

MEMORANDUM

TO: New Employee

FROM: Michelle L. Forinash, Assistant Director of Human Resources

SUBJ: Drug Testing Policy -- Non-Sensitive Positions

On April 7, 1989, Governor Schaefer signed Executive Order 01.01.1989.05, the 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.

St. Mary's College of Maryland 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 College's program for testing for the illegal use of drugs was 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 has been designed to protect every employee's constitutional rights, including the right to privacy, and to respect every employee's dignity.

A few of our employees are classified as "sensitive," meaning that they have a substantially significant degree of responsibility for the safety of others; these individuals are subject to random drug testing. You, however, as an employee in a **non-sensitive** position, will be subject to testing **only** if there is very specific evidence that you have used an illegal drug, and only after close examination (by me) of that evidence reveals that testing is necessary.

You are asked to sign this acknowledgment and return it to my office. Every effort will be made to answer your questions regarding this program; please call me as they arise.

**ACKNOWLEDGMENT OF INSTRUCTION IN
TESTING FOR ILLEGAL USE OF DRUGS FOR NON-SENSITIVE EMPLOYEES**

As an employee of _____, my
classification is _____.

I received instruction on testing for the illegal use of drugs on _____.

The instruction included information about the conditions under which I may be tested for illegal use of drugs, as specified in Code of Maryland Regulations (COMAR) 17.04.09.

I acknowledge that:

_____ I am an employee in a non-sensitive classification or position and as such, I am subject to
Initial testing based on reasonable suspicion.

I also understand that:

- should I be required to submit to drug testing, the procedures under which I may be required to provide a urine specimen will be explained;
- should I be required to submit to drug testing, the drugs for which a specimen will be tested will be provided;
- the consequences of a verified laboratory positive test result, which may include: participation in a drug abuse rehabilitation program and/or disciplinary action up to and including termination from State Service for gross and willful misconduct;
- I have a right to have a portion of the original urine specimen retested by a U.S. Department of Health and Human Services-certified laboratory of my choosing and at my expense if I am advised of a verified laboratory positive test result;
- I will be provided with a list of U.S. Department of Health and Human Services-certified laboratories from which to make my selection for the retest if I am advised of a verified laboratory positive test result;
- I have a right to appeal any action taken against me based on a verified laboratory positive test result through the appropriate disciplinary action or grievance appeal process; and
- should I be required to submit to testing for illegal use of drugs, it will comply with the conditions, requirements and rights enumerated above.

Signature of Employee