

**Chapter PM29
SUBSTANCE ABUSE**

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**ARTICLE I
General Provisions**

§ PM29-1. Findings.

- A. Substance abuse is a serious national crisis which has had a detrimental effect on the lives of many of our citizens and has exerted a negative effect on the operation of business and government.
- B. Every employer, including Kent County, experiences a loss in productivity due to drug-related absenteeism, injuries on the job, decreased work quality and medical costs.
- C. Substance-abusing employees function below established standards, may make impaired decisions, may have negative effects on their coworkers and are not as alert as non-using employees.
- D. The illegal use of the workplace as a marketplace for drugs endangers the health, safety and welfare of county employees.
- E. The county must strive to maintain a work environment which eliminates this waste and supports the health, well-being and productivity of all its employees as they carry out their responsibilities to the citizens of Kent County.
- F. The Federal Omnibus Drug Abuse Act of 1988 stipulates that any county which is a recipient of federal dollars must establish a drug-free workplace, including a policy on use of substances, a drug awareness program for employees and a procedure for self-reporting convictions.
- G. A drug-free workplace is fundamental to efficient, effective and responsive government.

§ PM29-2. Definitions.

In this Article, the following words are defined as indicated:

ABUSE:

- A. Any use of any illegal drug.
- B. Intentional misuse of any over-the-counter drug, in cases where such misuse impairs job performance.
- C. Use of any prescription drug in a manner inconsistent with its medically prescribed, intended use or under circumstances where use is not permitted.
- D. Use of alcohol on the job or where earlier consumption of such impairs job performance.
- E. Intentional and inappropriate use of any substance, legal or illegal, which impairs job performance.

ALCOHOL -- The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl and isopropyl alcohol.

DRUGS -- Any substance, including controlled dangerous substances, taken into the body, other than alcohol, which may impair one's mental faculties and/or change one's mood and/or physical performance.

SENSITIVE CLASSES -- Those in which the Personnel Administrator has determined that all of the following conditions exist:

- A. A significant degree of responsibility for the safety of others.
- B. A potential that impaired performance of the employee could result in death of or injury to the employee or others.
- C. Lack of close monitoring of the employee's behavior which reduces the possibility of intervention or assistance by another when necessary.

SUBSTANCE -- Alcohol or drugs.

WORKPLACE -- A county-owned, county-utilized or other worksite where work is being done by county employees or contracted employees or volunteers.

§ PM29-3. Policy.

The Board of County Commissioners of Kent County establishes and adopts the following substance abuse policy:

- A. Employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using a controlled dangerous substance (CDS) in the workplace.
- B. Criminal violations shall be referred to the appropriate law enforcement authority for

further investigation and prosecution.

- C. The county will not knowingly hire anyone known to currently abuse drugs.
- D. All employees must report to work in a fit condition to perform their duties. Reporting to work under the influence of drugs or alcohol is a violation of this policy and shall subject the employee to disciplinary action.
- E. All employees on official business, on or off of the workplace, are prohibited from purchasing, transferring, using or possessing illegal drugs, from using prescription drugs in any way that is illegal or from abusing alcohol. The county will not condone drug or alcohol abuse on the part of county employees, nor will it condone employee behavior on or off the job that may serve to damage the reputation of the county employees as a group.
- F. All employees must report any drug conviction to their supervisor within five (5) days of that conviction.
- G. Kent County will educate and inform its employees about:
 - (1) The dangers of drug and alcohol abuse in the workplace and the community at large.
 - (2) Kent County's policy of maintaining a drug-free workplace.
 - (3) Any drug and alcohol abuse counseling, rehabilitation and assistance programs that are available.
 - (4) The penalties that may be imposed upon employees for drug and alcohol abuse violations.
- H. To the extent that an employee operates a motor vehicle for the county, the employee will be expected to fully comply with all federal and state DOT laws. Failure to fully comply with such laws will result in discipline up to and including termination. (See Appendix for relevant federal and state DOT laws).

§ PM29-4. Violations and penalties.

- A. Any employee found to be in violation of any of the provisions of this policy shall be subject to the penalties contained in Kent County Personnel Policies and Procedures, which provides sanctions up to and including termination.
- B. Any employee convicted of purchasing, transferring, using or possessing illicit drugs or using alcohol or prescription drugs in any way that is illegal shall be considered in violation of this policy.
- C. Employees will not be terminated for voluntarily seeking assistance for a substance abuse problem. However, continued unacceptable job performance, attendance and/or behavioral problems shall result in disciplinary action up to and including termination.

§ PM29-5. Responsibility of department heads and supervisors.

All department heads and supervisors are responsible for adherence, implementation, enforcement and monitoring of this policy.

§ PM29-6. Acknowledgment of receipt of policy.

As a condition of employment, all employees of Kent County are required to acknowledge receipt of this policy by signing a copy of the affirmation at time of hire and having it inserted in their personnel files.

§ PM29-7. Commitment.

Kent County will make good-faith efforts to ensure a safe, secure and drug-free workplace for its employees, consistent with the Drug-Free Workplace Act, governmental operations and the need of employees to work in a drug-free environment conducive to productive and satisfying job experiences. This policy requires the cooperation and support of all employees as we move toward that objective.

**ARTICLE II
Testing Procedures**

§ PM29-8. Goal.

The Board of County Commissioners has established the goal of a drug-free county workplace.

§ PM29-9. Alcohol and drug testing.

- A. Employees and new hires will be required to undergo a drug and/or alcohol screen in the instances set forth in the Alcohol and Drug Abuse Policy, adopted September, 1996. (See Appendix.)
- B. The required drug testing will take the form of an analysis of urine samples. Urine sampling for prospective employees will take place at a facility or agency designated by the Personnel Administrator.
- C. The urinalysis will test for the following drugs:
 - (1) Marijuana/Cannabinoids.
 - (2) Cocaine.
 - (3) Opiates.
 - (4) Phencyclidine (PCP).
 - (5) Amphetamines.

- D. Test results will be made available to the Personnel Administrator. The test results are strictly confidential, except when disclosure is required to comply with the federal Commercial Motor Vehicle Safety Act and other federal motor carrier safety regulations.
- E. A negative drug screen will legitimize employment. A positive drug screen will be confirmed via fluorescence polarization immunoassay technique (FPIA) and subject to gas chromatography/mass spectrometry (GC/MS). The laboratory utilized by the county must hold a Maryland permit and be certified or otherwise approved by the State of Maryland to conduct such testing.
- F. All employees with CDL and who operate motor vehicles will be tested for controlled dangerous substances and alcohol pursuant to federal and state DOT laws.

§ PM29-10. Disqualification from employment.

Applicants who experience confirmed positive test results or who refuse to be tested as a condition of employment shall be disqualified from the position. A confirmed positive test result will further disqualify the applicant from future county employment consideration for a period of one (1) year.

§ PM29-11. Notification of disqualification.

If an employee tests positive, the employer must provide the employee with a copy of the written policy if the individual has not already received a copy, the test result, a notice of the availability of retesting at the employee's expense and the anticipated disciplinary action, within thirty (30) days of the test. Notification of disqualification from employment due to a confirmed positive test shall be made by the Personnel Administrator in writing to the applicant within thirty (30) days of the test.