



PRACTICE

Approved by

The Commission

No. 2-26

Initially issued: 09/25/1995

Last amended: 02/01/2017

Last reviewed: 02/01/2017

CONTROLLED SUBSTANCE and ALCOHOL-FREE WORKPLACE

AUTHORITY

This Practice was initially approved by the Commission effective September 25, 1995.



Patricia Colihan Barney, Executive Director

PURPOSE/ BACKGROUND

Controlled substance and alcohol abuse is a serious problem which endangers the health and safety of users, their co-workers, and M-NCPPC patrons. It can adversely affect an employee's overall job performance by impairing decisions and actions, lowering efficiency, and eroding attention to safety and quality. The Practice, as initially issued, has been amended as follows:

- July 15, 2004: Policy reviewed and references updated to reflect applicable policies and federal/state regulations pertaining to drug/alcohol use.
- June 6, 2013: Minor edits made to reflect updated references, and amendments were made to the accompanying Administrative Procedures to incorporate Federal testing protocols mandated by the Department of Transportation (DOT) and the Department of Health and Human Services (HHS) for DOT regulated employees; clarify existing provisions, and amend provisions for improved program effectiveness.
- February 17, 2016: Amendments were made to the accompanying Administrative Procedures to reflect changes in the agency's Employee Assistance Program (EAP) Provider.
- February 1, 2017: Minor amendments were made to the accompanying Administrative Procedures to update definitions and reflect change in medical provider.

REFERENCES

- Merit System Rules and Regulations including, but not limited to, Workplace Conduct and Discipline;
- Federal Drug Free Workplace Act, as amended in 1996;
- Maryland Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace (Non-State Entities);
- Job-Related Alcohol and Controlled Dangerous Substances Testing, §17-214, Health-General Article, Annotated Code of Maryland;
- The Federal Omnibus Transportation Employee Testing Act of 1991;
- "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," Code of Federal Regulations Title 49, Part 40;
- "Controlled Substances and Alcohol Use and Testing," Code of Federal Regulations Title 49, Part 382;
- Americans with Disabilities Act, 1990 (amended in 2009);

- Federal Department of Transportation Federal Motor Carrier Safety Administration, Rules and Regulations, Drug and Alcohol Program.

APPLICATION

This policy applies to all employees on duty. Employees who hold a Commercial Driver's License (CDL) must comply with all additional federal and state drug and alcohol mandates including CDL drug/alcohol requirements as issued by the U.S. Department of Transportation (DOT) and the Federal Highway Administration. Employees should refer to their respective bargaining agreements for specific requirements.

POLICY

The M-NCPPC prohibits the manufacture, distribution, sale, presence, or use of controlled substances and alcohol in the workplace, M-NCPPC vehicles, and other agency property. Reporting to work while under the influence of controlled substances or alcohol is prohibited. The Commission reserves the right to enforce this policy through controlled substance and alcohol testing.

In accordance with the Federal Drug-Free Workplace Act and Maryland Drug and Alcohol-Free Workplace mandates, employees must notify the agency of any drug or alcohol related criminal conviction that occurs in the workplace. Employees must provide notification of their conviction no later than five (5) days after the date of the occurrence.

Employees in violation of any part of this policy may be subject to disciplinary action up to, and including, termination of employment. At a minimum, employees shall receive a formal supervisory referral to the agency's Employee Assistance Program. Employees will also be required to enroll in and successfully complete any necessary treatment through a certified rehabilitation program.

All disciplinary actions shall be administered in accordance with Merit System Rules and Regulations and any other applicable laws and regulations. Violations of any part of this policy may also result in legal consequences up to and including criminal prosecution.

PROCEDURES

The Executive Director shall take necessary action for the implementation of this policy through the issuance of Administrative Procedures, "Controlled Substance and Alcohol-Free Workplace Program." These procedures shall inform employees and supervisors about the provisions of the policy and include direction for the prevention, reporting, and handling of controlled substances and alcohol in the workplace.