

ADMINISTRATIVE PROCEDURE 224

- SUBJECT:** Substance Abuse Policy
- PURPOSE:** To establish and communicate a clear and concise policy regarding the use, possession, or under the influence of a controlled dangerous substance and/or alcohol.
- SCOPE:** This procedure outlines the County's alcohol and drug policy and describes procedures for testing and assessing "fitness for duty."
- AUTHORITY:** Personnel Law Sections 16-189, 16-193, 16-194
- RESPONSIBILITY:**
1. OFFICE OF PERSONNEL AND LABOR RELATIONS --
The Office of Personnel and Labor Relations is responsible for ensuring that agencies adhere to this Procedure in all matters relevant to it, that this Procedure and any reports or other attachments to it are regularly updated consistent with laws pertaining to employee drug and alcohol testing, that agencies are supplied sufficient copies of this Procedure to issue to all current employees, that new employees receive a copy of this Procedure and training concerning it during the New Employee Orientation Program, and that supervisory personnel are afforded regularly scheduled training classes pertaining to the County's substance abuse policy.
 2. APPOINTING AUTHORITIES -- All Appointing
Authorities are responsible for ensuring that supervisory personnel attend training pertaining to the County's substance abuse policy and are familiar with and adhere to the requirements of this procedure. Appointing Authorities are also responsible for procuring a sufficient number of copies and ensuring that each employee under their jurisdiction receives a copy of this Procedure.
 3. EMPLOYEES -- All employees are responsible for knowing and adhering to the requirements of this Procedure. Employees are also expected to share the responsibility of ensuring that the County work place is a safe one, free from the dangers that are associated with the abuse of alcohol or other drugs in the workplace.

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1. GENERAL STATEMENT

The use of illegal drugs and misuse of legal substances by a significant segment of the American workforce has major adverse effects on the welfare of all citizens and results in billions of dollars of lost productivity each year. Because the safety of its employees and the delivery of services to its citizens are adversely affected by alcohol and substance abuse, the County cannot afford to ignore this critical problem.

The County is committed to providing a healthy and safe work environment for all employees; to providing the best possible services to County citizens; to maintaining the public's confidence in its government's employees; and to protect the County from the economic losses that can occur due to alcohol and drug abuse. There is no reason to believe that illegal drug use or substance abuse in the County's workforce is greater than in other workplaces in the private or public sectors. However, because of the nature of public service, the health and safety of County residents demand that the County take the actions necessary to eliminate substance abuse and illegal drugs from the workplace.

While it is inappropriate for the County as an employer to intrude into the private lives of its employees, County employees are expected and required to be in a condition to perform their duties throughout the workday. The County also recognizes that employee involvement “off-the-job” with drugs and/or alcohol, can have an impact on work productivity. The County is committed to providing a work environment free from the effects of drugs and/or alcohol, and has developed an **Employee Assistance Program (EAP)** which provides referral assistance to County employees and their immediate family members. “On-the-job” involvement by employees with drugs and/or alcohol will not be tolerated and will be handled in accordance with the provisions of Sections 16-193 and 16-194 of the Personnel Law, Administrative Procedure 223 and/or Administrative Procedure 224-A as appropriate.

2. DEFINITIONS

The following terms are defined for use in this procedure.

- a. **"Controlled Dangerous Substance"** is any drug determined as such by the Federal Drug Administration, or any drug for which possession without a prescription is prohibited by the laws of this State.
- b. **"Employee Assistance Program (EAP)"** A program for employees which offers confidential assessment, counseling services and referral to other resources for treatment. Employees may obtain EAP services on their own or be referred to the EAP by their supervisors.
- c. **"Evidential Breath Testing Device (EBT)"** – A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath. The device must be on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices."
- d. **"Gas Chromatography/Mass Spectrometry (GS/MS) Test"** is a test which provides a powerful tool for identifying organic compounds in a variety of matrices.
- e. **"Impaired/Intoxicated"** means under the influence of a substance while on the job such that an employee's motor senses (i.e., sight, hearing, balance, coordination, reaction, reflex) or judgment are affected.
- f. **"Last Chance Agreement"** is a written agreement between the employer and employee specifically outlining requirements and stipulations for conditions of continued employment.
- g. **"Possession"** means to have a controlled dangerous substance and/or alcohol either on or in an employee's person, personal effects, motor vehicle, tools, or areas substantially entrusted to the control of the employee such as desks, files, and lockers.
- h. **"Prescription"** is a legally obtained, authentic document which is issued by a licensed physician and prescribes the legitimate use by the employee of illegally dispensed drug, including a controlled dangerous substance.
- i. **"Reasonable Suspicion"** means that a supervisor or other person has a belief, which the supervisor can articulate, that an employee is impaired by a controlled dangerous substance or alcohol, drawn from specific facts and reasonable inferences from those facts. "Reasonable suspicion" that an employee is using a substance that impairs his/her ability to perform his/her job duties may be based upon, but not limited to the following:
 - 1) observable phenomena, such as direct observation of drug use and/or the physical symptoms of being impaired by alcohol or a controlled dangerous substance, such as slurred speech, staggered gait, lack of coordination, etc.;

- 2) a pattern of abnormal conduct or erratic behavior;
 - 3) arrest or conviction for a drug related offense;
 - 4) information provided by reliable and credible sources and independently corroborated by other observations; or
 - 5) evidence that the employee has tampered with a previous drug test.
- j. **"Specimen"** is a sample of an employee's urine and/or breath obtained under the supervision of certified laboratory personnel for the purpose of determining the presence of alcohol or drugs in the employee's system.
 - k. **"Substance Abuse"** means the use of a controlled dangerous substance and/or alcohol which impairs a person's normal ability and/or judgment.
 - l. **"Unfit For Duty"** means that an employee is impaired and would be incapable of safely performing his/her assigned duties and responsibilities.
 - m. **"Worksite"** means any location at which County employees are working.

3. SUBSTANCE ABUSE POLICY

- a. The **use, sale or possession** of a controlled dangerous substance and/or alcohol, without a prescription, on any County property or worksite is strictly prohibited. (See Personnel Law Sections 16-193 and 16-194.)
- b. Employees are expected and required to report to work on time fit for duty and remain able to perform their job duties throughout the day. **Any employee at work impaired by, or in the possession of controlled dangerous substances and/or alcohol without a prescription will be subject to disciplinary action up to and including dismissal.**
- c. Employees required to use drugs prescribed by a licensed physician are responsible for being aware of any potential effect such drugs may have on the performance of their duties. Employees should report the use of prescribed medication with known adverse side effects which could affect performance to their supervisors before commencing work.
- d. An employee arrested off the job for use, sale or possession of a controlled dangerous substance is required to report the arrest to his/her Appointing Authority within 48 hours of the incident. The Appointing Authority will investigate the incident, and if necessary appropriate disciplinary action will be taken up to and including dismissal. (See Personnel Law Sections 16-193 and 16-194.)

- e. The Appointing Authority is required to notify any Federal grantor of funds of any conviction of a County employee working under that grant for on-the-job drug use or possession. Further, such notification must be made within ten (10) days of any notice of conviction the County receives.
- f. The County reserves the right to conduct searches or inspections of property assigned to an employee. Such searches or inspections may include, for example, an employee's locker, desk, and County assigned vehicles.

4. ALCOHOL/DRUG TESTING POLICY

- a. Drug Testing as Part of A Routine Required Physical Examination: With the approval of the Chief Administrative Officer, drug tests may be included as part of any routine physical examination required of an employee as part of a County agency's employment practices, provided that at the time the employee is scheduled for the examination, the employee is given written notice that the drug test will be administered during the scheduled physical examination.
- b. Random Drug Testing: Employees of public safety agencies and/or holding a required commercial drivers license may be required to undergo random drug testing. An employee may agree to submit to random drug testing pursuant to a last chance agreement. Any random drug testing policy of any County public safety agency must be approved in writing by the Chief Administrative Officer and distributed to all affected employees. (See Administrative Procedure 224-A, Alcohol and Substance Abuse Testing Requirements for Commercial Motor Vehicle Drivers.)
- c. Reasonable Cause Alcohol/Drug Testing: Whenever any employee's observed behavior raises a reasonable suspicion that the employee is impaired, urine and/or evidential breath testing samples may be taken and screened by an authorized laboratory for the presence of alcohol and/or controlled dangerous substances.
- d. An employee who violates this policy and/or who refuses to give a urine and/or evidential breath testing sample, will be subject to disciplinary action up to and including dismissal.

5. PROCEDURES FOR ASSESSING FITNESS FOR DUTY AND ARRANGING AN ALCOHOL/DRUG SCREENING TEST (REASONABLE CAUSE ALCOHOL/DRUG TESTING)

- a. It is the responsibility of all supervisors to ensure that employees under their supervision are fit at all times to perform their duties safely and are not impaired because of the consumption of a controlled dangerous substance and/or alcohol.
- b. Employees who may have a substance abuse problem and request assistance should be encouraged to use the Employee Assistance Program. The EAP Coordinator can be reached in the Office of Personnel and Labor Relations, Employee Services Division.

- c. Whenever an employee appears to be impaired because of substance abuse, the employee's supervisor is responsible for immediately investigating the matter and initiating action consistent with this policy and the Personnel Law.
- d. When a supervisor has a reasonable suspicion that an employee is impaired and, therefore, **unfit for duty** due to substance abuse, the supervisor should arrange, if possible, for another supervisor or manager to verify his/her reasonable suspicion. **It is critical for a supervisor to be able to clearly articulate and document the odd or unusual behavior giving rise to his/her reasonable suspicion that an employee is impaired due to substance abuse.** The supervisor should request the employee to come to a confidential area, away from the work station and other employees and ask the employee to explain his/her behavior. Nothing in this procedure should be interpreted to prevent a supervisor from taking any immediate action necessary to ensure the safety of the employee, his/her fellow workers or the public, such as preventing the employee from continuing to operate tools or equipment in an unsafe manner.
- e. Attachment I outlines a list of characteristics often associated with impaired and/or substance abuse behavior. The supervisor can reference this list when determining whether an employee is "fit for duty." In determining fitness for duty, a supervisor will be responsible for specifically documenting the reasons for confronting the employee about his/her behavior on County Form 4002 (Attachment II). **It is important that the supervisor ensure that, from this point in the process until the employee is safely removed from the work place or the situation is otherwise resolved, that the employee is not left unattended by supervisory personnel for any reason.**
- f. If the employee is unable to satisfactorily explain his/her behavior(s) and/or the supervisor considers the employee's condition as one which is disruptive or may present a danger, the supervisor may require the employee to submit to a drug/alcohol test to assess fitness for duty. The employee should be informed, verbally and in writing (see Attachment III), that a fitness for duty examination is permitted by the Personnel Law (Section 16-189), and refusal to submit to a fitness for duty examination is grounds for dismissal. The supervisor should issue the employee County Form 4003 (Attachment III) at this time, and request that the employee read and sign the form.
- g. The supervisor must immediately inform his/her Appointing Authority or authorized designee of the request for a drug and alcohol screening test. Form 4004 (Attachment IV), authorizing the drug and alcohol screen must be signed by the Appointing Authority or authorized designee.
- h. If the employee refuses to consent to a drug and alcohol screening test, the employee should be advised that he/she is suspended from work without pay and will be notified whether or not and under what circumstances he/she will be permitted to return to work. Arrange to have the employee taken home. **Do not allow the employee to drive.** If the employee insists on driving, inform the County police immediately and attempt to delay the employee until the police arrive. (For authority to suspend employee, see Personnel Law Section 16-193.)

- i. If the employee agrees to submit to an alcohol/drug test, it is the responsibility of the supervisor to arrange to transport the employee, in the company of the supervisor, to the facility for testing. **The employee to be tested should not be permitted to drive to the facility. The supervisor should, if necessary for safety reasons, call a cab to drive the employee and the supervisor to the facility for testing.** If an employee needs to be taken for a drug/alcohol screen after normal business hours (i.e., 6:00 pm or after), the supervisor should follow the After Hours Testing Procedure (Attachment V). A copy of the Prince George's County Medical Referral Form (Attachment IV) and Employee Consent Form (Attachment III), should be presented to the employee and the facility. The Appointing Authority should retain the original of these documents.
- j. The supervisor should explain the situation to the medical person on duty and present the facility with its copies of the authorization and consent forms.
- k. After the alcohol/drug screening procedure is completed, the supervisor should arrange to have the employee taken home unless the employee is admitted to a hospital. **The supervisor should not request the test results.** Test results will be forwarded to the Office of Personnel and Labor Relations, Employee Services Division, who will then notify the appropriate County authority. The employee should be informed that he/she is being placed on Administrative Leave and will be notified whether or not and under what circumstances he/she will be permitted to return to work (Personnel Law Section 16-193).
- l. The supervisor must complete the detailed report, (Attachment II) concerning the incident, noting all actions, observations, statements and other pertinent facts (i.e., date, time of day, location, any witness to the incident). This completed report should be forwarded no later than twenty-four hours from the time of occurrence to the appropriate Appointing Authority for review. The Appointing Authority should ensure that the involved employee receives a copy of this report.

6. PROCEDURES TO BE FOLLOWED FOR EMPLOYEE DRUG/AND OR ALCOHOL TESTING

- a. The test results will be confidentially reported to the Drug Coordinator in the Office of Personnel and Labor Relations, Employee Services Division, who will then notify the Appointing Authority or designee.
- b. The facility will maintain a split sample of the specimen to allow an employee, at the employee's expense, to arrange for an independent drug test. The employee will be notified of the availability of the split sample in the Employee Consent for Drug Alcohol Test form (Attachment III).
- c. All test results will be kept in strictest confidence. No final determination shall be made by an Appointing Authority regarding the employee's status until the results of the confirming Gas Chromatography/Mass Spectrometry (GC/MS) test are reported. These results will only be maintained as part of the employee's medical records and not included in any employee personnel file.

- d. Information about the test results should not be released by the Appointing Authority to anyone other than the Chief Administrative Officer, Deputy Chief Administrative Officers, Personnel Director, County Attorney or the employee tested, without the prior written consent of the employee tested, except where legally required or in grievance and arbitration proceedings, Personnel Board hearings or litigation.

7. EMPLOYEE ASSISTANCE PROGRAM

- a. Prince George's County Government has an Employee Assistance Program (EAP) which provides confidential and professional referral assistance for a variety of personal concerns, including alcohol and substance abuse. Employees who may be experiencing a personal problem are encouraged to seek referral assistance through this program. (See Administrative Procedure 223 – Employee Assistance Program)

8. INFORMATIONAL CONTACT

Office of Personnel and Labor Relations, Employee Services Division

EFFECTIVE DATE: This procedure supersedes Administrative Procedure 224 dated August 11, 1994 and shall become effective on the date of issuance.

6/1/01

Date

Kenneth E. Glover

Kenneth E. Glover
Chief Administrative Officer

FORMS, REPORTS, SCHEDULES
MENTIONED

Administrative Procedure 223
Administrative Procedure 224-A
Personnel Law Section 16-189
Personnel Law Section 16-193
Personnel Law Section 16-194

BEHAVIOR AND JOB PERFORMANCE

“WARNING SIGNS”

Job behavior and work performance should be the concern of every supervisor. Expert knowledge about abuse of controlled substances or abused drugs is not necessary, but supervisors should remain alert to changes from the normal work pattern and/or behavior of an employee.

Listed below are various “symptoms” that usually appear on the job, indicating some consequences of substance abuse. These warning signs can appear singularly or in combination, and may signify problems other than substance abuse. For example, alcoholism, diabetes, high blood pressure, thyroid disease, psychiatric disorders, emotional problems and certain heart conditions all share some of the same signs. Therefore, it’s important to remember that unusual or odd behavior may not be connected in any way with alcohol or drug abuse. The role of the supervisor is to recognize and document changes observable in work behavior without making any moral judgment or taking the position of counselor or diagnostician.

Signs of Deteriorating Job Performance

Weariness, Exhaustion	Argumentative	Higher than average accident rate on the job
Unusual untidiness	Exaggerated sense of self-importance	Inconsistency in quality of work
Yawning excessively	Displays violent behavior	High/low periods of productivity
Blank stare	Avoids talking with supervisor regarding work issues	Poor judgment/more mistakes than usual and general carelessness
Slurred speech	Absenteeism	Lapses in concentration
Unsteady walk	Acceleration of absenteeism and tardiness, especially Mondays, Fridays, before and after holidays	Difficulty in recalling instructions
Sunglasses worn at inappropriate times	Frequent unreported absences, later explained as “emergencies”	Difficulty in remembering own mistakes
Unusual effort to cover arms	Unusually high incidence of colds, flu, upset stomach, headaches	Using more time to complete work /missing deadlines
Changes in appearance after lunch or break	Frequent use of unscheduled vacation time	Increased difficulty in handling complex situations
Appears to be depressed all the time or extremely anxious all the time	Leaving work area more than necessary (e.g., frequent trips to water fountain and bathroom)	Overreaction to real or imagined criticism
Irritable	Requesting to leave work early for various reasons	Avoiding and withdrawing from peers
Suspicious	Accidents	Complaints from co-workers
Emotional unsteadiness (e.g., outbursts of crying)		Borrowing money from fellow employees
Mood changes after lunch Break		Complaints of problems at home, such as separation, divorce and child discipline problems
Withdrawn or improperly talkative		Persistent job transfer requests
Spends excessive amount of time on the telephone		Disregard for safety of others

ATTACHMENT II

PRINCE GEORGE'S COUNTY, MARYLAND
SUBSTANCE ABUSE INCIDENT REPORT
 (See Administrative Procedure 224)

CONFIDENTIAL

1. DATE OF REPORT			
2. NAME OF REPORTING PERSON		11. NAME OF EMPLOYEE INVOLVED	
3. REPORTING PERSON'S DEPARTMENT		12. SOCIAL SECURITY NUMBER	
4. REPORTING PERSON'S DIVISION/ASSIGNMENT		13. EMPLOYEE'S HOME ADDRESS	
5. REPORTING PERSON'S TITLE/GRADE		CITY, STATE, ZIP	
6. REPORTING PERSON'S SUPERVISOR		14. EMPLOYEE'S HOME PHONE	15. EMPLOYEE'S WORK PHONE
7. DATE OF OCCURRENCE	8. TIME OF OCCURRENCE	16. EMPLOYEE'S POSITION/GRADE	
9. ADDRESS OF OCCURRENCE		17. EMPLOYEE'S DEPARTMENT	
CITY, STATE, ZIP		18. EMPLOYEE'S DIVISION/ASSIGNMENT	
10. DESCRIBE LOCATION		19. EMPLOYEE'S IMMEDIATE SUPERVISOR	
20. OTHER EMPLOYEE(S) INVOLVED IN INCIDENT. INCLUDE FULL NAME AND DEPARTMENT.			
21. WITNESS #1: NAME, POSITION, DEPARTMENT OR ADDRESS IF NOT AN EMPLOYEE			22. HOMEWORK PHONE
23. WITNESS #2: NAME, POSITION, DEPARTMENT OR ADDRESS IF NOT AN EMPLOYEE			24. HOMEWORK PHONE
25. WITNESS #3: NAME, POSITION, DEPARTMENT OR ADDRESS IF NOT AN EMPLOYEE			26. HOMEWORK PHONE
27. DESCRIBE HOW INCIDENT BECAME KNOWN TO YOU.			
28. DESCRIBE WHAT WORK, IF ANY, EMPLOYEE WAS DOING WHEN INCIDENT OCCURRED.			
29. CONCISE STATE OF FACTS LEADING REPORTING PERSON TO SUSPECT EMPLOYEE.			
30. INCIDENT INVOLVES: <input type="checkbox"/> SALE <input type="checkbox"/> USE <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> ALCOHOL <input type="checkbox"/> DRUGS <input type="checkbox"/> OTHER SUBSTANCE			31. WAS EMPLOYEE IMPAIRED? <input type="checkbox"/> YES <input type="checkbox"/> NO
32. WAS EMPLOYEE GIVEN ORDER FOR ALCOHOL/DRUG TEST (P.G. Form # _____)? <input type="checkbox"/> YES <input type="checkbox"/> NO IF NO, EXPLAIN IN DETAILS.			33. DRUG/ALCOHOL TEST GIVEN? <input type="checkbox"/> N.A. <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> REFUSED
34. NAME OF PERSON TRANSPORTING EMPLOYEE TO TEST LOCATION		35. NAME OF PERSON TRANSPORTING EMPLOYEE HOME	
36. NAME AND ADDRESS OF LABORATORY ADMINISTERING ALCOHOL/DRUG TEST			
37. NAME OF PERSON WITNESSING SPECIMEN, IF ANY		38. NAME OF LAB TECHNICIAN RECEIVING SPECIMEN (Accepting custody) TIME:	
39. WAS APPOINTING AUTHORITY NOTIFIED? <input type="checkbox"/> YES <input type="checkbox"/> NO DATE: _____ TIME _____ BY WHOM: _____			
40. WAS EMPLOYEE SUSPENDED FROM WORK? <input type="checkbox"/> YES <input type="checkbox"/> NO DATE: _____ TIME _____ BY WHOM: _____			
41. DID EMPLOYEE REQUEST REFERRAL TO EAP? <input type="checkbox"/> YES <input type="checkbox"/> NO		42. EMPLOYEE ASSISTANCE COUNSELOR NOTIFIED? <input type="checkbox"/> YES <input type="checkbox"/> NO BY WHOM: _____	

**PRINCE GEORGE'S COUNTY, MARYLAND
EMPLOYEE CONSENT FOR DRUG AND ALCOHOL SCREENING TEST**

(Employee's Name)

M:

(Supervisor)

You are hereby notified that, based on my determination that a reasonable suspicion exists to include that you are impaired from the use of a substance in violation of Personnel Law Section 16-193 and Administrative Procedure 224, you are suspended from employment with the Prince George's County Government until further notice.

You are also notified that:

1. I am ordering that you submit to a urine and/or evidential breath testing test to determine presence of alcohol and/or a controlled dangerous substance in your system to assess your fitness for duty;
2. Failure to obey this order will result in disciplinary action against you, including the possibility of the termination of your employment with the Prince George's County Government, for coordination in accordance with Personnel Law Section 16-189 and Administrative Procedure 224; and,
3. If you submit to the tests for alcohol and/or drugs, the tests will be conducted by a certified laboratory and a split sample of any specimen you give will be maintained by the laboratory for your use in obtaining an independent test, at your expense; and
4. The results of the tests may be used against you in any disciplinary action taken as a result of a violation of Personnel Law Section 16-193 or Administrative Procedure 224.

EMPLOYEE CONSENT

I, _____, have read and understand this order for alcohol/drug testing, hereby grant my permission for Prince George's County to arrange to collect a urine and evidential breath sample from me and to have the samples tested to determine the use or presence of alcohol and/or drugs. Further, I consent to the release of any test results to my Appointing Authority or the Personnel Director for use in reviewing any proposed disciplinary action against me.

Employee's Signature

Date/Time

Witnessed By: (Supervisor)

PY 1 – To Appointing Authority

PY 2 – To Employee

PY 3 – To Testing Facility

**PRINCE GEORGE'S COUNTY GOVERNMENT
MEDICAL REFERRAL FORM**

Employee's Name: _____

Department/Agency: _____

Classification: _____

Appointing Authority's Name: _____

Name of Designee Authorizing Test: _____

This form, when signed by the appropriate Appointing Authority or designee, serves as the authorization for the County's contracted certified facility, to conduct drug and evidential breath test testing and any other testing. All specimens should be tested for the presence of alcohol or any controlled dangerous substance which could impair the ability or judgment of the employee for whom testing is requested.

The facility will maintain a split sample of the specimen to allow an employee, at the employee's expense, to arrange for an independent drug test. The employee will be notified of the availability of the split sample in the Employee Consent for Drug Alcohol Test form (Attachment III, form 4003).

Signature

Date

AFTER HOURS TESTING PROCEDURE

DRUG & ALCOHOL TESTING

The following procedures are in place to accommodate drug screen and/or alcohol breath testing after normal clinic operating hours (7:30 am – 6:00 pm Monday through Friday).

- Call the County's contracted certified facility. There is a 24 hour operator who will contact the Medical Review Officer. Indicate the name of the employee to be tested (and the name of the supervisor, if applicable, who will accompany the employee).
- Direct the employee (and supervisor) to proceed to the County's contracted certified facility.
- A technician will meet the employee (and supervisor) at the facility and will proceed to the testing area.
- IF THE BREATH ALCOHOL TEST IS NEGATIVE: The results of the breath alcohol test and/or urine drug screen will be processed and reported as normally performed during regular business hours.
- IF THE BREATH ALCOHOL TEST IS POSITIVE: The supervisor will be verbally informed by the technician that the test is positive. The supervisor will follow procedures as directed by Prince George's County policies for positive breath alcohol tests. Hard copy results of the breath alcohol and/or drug screen will be processed and forwarded as is customary during normal business hours the next business day.

ADMINISTRATIVE PROCEDURE 224-A

SUBJECT:	Alcohol and Substance Abuse Testing Requirements For Commercial Motor Vehicle Drivers
PURPOSE:	To clearly communicate the federal requirements for the U.S. Department of Transportation's drug and alcohol testing program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.
SCOPE:	This procedure outlines the Federal Highway Administration's rules for controlled substance and alcohol testing for drivers required to have a commercial driver's license (CDL).
AUTHORITY:	Rules published by the Federal Highway Administration and the U.S. Department of Transportation on February 15, 1994 pursuant to the Omnibus Transportation Employee Testing Act of 1991.
RESPONSIBILITY:	The Office of Personnel & Labor Relations (Employee Services Division), Appointing Authorities and Personnel Liaisons in the affected agencies, all employees required to have a commercial driver's license for their positions or assigned duties, and the supervisors of all such employees.

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- Attachment 1 - CDL Alcohol and Drug Testing Reasonable Suspicion Checklist
- Attachment 2 - Prince George's County CDL Drug & Alcohol Testing Site/After Hours Testing Procedure
- Attachment 3 - Prince George's County CDL Drug & Alcohol Testing Referral Form
- Attachment 4 - U.S. Department of Transportation Breath Alcohol Testing Form
- Attachment 5 - U.S. Department of Transportation Drug Testing Custody and Control Form
- Attachment 6 - Employee Notice: Required Alcohol and Drug Testing for CDL Drivers
- Attachment 7 - Employee Notice Statement: Federal Rules on CDL Drug and Alcohol Testing

1. GENERAL STATEMENT

Prince George's County has established an alcohol and controlled substances testing program for all employees whose duties require the possession of a CDL. The overall goals of this testing program are to ensure a safe and drug-free transportation environment, to reduce the potential for vehicle accidents and casualties, and to comply with the U.S. Department of Transportation regulations to eliminate the illegal use or abuse of alcohol and controlled substances.

We are committed to maintaining a safe workplace that is free from the use of illegal drugs and alcohol. County drivers are expected and required to report to work fit for duty and remain able to perform their job duties throughout the day. To that end, Prince George's County Government will comply with the requirements for testing of the U.S. Department of Transportation and other federal and state laws and regulations. **In addition, employees remain subject to the County's substance abuse policy as articulated in Administrative Procedure 224. Therefore, any employee at work impaired by alcohol or drugs, or in the possession of any controlled dangerous substance without a prescription, will be subject to disciplinary action up to and including dismissal. (See Administrative Procedure 224.)**

To accomplish the goal of maintaining a work environment that is free from the effects of alcohol and drug abuse, the County has established an Employee Assistance Program (EAP) to provide assistance to County employees.

2. DEFINITIONS

The following terms are defined for use in this procedure:

- a. **Accident** – Means any incident involving a commercial motor vehicle in which:
 - 1) There is the loss of human life; or

- 2) The driver's performance cannot be completely discounted as a contributing factor, using the best information available at the time of the decision; and
 - 3) Any involved vehicle sustains disabling damage (the vehicle cannot be driven from the scene and/or has to be towed); or
 - 4) Anyone receives bodily injury which requires immediate medical attention away from the accident scene.
- b. **Alcohol** – Means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
 - c. **Alcohol concentration (or content)** – Means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
 - d. **Alcohol use** – Means the consumption of any beverage, mixture or preparation (including any medication) containing alcohol.
 - e. **Breath alcohol technician (BAT)** – An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).
 - f. **Certified laboratory** – A laboratory which has been certified by the State of Maryland and by the U.S. Department of Health and Human Services to perform job-related forensic testing for drugs and alcohol.
 - g. **Commercial Driver's License Holder (CDL Holder)** – Any person who operates a commercial motor vehicle. This includes but is not limited to: full-time, part-time, and limited-term CDL holders. In every position requiring a CDL, the CDL holder is either driving or in a state of readiness on-call if required to drive. (See Subparagraph 1.k for a definition of "Driver.")
 - h. **Commercial motor vehicle** – A motor vehicle or combination of motor vehicles used to transport passengers or property, if the motor vehicle:
 - 1) Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
 - 2) Has a gross vehicle weight rating of 26,001 or more pounds; or
 - 3) Is designed to transport 16 or more passengers, including the driver; or

- 4) Is of any size and is used in the transportation of hazardous materials (as defined by federal law) requiring placards.
- i. **Confirmation test** – (a) for alcohol testing, means a second test, following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath, that provides quantitative data of alcohol concentration; (b) for controlled substances testing, means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screening test and which uses a different technique and chemical principle from that of the screening test to ensure reliability and accuracy.
- j. **Controlled substances** – means marijuana (THC), cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamine). **(Under Administrative Procedure 224, drivers are also subject to testing for any controlled dangerous substance for which possession without a prescription is prohibited by law.)**
- k. **Driver** – Any County employee who is required to perform a safety-sensitive function as defined in subparagraph 1.s. “Safety-sensitive function.” For the purposes of employment testing, the term “driver” includes a person applying for a position which requires driving a commercial motor vehicle at any time.
- l. **Employee Assistance Program (EAP)** – A program for employees which offers confidential assessment, counseling services and referral to other resources for treatment. Employees may obtain EAP services on their own or be referred to the EAP by their supervisors.
- m. **Employment Physical** – A medical examination, including a test for controlled substances, required as a condition of employment for all applicants for positions in Prince George’s County Government that would require the applicant to drive County vehicles or operate County equipment. Also the biannual physical required for all CDL holders. **(See Administrative Procedure 202)**
- n. **Evidential Breath Testing device (EBT)** – A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath. The device must be on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices.”
- o. **Medical Review Officer (MRO)** – A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information.

- p. **Omnibus Transportation Employee Testing Act of 1991** – The federal law that requires drug and alcohol testing of drivers in various industries.
- q. **Reasonable suspicion** – Belief that the driver has violated the alcohol or controlled substances prohibitions, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.
- r. **Refusal to submit (to an alcohol or controlled substance test)** – Any driver who (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, (3) engages in conduct that clearly obstructs the testing process, or (4) fails to report directly to the testing site within one hour from being instructed to do so will be considered to have refused to submit to the test.
- s. **Safety-sensitive function** – any of those on-duty functions as listed below:
- 1) All time at a County facility prior to being dispatched, unless the driver has been relieved from duty by the employer;
 - 2) All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSRs), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 - 3) All time spent at the driving controls of a commercial motor vehicle;
 - 4) All time, other than driving time, spent on or in a commercial motor vehicle;
 - 5) All time spent by CDL required drivers loading or unloading a commercial motor vehicle, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
 - 6) All time spent performing the driver requirements associated with an accident; and
 - 7) All time a CDL holder spends repairing, obtaining assistance, or attending a disabled vehicle.

- t. **Screening test (aka initial test)** – In alcohol testing, an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, an immunoassay screen to eliminate “negative” urine specimens from further analysis.
- u. **Specimen** – Is a sample of an employee’s urine and/or breath obtained under the supervision of certified laboratory personnel for the purpose of determining the presence of alcohol or drugs in the employee’s system.
- v. **Split Sample Testing** – Division of the urine specimen in controlled substance testing into two separate containers, the primary specimen used for the immunoassay test and gas chromatography/mass spectrometry tests. The split specimen is used if the employee requests a second test after being informed of a verified positive screening test.
- w. **Substance Abuse** – means the use of a controlled dangerous substance and/or alcohol which impair a person’s normal ability and/or judgment.
- x. **Substance abuse professional** – A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addictions counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

3. **DRIVERS SUBJECT TO TESTING**

- a. Drivers required to have a commercial driver’s license (CDL) to perform their jobs.
- b. Employees who are required to have a CDL and who drive only occasionally or who are responsible for **safety-sensitive function**.
- c. County/Agency Responsibility
 - (1) Drivers will be provided with drug and alcohol testing program information, procedures, and instructions by the Office of Personnel and Labor Relations, Employee Services Division prior to operating a commercial motor vehicle, so that they will be able to comply with the requirements of this procedure. (See Attachments 6 & 7)
 - (2) Supervisors designated to determine whether reasonable suspicion exists to require a driver to undergo alcohol or controlled substance testing shall receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on

controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

4. PROHIBITED CONDUCT

The following alcohol and controlled substance related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles (CMVs):

- a. Reporting for duty or remaining on duty to perform safety sensitive functions while having an alcohol concentration of 0.02 or greater;

NOTE: Administrative Procedure 224 prohibits the use or possession of ANY alcohol or controlled substances by County employees in the workplace.

- b. Being on duty or operating a CMV while the driver possesses alcohol; **(This includes the possession of medicines containing alcohol—prescription or over-the-counter—unless the packaging seal is unbroken.)**

NOTE: Drivers are required to provide their immediate supervisor with a written statement from their doctor or medical practitioner describing any therapeutic drug use at the time the drug is prescribed and/or before performing any safety-sensitive function while following a medically prescribed drug therapy. This statement must advise the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

- c. Using alcohol while performing safety-sensitive functions;
- d. Using alcohol within four (4) hours prior to performing safety-sensitive functions;
- e. Using alcohol, any alcohol product, or any controlled substance within eight (8) hours following an accident or prior to undergoing a post-accident test, whichever comes first (when required to take a post-accident test);
- f. Refusing to submit to an alcohol or controlled substance test required by post-accident, employment, random, reasonable suspicion, or follow-up testing requirements;
- g. Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any controlled substance (except when instructed by a physician who has advised

up testing can be required for up to 60 months.

6. REQUIRED TESTING

a. When a Driver must be Tested

The following are the types of tests required to be performed:

TYPE OF TEST	ALCOHOL (Breath)	DRUGS (Urine)
Employment	No	Yes
Random	Yes	Yes
Reasonable Suspicion	Yes	Yes
Post-Accident	Yes	Yes
Return-to-Duty	Yes	Yes
Follow-up*	Yes**	Yes

*If required by a substance abuse professional

**Required if the test results of the original test were ≥ 0.04 BAC.

b. Types of Testing

1) Employment Testing

- a) Conducted before applicants are hired, after an offer to hire, or after a transfer/promotion to a position requiring a CDL.
- b) No person may be hired for a CDL position unless a Controlled substance test result from the Medical Review Officer (MRO) indicates a verified negative result.

(For additional information on Employment Testing, see Administrative Procedure 202.)

2) Random Alcohol Testing

- a) Testing shall be administered at a minimum annual rate of 25 percent of the average number of County driver positions. Each driver shall have an equal chance of being tested each time selections are made.
- b) Tests shall be unannounced and spread reasonably throughout the calendar year.
- c) Drivers selected for random alcohol tests must proceed

the driver that the substance does not adversely affect the driver's ability to safely operate a CMV); and

- h. Reporting for duty, remaining on duty, or performing a safety-sensitive function if the driver tests positive for controlled substances.

5. CONSEQUENCES TO DRIVERS WHO ENGAGE IN PROHIBITED CONDUCT

Administrative Procedure 224 prohibits the use or possession of ANY alcohol or controlled substances by County employees in the workplace. Drivers who are known to have engaged in prohibited conduct with regard to alcohol misuse or use of controlled substances are subject to the following consequences:

- a. Drivers cannot perform safety-sensitive functions;
- b. Drivers shall be advised by the employer of the resources available to them through the Employee Assistance Program to evaluate and resolve problems associated with the misuse of alcohol or use of controlled substances;
- c. Drivers shall be evaluated by a substance abuse professional, who shall determine what assistance, if any, the employee needs in resolving problems associated with the use of alcohol and controlled substances;
- d. Drivers identified as needing assistance in resolving problems associated with alcohol or controlled substances shall be evaluated by a substance abuse professional to determine that the driver has followed the rehabilitation program prescribed. **Drivers must provide a return-to-work notice from the substance abuse professional prior to returning to duty to perform safety-sensitive functions.**
- e. Before returning to duty to perform a safety-sensitive function, drivers shall undergo a return-to-duty test with a result indicating a breath alcohol level of less than 0.02 and a verified negative result for controlled substances (if the conduct involved controlled substance use). **Failure to pass a return-to-duty alcohol and drug test could lead to disciplinary action up to and including dismissal.**
- f. Drivers who have tested positive for drugs and/or alcohol shall be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be coordinated with the substance abuse professional and consist of at least six (6) tests in the first twelve (12) months. Follow-

immediately to the testing site upon notification of being selected. (See Attachments 2 and 3.)

- d) Drivers shall only be tested for alcohol in the following situations:
 - (1) while they are performing a safety-sensitive function;
 - (2) immediately prior to performing a safety-sensitive function; or
 - (3) immediately after performing a safety-sensitive function.

3) **Random Controlled Substance Testing**

Random controlled substance testing shall be conducted in accordance with the following requirements:

- a) Random controlled substance tests may be administered anytime a driver is at work.
- b) Testing shall be administered at a minimum annual rate of 50 percent of the average number of driver positions. Each driver shall have an equal chance of being tested each time selections are made.
- c) Tests shall be unannounced and spread reasonably throughout the calendar year.
- d) Drivers selected for testing shall proceed immediately to the testing site upon notification of being selected. (See Attachments 2 and 3.)

4) **Reasonable Suspicion Testing**

- a) Drivers are required to submit to an alcohol or controlled substance test when there is reasonable suspicion to believe the driver has violated the alcohol or controlled substances prohibitions.
- b) Only one trained supervisor is required to make the observations necessary to require a test; however, where possible, a second trained supervisor should be asked to substantiate the observation.

- c) A written record shall be made of the observations leading to a controlled substance test immediately and signed by the trained supervisor(s) who made the observation(s). This record should be forwarded to the Office of Personnel and Labor Relations, Employee Services Division, within 24 hours. A copy of this record should also be sent to the appropriate Appointing Authority/designee. (See Attachment 1.)
- d) It is the responsibility of the supervisor to arrange to transport the employee, in the company of the supervisor, to the facility for testing. The employee to be tested should not be permitted to drive to the facility. The supervisor should, if necessary for safety reasons, call a cab to drive the employee and the supervisor to the facility for testing.
- e) Special Rules for Alcohol Testing
 - (1) Alcohol testing is authorized if the observations are made during, just before, or just after the period of the work day the driver has performed safety-sensitive duties.
 - (2) If a reasonable suspicion alcohol test is not administered within two (2) hours following the observations, a record must be prepared by the supervisor, sent to the Appointing Authority or designee and maintained on file in the Office of Personnel and Labor Relations, Employee Services Division stating the reasons the test was not administered promptly.
 - (3) If a reasonable suspicion alcohol test is not administered within eight (8) hours following the observations, attempts to administer the test shall cease and the supervisor must prepare the record noted above, send it to the Appointing Authority or designee and be maintained on file in the Office of Personnel and Labor Relations, Employee Services Division.

NOTE: The mere possession of alcohol does not constitute, under this regulation, a need for reasonable suspicion testing, which must be based on observations concerning the driver's appearance, behavior, speech, or body odor. (See Attachment 1.) However,

Administrative Procedure 224 prohibits the use or possession of ANY alcohol or controlled substances by County employees in the workplace.

5) Post-Accident Testing

- a) As soon as possible following an accident involving a commercial motor vehicle, each surviving County driver involved in the accident shall be tested for alcohol and controlled substances when either:
 - (1) the accident involved a loss of human life; or
 - (2) **the County driver's performance can not be completely discounted as a contributing factor to the accident; and**
 - (3) a bodily injury is required to be treated away from the accident scene, or
 - (4) a vehicle is required to be towed away from the accident scene.
- b) When a required post-accident test has not been administered within a reasonable time frame following the accident, the following actions shall be taken:

TIME ELAPSED	ACTION REQUIRED
2 hours	If the County driver has not submitted to an alcohol test at this time, the agency shall prepare and maintain on file a record stating the reason a test was not promptly administered.
8 hours	Cease attempts to administer alcohol test, and prepare and maintain record described above.
32 hours	If the County driver has not submitted to a controlled substance test by this time, the agency shall cease attempts to administer the test, and prepare and maintain the record described above.

Note: Nothing in this procedure should be construed to require the delay of necessary medical attention for injured people following an

accident or to prohibit a County driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

c) **Drivers' Responsibility**

Drivers who are subject to post-accident testing must:

- (1) Remain available or they may be considered to have refused to submit to testing;
- (2) Refrain from consuming alcohol for eight (8) hours following the accident, or until they submit to an alcohol test, whichever comes first.

6) **Follow-up Testing**

- a) Following a determination that a driver needs assistance in resolving problems associated with the use of alcohol and/or controlled substances, each agency shall ensure that the driver is subject to unannounced follow-up testing as directed by a substance abuse professional.
- b) Drivers shall be subject to a minimum of six (6) follow-up tests in the first twelve (12) months. Follow-up testing can be required for up to sixty (60) months.
- c) Alcohol follow-up testing shall be performed only when the driver is performing, just before performing, or immediately after performing safety-sensitive functions. Follow-up testing for controlled substances can take place anytime the employee is at work.

7. **TESTING PROCEDURES**

a. Controlled Substance Testing Information

- 1) Testing is limited to five drug types: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).
- 2) All drug testing must be done from urine or blood specimens collected under highly controlled conditions. A split specimen collection will be done.
- 3) The only laboratories that can be used are those certified by the U.S. Government.

NOTE: See Attachment 2 for information on the County's contract provider for drug and alcohol testing and procedures for regular and after-hours testing.

- 4) After the specimen has been collected and forwarded to the laboratory, two tests may be performed:
 - a) An immunoassay test performed on all specimens.
 - b) A gas chromatography test (confirmation test) for each drug indicated as present by the screening test.
- b. Controlled Substance Testing Results
 - 1) If the results of the initial test are negative, the testing laboratory will advise the Medical Review Officer (MRO) that the drug test for the driver was negative. No additional tests will be done.
 - 2) If the results of the test are positive, a second (confirmation) test is performed. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry techniques.
 - 3) Only specimens that are confirmed positive on the second or confirmatory test are reported positive to the MRO for review and analysis.
 - 4) Prior to verifying a "positive" result, the MRO shall make every reasonable effort to contact the driver (confidentially), and afford him/her the opportunity to discuss the test result. If after making all reasonable efforts and documenting them, the MRO is unable to reach the driver directly, the MRO shall contact the Drug Coordinator of the Office of Personnel and Labor Relations, Employee Services Division, who will contact the Appointing Authority or designee, who shall direct the driver to contact the MRO as soon as possible (within 24 hours).
 - 5) If the test result of the specimen is positive, the driver may request that the MRO send the split sample specimen to a different certified lab for testing. This request must be made within 72 hours of being notified of the positive test result. The testing of the split sample specimen will be for the presence of drugs with no cut-off levels and will be done at the employee's own expense.
 - 6) If the result of the test of the split sample specimen is negative, the test is considered negative, regardless of the results of the initial test.

- 7) The Prince George's County Office of Personnel and Labor Relations, Employee Services Division, is required to keep a record showing the type of test, date of collection, entity performing the collection, name of the lab, name of the MRO, and the test results for each driver. (See Attachment 5.)

c. Alcohol Testing Information

- 1) Testing is done by using an Evidential Breath Testing Device (EBT), which determines the concentration of alcohol expressed as "percent by weight."
- 2) Testing will be done in a site that affords privacy to the driver being tested, only one breath test will be done at a time, and the person giving the test will not leave the testing site during the test.
- 3) A test may have two separate parts – the initial test and the confirmation test.
- 4) If the initial test shows a reading less than 0.02, the test is recorded as negative.

d. Alcohol Testing Results

- 1) If the initial test result is 0.02 or greater, a confirmation test will be done on the same Evidentiary Breath Testing Device after a 15-minute waiting period.
- 2) When the confirmation result is different from the initial test, the lower of the two test results will be used as the official test result.
- 3) The driver will receive a copy of the printed test results from the breath alcohol technician. (See Attachment 4.)
- 4) The Prince George's County Office of Personnel and Labor Relations, Employee Services Division, is required to keep a record showing the type of test, date of collection, entity performing the collection, name of the lab, name of the MRO, and the test results for each driver. (See Attachment 4.)

8. REFUSAL TO SUBMIT TO A TEST

- a. A driver who refuses to submit to an employment (required by a transfer/promotion), post accident, reasonable suspicion, random, or follow-up alcohol or controlled substance test will be subject to disciplinary action, up to and including dismissal.

- b. A driver who refuses to submit to a required test shall not perform or continue to perform safety-sensitive functions. (See Paragraph 2.r. for a detailed explanation of what constitutes "Refusal to submit" under this procedure.)

NOTE: Failure to provide adequate urine for controlled substance testing without a valid medical explanation (as verified by the MRO) will be considered refusal to submit to a test.

9. CONSEQUENCES OF TESTING POSITIVE

a. Drivers Who Test 0.02 Alcohol Content and Below

County policy strictly prohibits the consumption of alcohol while on the job or job impairment from the use of alcohol by all employees, including CDL drivers. Any employee at work impaired by or in possession of alcohol will be subject to disciplinary action, up to and including dismissal. (See Administrative Procedure 224.)

b. Drivers Who Test Between 0.02 and 0.04 Alcohol Content

- 1) A driver who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04:
 - a) Is considered to be "unfit for duty" and, as such, is subject to disciplinary action, up to and including dismissal (see Personnel Law, Sections 16-193 and 16-189 and Administrative Procedure 224);
 - b) Must be immediately removed from performing safety-sensitive functions;
 - c) Must remain off-duty for at least 24 hours (on suspension without pay);
 - d) Will be referred to the County's Employee Assistance Program for alcohol problems;
 - e) Must be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse;
 - f) Must provide a return-to-work notice from the substance abuse professional prior to returning to duty to perform safety-sensitive functions; and
 - g) Must undergo a return-to-duty test with a negative test result.

c. Consequences of a Positive Controlled Substance Test and/or Drivers Who Test 0.04 Alcohol Content and Above

- 1) Must be immediately removed from performing safety-sensitive functions; (See Subparagraph 1.s. for a definition of "Safety-sensitive function.")
- 2) Will be referred to the County's Employee Assistance Program for alcohol and/or substance abuse problems;
- 3) Must be evaluated by a substance abuse professional and successfully comply with any treatment program prescribed;
- 4) Must provide a return-to-work notice from the substance abuse professional prior to returning to duty to perform safety-sensitive functions;
- 5) Must undergo a return-to-work alcohol/controlled substance test with a negative test result;
- 6) May be reassigned to a non-safety-sensitive position (light duty) or suspended without pay until a determination is made regarding further disciplinary action and/or medical treatment;
- 7) Is subject to disciplinary action, up to and including dismissal; and
- 8) Will be subject to a minimum of six (6) unannounced follow-up drug and/or alcohol tests in the first 12 months. Follow-up testing can be required for up to 60 months. (The exact follow-up time and number of tests will depend on the evaluation of the substance abuse professional.)

10. RESPONSIBILITIES OF THE MEDICAL REVIEW OFFICER (MRO)

a. Employer Notification

- 1) The MRO may report controlled substance test results to the Drug Coordinator in the Office of Personnel and Labor Relations, Employee Services Division by any means of communication; however, a signed, written notification must be forwarded within three business days of the completion of the MRO's evaluation.
- 2) The MRO must report the following to the Drug Coordinator in the Office of Personnel and Labor Relations, Employee Services Division:

- a) Compliance with federal regulations in conducting the controlled substance test being reported;
- b) The name of the individual for whom the test results are being reported;
- c) The type of test indicated on the custody and control form (random, employment, etc.);
- d) The date and location of the test collection;
- e) The identification of the persons or entities performing the collection and analysis of the specimens and the identification of the person serving as the MRO for the specific test;
- f) The verified results of the controlled substances test (positive or negative) and, if positive, the identity of the controlled substance(s) for which the test was verified positive; and
- g) The attempts made by the MRO to contact the driver.

b. Employee Notification

- 1) Prior to verifying a positive result, the MRO shall make every effort to contact the driver confidentially to give him/her the opportunity to discuss the test result.
- 2) If, after making all the reasonable efforts and documenting them, the MRO is unable to reach the driver directly, the MRO shall contact the Drug Coordinator in the Office of Personnel and Labor Relations, Employee Services Division, who will contact the Appointing Authority or designee, who shall direct the driver to contact the MRO as soon as possible (within 24 hours).
- 3) The driver has 72 hours following notification of a positive result to request that the secondary split sample be analyzed. This second analysis will be done at the employee's own expense. This does not preclude the disciplinary action processing.
- 4) If a split sample was not taken, or is of inadequate quantity, the original test will be voided, and the driver will not be subject to a re-test.
- 5) The split sample specimen is analyzed ONLY for the presence of controlled substances, not for specific drug levels.
- 6) If a negative result is reached on the confirmation test, the original

test results are disregarded.

c. Records Retention

- 1) The MRO shall maintain dated records and notifications for verified positive controlled substances test results, identified by individual, for a period of five years.
- 2) The MRO shall maintain all dated records and notifications for negative and cancelled controlled substances test results, identified by individual, for a period of one year.
- 3) The MRO shall not release individual controlled substances test results of any driver without a specific, written authorization, EXCEPT to the Drug Coordinator in the Office of Personnel and Labor Relations, Employee Services Division and federal, state, or local officials with regulatory authority over the controlled substance testing program.

11. COUNTY RECORDS RETENTION

- a. The following records must be maintained by the Office of Personnel and Labor Relations, Employee Services Division for a period of five (5) years:
 - 1) Results of driver alcohol tests indicating an alcohol concentration of 0.02 or greater;
 - 2) Results of driver verified positive controlled substances tests;
 - 3) Documentation of refusals to submit to tests;
 - 4) Laboratory equipment calibration documentation;
 - 5) Driver evaluations and referrals; and
 - 6) Copies of each annual calendar year summary.
- b. The following records must be maintained by the Office of Personnel and Labor Relations, Employee Services Division for a period of two (2) years:
 - 1) Records related to the alcohol and controlled substances collection process and training.
- c. The following records must be maintained by the Office of Personnel and Labor Relations, Employee Services Division for the length of time the individual performs specific functions and for two (2) years thereafter:

- 1) The education and training of:
 - a) the Breath Alcohol Technician (BAT);
 - b) the Collection Site Personnel;
 - c) the Medical Review Officer (MRO);
 - d) the Substance Abuse Professional (SAP);
 - e) Supervisors; and
 - f) Drivers.
- d. The following records must be maintained by the Office of Personnel and Labor Relations, Employee Services Division for a period of one (1) year:
 - 1) Negative and cancelled controlled substance test results, and
 - 2) Alcohol test results indicating a breath alcohol concentration less than 0.02.
- e. Access to Records
 - 1) The Office of Personnel and Labor Relations, Employee Services Division shall prepare and maintain an Annual Calendar Year Summary of alcohol and controlled substances testing and submit it, if requested, to the Federal Highway Administration, U.S. Department of Transportation by March 15 of the subsequent year;
 - 2) The Office of Personnel and Labor Relations, Employee Services Division shall not release any driver information contained in records required to be maintained under this procedure, except in the following circumstances:
 - a) Records shall be made available to a driver's subsequent employer upon the receipt of a written request from the individual driver;
 - b) Records shall be made available to any federal, state, or local government officials with regulatory authority over Prince George's County Government or any of its drivers; and
 - c) The Office of Personnel and Labor Relations, Employee Services Division may disclose information contained in these records in the case of a lawsuit, grievance, or other proceeding arising from the

results of an alcohol and/or controlled substance test administered under this procedure.

12. INFORMATIONAL CONTACT

Office of Personnel and Labor Relations, Employee Services Division

EFFECTIVE DATE: This Administrative Procedure shall supersede Administrative Procedure 224-A dated May 16, 1995, and shall be effective on the date of issuance.

6/1/01

Date

Kenneth E. Glover

Kenneth E. Glover
Chief Administrative Officer

FORMS, REPORTS, SCHEDULES MENTIONED

Administrative Procedure 202
Administrative Procedure 224
Personnel Law Section 189
Personnel Law Section 193

CDL Alcohol and Drug Testing
Reasonable Suspicion Checklist

Employee
Name: _____

Date: _____
Time: _____

CHECK ALL WHICH APPLY. FILL OUT AS COMPLETELY AS POSSIBLE.

Breath smells like alcohol: _____

Breath/hair/hands/clothes smell like marijuana: _____

Body odors masked by gum/mints/cologne, etc: _____

Eyes bloodshot: _____ Eyes glassy: _____ Eyelids Swollen: _____

Eyes watery: _____ Pupils Dilated: _____ Pinpoint pupils: _____

Face flushed: _____ Face pale: _____ Unusual sweating: _____

Speech slurred: _____ Incoherent: _____ Rambling: _____

Won't stop talking: _____ Won't talk: _____

Voice unusually loud/soft: _____

Stumbles, staggers or falls when walking: _____

Sways, sags or leans on support when standing: _____

Movements jerky/uncoordinated: _____

Acts sleepy: _____

Acts hyperactive/moves very slowly: _____

Sudden, marked mood swings: _____

Sudden, marked changes in activity level: _____

Unusually quarrelsome or irritable: _____

Doesn't seem to care about anything: _____

ATTACHMENT 1
(Continued)

Describe any recent changes in attendance: _____

Describe any recent changes in quantity and quality of work: _____

Describe any suspicious accidents/errors: _____

Describe any other reasons why employee has been selected for testing: _____

What is employee's explanation of behaviors/appearance? _____

Supervisor Name (print)

Supervisor Signature

Date

PRINCE GEORGE'S COUNTY
CDL DRUG & ALCOHOL TESTING SITE:

DYNEMEDICAL HEALTHCARE
OCCUPATIONAL MEDICINE
8700 CENTRAL AVENUE, SUITE 201
LANDOVER, MARYLAND 20785
TEL.#: 301-499-4655

HOURS: 7:30 am – 6:00 pm, Monday through Friday

DIRECTIONS:

From the Capital Beltway: Take exit 15B (Central Avenue Rt. 214). Proceed through the traffic light at Brightseat Road. Pass McDonalds and immediately turn right into the entrance of the three story brick building at 8700 Central Avenue. DyneMedical HealthCare is located on the second floor in Suite 201.

AFTER HOURS TESTING PROCEDURE

CDL DRUG & ALCOHOL TESTING

The following procedures are in place to accommodate drug screen and/or alcohol breath testing after normal clinic operating hours (7:30 am – 6:00 pm, Monday through Friday).

- Call DyneMedical HealthCare at 301-499-4655. There is a 24 hour operator who will contact the Medical Review Officer. Indicate the name of the employee to be tested (and the name of the supervisor, if applicable, who will accompany the employee).
- Direct the employee (and supervisor) to proceed to the DyneMedical HealthCare Facility at 8700 Central Avenue, Suite 201, Landover, MD. 20785
- A technician will meet the employee (and supervisor) at the facility and will proceed to the testing area.
- IF THE BREATH ALCOHOL TEST IS NEGATIVE: The results of the breath alcohol test and/or urine drug screen will be processed and reported as normally performed during regular business hours.
- IF THE BREATH ALCOHOL TEST IS POSITIVE: The supervisor will be verbally informed by the DyneMedical technician that the test is positive. The supervisor will follow procedures as directed by Prince George's County policies for positive breath alcohol tests. Hard copy results of the breath alcohol and/or drug screen will be processed and forwarded as is customary during normal business hours the next business day.

**Prince George's County
CDL**

EMPLOYEE NOTIFICATION OF SCHEDULED DRUG TEST

Employee ID:
Employee Name:
Test Date:
Work Location:
Class Code/Title:
Collection Site:

DOT/CDL DRUG AND ALCOHOL TESTING REFERRAL

PLEASE NOTE THE TYPE OF TESTING WHICH YOU ARE REQUIRED TO HAVE TODAY:
RANDOM DRUG TEST _____ RANDOM ALCOHOL TEST _____

You have been asked by Prince George's County Office of Personnel and Labor Relations to report to a collection site for drug/alcohol testing required under the federal government's Omnibus Transportation Employee Testing Act of 1991 and County policy complying with these regulations. Please take a few minutes to read the following information, which describes your role in the collection process.

Bring this form with you when you report for your drug and/or alcohol tests. An individual who fails to present this form at the collection site will not be allowed to take a drug/alcohol test. The date and the address of the collection site are indicated above.

At the collection site, you will be asked to read and sign chain-of-custody forms. It is important that the forms be filled out clearly and correctly.

* Show up promptly within the hour of notification by your supervisor. You must present either one (1) picture identification or two (2) signed identifications and proof of your social security number. Acceptable identification includes driver's license, County ID, passport, etc.

* Carefully read all forms which you will be required to sign and observe the entire collection procedure. Your signature indicates your understanding of the drug and alcohol tests.

Please sign the bottom of this form to acknowledge receipt.

Employee Signature: _____ Date/Time: _____

U.S. Department of Transportation (DOT) Breath Alcohol Testing Form

(THE INSTRUCTIONS FOR COMPLETING THIS FORM ARE ON THE BACK OF COPY 3)

• STEP 1: TO BE COMPLETED BY BREATH ALCOHOL TECHNICIAN

A. Employee Name _____	(PRINT) (First, M.I., Last)
B. SSN or Employee ID No. _____	
C. Employer Name. _____	
Address. & _____	
Telephone No. _____	
() _____	
Telephone Number	
D. Reason for Test: <input type="checkbox"/> Pre-employment <input type="checkbox"/> Random <input type="checkbox"/> Reasonable Suspicion/Cause <input type="checkbox"/> Post-accident <input type="checkbox"/> Return to Duty <input type="checkbox"/> Follow-up	

• STEP 2: TO BE COMPLETED BY EMPLOYEE

<p><i>I certify that I am about to submit to breath alcohol testing required by U.S. Department of Transportation regulations and that the identifying information provided on this form is true and correct.</i></p>	
_____ Signature of Employee	Date / / Month Day Year

• STEP 3: TO BE COMPLETED BY BREATH ALCOHOL TECHNICIAN

<p><i>I certify that I have conducted breath alcohol testing on the above named individual in accordance with the procedures established in the U.S. Department of Transportation regulation, 49 CFR Part 40, that I am qualified to operate the testing devices identified, and that the results are as recorded.</i></p>				
Screening test: Complete <u>only</u> if the testing device is not designed to <u>print</u> the following.				
Test No.	Testing Device Name	Testing Device Serial Number	Time	Result
			AM PM	
Confirmation test: Confirmation test results <u>MUST</u> be affixed to the back of each copy of this form:				
Remarks: _____				

_____ (PRINT) Breath Alcohol Technician's Name (First, M.I., Last)		_____ Signature of Breath Alcohol Technician	Date / / Month Day Year	

• STEP 4: TO BE COMPLETED BY EMPLOYEE

<p><i>I certify that I have submitted to breath alcohol testing and the results are as recorded on this form. I understand that I must not drive, perform safety-sensitive duties, or operate heavy equipment if the results are 0.02 or greater.</i></p>	
_____ Signature of Employee	Date / / Month Day Year

Copy 1 - Breath Alcohol Technician Retains

Copy 2 - To the Employee

Copy 3 - To Office of Personnel & Labor Relations, Employee Services Division

Drug Testing Custody and Control Form

EMPLOYEE I.D. No. or
SOCIAL SECURITY No.

SPECIMEN IDENTIFICATION
No. 123456



DATE _____ DONOR'S INITIAL _____

SIGNATURE OF COLLECTOR _____

ATTACHMENT 5

TO BE COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

I.	EMPLOYER NAME, ADDRESS, AND IDENTIFICATION NUMBER
II.	MEDICAL REVIEW OFFICER NAME AND ADDRESS
III.	INDICATE WHICH DRUGS SPECIMEN IS TO BE TESTED FOR: <input type="checkbox"/> Only THC and Cocaine <input type="checkbox"/> THC, Cocaine, PCP, Opiates, and Amphetamines <input type="checkbox"/> Other (Specify): _____
IV.	REASON FOR TEST (Check one) <input type="checkbox"/> Pre-employment <input type="checkbox"/> Random <input type="checkbox"/> Post Accident <input type="checkbox"/> Periodic Medical <input type="checkbox"/> Reasonable Cause <input type="checkbox"/> Other (Specify): _____
V.	TEMPERATURE OF SPECIMEN Has been read within 4 minutes <input type="checkbox"/> Yes <input type="checkbox"/> No TEMPERATURE IS WITHIN RANGE of 32.5°-37.7°C/90.5°-99.9°F <input type="checkbox"/> Yes <input type="checkbox"/> No—If NOT, record actual temp: _____°

TO BE INITIATED BY COLLECTOR AND COMPLETED AS NECESSARY THEREAFTER

VI.	PURPOSE OF CHANGE	RELEASED BY—Signature—Print Name	RECEIVED BY—Signature—Print Name	DATE
	Provide Specimen for Testing	— DONOR —		

TO BE COMPLETED BY EMPLOYEE OR APPLICANT PROVIDING SPECIMEN

VII.	<p align="center">SPECIMEN IDENTIFICATION No. 123456</p> <p align="center">SHIPPING BOX CUSTODY SEAL</p> <p align="center">FEDERAL REGULATIONS PROHIBIT DISCLOSURE OF THE DONOR'S IDENTITY TO THE LABORATORY. DONOR SHALL COMPLETE INFORMATION IN SECTION VII (COPY 3) ONLY.</p>
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TO BE COMPLETED BY PERSON COLLECTING SPECIMEN AFTER DONOR HAS COMPLETED SECTION VII—(See Copy 3 of Form)

VIII.	COLLECTOR'S NAME—PRINT (first, middle, last)	DATE OF COLLECTION
	COLLECTION SITE LOCATION	
	REMARKS CONCERNING COLLECTION:	Split sample collected in accordance with applicable Federal requirements. <input type="checkbox"/> Yes <input type="checkbox"/> No
	I certify that the specimen identified on this form is the specimen presented to me by the donor providing the certification on Copy 3 of this form, that it bears the same identification number as that set forth above, and that it has been collected, labeled and sealed as in accordance with applicable Federal requirements.	
	SIGNATURE OF COLLECTOR: _____	

TO BE COMPLETED BY THE LABORATORY

IX.	I certify that the specimen identified by this accession number is the same specimen that bears the identification number set forth above, that the specimen has been examined upon receipt, handled and analyzed in accordance with applicable Federal requirements, and that the results set forth below are for that specimen.		ACCESSION NO.
	LABORATORY	ADDRESS	
	REMARKS:		
	<p align="center">(PRINT) Certifying Scientist's Name (Last, First, Middle) Signature of Certifying Scientist Date</p>		
	<p>THE RESULTS FOR THE ABOVE IDENTIFIED SPECIMEN ARE IN ACCORDANCE WITH THE APPLICABLE SCREENING AND CONFIRMATION CUTOFF LEVELS ESTABLISHED BY THE HHS MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS (found only on copies one and two):</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> NEGATIVE </div> <div> <input type="checkbox"/> POSITIVE for the following: <input type="checkbox"/> Cannabinoids as Carboxy—THC <input type="checkbox"/> Cocaine Metabolites as Benzoylcegonine <input type="checkbox"/> Phencyclidine <input type="checkbox"/> Opiates <input type="checkbox"/> Codeine <input type="checkbox"/> Morphine </div> <div> <input type="checkbox"/> Amphetamines <input type="checkbox"/> amphetamines <input type="checkbox"/> methamphetamines <input type="checkbox"/> _____ </div> </div>		

TO BE COMPLETED BY MEDICAL REVIEW OFFICER

X.	I have reviewed the laboratory results for the specimen identified by this form in accordance with applicable Federal requirements. My final determination/verification is: (Check one) <input type="checkbox"/> NEGATIVE <input type="checkbox"/> POSITIVE
	SIGNATURE OF MEDICAL REVIEW OFFICER: _____ DATE: _____

COPY 1—ORIGINAL—MUST ACCOMPANY SPECIMEN TO LABORATORY—LABORATORY RETAINS

Copy 1 -
Accompanies
specimen to
lab; lab retains

Copy 2 -
Accompanies
specimen to
lab; lab sends
to MRO with
test results

Copy 3 -
To MRO

Copy 4 -
To Employee

Copy 5 -
Collector

Copy 6 -
To Office of
Personnel

Copy 7 -
Accompanies
split specimen
to lab; lab
retains



BULLETIN



Prince George's County
Office of Personnel
925-5300

The Federal Highway Administration has issued a new rule requiring alcohol and drug testing of drivers who are required to have a commercial driver's license. The testing program is to be implemented beginning January 1, 1995.

COUNTY POLICY: You should be aware of the dangers of drug and alcohol misuse and the effect such misuse could have on your employment. You can seek help in dealing with such problems by calling the Employee Assistance Program at 1-800-362-9144.

PROHIBITED ALCOHOL USE: Employees are prohibited from driving: while having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; while using alcohol; and within four hours after using alcohol. Drivers who have any breath alcohol concentration (0.02 or greater) must also be removed from driving for 24 hours.

PROHIBITED DRUG USE: The illegal use of drugs by drivers is prohibited on or off duty. Drivers are also required to report any medical use of controlled substances. Urine drug testing is for the following drugs: marijuana, cocaine, amphetamines, opiates (including heroin), and PCP.

REQUIRED ALCOHOL/DRUG TESTS:

Pre-employment: Conducted before applicants are hired, after an offer to hire, or after a transfer/promotion to a position requiring a CDL.

Post-accident: Conducted within 2 hours when there is a fatality, a vehicle is towed, an injury is treated away from the scene, or a citation is issued.

Reasonable suspicion: Conducted when a trained supervisor/manager observes behavior or appearance that is characteristic of alcohol/drug misuse.

Random: Conducted on a random unannounced basis just before, during, or just after performing safety-sensitive functions. Testing dates and times are unannounced. Each year, 25% of all drivers must be tested for alcohol and 50% of all drivers must be tested for drugs.

Return-to-duty and follow-up: Conducted when an employee who has had a positive drug/alcohol test returns to a position requiring a CDL. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after a driver returns to duty.

TESTING: The rules require breath alcohol testing and urine drug testing. Testing is a two-stage process: a screening test and a confirmation test.

CONSEQUENCES OF POSITIVE ALCOHOL/DRUG TESTS: Drivers with positive alcohol/drug tests must be immediately removed from driving and cannot be returned until they have been evaluated by a substance abuse professional and have complied with any treatment recommendations. Drivers with positive drug tests must also have a negative result on a return-to-duty drug test. Follow-up testing may be required.

CONFIDENTIALITY: Driver alcohol and drug testing records are maintained under strict confidentiality by the Office of Personnel and cannot be released to others without the written consent of the driver, except in very limited situations.

For additional information, contact: Office of Personnel (301-883-6396) or Federal Highway Administration (202-366-4022).

PRINCE GEORGE'S COUNTY GOVERNMENT
EMPLOYEE NOTICE STATEMENT
FEDERAL RULES ON CDL DRUG AND ALCOHOL TESTING

I, _____, acknowledge
(print name)
that I have received a copy of the new federal government alcohol and drug testing
requirements for drivers who are required to have a commercial driver's license (CDL).
(NOTE: these requirements are in addition to the County's Substance Abuse Policy as
found in Administrative Procedure #224.)

I acknowledge that, as a CDL driver, I am subject to the required pre-employment,
post-accident, reasonable suspicion, random, and return-to-duty/follow-up testing for the
illegal use of alcohol and controlled substances. I also acknowledge that failure to submit to
the above tests as and when specified may result in disciplinary action, up to and including
dismissal.

Employee Signature

Date

Supervisor or Division/Section Head Signature

Date