

## MEMORANDUM

TO: New Employee

FROM: Michelle L. Forniash, 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.

## **Employee Acknowledgement of Instruction in Testing For Illegal Use of Drugs**

As an employee of Historic St. Mary's City Commission, I have received instruction on the program for testing for illegal use of drugs in my agency, which is operated under the provisions of code of Maryland Regulations 06.01.09.

My instruction has included information about conditions for testing for illegal use of drugs, I understand that:

**Check one**

I am an employee in a sensitive classification or in a sensitive position, and, as such, may be subjected to testing based on reasonable suspicion, random selection, an incident triggered factor of participation in a drug abuse rehabilitation program.

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

I also understand the following:

The drugs which testing will detect;

The procedures under which I may be required to provide a urine specimen for testing;

The consequences of a positive test result which could include disciplinary action, require participation in a drug abuse rehabilitation program, result in termination of employment;

My right to have a portion of the same urine specimen which produced a positive test result re-tested by a National Institute for Drug Abuse (NIDA) certified laboratory of my own choice at my own expense;

My right to appeal any action taken against me based on a positive test result through the grievance procedure.

I understand that, should I be required to submit to testing for illegal use of drugs, this testing will be subject to the conditions, requirements and rights listed above.

I received this instruction on \_\_\_\_\_ from Michelle L. Forinash (by letter).

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name