

USM Bylaws, Policies and Procedures of the Board of Regents

VII - 1.10 - POLICY ON A DRUG AND ALCOHOL-FREE WORKPLACE FOR EMPLOYEES

(Approved by the Board of Regents, January 2, 1989; Amended October 9, 2015)

I. PURPOSE

This policy is intended to affirm the University of System of Maryland (USM) commitment to maintain a safe and healthy drug and alcohol-free workplace for all employees, students and visitors, and to minimize the risk that illegal drugs and controlled substances pose to USM institutions.

II. POLICY

- A. The USM is committed to maintaining a drug and alcohol-free workplace that is compliant with applicable federal and state laws. The following are prohibited activities under this policy on all premises owned, operated or controlled by the USM and its institutions:
1. the unlawful possession, use, distribution, dispensation, sale or manufacture of illegal controlled substances by covered employees;
 2. the use by covered employees of any prescription drug in a manner inconsistent with its medically prescribed, intended use, or under circumstances where such use is not permitted;
 3. reporting to work or working under the influence of drugs or alcohol by covered employees; and,
 4. hiring anyone who is known to currently abuse drugs or alcohol who is not actively engaged in a bona fide drug or alcohol abuse assistance or rehabilitation program.
- B. As a condition of USM employment, all employees must abide by the terms of this policy. Employees found to be in violation of this policy are engaged in serious misconduct and may be subject to appropriate disciplinary action applicable in their institution, and/or required to participate in appropriate drug and/or alcohol abuse rehabilitation programs.

USM Bylaws, Policies and Procedures of the Board of Regents

III. APPLICABILITY

- A. This policy applies to all USM regular and contingent faculty and staff, postdoctoral assistants, graduate assistants, and student employees.
- B. Employees working on a federal grant or contract must notify their supervisor or Department head of any criminal drug convictions in the workplace no later than 5 days after such conviction. Within 10 days of the reported conviction, the Institution must provide written notice to any federal sponsor of grants or contracts on which the convicted employee was working.
- C. To the extent that federal or state law standards are more stringent than the requirements of this policy, the applicable federal or state standards shall apply.

IV. GENERAL

- A. Possible violations of the provisions of this policy shall be referred to the institution's Chief Human Resources Officer or other designated institutional official for investigation and when warranted, determination of appropriate administrative/disciplinary action, up to and including termination and, if warranted, referral for criminal prosecution.
- B. Any disciplinary actions imposed shall be consistent with the nature of the violation, and may include, but are not limited to, counseling, reprimand, suspension, demotions, denial of pay increment, denial of promotion, unsatisfactory performance evaluation, reassignment, termination; and/or employee assistance program (EAP) referral to an appropriate rehabilitation program. An institution may make successful completion of a rehabilitation program a condition of continued employment for the employee.
- C. Employees for whom successful completion of a rehabilitation program is a condition of continued employment shall provide documentation of successful completion of a program designated by the institution.
- D. All records related to an employee's substance abuse are confidential and shall be kept by the appropriate administrator of the EAP or other designated institutional official. Such records shall not be included in the employee's personnel file. However, personnel files may contain non-medical records related to disciplinary actions taken as a result of violation of this policy.

USM Bylaws, Policies and Procedures of the Board of Regents

- E. Institutions may designate certain positions as “sensitive”. Violations of this policy by persons employed in “sensitive” positions shall constitute willfull misconduct and shall be deemed grounds for immediate removal of the employee from the duties of the position, pending further investigation. Examples of such positions include:
1. Positions with a significant degree of responsibility for the safety of one or more persons where impaired performance could result in death or injury to the employee or one or more persons;
 2. Positions requiring the carrying of a firearm;
 3. Positions directly involved in narcotics law enforcement or efforts to interdict the flow of narcotics;
 4. Positions having substantial access to, control and/or research use of a controlled dangerous substances;
 5. Positions having access to Tier 1 biological select agents and toxins (BSAT); and,
 6. Positions, as determined by the President or designee in writing, for which impairment may result in significant harm to public safety or security, or present a threat to the health or safety of institution students, employees or visitors.

V. SUBSTANCE TESTING

The President or designee of each USM institution shall determine the sensitive positions that are subject to testing for substance abuse. Each institution shall develop procedures on pre-employment and random drug testing for those positions determined to be sensitive. The Institution Human Resources Department shall maintain a list of those eligible for random testing. Employees in sensitive positions shall be individually notified of such designation and of the provisions of this policy, by the appropriate administrator.

VI. NOTIFICATION AND REVIEW

Each institution shall establish drug abuse awareness programs to promote the maintenance of a workplace free of alcohol and drug abuse and to inform employees about:

USM Bylaws, Policies and Procedures of the Board of Regents

- A. The USM Drug and Alcohol-Free Workplace Policy;
- B. The dangers of alcohol and drug abuse;
- C. Available counseling, rehabilitation, and employee assistance programs; and
- D. The consequences that may be imposed upon employees for violations of this policy.

VII. IMPLEMENTATION

Each president shall identify his/her designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to his/her institutional community, and post it on its institutional website.