

2.455 EMPLOYEE DRUG AND ALCOHOL TESTING

A. Policy

1. The agency recognizes that the abuse of alcohol and controlled substances represents a significant health and safety risk. Therefore, it is committed to providing a drug-free workplace in accordance with the United States Drug-Free Workplace Act of 1988.
2. The agency uses random drug testing to ensure an employee's continued fitness for duty. It is also considered an integral part of the agency's Early Identification System (EIS).

B. Prohibition

1. The agency prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled dangerous substance, or the abuse of prescription drugs by members whether on or off-duty and, in the workplace, on or in University property or vehicles, or while conducting agency business away from the workplace.
2. Employees must report to their supervisors when they have taken, or intend to take any drug which they may reasonably expect to affect their performance. Employees should ask their physicians about how prescription drugs may affect their performance, and read any warnings printed on prescription drugs. Employees are encouraged to read warnings printed on non-prescription drugs.

C. Employee Drug and Alcohol Testing

1. Employees who perform duties that, directly or indirectly, affect public safety or have unsupervised and/or direct access to sensitive information or drugs are subject to drug and alcohol testing at any time by order of the Chief and in compliance with the U.S. Drug-Free Workplace Act.
2. This shall include all employees who, in performance of their duties, are required / authorized to operate agency vehicles. These positions require the highest degree of trust and confidence and have a potential for abuse.
3. Definitions
 - a. Reasonable Suspicion – suspicion based on specific and articulated facts, which coupled with rational inferences from those facts, justify the action ordered.
 - b. Random Testing – employees are selected randomly by computer, each and every time testing is conducted, and tested for the presence of drugs and alcohol.
 - c. Drug Testing Coordinator (DTC) – The Internal Affairs Coordinator or designee responsible for coordinating activities in the drug testing program and developing control methods to ensure program integrity.
4. The Internal Affairs Coordinator administers the Random Drug Testing Program through the Drug Testing Coordinator (DTC).
 - a. Records relating to employee drug testing are confidential and shall be securely maintained by the DTC. Information shall only be released to an employee's supervisor during the notification process, or to those with a legitimate need to know.
 - b. No employee shall discuss the identity of any employee selected to be tested, except to make notification to the employee at the time of the test.
 - c. If an employee attempts to obtain confidential information without having a legitimate need to know, or attempts to compromise or corrupt any component of the Random Drug Testing Program, the employee shall face disciplinary action up to and including dismissal.
5. Randomly, but not less than four times per year, the Drug Testing Coordinator will generate a random list of selected employees for the random testing.
6. The random drug testing will test urine samples for:
 - a. Amphetamines (including Methamphetamines);

- b. Barbiturates;
- c. Benzodiazepines;
- d. Cocaine;
- e. Marijuana;
- f. Opiates and/or Opioids; and
- g. Phencyclidine.

7. The following cutoff levels shall be used for laboratory testing of urine specimens for the drugs listed below:

Substance	Immunoassay (ng/mL)	Gas Chromatography/ Mass Spectrometry
Marijuana	50	15
Opiates	2,000	2,000
Opioids	200	200
Phencyclidine	25	25
Cocaine metabolites	300	150
Amphetamines	1,000	500
Barbiturates	300	200
Benzodiazepines	300	200
Methadone	300	200
Propoxyphene	300	200

8. Random Drug Testing will also include the use of the agency's Preliminary Breath Test (PBT) instrument to test selectees for the presence of alcohol. Failure to comply with any component of the Random Drug Testing Program, by any employee ordered to do so, is insubordination. Violations shall result in disciplinary action with a potential penalty of dismissal.
9. Fitness for Duty Testing
Drug and alcohol testing will be carried out for any incident in which there is reasonable suspicion that an employee is under the influence of, or impaired to any degree, by drugs and /or alcohol while on duty or at work.
10. Test Deferrals - An employee shall only be deferred from testing when:
 - a. On authorized leave or day off at the time of notification; or
 - b. On official travel status out of the area.
 - c. In such cases, the Department can elect whether to notify the Officer to submit to testing on his/her next scheduled workday or remove the Officer's name from the list of those to be tested until the next random selection of names.
 - d. In the event of a "police emergency" as designated by the Chief of Police, random testing of all Officers not already tested on that day may be cancelled.
11. Testing Protocol - Notified employees will report to the DTC and follow the guidelines of the testing devices.
- D. Positive Test Result - Any employee who tests positive may request that a specimen be retested.
 1. The retest will be done on a portion of the original specimen.
 2. The remaining specimen may be made available for testing at another SAMHSA-certified laboratory, utilizing the same testing methods and cutoff levels, at the Officer's full expense (including cost of transferring the remaining sample). In such cases, the remaining specimen must be transferred directly from the laboratory first used to the laboratory performing the retest.
4. Any retest requested by UMDPS shall be performed by the designated vendor at agency expense.
- E. Recognition
 1. In accordance with the Americans with Disabilities Act

1990, the use of, or dependence upon alcohol and other controlled substances can be an illness for which medical treatment may be needed.

2. The University maintains a Faculty Staff Assistance Program (FSAP), telephone number 301-314-8170, which provides confidential counseling to members with alcohol or chemical dependency problems, and is available free of charge.

F. Disciplinary Actions

1. Any Officer who fails to report for drug and alcohol testing as directed, except as listed in **2.455 Employee Drug and Alcohol Testing** Section C 10, or who adulterates any specimen or otherwise tampers with the testing process (such as specimen substitution) or who refuses to submit to all aspects of testing as described in this Article will be considered to have engaged in "gross insubordination" and the Officer's employment shall be terminated consistent with **2.900 Complaints and Discipline**.
2. An Officer testing "positive" under the alcohol and/or drug testing administered under this Article shall be subject to disciplinary action, up to and including termination of employment consistent with **2.900 Complaints and Discipline**. If the employment of the Officer is not terminated as a result of the "positive" alcohol and/or drug testing, he/she shall, as a term of his/her continued employment, be subject to periodic, unannounced drug and alcohol testing for a period of twelve (12) months following the Officer's return from disciplinary suspension and/or absence from duty medical treatment for substance abuse. Additionally, any such Officer may be required to participate in substance abuse treatment, after-care or other such programs as recommended by the treatment program and/or Faculty/Staff Advisory Service.