances, and alcohol. Township personnel are entitled to a safe work environment; and the public is entitled to the highest quality services, provided by the most qualified and capable individuals. Persons who consume alcoholic beverages or who are otherwise under the influence of alcohol while working or representing the Township; who use alcohol inappropriately or irresponsibly; who use or ingest controlled substances illegally or inappropriately, or who possess or ingest illegal substances undermine these objectives.

Generalities aside, police officers who use alcohol inappropriately or irresponsibly, or who possess or ingest illegal substances:

- a) Undermine the integrity of the Police Department as a whole.
- b) Undermine their credibility as witnesses for the prosecution in court proceedings.
- c) Undermine the Police Department's effort to enforce laws regarding drugs and alcohol.
- d) Expose themselves to corruptive influences.
- e) Expose themselves—and possibly other personnel—to criminal liability.
- f) Expose themselves, the Township, the Police Department, and other personnel to civil liability.
- g) Endanger their safety and well-being, and the safety and well-being of other personnel and the public at large.

Such risks cannot and will not be tolerated in a law enforcement/public safety environment.

#### II. Definitions

- a) Drug means substances recognized in the official United States Pharmacopoeia, or official National Formulary, or any supplement to either; substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or substances (other than food) intended to affect the structure or any function of the human body or other animal body.
- b) Controlled Substance means any drug, substance, plant, chemical, or immediate precursor included in the federal Controlled Substance Act (Pub. L. No. 91-513, Title II, 84 Stat. 1247 (1970)). Schedules of included drugs and substances are listed in 21 USC § 812.
- c) Illegal Drug means any drug, controlled substance, or Banned Substance listed in Section IV of this Policy, in any form, which cannot legally be possessed or

consumed, inhaled, injected, or otherwise ingested without a valid prescription issued by a licensed medical professional for legitimate medical reasons. Any so-called designer drug is considered an illegal drug.

- d) Reasonable Cause means: The totality of facts and circumstances, and reasonable inferences drawn from such facts and circumstances, that together with experience lead to the suspicion that one is under the influence of or has otherwise used or ingested alcohol, illegal drugs, or controlled substances.
- e) SAMHSA Guidelines means the current Mandatory Guidelines for Federal Workplace Drug Testing Programs promulgated by the Substance Abuse and Mental Health Services Administration ("SAMHSA"), HHS.

### III. Policy

The following shall be the policy of the Radnor Township Police Department:

- a) Except when in the performance of their duties, officers shall not purchase, contribute toward the purchase of, possess, distribute, transfer, manufacture, or transport any alcoholic beverage while on-duty.
- b) Except when in the performance of their duties, officers shall not consume or otherwise ingest any alcoholic beverage while on-duty.
- c) Officers shall not report for duty impaired by recent alcohol consumption.
- d) Officers shall not consume any alcohol four (4) hours prior to reporting to work.
- e) While off-duty, officers shall not consume any alcoholic beverage while wearing a Police Department uniform or any part of a uniform or take any police action off duty while consuming alcoholic beverages (other than calling 911 and being a witness, or in extreme exigent circumstances). Any and all such off-duty actions will be reported immediately to an on-duty Radnor Township Police Supervisor as per established protocol.
- f) Except when in the performance of their duties or pursuant to a prescription issued by a licensed medical professional, officers shall not purchase, contribute toward the purchase of, possess, or transport any illegal drug(s), controlled substance(s), or Banned Substance(s).
- g) Except when in the performance of their duties, officers shall not distribute, transfer, or manufacture any illegal drug(s), controlled substance(s), or Banned Substance(s).
- h) Officers shall not consume, inhale, inject, or otherwise ingest any illegal drug(s), controlled substance(s), or Banned Substance(s) that has not been prescribed by a licensed medical professional.
- i) Officers shall not abuse or otherwise inappropriately use medications prescribed by a licensed medical professional.



- j) Officers shall inform supervisors of potential adverse side effects of prescribed or over-the-counter medication they are taking.
- k) Officers shall be subject to random, "for cause, and return to duty drug and alcohol testing per the procedures outlined in this document.

#### **IV. Banned Substances**

The following classes of drugs (including any of their metabolites, derivatives, or immediate precursors) are banned and will be screened for during all officers' drug tests:

- a) Amphetamines (Amphetamine, Methamphetamine)
- b) Cocaine
- c) Cannabinoids (Marijuana, THC, Hashish)
- d) Opiates (Heroin, Morphine, Codeine) and Expanded Opiates (Hydrocodone, Hydromorphone, Oxycodone and Oxymorphone)
- e) Phencyclidine (PCP)
- f) MDMA (Ecstasy)
- g) Anabolic steroids

#### **V. Administrative/Disciplinary Issues**

- a) A police officer who tests positive for alcohol or any Banned Substance during any test conducted pursuant to this Policy, including random, "for cause", or return to duty test, shall be subject to the progressive discipline set forth below in Section V(a)(i)-(ii). The purpose of this progressive discipline is to implement a "two strikes and you're out" policy.
  - i. First Positive Test: mandatory entry into Treatment and Return to Duty Program as set forth below in Section XVI.
  - ii. Second Positive Test: Termination. Any subsequent positive test will result in immediate termination.
  - iii. The progressive discipline set forth in this Section does not sunset for any police officer. A police officer shall be subject to termination for a second positive test throughout the duration of his/her employment in the Radnor Police Department.
  - iv. The progressive discipline set forth in Section V(a)(i)-(ii) shall not apply to the discipline set forth in the remainder of Section V.
- b) A police officer shall be terminated for failing to comply with a commanding officer's request to submit to any drug and alcohol test conducted pursuant to this Policy.

- c) A police officer who has been convicted of possessing any drug, controlled substance, or Banned Substance shall be terminated.
- d) Any other violations of this Policy, including violations of those rules set forth in III(a)-(j), will be addressed on a case-by-case basis. Disciplinary action may include suspension or dismissal, depending on the circumstances at hand.
- e) The Radnor Township Police Department Manual provides additional information addressing emergency vehicle operation, patrol operations, officer conduct and administrative/disciplinary issues.

#### **VI. Admission of Dependency**

An officer who seeks assistance with a substance-dependency prior to being selected for a random drug and alcohol test shall not be subject to disciplinary action. However, once an employee is informed that he/she has been randomly selected, the employee cannot refuse the mandatory drug test. Such refusal is grounds for immediate dismissal.

#### **VII. Officer Assistance Programs**

The Township and the Police Department offer several services to assist officers in getting the help they need or want in a number of circumstances, not just in matters of substance-dependency treatment/rehabilitation. These services are offered at no charge to officers.

- **Medical Care Provider**

The Township's medical care provider is the initial contact for officers seeking assistance with medical and psychological issues. The Township's medical care provider, in consultation with the officer and other medical/psychological professionals as might be deemed appropriate will determine an appropriate course of treatment or referral, depending on the circumstances at hand. At the time this Policy was adopted, the contact information, under police officers' health insurance coverage, for the Township's Employment Assistance Program is Human Management Services (HMS), [www.hmsincorp.com](http://www.hmsincorp.com), 1-800-343-2186 (confidential toll-free number).

- **Substance Abuse Professional**

The Police Department retains the services of a substance abuse professional (SAP). The SAP is responsible for monitoring the progress of officers in substance-dependency treatment, rehabilitation, and aftercare programs:

The SAP, in addition, is a resource contact for officers seeking assistance with substance-dependency issues, and he/she makes recommendations to the Police Department and the Township regarding substance-dependency prevention, treatment, rehabilitation, and aftercare programming.

In lieu of contacting the Township's medical care provider, officers may request referrals to the Police Psychologist from the Superintendent of Police. Referrals to the SAP may be requested through the Superintendent of Police.

### **VIII. Medical Review Officer**

The Medical Review Officer (MRO) is a physician who is specially trained in the areas of substance abuse issues and testing; and who is continually updated on relevant matters, including any legislative and laboratory issues.

Among other duties, the MRO reviews and evaluates random drug and alcohol test results; conducts post-test interviews with officers, as appropriate; and issues reports to the Superintendent of Police, as appropriate.

### **IX. Specimen Collection**

The collection of all specimens under this Policy will be conducted in as private and unobtrusive a fashion as possible given the generally accepted industry standards and methods for such specimen collection.

The collection of specimens for "For Cause" drug and alcohol testing will be via a "blood kit" at Bryn Mawr Hospital, or if that location is unavailable, Lankenau Medical Center.

The collection of specimens for Random and Return to Duty alcohol testing will be via evidentiary device (*i.e.*, Breathalyzer).

All Random and Return to Duty drug testing will be via urinalysis. The collection of urine specimens for Random and Return to Duty drug testing will be conducted as follows:

- a) Random and Return to Duty drug testing will include screening for adulterants (*i.e.*, substances recognized by SAMHSA as typically used to mask the presence of Banned Substances in the urine).
- b) The collection and analysis of urine specimens for Random and Return to Duty drug testing will be done off-site, at facilities that are not affiliated with the Township or the Police Department, and that are appropriately licensed and accredited to conduct specimen collection and analysis for drug and alcohol testing purposes.
- c) The processes used by the specimen collection and testing facilities for collecting and analyzing specimens will be certified as compliant with standing SAMHSA Guidelines.
- d) The processes used by the specimen collection and testing facilities for ensuring specimen integrity (*i.e.*, chain-of-custody, etc.) will be certified as being compliant with standing SAMHSA Guidelines.
- e) The specimen collection and testing facilities will employ quality control and assurance and instrumentation calibration standards certified as compliant with standing SAMHSA Guidelines:
- f) The documentation, record keeping, and results reporting procedures employed by the specimen collection and testing facilities will be certified as being compliant with standing SAMHSA Guidelines.

- g) Collection facility personnel may require an officer to produce a fresh urine specimen under direct observation if it is determined that the officer was attempting to defeat the testing process by submitting a “cold” urine specimen.
- h) If an officer is unable to produce an amount of urine appropriate for forensic testing collection facility personnel will advise the officer as to what measures to take (*i.e.*, consuming a certain volume of liquids over a certain time period, etc.).

#### **X. Specimen Processing and Testing**

Screening and testing of blood specimens for Banned Substances and adulterants will be conducted as follows:

- a) Specimens will be processed and tested in accordance with 75 Pa.C.S. § 1547 (Chemical testing to determine amount of alcohol or controlled substance).
- b) Threshold and confirmatory concentrations for blood specimen analysis for drugs and Banned Substances (except for anabolic steroids) will follow the current levels promulgated by Pennsylvania Department of Health under 75 Pa.C.S. § 1547(c)(4), such as *Minimum Levels of Controlled Substances or Their Metabolites in Blood to Establish Presence of Controlled Substance*, 45 Pa. Bull. 3638 (July 4, 2015), and updated versions by the Pennsylvania Department of Health. Threshold and confirmatory tests of a blood specimen for any and all anabolic androgenic steroids covered by Schedule III of the Code of Federal Regulations’ Schedules of Controlled Substances are considered positive if such substances are present in any detectable level.
- c) Specimens of blood are considered confirmed positive if the amount of alcohol detected is .04% or greater.

Screening and testing (initial and confirmatory) of breath specimens for alcohol during Random and Return to Duty alcohol testing will be via evidentiary device (*i.e.*, Breathalyzer). Specimens of breath are considered confirmed positive if the amount of alcohol detected is .04% or greater.

Screening and testing of urine specimens for Banned Substances and adulterants will be conducted as follows:

- a) Specimens will be processed and tested in accordance with standing SAMHSA Guidelines.
- b) Specimens must be processed by a laboratory certified by the Department of Health and Human Services to meet the SAMHSA Guidelines.
- c) Threshold and confirmatory concentrations for urine specimen analysis will follow the standing SAMHSA Guidelines, except for anabolic steroids. Threshold and confirmatory tests of a urine specimen for any and all anabolic androgenic steroids covered by Schedule III of the Code of Federal Regulations’ Schedules of

Controlled Substances are considered positive if such substances are present in any detectable level.

- d) Urine specimens initially found to contain a Banned Substance or adulterant will be subjected to a confirmatory screening according the standing SAMHSA Guidelines for the particular Banned Substance and/or adulterant(s) detected.
- e) A specimen confirmed as adulterated is considered positive-for a Banned Substance and is treated as such vis-a-vis the procedures pertaining to the review and reporting of test results.

#### **XI. Review and Reporting of Results**

All drug and alcohol test results are sent directly to the MRO by the testing facility. The MRO is responsible for reviewing and evaluating test results and submitting a written report to the Superintendent of Police.

Prior to submitting his/her report to the Superintendent of Police the MRO will contact any officer for whom a positive blood, urine or breath specimen is indicated. The MRO will arrange for a post-test interview with the officer to discuss the results of the positive test. Depending on the circumstances at hand and the officer's explanation for the positive test, if any, the MRO may recommend that the officer undergo a retest. If a retest is indicated appropriate arrangements for such will be made by the MRO and paid for by the Township.

If the MRO is unable to contact an officer after reasonable efforts he/she may contact the Office of the Superintendent of Police for assistance. The MRO will report a positive test to the Superintendent of Police if an officer refuses to arrange a post-test interview within twenty-four (24) hours after being contacted by the MRO or the Police Department; or if an officer fails to attend a scheduled post-test interview.

No administrative/disciplinary action will be taken against an officer unless the MRO reports a positive test result to the Superintendent of Police. If a retest is indicated, a positive result will not be reported until the results of the retest are reviewed by the MRO.

When a positive test is reported by the MRO, the officer in question will be immediately placed on temporary paid administrative leave. If the officer is off-duty when notification is received he/she will be contacted by the Office of the Superintendent of Police and given instructions. If the officer is on-duty at the time notification is received his/her commanding officer will be informed. The commanding officer is responsible for:

- Taking custody of the officer's duty firearm.
- Ensuring that the officer does not operate his/her personal vehicle and making appropriate arrangements for the officer to be transported to his/her residence.

An officer placed on temporary paid administrative leave will remain on leave until further notice from the Office of the Superintendent of Police. An officer on temporary administrative leave will continue to draw pay as he/she would if working his/her regular work schedule.

## **XII. Disposition of Specimens**

Urine specimens will be disposed of as follows:

- a) Specimens initially found to contain a Banned Substance or adulterant will be stored-securely at the testing facility, in a fashion compliant with standing SAMHSA Guidelines, pending completion of confirmatory screening.
- b) Specimens considered negative for Banned Substances—either initially or because a confirmatory screening does not indicate the presence of a Banned Substance or adulterant in amounts exceeding SAMHSA tolerance thresholds—will be destroyed upon completion of the testing process.
- c) Specimens considered positive for a Banned Substance or adulterant will be retained by the laboratory facility, stored in a fashion and for a period of time compliant with standing SAMHSA Guidelines.

## **XIII. Random Drug and Alcohol Testing**

All police officers, regardless of rank and assignment, are subject to unannounced random drug and alcohol testing as follows:

- a) Random drug and alcohol tests will be administered throughout the calendar year, at various intervals.
- b) The selection of officers for random drug and alcohol tests shall take place at the Radnor Police Department.
- c) Testing may take place on any day of the week, including weekends and on holidays; and may occur during daytime or nighttime hours.
- d) Officers may be randomly tested as many as two (2) times per calendar year.
- e) The number of officers randomly tested in any one calendar year will be 50% of the total number of sworn officers in the Police Department (based on the number of sworn officers as of 01 January of the year in question).
- f) All officers randomly tested will be administered a drug test via the collection of a urine sample. Of the total number of officers randomly tested throughout the calendar year, 10% will be administered an alcohol test via an evidentiary device (*i.e.*, Breathalyzer).
- g) Selection of officers for random drug and alcohol testing will be done via a scientifically valid method so as to ensure that each officer has an equal chance of selection (*i.e.*, via a random-numbered table or a computer-based random number generator based on employees' payroll numbers, etc.).
- h) The process for selecting officers for random drug and alcohol testing will be administered by an agency or facility not affiliated with the Township or the Police Department.

- i) When a testing cycle begins, the agency or facility responsible for administering the selection process will notify the Office of the Superintendent of Police as to which officers will be tested. The Office of the Superintendent of Police will then notify the appropriate commanding officers as to which officers will be tested and when those officers should report to the specimen collection facility.
- j) Commanding officers are responsible for ensuring that officers under their command report promptly to the specimen collection facility, as scheduled.
- k) If an officer is not working for whatever reason, and he/she is on the list of officers to be tested in a particular cycle, the agency or facility responsible for administering the selection process will be informed of such. The officer's name will be removed from the list for that testing cycle and put back into the pool of officers eligible for future testing. For example, if an officer requests, and is granted, a personal day prior to being selected for testing, the officer's name will be removed from the list for that testing cycle and put back into the pool of officers eligible for future testing. After the Officer has been granted personal leave, the Township will not cancel such personal leave for the purpose of recalling the Officer for testing.
- l) Whenever the Superintendent of Police is selected for testing the agency or facility responsible for administering the selection process will notify the Township's Chief Administrative Officer (CAO). The CAO will notify the Superintendent of Police that he/she has been selected for random drug and alcohol testing and indicate when he/she should report to the specimen collection facility.

#### **XIV. "For Cause" Testing**

If there is reasonable cause to believe that an officer is under the influence of alcohol, drugs, or a controlled substance, he/she shall be subject to a drug and alcohol test.

Commanding officers have the experience and training to make a determination as to whether there is reasonable cause for testing. Therefore, such a determination will be made by the on-duty commanding officer of the unit to which the officer is assigned. The commanding officer is responsible for:

- a) Completing an inquiry into the matter as quickly as possible given the circumstances at hand. A commanding officer will decide whether there is reasonable cause for testing whenever an officer is driving a vehicle on-duty that is involved in a reportable accident under Section 3746(a) of Title 75, Pennsylvania's Consolidated Statutes.
- b) Conducting the inquiry in as discreet and private a fashion as possible given the circumstances at hand.
- c) Ensuring that the officer in question does not operate a Police Department vehicle or otherwise participate in police activity while the inquiry is being conducted.

- d) Interviewing the officer as part of the inquiry process. The commanding officer will transport the officer to the Public Safety Building for the interview if the officer is in the field.

If the commanding officer determines that there is cause for a drug and alcohol test to be administered, he/she will be responsible for:

- a) Taking custody of the officer's duty firearm (and backup firearm if the officer is carrying one).
- b) Transporting the officer to Bryn Mawr Hospital for completion of a "blood kit." If a blood kit cannot be completed at Bryn Mawr Hospital, the officer will be taken to Lankenau Medical Center.
- c) Ensuring that the chain-of-custody for the blood kit is properly followed and documented.
- d) Issuing the officer a memorandum placing him/her on temporary paid administrative leave pending the outcome of the drug and alcohol test.
- e) Ensuring that the officer does not operate his/her personal vehicle and making appropriate arrangements for the officer to be transported to his/her residence.

An officer placed on temporary paid administrative leave will remain on leave until further notice from the Office of the Superintendent of Police. An officer on temporary administrative leave will continue to draw pay as he/she would if working his/her regular work schedule.

Regardless of whether a drug and alcohol test is administered, the commanding officer is responsible for fully documenting the matter and reporting it to the Superintendent of Police and to the overall commanding officer of the division in question.

#### **XV. Treatment and Return to Duty**

Immediately after a police officer first tests positive for alcohol or any Banned Substance during any test conducted pursuant to this Policy, that officer will be placed on paid administrative leave. As soon as practicable thereafter, the Township's medical care provider, the SAP, the officer, and other medical/psychological healthcare providers, as appropriate, shall consult and create a course of substance-dependency treatment/rehabilitation. If the officer refuses to submit to the substance-dependency treatment/rehabilitation, the officer will be terminated. Under the Township's "two strikes and you're out policy," substance-dependency treatment/rehabilitation is only available after the first positive test for alcohol or any Banned Substance. If an officer tests positive for alcohol or any Banned Substance a second time, that officer will be terminated.

An officer undergoing substance-dependency treatment/rehabilitation will remain on administrative leave status for the duration of the treatment or rehabilitation program. Whether the course of treatment or rehabilitation is voluntarily or part of an administrative/disciplinary action, or is being completed on an in-patient or out-patient basis, is irrelevant to the officer's paid status.



If the treatment/rehabilitation program is part of an administrative/disciplinary action, and that action also includes a term of suspension, the officer will serve the suspension before being placed on administrative leave. Officers are not permitted to expend vacation leave, sick leave, Kelly days, so-called "paid holiday" time, or compensatory time in lieu of serving a term of suspension.

During the administrative leave period the officer will continue to draw pay as if he/she were working his/her regular work schedule. However, the Township will only pay the police officer during one leave period as a result of either testing positive under this Policy or proactively requesting substance-dependency treatment/rehabilitation. After an employee either tests positive under this Policy or proactively requests treatment, that employee may subsequently request treatment, but must utilize accrued leave time or take unpaid leave during the duration of the treatment.

Depending on the circumstances at hand, either the Township's medical care provider or SAP will be responsible for monitoring the officer's progress through the prescribed/required course of treatment/rehabilitation, and through any aftercare program; and for submitting regular progress reports to the Superintendent of Police. When the Township's medical care provider or the SAP, in consultation with the officer and other medical/psychological healthcare providers, as appropriate, determines that the officer is fit to return to duty he/she will certify such, in writing, to the Superintendent of Police, and the officer will be reinstated to active duty status.

An officer who is reinstated to active duty status following substance-dependency treatment/rehabilitation will be subject, in addition to all other testing under this Policy, to (a) one mandatory, random, unannounced drug and alcohol test prior to reinstatement; (b) at least six (6) random, unannounced follow-up drug and alcohol testing at the order of the Township Manager over a period of twelve (12) months following reinstatement; and (c) scheduled follow-up drug and alcohol testing over a period of twelve (12) months following reinstatement.

#### **XVI. Off-Duty Alcohol Use**

Officers are expected to conduct themselves appropriately and responsibly when consuming alcohol while off-duty.

#### **XVII. Legal Drugs**

Officers are obligated to inform supervisors of potential adverse side effects of prescribed or over-the-counter medication they are taking. Any officer who takes such prescribed or over-the-counter medication is also obligated to obtain written confirmation from a doctor affirming that the officer is able to safely and effectively perform the duties of a Township police officer. Such a police officer is expected to maintain custody of that written confirmation for two years, and to present that written confirmation to Township if an issue arises regarding the police officer's fitness for duty during the period that he/she took the prescribed or over-the-counter medication.

If it is determined that an officer cannot safely and effectively perform his/her, duties because of the adverse side effects of medication he/she is taking, he/she may be required to take sick leave.

The Township's medical care provider, in consultation with the officer, Township, and Police Department personnel, and other medical professionals as might be deemed appropriate, will

determine if an officer should be required to take a leave-of-absence, the duration of the required leave-of-absence, and any aftercare or return to duty conditions.

**XVIII. Expenses**

The Township will pay for all drug and alcohol testing. The Township will also pay for substance-dependency treatment and rehabilitation programs, including any health insurance co-payments and deductibles. However, the Township will only pay a police officer during one occurrence of treatment as set forth in Section XVI. The Township will compensate officer with overtime pay in the event that an officer is required to stay beyond a normal shift for the purpose of submitting to or completing a drug test.