CHAPTER 4 PERSONNEL ADMINISTRATION

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Pages: 43

I. EMPLOYMENT

A. The Wicomico County Sheriff’s Office (WCSO) provides employment and promotional opportunities without regard to race, creed, sex, age, color, national origin, marital status, sexual orientation or physical disability.

B. Masculine gender, as used herein, refers to all persons, both male and female.

C. Objectives

1. To assure that all personnel involved in the recruitment, selection and training of employees and in the administration of the promotional process are knowledgeable of equal employment opportunity principles and demonstrate these principles during the exercise of their responsibilities.

2. To establish selection criteria that is job-related and predictive of the applicant’s aptitude to successfully complete the entrance-level training and to successfully perform on the job.

3. To assure the selection criteria do not have a disproportionate impact upon any group with regard to race, creed, sex, age, color, national origin, marital status, sexual orientation or physical or mental disability; unless said criterion is demonstrated to be a bona fide occupational requirement.

4. To recruit applicants that can successfully meet selection criteria without regard to race, creed, sex, age, color, national origin, marital status, sexual orientation or physical or mental disability.

5. To establish promotional criteria that is job-related and predictive of the applicant’s aptitude to successfully perform in the promotional grade.

6. To assure that the promotional criteria do not have disproportionate impact upon any group with regard to race, creed, sex, age, color, national origin, marital status, sexual orientation or physical or mental disability, unless said criteria is demonstrated to be a bona fide promotional requirement.

7. To assure that all positions within the WCSO are available to persons without regard to race, creed, sex, age, color, national origin, marital status, sexual
orientation or physical or mental disability, unless such a position has been demonstrated to require a specific group of people because of a bona fide occupational requirement.

8. To assure that those placed in positions of authority, supervision and management are knowledgeable of equal opportunity principles and apply these principles with fairness and impartiality in the exercise of their responsibilities. To maintain appropriate recruitment, selection and employment records for required federal and state reports and for evaluating and accomplishing the objectives outlined herein.

II. RECRUITMENT

A. General Provisions

1. The most effective advertisement for WCSO employment is the conduct of employees as reflected in their official duties and dealings with the public.

2. Each WCSO employee is an important member of the WCSO team, in that his individual efforts contribute to the achievement of the objectives of the WCSO.

3. All employees should participate in the recruitment process; whenever the opportunity arises, employees should encourage and solicit application from prospective candidates.

4. Recruitment practices are designed to obtain the most suitable personnel.

5. Basic qualifications and procedures for application for the positions of Deputy are described in this Section.

6. It is the policy of the WCSO to provide employment and promotional opportunities without regard to race, creed, sex, age, color, national origin, marital status, sexual orientation, or physical or mental disability.

B. Applicants - Deputy Sheriff applicants must meet the minimum qualifications standards for Maryland Police Certification found in COMAR.

C. Employment – Deputy Sheriff

1. Applicants must be successful in all phases of the employment procedure. Failure of any phase may justify the rejection of the applicant.

2. The application procedure for employment of Deputy Sheriff applicants is as follows:
a. Applicants are notified of test dates for the written examination.

b. Applicants take the written examination.

c. Applicants who pass the written examination take the Pre-employment Functional Fitness Assessment Test.

d. Applicants who pass the Functional Fitness Assessment Test will be scheduled for Deputy applicant interviews.

e. The Special Operations Bureau schedules Deputy applicant interviews before Deputy Applicant Interview Boards. Members are assigned to the Interview Board by special order or may be selected by the Special Operations Bureau Commander to expedite the interviews.

f. Applicants with the highest ranking on the eligibility list after the Deputy applicant Interview are given a conditional offer of employment and proceed to pre-employment background and truth verification analysis.

g. Following a successful pre-employment background investigation and truth verification examination, all Deputy Sheriff applicants must be fingerprinted and checked through the Criminal Justice Information System-Central Repository (CJIS-CR) and FBI.

h. Before a formal offer of employment is made all Deputy Sheriff applicants must report for a physical examination and a psychological examination at a WCSO designated office.

5. The Special Operations Bureau will ensure newly hired Deputies receive a copy of the WCSO Policy and Procedures Manual. Newly hired civilians will have access to the WCSO Policy and Procedures Manual via the WCSO share drive. Both sworn and civilian employees will have access to the Wicomico County Personnel Manual via the WCSO share drive.

6. Deputies will acknowledge the receipt and explanation of the information the Special Operations Bureau provides by signing and dating the WCSO Policy and Procedures Manual sign off sheet.

IV. PROBATION
A. Probationary Period - Sworn Employees

1. All sworn employees shall serve a one year probationary period which shall begin upon satisfactory completion of a Maryland Police and Training Standards Commission (MPTSC) approved training academy.

2. All sworn employees who are laterally hired from another agency from within the state of Maryland or from outside the state of Maryland shall serve a one year probation from the date of appointment to the WCSO as a sworn Deputy.

3. Probationary Deputies will be evaluated by their Supervisors three times during the course of the probation period. Probationary Deputies will also be evaluated weekly by their Field Training Officer during their designated assigned Field Training and Evaluation Program. All probationary Deputies must be evaluated two weeks prior to the end of probation. Supervisors are responsible for meeting with the probationary Deputies at three month intervals to discuss performance and determine any areas in need of improvement.

4. If, at any time during the probationary period, a Deputy demonstrates unsatisfactory performance/conduct to the extent that additional counseling would serve no constructive purpose, the Bureau Commander of that individual will forward to the Sheriff, the details of the unsatisfactory performance/conduct as well as a recommendation for dismissal.

   a. All levels of Command will endorse this report.

   b. Upon receipt, the Sheriff will designate a member of his staff to examine the facts submitted and prepare an independent recommendation to the Sheriff.

5. During that time, the Sheriff may discharge any such employee for any cause that he, in his discretion, deems sufficient.

V. PROMOTIONS

To define vertical movement in the organizational hierarchy from one rank classification to another by promoting personnel in a manner that is consistent with State law and Federal guidelines. This will be accomplished through a valid testing process and awarded credits in the areas of education and training, job knowledge, experience, and performance.

A. Policy

1. The process must meet the needs of the Agency, the community it serves, its members, and the law enforcement profession in an effective and non-discriminatory manner.
2. The Agency shall develop and implement all aspects of the promotional process for first and second line supervisors (Corporals and Sergeants). Established benchmarks will be developed to measure the skills, knowledge, and abilities of personnel for each rank of classification.

3. Promotions to the ranks of Corporal and Sergeant shall be on a competitive basis. An eligibility list for these ranks shall be established and remain in effect for two years following the month of the last promotional testing sequence. The Sheriff may amend the effective dates of the eligibility lists, for just cause based on the needs of the Agency.

4. The Sheriff shall consider those members on the eligibility list for the ranks of Corporal and Sergeant in descending order, beginning with the highest score. The Sheriff however, may consider the first three positions on the list for each vacancy.

5. The decision for all promotions shall be made by the Sheriff.

B. Definitions

1. **Assessor**: A representative from an allied police agency holding an equivalent or higher rank than the one being evaluated. An assessor is a subject matter expert for the personnel assessment portion of the promotional process.

2. **Business Need**: A calculation derived from the average number of individuals promoted to each rank per year over the past four years, multiplied by two, plus the number of individuals of each rank eligible to retire within the two-year duration of the eligibility list.

3. **Hurdle**: When the business need calculation is applied to the descending order written examination scores, the point at which candidates are eliminated from the process or continue on the personnel assessment phase.

4. **Personnel Assessment**: The portion of the promotional process that includes the structured resume and the oral interview.

5. **Resume Attachments**: Attachments to the resume include a supervisory review, a Bureau Commander’s confirmation of supporting documentation and a Bureau Commander’s concurrence of the supervisory review.
6. **Structured Resume**: A resume, specifically designed to capture the following categories:
   a. Work History
   b. Education/Training/Military
   c. Special Awards

7. **Subject Matter Expert Panel**: A board compromised of Agency sworn personnel, at or above the rank in question, used to review testing material for job relatedness and accuracy.

C. Procedures

1. The Sheriff shall designate a “Promotional Process Coordinator” for each promotional process. The Promotional Process Coordinator shall develop, critique, implement, and administer the promotional process consistent with the Agency’s needs and industry standards.

2. At the conclusion of each promotional process, the Promotional Process Coordinator shall provide a written analysis to the Sheriff.

3. The Promotional Process Coordinator will publish notifications of dates, times, locations, and any special requirements with respect to each step of the process.

4. No aspect of the promotional process is a guarantee or entitlement for promotion. Promotions are made from the eligibility lists resulting from this process, based upon the need of this Agency and consistent with budget considerations.

5. Assignment Preferences: Promotional candidates wishing to identify specific locations to which they will only accept promotion will submit a Request for Promotional Consideration Form, to the Promotional Testing Coordinator indicating their assignment preference(s). Promotional candidates willing to accept any assignment need not submit a Request for Promotional Consideration Form.

6. Eligibility: Length of service requirements must be met before eligibility to participate in the promotional process of the respective ranks. These requirements must be met PRIOR to the date of the written examination for each rank. The requisite service must be as a full-time sworn employee.
a. Corporal: 1 year of service as a Deputy First Class with this Agency and currently at the permanent rank of Deputy First Class.

b. Sergeant: 2 years of service as a Corporal with this Agency and currently at the permanent rank of Corporal.

c. Length of service interrupted by involuntary separation from employment will count towards time in grade.

d. Members having internal investigations pending, which could lead to punishment exceeding that defined as summary punishment, under the LEOBR, shall be eligible to participate in the promotional process. They shall NOT be eligible for consideration for promotion until the final disposition of the case has been satisfied.

e. Members having a sustained disciplinary action exceeding summary punishment will not be eligible for promotion for a period of twelve months from the date the Sheriff approves a disciplinary finding.

7. Promotional Process

a. Promotional competitiveness is contingent upon the following attributes:

   (1) Job Knowledge
   (2) Education and Training
   (3) Experience
   (4) Performance

b. The promotional process is designed to evaluate these attributes for each promotional candidate and provide a single eligibility list for each rank.

8. Weights and Parts

a. The promotional process for the ranks of Corporal and Sergeant shall consist of the following weights and parts:

   (1) Written Examination 30 points maximum.
   (2) Structured Resume 35 points maximum.
   (3) Oral Interview 35 points maximum.
b. Candidates must complete all three components of the process to appear on an eligibility list.

9. Written Examination

a. The written examination is used as a hurdle.

b. Business need or if the business need falls below six a minimum number of 6 will be used to determine the number of candidates who will pass the hurdle and continue to the personnel assessment.

c. Candidates receiving the highest numerical scores on the written examination will proceed to personnel assessment.

d. Any candidate whose test score is the same as the last candidate who qualifies under business need will be considered to have passed the hurdle and may proceed to the personnel assessment.

e. Candidates not passing the hurdle will not proceed to the personnel assessment.

f. Candidates will be advised of their respective scores on written examination via a sealed letter.

g. Notice of examination location(s) will be sent electronically via Agency e-mail.

10. Personnel Assessment

a. The personnel assessment consists of submission of a structured resume and participation in an oral interview.

b. Candidates qualifying for the personnel assessment will have an equal opportunity to present their qualifications for consideration.

c. A personnel order naming all candidates who qualified for the personnel assessment will be sent following the written examination.

d. This order will serve as a reminder for the submission of the structured resume, as well as dates, times and any special requirements for the oral interview.
11. Structured Resume
   a. The Promotional Process Coordinator will provide an instructional guide to qualifying candidates, their supervisors, and their respective Commanders, detailing the procedures for submission of the structured resume, supervisory review, and the Bureau Commander’s verification.
   b. Structured resumes submitted for assessment must be completed in the manner described in the guide.
   c. The Promotional Process Coordinator will specify the due date for the structured resume in the guide for each rank.
   d. Candidates are responsible for ensuring that the structured resume is completed and received by the Promotional Process Coordinator by the specified due date. Deviations from the format and/or due date may result in candidate disqualification.
   e. Bureau Commanders and Supervisors shall not knowingly commit or omit any act that will hinder the candidate’s ability to submit a timely structured resume. Access to auxiliary files should be facilitated upon request.
   f. Three assessors will review and assign a numerical score to each category of the structured resume based on the assessor’s experience, expertise, and guidelines provided by the Promotional Process Coordinator.
   g. This panel will consist of representatives from allied police agencies holding an equivalent or higher rank than the one being sought by the promotional candidate.

12. Oral Interview
   a. The oral interview will consist of a series of situational questions to which the candidate will have a maximum of 30 minutes to respond.
   b. The candidate’s responses will be evaluated and scored based upon the dimensions identified as critical by the current job task analysis.
   c. A copy of the dimensions and guidelines will be provided to each candidate.
d. Three assessors will assign a numerical score to each interview based on their expertise, experience, and guidelines provided by the Promotional Process Coordinator.

13. Eligibility Lists

a. The Promotional Process Coordinator will calculate an overall score for each candidate based on weights of the written examination, structured resume, and the oral interview.

b. One eligibility list will be published for the Sheriff for each rank and this list will be valid for a two-year period.

c. Candidates with tied overall scores will be positioned by seniority as determined by the Human Resources Bureau.

d. Individually sealed scores will be mailed to each candidate.

14. Promotion to Deputy First Class (DFC)

a. There will be no written promotional examination for the rank of Deputy first class.

b. Criteria for promotion are:

(1) Entry-level candidates shall complete 2 years of full time law enforcement service with this Agency. Police Academy training is considered full time law enforcement service.

(2) Lateral candidates with at least 2 years of full time law enforcement experience must complete six months of service with this Agency.

(i) Police Academy training is considered full time law enforcement experience.

(ii) Full time law enforcement experience means experience as a paid law enforcement officer at a comparable law enforcement agency.

(3) Lateral candidates who do not have at least two years of full time law enforcement experience must have a combined total of 2 years of full time law enforcement experience and successfully completed their probationary period of employment.
(4) Satisfactory job performance.

(5) Recommendations of the employee’s supervisor shall be submitted via a written letter of recommendation to the Bureau Commander thirty days prior to DFC eligibility.

15. Rebuttal

a. The rebuttal is not part of the scoring process for promotional candidates. Completion of the Rebuttal indicates that the candidate disagrees with the Supervisory Review.

b. If the candidate disagrees with the Supervisory Review, the Bureau Commander will schedule a meeting with the Supervisor and the candidate to mediate the disagreement. In most cases, disagreements can be resolved by reviewing supporting documentation or confirming the lack of documentation. If the disagreement is resolved at this level, appropriate adjustments shall be made to the Supervisory Review and the process will continue as per the instructions in the Bureau Commander’s review guide.

c. The Bureau Commander must ensure that all information in the Supervisory Review is supported by documentation. When the sole basis for a rebuttal can be resolved by the presence or lack of documentation, the disagreement will be resolved and a rebuttal will not be completed.

d. A rebuttal will be written in a format as described in the instructional guide for preparation of the structured resume that is distributed to promotional candidates and their supervisors.

e. Final review of all rebuttals will be conducted by the Sheriff or his designee.

16. Acting Appointment

In the event that an acting appointment is required to fulfill the needs of the Agency, the Sheriff reserves the right to appoint anyone whom he chooses to fill that vacancy, although the Sheriff may consider the existing promotional list as a resource.

17. Probationary Period

Candidates promoted to any of the outline ranks shall serve a one-year probationary period from the date of promotion.
VI. COMMAND RANKS

Guidelines for appointment of members to administrative ranks: Persons appointed to the ranks of 1st Sergeant, Lieutenant, Captain and Chief Deputy may be required to participate in a competitive process as determined by the Sheriff. The final decision for all appointments to Command rank will be made by the Sheriff.

A. Policy

Police Leadership requires special talents and managerial skills not required in the course of ordinary service. Above all, the Sheriff must view the Agency as a whole and inspire his workers toward the achievements of common goals. Deputies appointed to 1st Sergeant, Lieutenant, Captain, and Chief Deputy by the Sheriff will serve at the pleasure of the Sheriff. The managerial teamwork necessary for the success of the law enforcement mission can be accomplished through identification, selection, and appointment of those individuals who have demonstrated the required skills and abilities for the position.

B. Procedure

1. A member appointed to Command rank may be removed from the position through the disciplinary process or for poor performance which may include, but is not limited to:

   a. Lack of knowledge to perform adequately.

   b. Failure, inability, or unwillingness to perform duties commensurate with the position.


   d. Failure to meet Agency standards.

   e. Managerial behavior that is inconsistent with the expectations of the Sheriff.

2. No member shall lose his Command rank without written notice from the Sheriff. The Command member will have a reasonable period of time, as determined by the Sheriff, after receipt of written notice in which to improve his performance to an acceptable level.
a. If the current or a future Sheriff desires to demote a Deputy holding an Command rank, then he cannot demote the Deputy to a rank lesser than his permanent rank that the Deputy held, prior to the appointment that he tested for.

b. A Deputy who is appointed to a Command rank by the Sheriff is afforded the full protection of the Law Enforcement Officer Bill of Rights (LEOBR). Any disciplinary action taken against the Deputy must be done in accordance with the LEOBR.

VII. TRANSFERS AND REASSIGNMENTS

A. Definitions

1. Job Function Change-A change in job function occurs when there is a major change in the scope, responsibilities or skill required for successful job performance. A promotion, other than a promotion from Deputy to Deputy first Class is a change in job function.

2. Reassignment-A reassignment is a permanent job function change with or without a change in division assignment. Such changes are usually the subject of a personnel order.

3. Transfer - A transfer is the lateral movement of an employee from one Bureau to another Bureau and does not involve a change in job function.

B. Authority

The Sheriff has the ultimate authority to assign and reassign, allocate and reallocate employees of the WCSO to such duties and organizational divisions of the Agency as in his judgment may be necessary to best serve the needs of the Agency and the public interest.

C. Family Relationships

1. Employees related by blood or marriage and assigned to the same Bureau may not be placed in a superior-subordinate relationship where one is either a first or a second rater for the other.

2. Spouses, parents/children and siblings may be assigned to the same Bureau unless such assignment(s), due to the family relationship, becomes a detriment to the WCSO. This may be evidenced by:

   a. Requests from the parties concerned to be given separate assignments.
b. Documentation of unsatisfactory performance (due to the family relationship) by the employee’s superiors.

D. Seniority

Seniority is determined based on time in service and time in grade.

E. Selection for Transfer/Reassignment-Uniformed

1. Transfer and/or reassignment of employees is recognized right of management and will be based primarily on the Sheriff’s prerogative to assign personnel to best suit the needs of the WCSO. This does not negate any negotiated terms or conditions agreed upon and specified in any WCSO collective bargaining agreement.

2. Employees not selected may request a meeting with their Bureau Commander or his designee to discuss and receive feedback on improving their qualifications for future consideration.

3. All eligible applicants will be considered for reassignments and the recommendation may be based on the following:
   a. Performance record.
   b. Academic credentials.
   c. Personal interview.
   d. Needs of the WCSO.
   e. No active disciplinary investigations.

4. Personal hardships, place of residence, and seniority are factors that may be taken into consideration.

VIII. TERMINATION AND REAPPOINTMENT

A. Voluntary Terminations

1. Retirement
   a. Retirements of sworn employees will be in accordance with County Policy.
   b. Civilian employee retirements will be governed by the County Policy.
2. Resignation
   a. Resignations will be submitted through the chain of command. The employee’s Bureau Commander will endorse a employee’s resignation by summarizing the employee’s:
      (1) Performance
      (2) Work attitude
      (3) Work habits
      (4) Suitability for reinstatement or rehiring
   b. Resignations from employees not recommended for rehire should contain specific detailed information to support a recommendation not to rehire the employee.
   c. Bureau Commanders will forward resignations directly to the Human Resources Division (HRD).
   d. Resignations are not effective until accepted by the appointing authority or his designee.
   e. Acceptance of a resignation will not be withheld unless proceedings for discharge are pending in accordance with established policy.

3. Procedures - Voluntary Terminations
   a. Upon formal notification of voluntary termination, the employee’s Bureau Commander will, as soon as possible, notify the HRD in writing that will include the following.
      (1) The proposed effective date.
      (2) A brief statement indicating the reason for the termination.
   b. This notification is, in addition to the normal processing, designed to supply basic information necessary to prepare Human Resources forms.

4. Exit Interviews
   a. In all cases of voluntary terminations, the employee’s Bureau Commander will schedule an exit interview.
   b. The purpose of an exit interview is as follows:
(1) To develop information that may be useful for developing employment practices, WCSO policy, legislative proposals, training needs, employee development programs, etc.

(2) To identify the specific reason(s) for the termination.

(3) Obtain information from retiring personnel based on their experience with the WCSO.

(4) To collect information on departing employees that will assist in locating former employees who are involved as witnesses or defendants in lawsuits against the WCSO and/or its employees. Procedures to facilitate the collection of this information are outlined in subsection “d” of this section.

c. The following topics are offered as issues for general discussion during an exit interview. Any one item or accumulation of items may have contributed to a resignation or be a concern of the retiree, and upon identification, should be thoroughly explored.

(1) Administration

(2) Continuing Education

(3) Employee Benefits

(4) Employee Recognition

(5) Intra-WCSO Communication

(6) Job Satisfaction

(7) Motivation

(8) Personal Problems

(9) Personal Practices

(10) Salary

(11) Training

(12) Upward Mobility

(13) Working Conditions

(14) Other Employment
d. Exit interviews will be documented as follows:

(1) For resignations, the results will be included in the Bureau Commander’s endorsement.

(2) For retirements go through channels to the HRD.

(3) The Special Operations Commander or his designee will review the reports, extract necessary information and file the report in the individual’s permanent employment file.

(4) HRD will prepare any reports, statistics, notification, files, etc. requested by the Sheriff in this area.

B. Involuntary Terminations

1. Involuntary terminations for permanent sworn employees will be conducted in accordance with WCSO policy and the LEOBR.

2. The Wicomico County Personnel Policy and Human Resources rules and regulations will apply for permanent civilian employees.

3. Recommendations for terminating a probationary employee may be initiated at any supervisory level.

   a. Involuntary terminations for probationary sworn employees will be in accordance with WCSO policy.

   b. Recommendations will be made by a detailed report through channels to the Sheriff.

   c. All levels of command will endorse the report.

4. Recommendations for termination will be initiated when it is determined an employee is incompetent, unfit, or unable to properly perform the job, and all efforts, e.g. training, counseling, retraining, personalized instruction, etc., taken to correct the situation have proven to be ineffective; or, as part of a required probation report as described in Chapter 4, Section V.

5. Reports recommending termination will contain detailed information citing specific examples of unacceptable behavior that substantiate the recommendation for termination, supported by the following evidence:

   a. Documents.

   b. Witness statements.
c. Dates.
d. Times.
e. Results of any administrative/criminal investigations.
f. Test results (PBT, Breathalyzer, Chemical, etc.), photographs, etc.

6. In addition to citing the inadequacies:
a. All efforts and activities taken to modify/correct these shortcomings will be thoroughly explained.
b. Each level of command will, by endorsement, specifically identify their involvement/participation in correcting the unacceptable performance.

7. All termination recommendations will be expeditiously forwarded through channels to be received and acted upon by the Sheriff or his designee prior to the end of the concerned individual’s probationary period.

C. Death-Administration of Death Benefits

Death benefits are administered in accordance with Wicomico County Policy.

IX. EMPLOYEE IDENTIFICATION CARDS

A. Civilian Employee Identification Cards

1. The Special Operations Bureau will issue an identification card to each civilian employee.

2. Civilian employee identification cards will be collected and returned to the Special Operations Bureau by the employee’s Bureau Commander prior to or on the effective date of the employee’s:

   a. voluntary termination
   b. involuntary termination
   c. retirement from the WCSO

3. The Bureau Commander of a suspended employee will collect the employee’s identification card on or before the effective date of suspension, and will not return it until the suspension period has ended.

4. The Bureau Commander of an employee discharged while under suspension will return the identification card to the Special Operations Bureau.
B. Deputy Identification Cards

1. Active and Retired

2. For replacement of a lost I.D. card, a copy of a Lost/Damaged Equipment Report will be provided to the Special Operations Bureau prior to the issuance of a replacement I.D. card. A fee of $5.00 will be charged for replacement.

C. Police Officer Certification Cards

1. Police officer certification cards are issued by the Maryland Police Standards and Training Commission (MPSTC)

2. For any sworn employee suspended or deprived of his police powers (except under the light duty policy), his Bureau Commander will collect the employee’s Police Officer Certification Card and will not return it until the period of suspension or loss of police powers has ended.

D. Retirement Credentials

1. Only Agency employees retiring in good standing will be eligible to receive a retirement card, retirement breast badge, and/or retirement miniature badge.

2. Requests for retirement credentials will be submitted to the Sheriff for review and approval.

3. Personnel receiving a medical retirement will forward their request for retirement credentials through their Bureau Commander. The Bureau Commander will make a recommendation to the Sheriff concerning the issuance of the retirement credentials.

4. Agency personnel voluntarily resigning from the Agency who fail to qualify for a regular service or medical retirement, regardless of their tenure, will not be eligible for retirement credentials.

5. Personnel who resign without resolving any pending administrative investigation will not be eligible for retirement credentials. All official Agency personnel records will reflect that such an employee was separated from employment with prejudice.

6. Final approval for the issuance of retirement credentials rests with the Sheriff.
E. Replacement of Retirement Credentials

1. Requests for replacement of lost or stolen retirement credentials will be submitted in writing to the Sheriff. The report should include the circumstances surrounding the lost or stolen credentials and supporting documentation. Cost of $5.00 for replacing retirement credentials will be the responsibility of the retired employee.

2. Requests for replacement of damaged or mutilated retirement credentials will be submitted in writing to the Sheriff. Upon receipt of the damaged/mutilated retirement credentials, new credentials will be issued and the replacement cost of $5.00 will be borne by the retired employee.

F. Retired Civilian Employee Identification Card

1. A permanent full-time WCSO civilian employee who is retiring under the County retirement system may receive a retiree identification card.

2. Identification cards are available for past and future civilian retirees, and may be requested through the HRD.

3. The identification card will show the retired employee’s name, position classification at time of retirement, retirement date, signature, and have the word “RETIRED” printed across the card.

X. OUTSTANDING PERFORMANCE

A. Duties and Responsibilities

The WCSO recognizes the need to recognize its law enforcement employees and the citizens of Wicomico County for Meritorious Achievement and their assistance to the welfare of Wicomico County.

B. Procedure

Award/Service Committee

1. The Committee of Awards shall consist of six (6) members, specifically:
   a. Special Operations Bureau Commander or his designee
   b. Sergeant
   c. Corporal
   d. Deputy or Deputy First Class
e. Police Communications Officer
f. Civilian

2. The members of the Committee shall be appointed by the Sheriff and shall serve for a two-year term.

3. Vacancies shall be filled through appointment by the Sheriff.

4. The Special Operations Bureau Commander or his designee shall chair the Committee.

5. The Committee shall meet no less than on a quarterly basis, or as necessary.

6. In addition, the Committee may be called to assemble by the Sheriff solely at his discretion.

7. The Committee may require a personal interview with the candidate for an award and/or with any witnesses to the act performed by the award candidate.

8. Submission shall be routed through the chain of command to the designated committee Chairperson.

9. The Committee shall deliberate on all submitted requests, and shall make the results of its deliberations known to the Sheriff in writing.

C. Meritorious Achievement Award

1. The Wicomico County Sheriff’s Office (WCSO) recognizes the need to recognize its law enforcement employees for Meritorious Achievement and their assistance to the welfare of Wicomico County.

2. The following awards are to be presented to Deputies for Meritorious Achievement

   a. Police Cross: To be awarded where a deputy lost his/her life in performance of the duty under honorable circumstances. The Police Cross may be awarded in addition to any other award the deputy may be entitled to in making the supreme sacrifice. (Medal & Ribbon) Black/Red
b. Medal of Honor: Awarded to a deputy who voluntarily distinguishes him/herself conspicuously by gallant and extraordinary heroism. The act must be in excess of the normal demands and of such a nature that the deputy was fully aware of the imminent threat to his/her personal safety, and acted above and beyond the call of duty at the risk of his/her life. (Medal & Ribbon) Red/White/Green/White/Red

c. Medal of Valor: Awarded for exceptional bravery at imminent risk of serious bodily injury, the recipient demonstrating exceptional courage by performing a voluntary course of action in an extremely dangerous situation. (Medal & Ribbon) White/Red/White/Red

d. Meritorious Conduct Bar: Awarded for heroic deed and exceptional meritorious conduct involving exemplary courage, risk and danger to his/her personal safety.

(1) May be awarded to a deputy for meritorious service in a duty of great responsibility, the duty reflecting excellence in such performance; distinguishes himself/herself and the agency in carrying out such performance.

(2) May be awarded to any deputy for outstanding contributions to the agency through the success of difficult police projects, programs or situations with such contribution being made in a highly professional manner. (Medal & Ribbon) Red/White/Red

e. Life Saving: Awarded to any deputy for the saving of a human life. This award is intended for all deputies directly responsible for the saving of a human life; documentation and supporting evidence must be included to substantiate the award. (Ribbon) Blue/Red/Blue/Red/Blue/Red/Blue

f. Police Shield-Combat Injury or wounded in Line of Duty: Awarded to any deputy who is seriously injured in the line of duty due to an assault, fire, explosion etc. (Ribbon) Red

3. Professional Development: Awarded after the completion of a recognized school of police staff and command.
D. Certification and Commendation

1. Sheriff’s Commendation: Awarded at the direction of the sheriff to employees and/or citizens who have distinguished themselves under extraordinary circumstances or otherwise demonstrate exemplary service above and beyond the normal scope of their duties on a case, incident, special project, or quality of life issue.

2. Certificate of Merit: Awarded to deputies for outstanding performance of duties under unusual complicated or hazardous conditions over any period.

3. Certificate of Civic Achievement: Awarded to members of the WCSO civilian and sworn, who bring favorable recognition to the agency through their involvement in civil affairs on or off duty.

E. Displaying of Meritorious Achievement Awards

1. All Ribbons will be displayed on the Class A Blouse for the duration of the deputy’s career.

2. Ribbons for Valor, Injury and Lifesaving will be displayed on the service uniform for the duration of the deputy’s career.

3. Professional Development Awards will be displayed on the service uniform for the duration of the deputy’s career.

4. Other Ribbons will be permitted on the service uniform for a period of one year following the award.

XI. REQUESTS FOR TRAINING

Definitions

A. Active Status-a sworn employee of the Agency currently certified by the MPSTC who has completed all mandated firearms and in-service requirements for the previous or current calendar year.

B. Calendar Year-for annual training purposes, a calendar year is from January 1 to December 31.

C. WCSO Request for Training Standard Form.

D. Full Duty-an employee who is able to perform all required essential job functions with or without limitations.

E. Long-Term Training - training of more than six weeks.
F. **MPSTC** - means the **Maryland Police Standards and Training Commission** or an employee authorized to act in its behalf.

G. **MPSTC Non-officer status** - means a situation in which a police officer, who continues to be employed by a law enforcement organization, is temporarily relieved of law enforcement powers:

1. Due to medical or administrative reasons that prevent the officer from completing mandated training:

2. For the purpose of suspending the training requirements mandated by the MPSTC and without affecting the officer’s certification or eligibility for certification.

H. Renewal of MPSTC Certification.

1. The MPSTC will automatically renew the certification of a police officer, without application, on or before the automatic expiration of the certification date if the police officer:

   a. remains employed with an agency;

   b. continues to meet the MPSTC’s annual training and firearms standards, and

   c. has not had the certification suspended, revoked, or recalled by the MPSTC

2. Once the initial period of certification is established, subsequent renewal of a sworn employee’s certification shall be based on a 3 year cycle beginning with the expiration of the initial period.

I. Light Duty Status:

1. The employee is not able to perform all of the essential job functions of the employee’s position with or without accommodation, and the incapacitation is determined to be of a temporary nature or permanent impairment.

2. The employee must present no unreasonable risk to other employees, the public, or themselves and be capable of performing designated work tasks within the workplace with specific work restrictions.
3. An employee in a light duty status may be assigned, on a temporary basis, to a position that has assigned duties and responsibilities consistent with employee’s medical restrictions. The assignment will be made by the employee’s Bureau Commander. Upon returning the full duty, the employee will, in most cases, return to the employee’s regular assignment.

J. Short-Term Training - training of six weeks or less.

XII. POLITICAL ACTIVITY

A. Scope

1. Except as noted in this section, all WCSO employees have the same rights to engage in political activities as any other citizen.

2. Employees uncertain of the propriety of the political activity in which they desire to participate should consult the WCSO Legal Counsel.

B. Authorized Activity

1. WCSO employees may engage in any political activity not prohibited by Local, State or Federal statutes.

2. WCSO employees should be sensitive to ethical considerations in their initial decisions to seek political office and the conduct of their campaigns.

C. Unauthorized Activity

1. WCSO employees will not use their official authority or influence for the purpose of interfering with or affecting the results of an election, or a nomination for office.

2. WCSO employees will not directly or indirectly coerce, attempt to coerce, command, advise or promise to reward a State or Local officer or employee to pay, lend or contribute anything of value to a political party, committee, organization, agency, or person for political purposes.

3. WCSO employees may not engage in political activity while wearing any portion of the official issued uniform, equipment, or while using an official WCSO vehicle.

D. Police Officers Holding State or Local Elected or Appointed Office of Profit

1. The Constitution of Maryland states that non-elected membership in a law enforcement agency is not considered an office of profit.
Therefore, a sworn employee may hold an elected or appointed office of profit at the State or Local level while employed by the WCSO.

XIII. PERSONNEL INFORMATION

A. Changes in Personnel Information

1. All WCSO employees will report any change in name, address or telephone number within 3 working days of such change.

2. Employees will submit the completed Personnel Information Form through the chain of command to the HRD.

B. Release of Information on Employees

1. In accordance with the State Government Article, the WCSO will provide public information on WCSO employees upon receipt of a written inquiry.

2. The inquiry must identify the requestor, the employee and the precise information required.

3. This information will be released within 10 work days.

4. The following information may be released:
   a. Current and previous classification.
   b. Entry and all promotional dates.
   c. Assignment.
   d. Types of appointment.
   e. Dates of leaves of absence.
   f. Salary, including pay increases.
   g. Test scores and standing on eligible lists.

5. The following information is not public information and will not be disclosed.
   a. Any information contained on an application including:
      (1) Home address & telephone number
      (2) Previous employment history
      (3) Scholastic achievement information
(4) Race

(5) Sex

b. Medical and psychological information

c. Letters of reference

d. Financial information about and employee including:

(1) Assets

(2) Income

(3) Liabilities

(4) Net worth

(5) Bank balance

(6) Financial history or activities

(7) Credit worthiness

e. Interdepartmental and intra-departmental documents that would not be available by law to a private party in litigation with the WCSO.

f. Test questions, scoring keys and other examination information that relates to the administration of examinations. (Written promotional examinations and their results may be inspected, but not copied.)

g. Research projects, except for a project’s name, title, expenditures and the date when the final project summary will be available.

h. Investigation records.

i. Leave balances.

j. Payroll deductions

k. Performances appraisals.

l. Letters, warnings and commendations given to the employee.

C. Restricted Information: Restricted information not contained in an employee’s personnel file will not be disclosed.
1. Requests for release of restricted information must be in writing and must include the reason for the request plus any other required authorization.

2. After verification of position, the custodian of any restricted information may release the information to an employee’s:
   a. Immediate supervisor.
   b. Bureau Commander.
   c. Sheriff or his designee.

3. Requests by the following organizations must be approved by the Sheriff or his designee:
   b. Maryland Commission on Human Relations.
   c. Any law enforcement agency.

4. Requests by any attorney or employee organization must be accompanied by a release signed by the employee.

XIV. EMPLOYER - EMPLOYEE RELATIONS

A. Exempt Employees

1. Contractual Employees

2. Temporary employees

3. Confidential employees—employees who have access to confidential or discretionary information regarding the formulation of policy or procedures. These include members of:
   a. Sheriff’s Staff
   b. Human Resource Division
   c. Internal Affairs
   d. Special Operations Bureau
   e. Office of Management and Finance
   f. Administrative Aides
Employee classifications deemed confidential on a case by case basis.

4. Special Appointees.

5. Sworn employees holding the rank of Lieutenant or higher

B. Employee Rights

All non-exempt WCSO employees have the right to:

1. Take part in forming, joining, supporting, or participating in any employee organization or its lawful activities.

2. Be fairly represented by their exclusive representative, if any, in collective bargaining.

3. Engage in other concerted activities for the purpose of collective bargaining, insofar as any such activity is not prohibited by any other law of the State of Maryland.

C. Employee - Employer Discussions

Any employee who is a member of a bargaining unit with an exclusive representative may, without the intervention of an employee organization, discuss any matter with the employer.

D. Rights of the Sheriff

1. The Sheriff has the right to:
   a. Determine the mission, budget, organization, numbers, types and grades of employees assigned, the work projects, tours of duty, methods, means, and personnel by which its operations are to be conducted, technology needed, internal security practices, and relocation of its facilities.
   b. Maintain and improve the efficiency and effectiveness of its operations.
   c. Determine the:
      (1) Services to be rendered.
      (2) Operations to be performed.
      (3) Technology to be utilized.
(4) Overall methods, processes, means, and classes of work or personnel by which WCSO operations are to be conducted.

d. Hire, direct, supervise, and assign employees.

e. Promote, demote, discipline, discharge, retain, and lay off employees.

f. Terminate employment because of lack of funds, lack of work, under conditions where the WCSO determines continued work would be inefficient or nonproductive, or for other legitimate reasons.

g. Set the qualifications of employees for appointment and promotion, and set standards of conduct.

h. Promulgate State or WCSO rules, regulations, or procedures, as otherwise permitted by laws.

i. Provide a system of merit employment according to the standard of business efficiency.

j. Take actions, not otherwise specified in this section, to carry out the mission of the WCSO.

XV. DISCRIMINATION AND HARASSMENT

A. Authority

Discrimination and/or harassment, based on age, ancestry, citizenship, color, creed, marital status, mental or physical disability, national origin, pregnancy, race, religious affiliation, belief or opinion, sex or sexual orientation, or union membership in the work place, is prohibited by one or more of: Title II of the Civil Rights Act of 1964; Code of Federal Regulations; Maryland Human Relations and Discrimination Laws; Annotated Code of Maryland; Executive Orders of the Governor; Code of Fair Employment Practices; and EEOC Policy Guidance on Sexual Harassment.

B. Scope

The policies and procedures contained in this section apply to all employee-to-employee-to-citizen contacts as listed in subsection D2a through D2c of this section.

C. Definitions

1. Discrimination includes those acts prohibited by State and Federal law. It may include discrimination based on:

   a. All forms of illegal prejudice.
b. Expressions of racial/ethnic/religious insults and epithets.

c. Gender based derogatory comments.

d. Sexual harassment.

e. Retaliation against a complainant for filing a complaint of
discrimination.

2. Harass means to disturb or irritate persistently. Harassment may be present in
varying degrees and is generally applied or defined by the individual or group
affected. The term “harass” is the most commonly applied term in a
discriminatory matter; however, other terms, i.e., hound, badger, bother,
pester, plague, bait, torment, etc. may easily be substituted. Harassment may
include but is not limited to:

a. Using words, phrases, or gestures which may be interpreted as
derogatory or demeaning.

b. Posting/distributing literature, bulletins, cartoons, or other written
material which may be interpreted as derogatory of demeaning.

c. Mimicking, imitating or miming oral or physical characteristics
considered stereotypical of individuals or groups of individuals which
may be interpreted as derogatory or demeaning.

d. Participating in and/or encouraging any retaliatory acts directed at
individuals or groups exercising these rights against such discriminatory
acts.

e. Condoning any such activities retaliating against a complainant for
complaining of being harassed.

D. Sexual Harassment

1. To establish Agency policy concerning allegations of sexual harassment, to
establish proper reporting procedures for reporting instances of sexual
harassment and define instances, happenings and occurrences of sexual
harassment.

2. It is the policy of this Agency to provide a business like work environment free
from all forms of employee discrimination including incidents of sexual
harassment. No employees shall be subjected to unsolicited and unwelcome
sexual overtures or conduct, either verbal or physical. Sexual harassment will
be treated as misconduct with appropriate disciplinary sanctions.
3. Definitions
   a. Employee-Any Agency personnel sworn or non-sworn.
   b. Sexual Harassment - the deliberate or repeated behavior of a sexual nature by one employee to another that is unwelcome, unasked for or rebuked by the other employee. The behavior can be verbal, nonverbal or physical in nature. Examples of sexual harassment could include, but are not limited to, the following:
      (1) Sexual comments of a provocative or suggestive nature;
      (2) Jokes or innuendos intended for and directed to another employee;
      (3) Suggestive or demeaning looks or leering;
      (4) Creating an intimidating, hostile or offensive working environment; and
      (5) Making acceptance of unwelcome sexual conduct or advance or requests for sexual favors of any nature a condition or employment or continued employment.

4. Reporting Procedure:
   a. An employee who believes he has been sexually harassed shall contact the immediate supervisor, or such other person designated to handle employee complaints. A report will be prepared and forwarded to the Sheriff.
   b. Allegations of unwelcome sexual harassment shall be reported by the employee immediately.
   c. Until the complaint is found to be valid, the identities of the involved shall be kept confidential.

5. Command and Supervisory Personnel shall:
   a. Be responsible for reporting instances of sexual harassment on appropriate Agency forms;
   b. Be responsible for initiating immediate disciplinary action if the situation warrants same; and
c. Take immediate action to limit the affected employees from any further work contact.

6. Policy

a. A policy of fair practices supports the WCSO belief that employees must treat each other with mutual trust, respect, fairness and dignity. The strength of the WCSO in accomplishing its mission depends on the ability of its employees to communicate and function effectively. A work environment that nourishes respect and fairness among co-workers enhances morale and encourages similar relationships with the public.

b. Incidents of sexual harassment, discrimination, and/or harassment based on age, ancestry, color, creed, marital status, mental or physical disability, national origin, race, religious affiliation, belief or opinion, sex, sexual orientation, or any other non-merit factor, are prohibited. This policy shall apply in all situations where personnel interact with others, and:

(1) the employee is acting as a representative of the WCSO;
(2) the employee is on duty or during work hours; or
(3) where the individuals actions or comments may be interpreted as those of a WCSO employee or the WCSO itself.

c. Any form of retaliation for reporting discrimination, harassment or gender bias will not be tolerated. Threats or acts of retaliation against witnesses reporting, testifying, or supporting a complaint of discrimination, harassment or gender bias are prohibited. Violations will result in disciplinary action as appropriate, which may include termination.

d. This policy shall prevail in all matters of employee relations, including, but not limited to: opportunities for employment, promotion, transfer, education and training; supervision; performance appraisals; internal investigations; and the processes for discipline, demotion and termination.

e. Victims and/or persons who have knowledge of a discrimination, harassment, or sexual harassment incident/situation are encouraged to initiate the appropriate action to address the situation.
XVI. AMERICANS WITH DISABILITIES ACT

A. Policy

1. The WCSO will comply with all provision of the Americans with Disabilities Act (ADA).

2. The WCSO prohibits discrimination against any qualified individual with a disability in regard to any term, condition or privilege of employment, or access to public services, programs or activities within the WCSO.

B. Responsibilities

Members of the WCSO will be familiar with the ADA and any regulations or guidelines issued by the Equal Employment Opportunity Commission (EEOC) and the Department of Justice, which are pertinent to WCSO compliance with the ADA.

C. Procedures

1. WCSO employees and supervisors will immediately report all issues and matters pertaining to the ADA.

2. Employees claiming harassment or discrimination based on a disability should complete an Incident Report documenting the same, and submit it to the Special Operations Bureau Commander.

XVII. DRUG TESTING PROGRAM

It is the purpose of this policy to provide the WCSO employees a drug-free work environment.

A. Policy

1. The Agency has several uniquely compelling interests that justify the use of public safety employee drug testing. Being under the influence of drugs or alcohol on the job may pose serious safety and health risks not only to the user and those who work with the user, but also the public the Agency serves. The public has a right to expect those who are employees of the WCSO are at all times both physically and mentally prepared to perform their duties. There is sufficient evidence to conclude the use of controlled substances and other forms of drug abuse will seriously impair an employee’s physical and mental health and thus, job performance.

2. Where employees participate in illegal drug use and drug activity, the integrity of the Agency, and public confidence in that integrity are destroyed.
3. The Agency’s objective is not to use a drug and alcohol policy to judge or impose on the legal rights of others. The Agency’s objective is to attempt to keep its employees safe and reduce work accidents.

4. Therefore, the Agency shall implement drug-testing of their incumbent employees to detect prohibited drugs by Agency employees as needed and at the direction of the Special Operations Bureau.

B. Definitions

1. “Abuse” means:
   a. Any use of illegal drug.
   b. Intentional misuse of any over-the-counter drug, in cases where such misuse impairs job performance.
   c. Use of any prescription drug in a manner inconsistent with its medically prescribed, intended use, or under circumstances where use is not permitted or contrary to law.
   d. Use of alcohol where such use impairs job performance; or
   e. Intentional and inappropriate use of any substance, legal or illegal, which impairs job performance.

2. “Alcohol” means ethyl alcohol or ethanol.

3. “Employee” means an individual who is employed by the WCSO. However, this does not include independent contractors, unless the contract with the Agency explicitly provides this policy shall apply. Notwithstanding the above, if a supervisor observes behavior indicating drug use by an independent contractor, it shall be brought to the attention of the Special Operations Commander for appropriate action.

4. “Substance” means alcohol or drugs.

5. “Critical Employment” means employment such that the employee is the operator or is in control of Agency Equipment, vehicles, and/or property that affect the safety of the public, or any other Agency employees. It shall include those persons who supervise personnel in critical employment capacities.

6. “Critical Employee” is an employee who performs critical employment. All employees of the WCSO perform critical tasks crucial to the operation of the Agency. Therefore, all employees of the Agency are subject to testing.
7. “Drug Test” means the compulsory production and submission of urine by an employee in accordance with procedures, for chemical analysis, in order to detect prohibited drug usage.

8. “Drugs” mean any substance, including controlled dangerous substances, taken into the body, which may impair one’s mental faculties, changes one’s mood and/or physical performance.

9. “Reasonable Suspicion” is that quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific objective facts, and any rationally derived inferences from those facts about the conduct of an individual that would lead the reasonable person to suspect that the individual is or has been using drugs or alcohol.

10. Additionally, the following constitute reasonable suspicion:
   a. Injury caused by carelessness on the job requiring treatment at a medical facility.
   b. Causation of a near accident of serious magnitude even though no one is seriously injured; or
   c. Involvement in a careless and avoidable accident of serious magnitude where equipment was damaged even though no injuries were reported.

11. “Supervisor” means an employee assigned to a position having day-to-day responsibility for supervising subordinates, or who is responsible for directing a work element.

C. Prohibited Activities

1. No employee shall ingest any drug, alcohol or controlled dangerous substance during the employee’s working time for the Agency unless such drug, alcohol or controlled dangerous substance has been prescribed by a licensed medical practitioner, or special exception is authorized by the Sheriff, in support of covert investigations, and complies with the following.
   a. The employee shall notify his immediate supervisor when he is required to use prescription medicine or has come in close contact with a controlled dangerous substance that he knows, or should know, has the potential to impair job performance. The employee shall advise his supervisor of the known side effects of such medication, as well as the prescribed period of use.
b. The supervisor shall cause this information to be documented and forwarded to HRD to be maintained in the employee’s personnel file.

c. The employee may be temporarily reassigned to other duties, where appropriate. If reassignment is impractical, the supervisor may take appropriate action, including, but not limited to sending the employee home and charging him sick leave.

2. No employee shall ingest any prescribed or over-the-counter medication in amounts beyond the recommended dosage during the employees working time for the Agency.

3. No employee may report to work under the influence of alcohol, drugs or controlled dangerous substance. Reporting to work under such condition is a violation of this policy and subjects the employee to disciplinary action.

D. Procedures


a. Any employee found to be in violation of any of the provisions of this policy shall be subject to the penalties contained herein.

b. All employees shall be given a copy of this policy and shall sign a copy acknowledge receipt of the same.

2. Pre-Employment Drug Testing

a. An applicant seeking a critical position, as herein defined, shall be required to take a drug test as a condition of employment during a pre-employment medical examination.

b. Applicants shall be disqualified from further consideration for employment under the following circumstances:

(1) Refusal to submit to a required drug test; or

(2) A confirmed positive drug test indicating drug use prohibited by this policy.

3. Critical Employee Drug Testing

a. Critical employees shall be required to take drug tests as a condition of continued employment in order to ascertain prohibited drug use, as provided below:
(1) When chosen as a participant in a mandated random drug test pursuant to Section D of this policy.

(2) Sheriff or his designee may order a critical employee to take a drug test upon reasonable suspicion that the critical employee is or has been using drugs. A summary of the facts supporting the order shall be made available to the critical employee prior to the actual test.

(3) A drug test may be administered as part of any regular physical examination required by the Agency.

4. Random Selections for Testing
   a. Random drug testing shall be conducted as directed by the Sheriff.
   b. The random selection will utilize numbered “Ping-Pong” balls, zero to nine, and assigned identification numbers. Twenty-four hour notice will be given of the date and time of the selection.
   c. Procedures for selection:
      (1) All selections will be conducted at the beginning of a roll call and a member of the squad below the rank of Sergeant will select one Ping-Pong ball from an opaque container.
      (2) Employees whose last digit of their I.D. number matches the ball drawn will be subject to testing. Example: The number 2 is selected, those persons with an I.D. number ending in 2 will be tested (202, 212, 222, 232, 242, etc.).
      (3) All persons selected will be contacted by the Chief Deputy, or his designee, and told of the location of the test, and that they were selected.
      (4) All personnel selected will submit to testing within 48 hours of the selection.
      (5) If the selection is on a Friday, personnel selected will respond the following Monday.
      (6) Personnel on regular days off will still be subject to testing: however, personnel on pre-approved leave will be excused from testing. Personnel on regular days off will submit an overtime request for compensation.
Members will be subject to testing as many times as their number is selected during the calendar year.

The selection materials will be maintained by the Special Operations Bureau. Prior to each selection, all materials will be displayed to the personnel at roll call to assure the numbering is proper and no items are missing.

5. Drug Testing Procedures
   a. The testing procedures and safeguards provided in this policy to ensure the integrity of drug testing shall be adhered to by any personnel administering drug tests.
   b. The laboratory selected to conduct the analysis shall be certified by the State of Maryland, or a state with similar regulations as Maryland. Moreover, the lab shall be experienced and capable of quality control, documentation, chain-of-custody, technical expertise and demonstrated proficiency in urinalysis.
   c. Personnel authorized to administer drug tests shall require positive identification from each employee to be tested before the employee enters the testing area.
   d. A pre-test interview shall be conducted by testing personnel with each employee in order to ascertain and document the recent use of any prescription or non-prescription drugs, or any indirect exposure to drugs that may result in a false positive test result.
   e. The bathroom facility of the testing area shall be private and secure.
      (1) Authorized testing personnel shall search the facility before and employee enters it to produce a urine sample, and document that it is free of any foreign substances.
      (2) Testing personnel of the same sex as the employee may observe production of the urine sample.
f. Where the employee appears unable or unwilling to give a specimen at the time of the test, testing personnel shall document the circumstances on the drug-test report form. The employee shall be permitted no more than eight hours to give a sample during which time he may be required to remain in the testing under observation. A reasonable amount of water may be given to the employee to encourage urination. Failure to submit a sample shall be considered a refusal to submit to a drug test.

g. Employees shall have the right to request that their urine sample be split and stored in case of legal disputes as to the reliability of the test. Two urine samples must be provided at the same time, and marked and placed in identical specimen containers by authorized testing personnel. One sample shall be submitted for immediate drug testing. The other sample shall remain at the Wicomico County Sheriff’s Office, in frozen storage. The sample shall be made available to the employee or his attorney should the original sample result in a legal dispute, or the chain of custody is broken.

h. Specimen samples shall be sealed, labeled, and checked against the identity the employee to ensure the results match the tested specimen. Samples shall be stored in a secured and refrigerated atmosphere until testing or delivery to the testing lab representative.

i. Whenever there is reason to believe that the employee may have altered or substituted the specimen provided, a second specimen shall be obtained immediately, under the direct supervision of the testing personnel.

6. Drug Testing Methodology

a. The testing or processing phase shall consist of a two-step procedure; Initial screening test and Confirmation test.

b. The urine sample is first tested using the initial drug screening procedure. An initial positive test result will not be considered conclusive: rather, it will be classified as “confirmation pending”. Notification of test results to the supervisor or other appropriate persons will be held until the confirmation test results are obtained.

c. A specimen testing positive will undergo an additional confirmatory test. The confirmation procedure shall be technologically different and more sensitive than the initial screening test.
d. The drug screening tests selected shall be capable of identifying marijuana, cocaine, and every major drug of abuse including heroin, amphetamines, and barbiturates. Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in collection procedures.

7. Employees having negative drug test results shall receive a memorandum stating that no illegal drugs were found. If the employee requests such, a copy of the letter will be placed in the employee’s personal file.

8. Any employee who breaches the confidentiality of testing information shall be subject to discipline.

9. Alcohol
   a. A critical employee shall be required to submit to alcohol testing upon a showing of reasonable suspicion during working hours for the Agency.
   b. Notwithstanding the procedure set forth in Subsection D of this policy, in the event the supervisor has such reasonable suspicion that the critical employee has used alcohol while during working hours for the Agency, the supervisor shall require the employee to submit to a breath, urine or blood test to test for the alcohol use.
   c. Any concentration of alcohol as determined by a “Preliminary Breath Test” shall be classified as “confirmation pending.” An additional test shall be performed immediately thereafter to confirm the initial test results. Any concentration of alcohol in excess of .02 shall subject such critical employee to discipline, which may include dismissal.
   d. Refusal to submit to a test at the request of a supervisor upon notice of reasonable suspicion shall be considered a violation of this policy and shall subject the employee to discipline contained herein.

10. Chain of Evidence—Storage
   a. Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of custody.
   b. Where a positive result is confirmed, urine specimens shall be maintained in secured, refrigerated storage for an indefinite period.
11. **Drug Test Results**
   
a. All records pertaining to Agency—required drug tests shall remain confidential, and shall not be provided to other employees or Agency personnel without the written permission of the person whose records are sought.

b. Drug test results and records shall be stored and retained in compliance with state law.

12. **Penalties**
   
a. All discipline hereunder shall be in accordance with the LEOBR. and Agency policy.

b. Violation of this policy or any part herein will subject the employee to discipline pursuant to the Agency procedure and may additionally result in one or more of the following:

   (1) The employee may be required to seek counseling;

   (2) The employee may have to submit to random testing at his own expense at a qualified lab;

   (3) The employee may have his pay rate adjusted downward and be demoted;

   (4) The employee may be placed on probationary status;

   (5) The employee may be terminated; or

   (6) Invalidity

13. In the event that any portion of this policy shall be held to be invalid, such invalidity shall not affect the other valid portions of this policy.

XIII. **OUT OF AGENCY PROMOTIONAL INTERVIEW BOARDS**

A. Policy - All correspondence from allied agencies requesting WCSO personnel to participate in Assessment Centers or Promotional Interview Boards will be forwarded through the chain of command to the Special Operations Bureau Commander who will be the repository for these requests.
B. Requests

The WCSO receives a limited number of requests each year, and often these requests reflect a specific need for that particular process. The Special Operations Bureau, in a fair and equitable manner, may select personnel who best fit the requirements of the requesting organization.

C. Procedures

Upon receipt of each request for an assessor or promotional interview board member from another organization, the Special Operations Bureau will:

1. Draft correspondence for the Sheriff’s Office replying to the requesting organization advising them of the ability of the WCSO to assist them.
2. Contact individuals who have previously expressed an interest in serving as assessors on interview boards.
3. Identify WCSO personnel to be considered for the assignment.
4. Ensure the identified employee’s Commander has confirmed the employee’s availability for the assignment.
5. Select the personnel to be assigned.
6. Notify the selected personnel and their Commander.
7. Contact the requesting organization directly to advise them of the selection, providing specific contact information for that individual.