


<p style="text-align: center;">GENERAL ORDER</p> 	<p><b>Effective: 10-28-2024</b></p>	<p><b># 03-04</b></p>
	<p><b>Section:</b> Management &amp; Supervision</p>	<p><b>Replaces or Modifies:</b> Order 01-01-2013/02-28-22</p>
	<p><b>Title:</b> Substance, Alcohol and Tobacco Use Policy</p> <p><b>Issued by:</b> Chief Deputy Mattie Provost</p>	

**I. Purpose:**

To establish restrictions and limitations on any use and possession of substances, including drugs and alcohol, within the Fort Bend County Sheriff’s Office (FBCSO)

**II. Policy Statement:**

As a public safety organization involved in activities that many times require the highest need for mental and physical acuity, it is a high policy priority that all employees are free from the intoxicating and altering effects of drugs and alcohol while performing duties.

**III. Definitions**

Alcohol – Means an alcoholic beverage as defined in the Texas Alcoholic Beverage Code (TABC). Definitions concerning manufacture, sale, delivery, and possession concerning alcohol are those found in the TABC.

Under the influence of drugs or alcohol –

- (1) Not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body; or
- (2) Having a breath alcohol concentration of .02 or greater as determined by testing procedures found in Fort Bend County Policy 301; or
- (3) Having any amount of controlled substance or dangerous drug in the employee’s body as determined by testing procedures found in Fort Bend County Policy 301.

Drug – Means any substance controlled under the Texas Health and Safety Code (THSC) and includes the term narcotics. This includes but is not limited to controlled substances, controlled substance analogues, and counterfeit substances as defined in THSC Section 481.002 as amended; dangerous drugs as defined in THSC Section 483.001 as amended; and simulated controlled substances as defined in THSC Section 482.1 as amended. Definitions concerning manufacture, sale, delivery, and possession of drugs are those found in the THSC.

Fort Bend County Policy – Policy found in the Fort Bend County Employee Information Manual.

Performing Duties – This term includes any time an employee is on duty (whether or not actually performing duty activities), whenever an employee reports for duty, any time an employee is operating county owned or leased equipment or vehicles, and any time an employee is acting pursuant to authority granted by their employment with the FBCSO (whether on or off duty).

Use of Tobacco and Similar Products - Means the inhaling, exhaling, burning of any cigar, cigarette, or other combustible tobacco product in any manner; the chewing/use of tobacco and snuff; and the use of items such as e-cigarettes.

#### **IV. Drug and Alcohol-Free Workplace**

- A. Health and well-being are vital to effective and efficient Sheriff's Office operations and provision of quality services to our communities.
- B. The Sheriff's Office has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees, to the security of our equipment and facilities, and to our ability to properly engage with our community and stakeholders.
- C. For these reasons, the FBCSO is committed to eliminating drug and/or alcohol use and abuse in the workplace. This policy provides an overview of the importance of practices and procedures designed to correct instances of identified alcohol and/or drug use in the workplace, including those that impact employee productivity and performance.
- D. This policy applies to all employees.
- E. Drug-Free Awareness. Drug and Alcohol misuse have a number of adverse health and safety consequences. This can have an impact on employee success and productivity at work. Employees should speak with a trusted healthcare provider for information about the impacts of drug and alcohol misuse.
- F. On a case-by-case basis, the FBCSO commits to assist and support employees who voluntarily seek help for drug or alcohol abuse problems before becoming subject to discipline and/or termination under this or other policies.
- G. Such employees may be allowed to use accrued time off benefits, placed on leave of absence, referred to treatment providers, and otherwise accommodated as required by federal, state and local law. Employees who remain employed and are seeking help for drug or alcohol abuse problems may be required to document they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.
- H. Employees must report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. The FBCSO permits the legal use of prescribed drugs on the job if they do not impair the employee's ability to perform the essential functions of the job effectively and safely without endangering others.
- I. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor.
- J. Work Rules
  - 1. The following work rules apply to all employees:

- a. Whenever employees are working, operating any FBCSO vehicle, present on Office premises (including parking garages or parking lots), or are conducting related work off-site, they are prohibited from:
  - 1.) Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug (to include possession of drug paraphernalia).
  - 2.) Being under the influence of alcohol, marijuana or any drug classified as illegal.
2. The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing any FBCSO duty or operation or while in a FBCSO or FBC facility is prohibited.
3. The FBCSO will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties.
4. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.
5. Any illegal drugs or drug paraphernalia will be seized and handled as per department policy. An internal investigation will be conducted which may result in disciplinary action, criminal prosecution, termination or indefinite suspension.

**V. Details and Procedure:**

- A. Except in cases of conflict with Sheriff's Office Policy, the Fort Bend County Policy 301 (Drug and Alcohol Detection and Deterrence) is to be followed. An exception to County Policy 301 applies only to the extent of conflict and resolution of this conflict will be determined by the Sheriff or his designee, the Chief Deputy.
- B. Employees may not manufacture, sell, deliver, or possess an open container of alcohol (as defined in Texas Penal Code Section 49.031 as amended) while on duty, in a county owned or leased vehicle, or on a county owned or leased premises unless the action is pursuant to the employee fulfilling authorized duties and the action is not in violation of State Law.
- C. Employees may not at any time manufacture, sell, deliver, or possess drugs (as defined in Texas Health and Safety Code) unless the action is pursuant to the employee fulfilling authorized duties and the action is not in violation of State Law.
- D. It is not a violation concerning possession if a drug is a properly prescribed and used medication for the employee; however, an employee is responsible for following all precautions on prescribed medications. If an employee performs or attempts to perform duties in an impaired state due to medication and the employee's actions are a causative factor in an inability to properly perform their duties, damage to property, or injury to any person, the employee is subject to discipline for violating this General Order.
- E. Required Testing.
  1. Only the Chief Deputy or Sheriff may order alcohol / drug testing in cases that are not mandated by another policy or where reasonable suspicion does not exist. If a test is performed under this authority it will consist of either a Department-wide test of all

employees or testing of specific groups of employees (One example of a group specific situation would be testing of all Narcotics Investigators).

2. The Chief Deputy will administer the Sheriff's Office cooperation with random testing under County Policy 301. The Chief Deputy may delegate these duties as appropriate.
3. If a Supervisor has reasonable suspicion that an employee is under the influence of or possession of alcohol / drugs in violation of Policy, he/she shall take action. Actions under this include, but are not limited to:
  - a. Taking reasonable steps to reduce the risk of the employee harming himself/herself or others. This may include relieving the employee of active duty and ordering other actions consistent with Policy. An order relieving an employee of active duty must have approval of a Lieutenant or higher ranking officer of the Sheriff's Office.
  - b. Order the employee to submit to testing if applicable. Any order of this nature must have the approval of a Lieutenant or higher ranking officer of the Sheriff's Office.
4. Any complaint or investigation into an allegation of a violation concerning alcohol /drug use or possession will be sent through the chain of command to the Chief Deputy. This includes, but is not limited to, any testing and test results.
5. FBCSO retains the right to require the following tests:
  - a. Pre-Employment: All candidates who have received a written offer of employment will be required to undergo testing for commonly abused controlled substances in accordance with this and Fort Bend County policy.
  - b. Reasonable suspicion ("for cause"): Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession, or impairment. The division commander must be consulted before sending an employee for reasonable suspicion testing.
  - c. Post-accident: Employees are subject to testing when they cause or contribute to accidents that seriously damage a vehicle, machinery, equipment or property, and/or result in an injury to themselves or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.
  - d. Follow-up: Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including discharge. Depending on the circumstances and the employee's work history/record, the FBCSO may offer an employee who violates this policy or tests positive the opportunity to return to work on a "last-chance" basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies for a minimum of one (1) year but not more than two (2) years.
6. If the employee either does not complete his/her rehabilitation program or tests positive after completing the rehabilitation program, he/she will be subject to immediate discharge from employment.

F. Substances Covered by Drug and Alcohol Testing

**Fort Bend County Sheriff's Office G.O. 03-04  
Substance, Alcohol, and Tobacco Use Policy**

1. Employees will be tested for their use of commonly abused controlled substances, including amphetamines, barbiturates, benzodiazepines, opiates, cannabinoids, cocaine, methadone, methaqualone, phencyclidine (PCP), propoxyphene and chemical derivatives of these substances.
2. Applicants must advise the testing lab of all prescription drugs taken in the past month before the test and be prepared to show proof of such prescriptions to testing lab personnel.

#### G. Testing Methods and Procedures

1. All testing will be conducted by the FBC vendor, Urgent Care, or when approved, by a licensed independent medical laboratory, which will follow established testing standards. Testing will be conducted on a urine sample provided by the employee to the testing laboratory under procedures established by the laboratory to ensure privacy of the employee, while protecting against tampering/alteration of the test results.
2. Fort Bend County will pay for the cost of the testing, including the confirmation of any positive test result by gas chromatography. The testing lab will retain samples in accordance with state law, so that a candidate may request a retest of the sample at his or her own expense if he or she disagrees with the test result.

#### H. Consequences

1. Employees who refuse to cooperate immediately in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be subject to internal investigation, and discipline, including indefinite suspension or termination.
2. The first time an employee tests positive for alcohol or illegal drug use under this policy, the result could be discipline up to and including discharge.
3. Employees will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test.
4. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a Sheriff's designee, Chief Deputy.
5. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

#### I. Confidentiality

1. Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

#### J. Inspections

1. FBCSO reserves the right to inspect all portions of its premises for drugs, alcohol, or other contraband. All employees, contract employees, and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including discharge.

K. Tobacco and Similar Products. Use of Tobacco and Similar Products by employees is prohibited in any one or all of the following circumstances

1. While on duty and not in an approved smoking/tobacco use area (the Chief Deputy will have authority to approve any such area). Note: this section does not establish a right for a break period for purposes of smoking/tobacco use.
2. At any time when in public view while on duty or while wearing any item that identifies the person as an employee of the FBCSO (this includes, but is not limited to uniforms of any type, badges, or jackets)
3. At any time inside a Fort Bend County owned/leased building or vehicle (County-owned vehicle is defined in General Order 05-03)
4. In violation of any law

L. Use or possession of Tobacco and Similar Products by inmates of the Fort Bend County Jail is prohibited (including, but not limited to, inmates on work assignments)

1. Provision of Tobacco or Similar Products by an employee to an inmate of the Fort Bend County Jail is prohibited

M. Fit for Duty. Employees are required to remain fit for duty and shall maintain their physical and mental condition to the degree necessary to perform any duty or assignment that may be normally expected or required (See G.O. 02-01 12. Unfit for Duty; and 02-04 Mental Health and Wellness, Notice of Fitness for Duty, G. page 6).

**Only the Sheriff or his designee, Chief Deputy, may revise or render any decision regarding the interpretation of this policy.**

#### **References**

G.O. 02-01 Core Standards of Conduct  
G.O. 02-04 Mental Health and Wellness  
G.O. 03-02 Duty Assignment, Transfer and Seniority  
G.O. 03-08 Internal Affairs  
G.O. 04-05 Outside Employment and Public Office  
G.O. 04-06 Traumatic Events Assistance  
G.O. 06-01 Mental Health Crisis Strategies  
G.O. 09-12 Seizure of Firearms from Mentally Ill  
G.O. 10-02 Body Worn Cameras

Additional Resources for Medical and Psychological Examinations  
2018 Psychological fitness-for-Duty Evaluation Guidelines from IACP  
The APA Professional Practice Guidelines for Occupationally Mandated Psychological Evaluations  
2017 American college of Occupational and Environmental Medicine Guidance on the Medical  
Evaluation of Law Enforcement Officers  
Fort Bend County Employee Information Manual Section 300 Drug-Free and Alcohol-Free Workplace