

MEMORANDUM

TO: Sensitive Employee

FROM: Office of Human Resources

RE: Drug-Testing Policy for 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. St. Mary's College of Maryland'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, 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.

Employees in sensitive positions include: 1) those who have a substantially significant degree of responsibility for the safety of one or more persons (where a potential exists that impaired performance could result in death of or injury to the employee or others); 2) those who are required to carry a firearm; 3) those who are directly involved in efforts to interdict the flow of narcotics; or 4) those who are directly involved with narcotics law enforcement. All sensitive positions were identified by the Secretary of Personnel in the State government.

This memorandum should serve as official notification that your position has been designated as sensitive, and you are, therefore, subject to random testing for the illegal use of drugs. You are also subject to drug testing if any of the following circumstances occur: 1) you are being considered for appointment to another sensitive classification; 2) you have notified this office that you are voluntarily participating in a drug rehabilitation program; 3) you have been directly involved in an accident which caused injury, death, or property damage of \$2500 or more; or 4) there are reasonable and specific grounds to believe that a drug abuse test will produce evidence that you have used one or more illegal drugs.

Enclosed in this packet is an "Employee Acknowledgement of Instruction in Testing for Illegal Use of Drugs." You are asked to sign this acknowledgement and return it to Human Resources.

Employee Acknowledgement of Instruction in Testing For Illegal Use of Drugs

As an employee of St. Mary's College of Maryland, 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 the Office of Human Resources (by letter).

Signature of Employee

Date

Print Name