



For St. Mary's College of Maryland
(NAME OF AGENCY)

***POLICY AND PROCEDURE
FOR THE
TESTING OF EMPLOYEES
AND
APPLICANTS FOR THE ILLEGAL
USE OF DRUGS**

***POLICY AND PROCEDURE FOR THE TESTING OF EMPLOYEES AND APPLICANTS FOR THE ILLEGAL USE OF DRUGS**

I. INTRODUCTION

On April 7, 1989, Governor William Donald Schaefer signed Executive Order 01.01.1989.05, *State of Maryland Substance Abuse Policy*, establishing the goal of a drug-free State workplace. The Executive Order makes it a condition of employment that all State employees refrain from using illegal drugs on or off-duty.

The Executive Order recognizes that illegal use of drugs is a problem affecting our entire society, and, in particular, the national workforce, resulting in tragic human consequences and the loss of billions of dollars each year. As one of the largest employers in the State, the State government has a compelling interest in establishing reasonable conditions of employment. Prohibiting employee drug use is one such condition.

(NAME OF AGENCY)

is concerned about the well-being of its employees, the successful accomplishment of agency goals and objectives, and the need to maintain employee productivity. The

(NAME OF AGENCY)

program for testing for illegal use of drugs is established for this reason. The intent of this program is to send a clear message to all employees that any illegal drug use is incompatible with State service, and to recommend to any employee who may have a problem of this type to get help.

This program for testing for illegal use of drugs, which includes random testing, has been designed to protect every employee's constitutional rights, including the right to privacy, and to respect every employee's dignity.

II. AUTHORITY

COMAR 06.01.09, Testing For Illegal Use of Drugs.

III. SENSITIVE CLASSIFICATIONS AND POSITIONS

A. All employees are subject to testing for the illegal use of drugs under certain circumstances. However, applicants for and employees in sensitive classifications and sensitive positions constitute the primary focus of the testing program.

B. Sensitive Classifications

1. A sensitive classification is a classification in which an employee in the classification:
 - a. Has a substantially significant degree of responsibility for the safety of one or more persons and there is a potential that impaired performance could result in death of or injury to the employee or one or more persons;
 - b. Is required to carry a firearm;
 - c. Is directly involved in efforts to interdict the flow of narcotics; or
 - d. Is directly involved with narcotics law enforcement.
2. Any of the above-listed conditions may result in a classification being designated as sensitive.
3. All sensitive classifications are designated by the Secretary of Personnel based on information provided by State agencies. We will notify all employees in sensitive classifications in our agency of their status and of the circumstances under which they will be subject to testing. A list of the sensitive classifications in this agency is included as Addendum I to this program document.

C. Sensitive Positions

A sensitive position is a position which is not in a sensitive classification, but for which we have determined that conditions applicable to sensitive classifications exist. We will notify all employees in sensitive positions of their status and of the circumstances under which they will be subject to testing. We will also notify the Secretary of Personnel on a quarterly basis of positions designated as sensitive. A list of the sensitive positions in our agency is included as Addendum II to this program document.

*This document is intended to assist appointing authorities in implementing and administering the State's drug testing program. To the extent that there may be a conflict between this document and the relevant regulations, COMAR 06.01.09, the regulations will control.

IV. DRUGS FOR WHICH TESTING WILL BE CONDUCTED

- A. Testing will be conducted for the presence of the following drugs:
1. Marijuana/Cannabinoids.
 2. Cocaine.
 3. Opiates.
 4. Phencyclidine (PCP).
 5. Amphetamines.
- B. The above list may be changed by the Secretary of Personnel only. Employees will be notified of additions or deletions by the Agency Technical Representative, (ATR).

V. TESTING CUTOFF LEVELS

An initial screening test will be determined to be positive based upon the following cutoff levels:

Initial Test Level
(nanograms per milliliter)

- A. Marijuana metabolites
- B. Cocaine metabolites 300.
- C. Opiate metabolites 300.
- D. Phencyclidine 25.
- E. Amphetamines 1,000.

VI. METHODS OF TESTING

Testing will take the form of analysis of urine specimens provided by applicants for positions in sensitive classifications and for sensitive positions and by designated employees in State service. Urine specimens will be subjected to a screening test called an immunoassay. Positive test results from the immunoassay must be confirmed by a Gas Chromatography — Mass Spectroscopy (GC-MS) test.

VII. COLLECTION SITES/TESTING LABORATORIES

- A. Collection of urine specimens from applicants for State employment and State employees will be done at the collection sites designated in Addendum III to this protocol. Collection will be scheduled by the scheduling/service representative and performed by collection site representatives of JSA Occu-Resource, Inc., the contractor for the State of Maryland for this purpose. Urine specimens will not be collected at the worksite of any employee who is providing a specimen. The ATR will be present at the collection site to provide guidance to the restroom areas to be used for collection and to perform other duties as necessary. If it is necessary to use a site different from those listed, the employee will be notified by the ATR of the location of the site.
- B. Initial and confirmatory testing of collected specimens will be performed by PharmChem Laboratories, Inc., 1505A O'Brien Drive, Menlo Park, California, 94025.

VIII. AGENCY TECHNICAL REPRESENTATIVE (ATR)

- A. The agency technical representative (ATR) will be

(NAME OF REPRESENTATIVE)

In the absence of the designated ATR,

(NAME OF ALTERNATE)

will serve as the alternate ATR. The ATR will carry out the following duties:

1. Schedule urine specimen collections.
 2. Designate collection sites.
 3. Assure security of collection sites.
 4. Review data and reports.
 5. Act as contact person for this agency's program for testing for illegal use of drugs.
- B. The ATR will also be responsible for this agency's training programs related to the testing program, and will be this agency's primary source of direction and information on testing for the illegal use of drugs.

IX. TRAINING

- A. All employees of this agency will receive training on the circumstances under which they may be tested and of the impact of positive test results on them. This training will be verified by a written statement of understanding about those factors. The statement, a copy of which is attached as Addendum IV, will also include information on employee's rights, date of training, and name of the person who conducted the training session and will be signed by each employee. No drug testing will be conducted until this training is completed.
- B. All supervisors will be trained in the following:
1. Their responsibilities in maintaining a drug-free workplace.
 2. Testing procedures.
 3. Methods of determining reasonable suspicion that a subordinate has used drugs illegally.
 4. Incident triggered testing and related procedures.
 5. Procedures for handling situations in which a subordinate's suspected illegal use of drugs may cause immediate danger to the health and/or the safety of members of the public, charges of the State, other employees, or the employee.
 6. Preparing supervisory reports required for testing on the basis of reasonable suspicion.
 7. Procedures for referral to the Employee Assistance Program.
- C. This agency will implement training programs for employees and supervisors only after the training programs have been approved by the Secretary of Personnel.

X. CIRCUMSTANCES UNDER WHICH TESTING WILL BE CONDUCTED

A. Testing of Applicants for Positions in Sensitive Classifications or for Sensitive Positions.

1. Applicants for positions in sensitive classifications or for sensitive positions will be subject to being tested at some point in the selection process, including during the applicant's probationary period.
2. Applicants subject to being tested may be under consideration for employment in classified, unclassified, temporary extra, or contractual positions.
3. The requirement that an applicant be tested may result from any of the following employment actions:
 - a. Open selection from an eligible list.
 - b. Promotion.
 - c. Demotion.
 - d. Horizontal change.
 - e. Transfer.
 - f. Reinstatement.
 - g. Reemployment.
 - h. Reclassification.
 - i. Unclassified appointment
 - j. Temporary appointment pending examination
 - k. Temporary extra appointment.
 - l. Contractual appointment.
4. Testing will be conducted at some point in the selection process, including any time during the applicant's probationary period.

B. Testing of Applicant-Employees

An applicant-employee is an employee of the State who is an applicant for a position that is either in a sensitive classification or is a sensitive position. An applicant-employee is subject to testing under the same conditions as provided in Section X.A.

C. Testing of Employees/Reasons for Testing

1. **Random Testing** (Employees in sensitive classifications and in sensitive positions).

Once each _____, the
(QUARTER/MONTH)

ATR will randomly select _____% of all employees in sensitive classifications and sensitive positions for testing. The selection will be performed through use of a computer random selection function which allows for each employee in a sensitive classification or in a sensitive position to have an equal chance of being selected.

2. **Incident Triggered Testing** (Employees in sensitive classifications and in sensitive positions).

Incident triggered testing may be conducted when there has been an incident occurring

while an employee is in the actual performance of job duties that resulted in death or personal injury requiring immediate, in-patient hospitalization or in damage to State or private property that appears to the employees' supervisor or to the ATR to be in excess of approximately \$2,500.00 and may have been the result of human error.

3. **Participation in a Drug Abuse Rehabilitation Program** (Employees in sensitive classifications and in sensitive positions).

a. Testing under this condition will be undertaken when the following circumstances apply:

- (1) An employee in a sensitive classification or in a sensitive position has notified the employee's supervisor or another employee of the agency that the employee is voluntarily participating in a drug abuse rehabilitation program.
- (2) This participation is not the result of having tested positive under any of the circumstances for testing in Section X.C.1-2.

b. The employee will be tested at any time during the following:

- (1) The period of the employee's participation in the rehabilitation program.
- (2) The one-year period immediately following the employee's successful completion of the rehabilitation program.

4. **Reasonable Suspicion** (All employees).

a. Testing based upon reasonable suspicion will be conducted when there are reasonable and specific grounds to believe that a drug abuse test of an employee will produce evidence of use of one or more illegal drugs. The criteria for reasonable suspicion listed in Section C.3.b. below are recommended in the Model Plan for a Comprehensive Drug-Free Workplace Program (DAAS Publication No. (ADM) 89-1635).

b. Reasonable suspicion testing may be based upon, among other things:

- (1) Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug;
- (2) A pattern of abnormal conduct or erratic behavior;
- (3) Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;

- (4) Information provided either by reliable and credible sources or independently corroborated; or
- (5) Newly discovered evidence that the employee has tampered with a previous drug test.

Although reasonable suspicion testing does not require certainty, mere "hunches" are not sufficient to meet this standard.

XI. PROCEDURES FOR AND CONSEQUENCES OF TESTING

A. The ATR will coordinate with other appropriate officials of this agency when referring employees for testing under the circumstances described in Section X. The procedure outlined in Section XI.B. below for applicant testing also applies to applicant-employees.

B. Applicant Testing Procedure

1. We will notify applicants of requirements for testing and the consequences of positive test results on notice-of-interview letters or by memorandum if the candidate is an employee of the appointing authority.
2. Our personnel officer will provide to the ATR the names of those applicants who, because of the potential of their selection for a sensitive classification or a sensitive position, are to be tested.
3. The ATR will contact the scheduling/service representative and schedule appointments for collection of urine specimens from the designated individuals.
4. The ATR will notify each individual to be tested of the date, time, and place of the appointment by providing the individual with a Drug Abuse Screen — Applicant Authorization form, (Addendum V). The individual will be required to appear for the test at the designated time, which must not exceed 48 hours from the time of notification.
5. The ATR will be present at the collection site to verify that the applicant appeared for the test, presented positive identification in the form of a currently-valid photo identification driver's license, a State-issued Maryland Identification Card, or a State employee photo identification card, and provided a urine specimen.
6. The ATR will notify our personnel officer of an applicant's failure to appear for the test, failure to provide a urine specimen, or inappropriate behavior (e.g., tampering with a urine specimen). We will take appropriate disciplinary action based on this notification.
7. The laboratory will notify the State Medical Director of test results.
8. The State Medical Director will notify the appointing authority of the suitability of each applicant for further consideration for appointment.
9. The appointing authority will notify appropriate officials of our agency, consistent with confidentiality requirements, of the State Medical Director's determination.
10. We will take one or more of the following actions based on a determination of unsuitability for further consideration made by the State Medical Director:
 - a. Disqualify the applicant from the position for which the applicant is being considered, and inform the applicant of the disqualification and of the appropriate appeal route.
 - b. Institute proceedings to dismiss the individual if the individual is an applicant-employee of our agency in a sensitive classification or in a sensitive position.
 - c. Take whatever disciplinary action is considered appropriate if the individual is an applicant-employee of our agency in a non-sensitive classification or a non-sensitive position. At a minimum, the individual must be referred to the Employee Assistance Program for counselling, referral, and mandatory successful participation in a drug abuse rehabilitation program.
 - d. The notice to the employee will be in the form of a letter as provided in Addendum VI or Addendum VII, whichever is appropriate.

C. Notification of Positive Test Results of an Employee of This Agency Who is an Applicant-Employee at Another State Agency

- 1) The State Medical Director, when receiving notification from the laboratory that an applicant-employee has tested positive, will make the following two notifications:
 - a. The State Medical Director will notify the appointing authority to whom the individual has applied as an applicant-employee in accordance with Section XI.B.8. above; and
 - b. The State Medical Director will notify the appointing authority of this agency when the individual is an employee of this agency.
- 2) The appointing authority will notify appropriate officials within the other State agency, consistent with confidentiality requirements, of test results when required.

- 3) If the employee's test results are confirmed as positive for use of illegal drugs, we will take one of the following actions:
 - a. Institute proceedings to dismiss the employee if the employee is in a sensitive classification or a sensitive position.
 - b. Take whatever disciplinary action is considered appropriate if the employee is in a non-sensitive classification or a non-sensitive position. At a minimum, the employee must be referred to the Employee Assistance Program for counselling, referral, and mandatory successful participation in a drug abuse rehabilitation program.
 - c. The notice to the employee will be in the form of a letter as provided in Addendum VI or Addendum VII, whichever is appropriate.

D. Random Testing Procedure

1. The ATR will obtain the names of employees to be tested from a computer random selection function which allows for each employee in a sensitive classification or in a sensitive position to have an equal chance of being tested.
2. The ATR will notify each employee to be tested of the date, time, and place of the test appointment by providing the individual with a Controlled Dangerous Substance Test Order, (Addendum VIII). The employee will be required to appear for the test at the designated time, which must not exceed 48 hours from the time of notification.
3. The ATR will notify the supervisors of the employees to be tested of the date, times, and places of the test appointments.
4. The ATR will be present at the collection site to verify that the employee appeared for the test, presented positive identification in the form of a currently-valid photo identification driver's license, a State-issued Maryland Identification Card, or a State employee photo identification card, and provided a urine specimen.
5. The ATR will notify our personnel officer of an employee's failure to appear, failure to provide a urine specimen, or inappropriate behavior. We will take appropriate disciplinary action based on this notification.
6. The laboratory will notify the State Medical Director of test results.
7. The State Medical Director will notify the appointing authority of test results.
8. The appointing authority will notify appropriate officials within this agency, consistent with confidentiality requirements, of test results when required.

9. If the employee's test results are confirmed as positive for the illegal use of the drugs listed in Section V of this protocol, we will suspend the employee for 15 work days. We will also:
 - a. Notify the employee in writing prior to the employee's departure for the suspension period that enrollment and successful participation for at least six months' duration in a drug abuse rehabilitation program is a condition of continued employment. In conjunction with this notification, the employee must be referred to the Employee Assistance Program;
 - b. Assure that the employee provides documentation of enrollment in a drug abuse rehabilitation program (which must be continued even if the employee becomes employed in a non-sensitive classification or a non-sensitive position) prior to return to duty;
 - c. Assure that the employee is subject to periodic testing for the remainder of the employee's employment in a sensitive classification or in a sensitive position, including during the rehabilitation period;
 - d. Institute proceedings to dismiss the employee if the employee fails to provide documentation of enrollment and successful participation in a drug abuse rehabilitation program for at least six months or if the employee has a second positive test result at any time.
 - e. The notice to the employee will be in the form of a letter as provided in Addendum VI or Addendum VII, whichever is appropriate.

E. Reasonable Suspicion Procedure

1. **Situations in which health and safety are not endangered**
 - a. Within 24 hours of becoming aware of factors resulting in reasonable suspicion, the supervisor of the employee who is suspected of illegal use of drugs will report in writing to the ATR those reasonable and specific grounds which have resulted in reasonable suspicion.
 - b. The ATR will determine if the reasonable and specific grounds meet the criteria for reasonable suspicion of illegal use of drugs.
 - (1) If the reasonable and specific grounds do not meet the criteria for reasonable suspicion, the ATR will advise the supervisor and the supervisor may counsel and/or discipline the employee as appropriate on the behavioral and performance aspects of the employee's employment which have caused concern. This counseling and/or disciplinary action, however, may not address the subject of illegal use of drugs.

- (2) If the reasonable and specific grounds meet the criteria for reasonable suspicion, the ATR will hold a meeting with the supervisor and the employee immediately or within 24 hours. The discussion at the meeting will center on the behavioral and performance aspects of the employee's employment that have resulted in reasonable suspicion. The employee will be given a Controlled Dangerous Substance Test Order with the date, time, and place of a test appointment which must take place within 48 hours of the employee's being suspected of being impaired.
2. **Situations in which health and safety may be endangered**
 - a. If there is a situation in which an employee's behavior poses a potential danger to the health and/or safety of member(s) of the public, charge(s) of the State, other employee(s), or the employee and it is reasonably suspected that such behavior has resulted from illegal use of drug(s), the supervisor will act immediately to eliminate or reduce the danger to health and safety. This means taking one or more of the following actions:
 - (1) Require the employee to leave the scene of the potential danger until the potential danger itself or the employee's potential danger-causing behavior has been eliminated.
 - (2) Arrange for the employee to leave the work site and return to agency headquarters or home, or to otherwise remain in a place where no person's health and safety is endangered. Every reasonable effort will be made to prevent the employee from driving a State vehicle or operating State equipment if the employee is suspected of being impaired. The employee's supervisor will make arrangements for transportation. If an employee insists on driving a personally-owned vehicle, the employee will be strongly discouraged from doing so. If the employee does drive, the police will be notified of the potential danger. In addition, the ATR will be contacted and advised of the situation.
 - b. Following elimination of the danger to health and/or safety, the following steps will be taken:
 - (1) The employee's supervisor will report in writing to the ATR those reasonable and specific grounds which have resulted in reasonable suspicion within 24 hours of becoming aware of factors resulting in reasonable suspicion.
- (2) The ATR will determine if the reasonable and specific grounds meet the criteria for reasonable suspicion of illegal use of drugs.
 - (a) If the reasonable and specific grounds do not meet the criteria for reasonable suspicion, the ATR will so advise the supervisor and the supervisor may counsel and/or discipline the employee as appropriate on the behavioral and performance aspects of the individual's employment which have caused concern. This counseling and/or disciplinary action, however, may not address the subject of illegal use of drugs.
 - (b) If the reasonable and specific grounds meet the criteria for reasonable suspicion, the ATR will hold a meeting with the supervisor and the employee within 24 hours of the ATR's determination. The discussion at the meeting will center on the behavioral and performance aspects of the individual's employment that have resulted in reasonable suspicion. At the meeting, the employee will be given a Controlled Dangerous Substance Test Order with the date, time, and place of a test appointment which must take place within 48 hours of the employee's being suspected of being impaired.
 - (3) The ATR will be present at the collection site to verify that the employee appeared for the test, presented positive identification in the form of a currently-valid photo identification driver's license, a State-issued Maryland Identification Card, or a State employee photo identification card, and provided a urine specimen.
 - (4) The ATR will notify our personnel officer, when appropriate, of an employee's failure to appear, failure to provide a urine specimen, or inappropriate behavior. We will take appropriate disciplinary action based on this notification.
 - (5) The laboratory will notify the State Medical Director of test results.
 - (6) The State Medical Director will notify the appointing authority of test results.
 - (7) The appointing authority will notify appropriate officials of this agency, consistent with confidentiality requirements, when required.

- (8) This agency will take one of the following actions if the employee's test results are confirmed as positive for use of illegal drugs:
 - (a) Institute proceedings to dismiss the employee if the employee is in a sensitive classification or a sensitive position.
 - (b) Take whatever disciplinary action is considered appropriate if the employee is in a non-sensitive classification or in a non-sensitive position. At a minimum, the individual must be referred to the Employee Assistance Program for counselling, referral, and mandatory participation in a drug abuse rehabilitation program.
 - (c) The notice to the employee will be in the form of a letter as provided in Addendum VI or Addendum VII, whichever is appropriate.
- (9) We may take whatever action is considered appropriate based on the behavior which resulted in suspicion of illegal use of drugs while waiting for the test results to be provided.

F. Participation In a Drug Abuse Rehabilitation Program Based Testing Procedure

1. If an employee in a sensitive classification or in a sensitive position notifies a supervisor or other employee of this agency of the employee's participation in a drug abuse rehabilitation program, including any program offered under the Employee Assistance Program, without having tested positive for illegal use of drugs, the person being notified will advise the ATR of this information. The ATR will:
 - a. Hold a counseling session with the employee to discuss the employee's problem and rehabilitation efforts and to notify the employee of testing requirements.
 - b. Contact the scheduling/service representative and schedule appointments at predetermined intervals on two occasions during the employee's participation in a rehabilitation program.
 - c. Notify the employee to be tested of the date, time, and place of the appointment by providing the employee with a Controlled Dangerous Substance Test Order within 48 hours of each scheduled appointment.
 - d. Meet the employee at the collection site to verify that the employee appeared for the test, presented positive identification in the form of a currently-valid photo identification driver's license, a State-issued

Maryland Identification Card, or a State employee photo identification card, and provided a urine specimen.

- e. Notify our personnel officer, when appropriate, of the employee's failure to appear for the test, failure to provide a urine specimen, or inappropriate behavior. We will take appropriate action based on this notification.
2. The laboratory will notify the State Medical Director of test results.
3. The State Medical Director will notify the appointing authority of test results.
4. The appointing authority will advise appropriate officials of this agency, consistent with confidentiality requirements, of test results when required.
5. We will institute proceedings to dismiss the employee upon receiving notification of confirmed positive test results. The notice to the employee will be in the form of a letter as provided in Addendum VII.
6. The ATR will take the following actions where an employee successfully participates in a rehabilitation program, and is subject to testing for the one year period immediately following successful participation in a program:
 - a. Contact the scheduling/service representative and schedule appointments on two occasions during the one-year period.
 - b. Follow procedures indicated in F.1c through F.5.

G. Incident Triggered Testing Procedure

1. An incident may occur while an employee is in the actual performance of job duties in which human error may result in death or in personal injury requiring immediate, inpatient hospitalization or in damage to State or private property that appears to the employee's supervisor or to the ATR to be in excess of approximately \$2,500.00. In this circumstance, any employee in a sensitive classification or in a sensitive position who is directly involved in the incident may be subject to being tested for illegal use of drugs.
2. The ATR will hold a meeting with the employee and the employee's supervisor after assuring that any necessary immediate medical attention to an injury has been received by the employee. This meeting will be held immediately or within 24 hours after the incident, unless the medical condition of the employee does not permit a meeting. At the meeting, the employee will be given a Controlled Dangerous Substance Test Order with the date, time and place of a test appointment.

3. The ATR will take the following actions on the date of the test:
 - a. Report to the collection site to verify that the employee appeared for the test, presented positive identification in the form of a currently-valid photo identification driver's license, a State-issued Maryland Identification Card, or a State employee photo identification card, and provided a urine specimen.
 - b. Notify our personnel officer, when appropriate, of an employee's failure to appear, failure to provide a urine specimen, or inappropriate behavior. We will take appropriate disciplinary action based on this notification.
4. The laboratory will notify the State Medical Director of test results.
5. The State Medical Director will notify the appointing authority of test results.
6. The appointing authority will notify the appropriate officials of this agency, consistent with confidentiality requirements, when required.
7. We will institute proceedings to dismiss the employee if the employee's test results are confirmed as positive. The notice to the employee will be in the form of a letter as provided in Addendum VII.
8. We will take whatever action is considered appropriate based on the incident which resulted in testing for illegal use of drugs if the employee's test results are confirmed as negative.

XII. RE-TESTING OF SPECIMEN

Any applicant or employee who tests positive and/or the State Medical Director may request that a specimen be re-tested. When a request for re-testing is made, the following conditions apply:

- A. The re-test will be done on a portion (aliquot) of the original specimen.
- B. Any re-test requested by an applicant or employee may be performed by either the laboratory which contracts with the State for urinalysis services or by any other NIDA — certified laboratory of the applicant's or the employee's choice.
- C. The full cost of any re-test requested by an applicant or an employee will be paid to the laboratory by the individual requesting the re-test.
- D. Any re-test requested by the State Medical Director will be performed by the laboratory which contracts with the State for urinalysis services.

XIII. RE-APPLICATION AFTER REHABILITATION

An applicant who is disqualified or an employee who is dismissed based on a positive test result may re-apply for employment in sensitive classifications or in

sensitive positions after an 18-month period if both of the following conditions exist:

- A. The applicant or employee submits to the Secretary of Personnel a certificate on which the attending physician, or a certified chemical dependency counselor, licensed certified social worker, or licensed psychologist associated with the rehabilitation program, certifies under oath that the employee has successfully participated in a drug abuse rehabilitation program of at least 6 months' duration and has not tested positive for drugs listed in Regulation .06 at any point during the rehabilitation program.
- B. The applicant or employee submits to the Secretary of Personnel verifiable documentation of negative urinalysis test results from tests performed periodically under appropriate therapeutic guidance during the 18 months immediately preceding re-application.

XIV. CONFIDENTIALITY

- A. Strict standards of confidentiality are in effect for this agency's program for testing for illegal use of drugs. These standards include the handling of the following documents and information as confidential:
 1. Drug Abuse Screen — Applicant Authorization forms.
 2. Controlled Dangerous Substance Test Orders.
 3. Positive or negative test results.
 4. Reports pertaining to an applicant's or an employee's involvement in the program.
 5. Agency actions resulting from an applicant's or an employee's contact with the program for testing for illegal use of drugs. These include, but are not limited to, the following:
 - a. Disqualifications from employment.
 - b. Counseling of employee by the ATR.
 - c. Disciplinary actions.
 - d. Charges for removal.
 - e. Referrals to the Employee Assistance Program.
- B. The following are the only employees authorized to have knowledge of, or, when appropriate, access to any information concerning an applicant's or employee's involvement in the program for testing for illegal use of drugs:
 1. Appointing Authority.
 2. ATR.
 3. Personnel officer.
 4. Immediate supervisor.
 5. Employee who has been tested.
 6. Secretary of Personnel or the Secretary's designated representatives.
 7. State Medical Director.

C. Test results may be made available only to the State Medical Director, and, upon request, to the applicant or employee who was tested unless the applicant or employee has taken one or both of the following actions:

1. Granted written permission for disclosure to other persons.
2. Filed an appeal of any action based on test results taken by the Secretary of Personnel or this agency.

XV. REPORTS

A. The ATR will prepare and provide to the Secretary of Personnel the following reports:

1. A list of all positions, as identified by position identification number, designated as sensitive by this agency. This list, which must include the reasons for each designation, will be provided prior to the implementation of any testing program and will be updated as necessary within 30 calendar days after the end of each fiscal quarter.
2. A semi-annual statistical report to include:
 - a. Number of applicants tested.
 - b. Number and percentage of applicants disqualified based on test results.
 - c. Number of employees tested based on each circumstance for testing.
 - d. Number of refusals to be tested by applicants or employees.
 - e. Number of each of the following actions based on test results:
 - (1) Disciplinary actions.
 - (2) Terminations.
 - (3) Referrals to Employee Assistance Program.
 - f. Total number and percentage of positive results for applicants and employees tested.
 - g. Total number and percentage of negative results for applicants and employees tested.

B. The ATR will report to the Secretary of Personnel all applicants who have tested positive as this information becomes available.

XVI. EFFECTIVE DATE

This policy and procedure will take effect at 12:01 a.m. on

(NOTE: DOP WILL COMPLETE DATE)

Implementation of this procedure will begin only after

(NAME OF AGENCY)

has certified to the Secretary of Personnel that completion of the training required under Section IX of this protocol has been completed.

(APPOINTING AUTHORITY)

(DATE)

Approved:

(SECRETARY OF PERSONNEL)

(DATE)