

The purpose of the severance pay program is to provide equitable compensation to certain executive-level employees (Agency Director, Deputy Director, or Bureau Head) who are not in the Civil Service (“at-will”), upon their separation from city service for a qualifying reason.

I. SCOPE

This policy applies to all non-civil service employees who fall under the direction and authority of the Mayor of the City of Baltimore in the capacity of a Bureau Head or above who are separating from employment for any reason that is not nonfeasance, misfeasance, or malfeasance. Severance pay is not related to employee leave payouts as described in *AM 205-7 Separation and Payment at Termination*.

II. DEFINITIONS

Base pay - An employee’s salary, which may be reported as an hourly wage, weekly, semimonthly, monthly or annual salary, excluding shift differentials, temporary pay, benefits, overtime, or other similar non-base pay compensation.

Malfeasance – occurs when the act that caused employee separation is intentional.

Misfeasance – occurs when the act that caused employee separation is accidental.

Nonfeasance – occurs when the employee separates for failure to act when action is required.

III. GENERAL PROVISIONS

1. Severance pay shall be conditioned upon salaries saved by not filling the position for the period of time paid in severance and will only be paid only when funds are available in the agencies budget. Severance pay is calculated on base pay only.

Severance Pay Schedule	
Employee Tenure	Paid Working Days
Less than one (1) year	No severance allowed
At least one (1) year but less than three (3) years	10 Working Days
At least three (3) years but less than six (6) years	15 Working Days
At least six (6) years but less than ten (10) years	20 Working Days
More than ten (10) years	30 Working Days
More than twenty (20) years	35 Working Days
More than thirty (30) years	40 Working Days

2. Severance pay is contingent upon the non-civil service employee signing the severance agreement and waiving all claims against the City relating to termination of employment with the exception of Unemployment and Worker’s Compensation laws.

3. Severance pay does not include any payment which an employee is entitled to for any other benefits accrued and vested to the employee.

4. This severance policy does not and shall not create employment or compensation rights.

IV. RELATED INFORMATION

AM 205-7 Separation and Payment at Termination

Every employee of the City of Baltimore has a right to a safe and drug-free workplace. Every citizen of Baltimore has a right to require public employees to be alcohol-free and drug-free because public health, safety and welfare are threatened by substance abuse by City employees.

The use of illegal drugs and alcohol adversely affects a person's judgment and response capabilities. Judgment and response are perhaps the two most important attributes which a civil servant, who seeks to discharge assigned duties safely and effectively, can possess.

The City of Baltimore believes that the threat to public safety posed by employees who are substance abusers is a legitimate basis for establishing a drug-testing program, as described in this Policy. Substance abuse testing is appropriate when conducted for the purpose of determining whether City employees are using drugs that could affect their ability to safely perform their work. While substance abuse testing is not always required to establish that an employee is abusing drugs or alcohol, it is especially important when there is a disagreement between the employee and the supervisor about the employee's actions.

The City of Baltimore also has a legitimate interest in assuring the public that none of the City's employees are under the influence of drugs or alcohol while on duty, or on call for duty, where applicable, and that they are fully capable of performing their duties. Furthermore, the City of Baltimore has an interest in protecting its employees and supervisors from mistakes and abuse as to the application of this Substance Abuse Control Policy (Policy). Therefore, there will be no retaliation against any employee who reports the suspected substance abuse of another employee.

I. SCOPE

This policy applies to all employees and those applicants for employment in sensitive positions in the Baltimore City government, except those sworn positions in the Police Department and Fire Department. The Fire and Police Departments shall issue their own departmental policies relating specifically to drug or alcohol abuse, and the employees and applicants for employment in those departments shall be subject to those departmental policies.

This policy is intended to be in accordance with Maryland Code: Health-General: Title 17. Laboratories: Subtitle 2. Medical Laboratories: § 17-214. "Job-related alcohol and controlled dangerous substances testing" and all relevant State and Federal regulations. If a conflict ever arises between this Policy and the State or Federal regulations, the State or Federal regulations shall take precedence over this Policy. All applicable State and Federal regulations (including those for Commercial Drivers), but only as to the classes to which they are applicable, are hereby incorporated within this Policy.

II. DEFINITIONS

Abuse - Any of the following activities:

- Any use of an illegal drug.

- Misuse of any over-the-counter drug, in cases where such misuse results in impairment and/or impairs job performance.
- Use of any prescription drug in a manner inconsistent with its medically prescribed or intended use, or under circumstances where use is not permitted.
- Use of alcohol where such use results in impairment or impairs job performance. Consumption of alcohol while on duty.
- Intentional and inappropriate use of any substance, legal or illegal, which impairs job performance.

Accident - A sudden, unexpected event resulting in personal injury and/or property damage.

Aftercare - A programmed series of steps outlined to assist a person in continuing sobriety and/or freedom from substance abuse.

Alcohol - Ethyl alcohol or ethanol.

Applicant - A person who applies to become an employee of the City of Baltimore in a sensitive class, or who applies for promotion to a sensitive class within City government.

Breath Alcohol Technician (BAT) - A person who instructs and assists employees in the alcohol testing process and operates an evidential breath- testing device.

Chain of Custody - Special handling procedures for specimens taken as evidence of substance abuse.

City - The City of Baltimore, its agents, representatives and designees, also called the Employer.

Confirmation Drug Test - A second analytical procedure to identify the presence of a specific drug or metabolite, conducted independently of the initial test in order to ensure reliability and accuracy. Any established testing procedure may be used.

Department/Agency Head - The chief executive officer of a department, agency or other employment unit.

Department of Human Resources (DHR) - The Department of Human Resources as defined in the Baltimore City Charter (1996 Ed.).

Department of Transportation (DOT) - The U.S. Department of Transportation. The regulatory agency that sets the requirements for all Commercial Driver License (CDL) holders within the United States.

Detoxification - A program that assists a person to withdraw from drugs and/or alcohol in a safe, protective environment. During this period, all medical problems caused by drugs and/or alcohol are addressed and a program of education and motivation is started.

Drug - Any substance, including a controlled dangerous substance, taken into the body, including

alcohol, which may impair one's mental faculties, change one's mood and/or impair one's physical performance.

Employee - Any person employed by the City of Baltimore including any probationary, contractual, seasonal, part-time and temporary employee. This definition excludes any sworn person employed by the Fire and the Police Departments.

Employee Assistance Program (EAP) - The City of Baltimore's counseling and referral program for employees with personal problems.

Follow Up Testing - A series of unannounced drug or alcohol tests given to CDL holders for the period of time required by the SAP in accordance with DOT regulations.

Human Resources (HR) Designee - Any person designated by a department or agency or other employment unit of the City of Baltimore to perform the human resource function of a department or agency or employment unit.

Initial Drug/Alcohol Test - A drug test used to initially detect the presence of alcohol or drugs.

Intoxicated - Diminished ability to act with full physical and/or mental capability due to substance use.

Mandatory Rehabilitation Program - A program mandated by the City of Baltimore as a condition for continued employment for any employee involved in an on-duty incident involving drugs and/or alcohol. Managed by the EAP, the rehabilitation program may entail several phases of treatment at a professional facility including detoxification, outpatient treatment and aftercare.

Medical Review Officer (MRO) Mercy Clinic or other City of Baltimore contracted facility - A licensed physician who is responsible for recording and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Monitor Program - A program managed by the EAP requiring an employee who abuses substances to report periodically on specified occasions. At such time, the employee is required to present documentation of compliance in a counseling program if so assigned, to present verification of attendance at meetings of Alcoholics Anonymous, Narcotics Anonymous or other service groups, and/or to submit to substance abuse testing.

Off-Duty - Non-work hours during which an employee is completely relieved of all job-related functions.

On Call - Any period of time, during which an employee is expected to remain available for duty whether on or off the work premises, e.g. being available for snow detail or for periods when the City's emergency plan is in effect.

On-Duty - Any period of work-time regardless of whether the employee is allowed to leave the

premises or the job-site during periods of inactivity or break.

On-Site Testing - The collection of specimens (e.g. urine; breath and possibly others such as saliva) at the City of Baltimore Occupational Medical Services facility, Mercy Clinic after hours, at the Occupational Medical Services at Mercy Hospital in the Emergency Department and performing screening testing at the time of collection with an “immediate result.”

Performance Improvement Plan (PIP) – A contract, developed by the employee’s supervisor with the assistance of the department’s HR officer and the EAP, which addresses the employee’s work performance deficiencies, requires complete abstinence from drug and/or alcohol use, and requires successful completion of a Mandatory Rehabilitation Program, (including compliance with EAP treatment recommendations and the Treatment Contract) and periodic drug and/or alcohol testing. Positive test results are then confirmed by standard testing methods.

Positive - Indicates the presence of an illegal drug in amount equal to or in excess of the legal cut-off level for alcohol or other drugs, or the unauthorized use of prescription or over-the-counter drugs.

Post Accident Testing - Drug or alcohol testing performed after an incident involving a City-owned vehicle or a privately owned vehicle while being used for City business.

Pre-placement/Pre-employment Testing- Drug or alcohol testing prior to hiring, transfer, or promotion, but after a contingent offer of employment is made based on passing all requirements and testing.

Random Testing - Drug or alcohol testing of certain identified employees using a computer generated random program.

Reasonable Suspicion – When an employee in the performance of duties is suspected by a supervisor of drug or alcohol use based upon specific, observations concerning the appearance, behavior, speech or body odors of the employee, which observations provide a reasonable basis to suspect substance abuse. Verifiable deterioration of the employee’s job performance that is likely to be attributable to substance abuse by the employee may also be considered.

Refusal to Consent - When an employee or pre-placement candidate refuses to submit to a drug and/or alcohol testing order, or as defined in Section III, D of this Policy.

Rehabilitation - A treatment plan determined by an authorized provider and approved by the EAP.

Return to Duty Testing – Drug or alcohol testing following an initial positive test to determine whether an employee is able to resume previous job functions after successfully completing all requirements.

Sensitive Classes - Those classes that the Department of Human Resources has specifically listed in Appendix B in this document. Sensitive classes include all City drivers and are not limited to the

classes listed in Appendix B. The list of sensitive classes shall be updated by the Department of Human Resources as job classes are created, abolished or revised. Those classes may involve positions where there exists:

- A substantially significant degree of responsibility for the safety of others; or
- A potential that impaired performance of the employee could result in death of or injury to the employee or others; or lack of close monitoring of the employee's behavior that reduces the possibility of intervention or assistance by another when necessary.
- Any category of trust, as defined in AM-200-4.
- Any position that is not listed in Appendix B is considered a non-sensitive position.

Substance - Alcohol or drugs.

Substance Abuse Control Officer OFFICER (SACO) - A representative of the department or agency or other employment unit who shall provide confirmation that all necessary grounds for reasonable suspicion are in order and consistent with this Policy, approve and co-sign referrals of employees to Mercy Clinic for drug and alcohol testing, and act as a consultant for all supervisors and employees in matters relating to this Policy. Each department, agency or other employment unit shall have a list of SACOs that is available to all employees. SACOs will be specifically trained to perform all aspects of their position to include HIPAA restrictions and requirements concerning medical information. Their performance shall be evaluated on an annual basis.

Substance Abuse Professional (SAP) - A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, and follow-up testing. The EAP will provide a qualified SAP (under DOT) for the City of Baltimore.

Supervisor - A person authorized to train, assign, evaluate, and discipline other employees and to approve leave.

Supervisory Monitoring - A process whereby the supervisor of an employee who has violated this Policy closely monitors the employee's job performance and adherence to the terms of a properly issued Performance Improvement Plan. This shall include regular and unannounced drug and alcohol testing under the Performance Improvement Plan.

Treatment Contract - A confidential contract between the Employee Assistance Program (EAP) and the employee developed by EAP. This Contract shall describe steps that shall be taken by the employee in order to be in compliance with a Mandatory Rehabilitation and Monitoring Program.

Workplace - Any City-owned or utilized premises or any location where City work is performed, including City vehicles.

III. RESPONSIBILITIES

A. Employees

Employees:

Must become familiar with all sections of this Policy. All employees must remain free from drug or alcohol abuse. All employees are responsible for their own physical and mental condition in the workplace.

Are urged to report any suspected substance abuse by any other employee during work hours, including lunch periods. Such report shall be made to the supervisor of the suspected employee, a designated SACO, any other supervisor or the Safety office. The identity of the reporting individual will be held confidential to the full extent permitted by law.

Must report to their supervisor any arrests or convictions of any drug or alcohol-related crimes, whether on-duty or off-duty, including motor vehicle driving violations such as driving while intoxicated (DWI) or driving under the influence (DUI). This applies to sensitive class employees only, as defined in Appendix B.

Must ensure that they comply with all sections of this Policy. Employees who violate this Policy and are given an opportunity for rehabilitation must comply with all requirements of this Policy including all terms of the Treatment Contract and the Performance Improvement Plan.

Must successfully complete the Mandatory Rehabilitation Program, in addition to achieving satisfactory performance and attendance on the job in order to maintain employment with the City.

Must contact the Employee Benefits Division (410-396-5830) for continuation of health insurance benefits if suspension is without pay for more than 14 days.

B. Supervisors

Supervisors must:

Document that reasonable suspicion exists based on specific, current, articulable observations concerning the appearance, behavior, speech or body order of the employee.

Secure a SACO to independently verify and approve an order for any permanent employee to be tested, if the supervisor concludes that reasonable suspicion exists for testing. Upon approval by the SACO, the supervisor shall order the employee to proceed with the supervisor's designee to the MRO or other approved site for testing.

Escort (or assign a designee to escort) the employee to the MRO for testing following an accident.

Adhere to current procedures for testing. These procedures are set forth in Section III B, "When Testing Is Required", of this Policy.

Not allow any employee to work until questions concerning any possible impairment are resolved. The supervisor may order retesting on subsequent days, as required.

Ensure that the employee is returned to duty if the employee's confirmatory test is negative.

Perform the following actions, upon receipt of a first positive test result for an employee or if the supervisor learns through an initial self-disclosure by the employee or disclosure by the EAP of a sensitive class employee's substance abuse problem:

Immediately relieve from duty, through leave or suspension for the remainder of the workday, any employee whose initial screening test indicates a positive result. The supervisor shall arrange any transportation necessary to take the employee to his or her home address of record;

Work with HR designee to develop a Performance Improvement Plan; Allow employee to use available leave in case of an initial self-disclosure.

Refer to Section VII (Disciplinary Actions) of this Policy upon receipt of a second positive test result and forward all letters from the EAP to the agency HR department.

Approve, in the appropriate circumstances and through the guidance of the EAP counselor, an employee's request for leave to enter detoxification or other in-patient rehabilitation.

Keep an employee's test results confidential.

C. Substance Abuse Control Officers (SACO)

The SACO serves as the principal on-site resource person for this Policy and must be familiar with all of the Policy. The SACO must:

Independently review the evidence to verify that reasonable suspicion exists for each employee identified by a supervisor for mandatory drug or alcohol testing, including post-accident tests.

Approve and sign the Drug/Alcohol Testing order prior to referral to the MRO for testing.

Prepare and sign a written confidential report detailing the basis for reasonable suspicion based on specific observations concerning the appearance, behavior, speech or body odors of the employee and/or verifiable deterioration of job performance. This confidential report must be forwarded to the HR designee.

Serve as a consultant and answer questions from supervisors and employees regarding this Policy.

Testify at disciplinary hearings, if required.

Provide assurance that all aspects of his or her responsibilities under this Policy are implemented fairly and impartially.

D. Human Resources (HR) Designee

The HR designee must:

Provide a copy of the City's Substance Abuse Control Policy to all employees. Ensure that each employee signs an acknowledgment form for receipt of the Policy. The HR designee will provide

training to employees regarding the Policy.

Ensure that all supervisors are trained to recognize drug and alcohol symptoms.

Be informed of the test results. Test results shall be considered confidential and shall be kept in the employee's confidential medical file.

Notify the manager/supervisor of a positive alcohol/drug test.

Meet with any employee who tests positive for drugs/alcohol within 30 days of the positive test to:

Provide complete information to the employee about the EAP, including the location, hours of business, telephone number and procedure for requesting leave to visit the EAP;

Schedule a mandatory appointment for the employee for counseling at the EAP, to be paid for by the City of Baltimore;

Prepare a written Performance Improvement Plan (PIP) for employee with the assistance of the employee's supervisor or the EAP.

In conjunction with EAP, assist the supervisor in preparing a Performance Improvement Plan.

Provide mandatory testing training for supervisors and SACOs in the areas of random, reasonable suspicion and post-accident testing.

Review and update the list of sensitive classes when new positions are created or reclassified and submit such changes to the Department of Human Resources for approval and inclusion to this Policy.

Ensure that any employee who tests positive is immediately removed from driving status or operating heavy equipment and that the Safety Officer is notified.

Ensure that the appropriate discipline is administered in accordance with this Policy.

Identify a sufficient number of SACOs so that they are distributed evenly among all locations and shifts.

Maintain a list of current SACOs and make the list available to all managers, supervisors, employees, bargaining agents, and the Office of the Labor Commissioner.

Ensure that all SACOs are specifically trained to perform all aspects of their position to include HIPAA restrictions and requirements concerning medical information.

Oversee the annual evaluation of SACOs to ensure compliance with City standards.

Grant the employee backpay for the length of any leave or suspension if the employee's confirmatory test is negative. Records of any suspension shall be purged from the employee's personnel file.

Maintain a file on the employee documenting any information provided to the employee, the

appointments arranged at the EAP, performance evaluations, reprimands and warnings and other disciplinary actions taken against the employee subsequent to the positive drug test result.

E. Employee Assistance Program (EAP)

The EAP must:

Make the determination whether an employee who tests positive for drugs or alcohol is eligible for acceptance into the Program. If eligible, the EAP shall schedule an appointment for the employee upon the referral of the supervisor or HR designee. The only reason an employee would not be eligible for EAP services under this Policy is because of a second positive result.

Obtain a copy of the drug test results from the MRO and any other reports from the employee's supervisor relative to the employee's work status (i.e.: attendance records, documentation of behavioral problems, etc.).

Assess the employee to determine the scope of the drug or alcohol problem.

Develop a treatment plan and make a referral for the employee to the appropriate treatment resource.

Implement a confidential Treatment Contract with the employee that will specify the terms of a treatment plan and all treatment and monitoring expectations.

Assist the supervisor in writing a Performance Improvement Plan for the employee.

Make recommendations to the supervisor regarding the employee's need for leave in order to obtain the appropriate treatment.

Create and maintain records concerning compliance with Treatment Contracts, and inform the HR designee of an employee's non-compliance with the Treatment Contract.

Monitor the employee's treatment and inform the referring supervisor when the employee's case is closed with the EAP.

Provide a Substance Abuse Professional (SAP) for the City. The SAP will evaluate employees who have violated a DOT drug and alcohol regulation. The SAP will make recommendations concerning education, treatment and follow-up testing in accordance with DOT requirements. This paragraph pertains only to employees whose positions are regulated by DOT.

Recommend in writing to the employee's supervisor, the Division of Occupational Safety and the HR designee if an employee in a sensitive position should not operate a City vehicle or perform other sensitive functions. Generally, an employee must meet specific treatment related criteria established by the EAP prior to a recommendation that the employee may return to full duties. (It is the decision of the Division of Occupational Safety to reinstate driving privileges for employees.)

Recommend that an employee return to work following a first positive drug or alcohol test provided the following conditions are met:

- The employee provides a negative drug and alcohol test either through the MRO or a treatment facility as determined by the EAP;
- The employee is compliant with all treatment recommendations made by the EAP and/or treatment facility; and
- The EAP has received a written Performance Improvement Plan from the employee's supervisor.

IV. TESTING

A. Drugs Tested

When alcohol testing is required under the provisions of this Policy, breath alcohol tests will be given to detect the presence of:

Initial Test Confirmatory Test

Alcohol: Ethyl 0.02% W/V 0.02% W/V

Ethanol 0.02% W/V 0.02% W/V

If the alcohol test indicates an amount equal to or greater than .02% but less than .04%, refer to Section VII.

If the alcohol test indicates an amount equal to or greater than .04%, the results shall be called "positive." Upon receipt of a report of a "positive" test result the supervisor must refer to Section VII for disciplinary action.

For all employees – where drug testing is required urinalysis tests will be given to detect the presence of:

Type of Drug or Metabolite	Initial Test	Confirmatory Test
Marijuana metabolites	50 ng/mL	15 ng/mL
Cocaine metabolites (Benzoylcegonine)	300 ng/mL	150 ng/mL
Amphetamines Amphetamine Methamphetamine	1000 ng/mL	500 500 ng/mL (Specimen must also contain amphetamine at a concentration of greater than or equal to 200 ng/mL).

Opiate metabolites	2000 ng/mL	2000 ng/mL
Codeine		2000 ng/mL
Morphine		10 ng/mL
6 Acetylmorphine		Test for 6-AM in the specimen. Conduct this test only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL
Phencyclidine (PCP)	25 ng/mL	25 ng/mL

Only applicants in sensitive classes sent for pre-placement and promotional drug testing shall also be subject to urinalysis tests to detect the presence of:

Type of Drug or Metabolite	Initial Test	Confirmatory Test
(1) Methadone	300 ng/mL	200 ng/mL
Benzodiazepines	300 ng/mL	200 ng/mL

If the drug test result indicates an amount equal to or greater than the level indicated above, the results shall be called "positive" based on an MRO review. Upon receipt of a report of "positive" test result the supervisor must refer to Section VII E for disciplinary action.

This list is not intended as an exhaustive inventory of every drug that may be tested for by the City. The selection of drugs will be based upon known abuses in the community and the recognized ability of the drug to affect an employee's performance. The City shall notify its workforce and the bargaining unit agents representing City employees when a drug is added to the list for which testing is required. The MRO shall report all positive test results to the HR designee when drug or alcohol testing has been ordered.

B. When Testing Is Required

<u>Non-Regulated*</u>	<u>Regulated (CDL)</u>
Biennial (CDL only)	Follow-up
Post-Accident	Post-Accident
Probationary and Temporary Employees	Pre-employment/Pre-placement
Random (sensitive employees)	Random
Reasonable Suspicion/For Cause	Reasonable Suspicion/For Cause
Supervisory Monitoring	Return to Duty
Return to Duty	
*Note: Non-regulated tests apply to all employees (including CDL holders for biennial physicals). Regulated tests apply to CDL drivers only.	

i. Follow-up Testing – CDL Only

For any CDL holder who violates this Policy or a DOT drug or alcohol regulation and seeks to resume the performance of sensitive functions, follow-up drug and alcohol testing shall be performed as follows:

The SAP shall establish a written follow-up drug and alcohol testing plan. This Plan shall not be established until after the SAP determines that the CDL holder has successfully complied with all recommendations for education and/or treatment.

The SAP shall present a copy of this plan directly to the HR designee.

The SAP is the sole determiner of the number and frequency of follow-up tests and whether these tests will be for drugs, alcohol, or both, less otherwise directed by the appropriate DOT agency regulation.

The SAP shall, at a minimum, direct that the employee be subject to six unannounced follow-up tests in the first 12 months of sensitive duty following the employee’s return to sensitive functions.

The SAP may require a greater number of follow-up tests during the first 12- month period of sensitive duty.

The SAP may also require follow-up tests during the first 48 months of sensitive duty

following the first 12-month period.

The SAP shall not establish the actual dates for the follow-up tests prescribed.

The City shall not impose additional testing requirements on the employee that exceed the SAP's follow-up testing plan.

The requirements of the SAP's follow-up testing plan shall "follow" the CDL holder through breaks in service, transfers or change in assignment.

The SAP may modify the determinations concerning follow-up tests. However, the SAP shall not modify the requirement that the CDL holder take at least six follow-up tests within the first 12 months after returning to the performance of sensitive functions unless follow-up testing is conducted as directed by the SAP.

The department shall carry out the SAP's follow-up testing requirements. The department shall not allow the CDL holder to continue to perform sensitive functions unless follow-up testing is conducted as directed by the SAP.

The department shall schedule follow-up tests on dates of the department's choosing, but shall ensure that the tests are unannounced with no discernable pattern as to timing. The CDL holder shall not be given advance notice of testing.

The department shall not substitute any other tests (e.g., those carried out under the random testing program) conducted on the employee for this follow-up testing requirement.

The City shall not count a follow-up test that has been cancelled by the supervisor as a completed test. A cancelled follow-up test must be rescheduled.

ii. Post-Accident Testing

a. Fatal Accidents

As soon as practicable following a motor vehicle accident involving the loss of human life, the supervisor shall order the testing of the employee operating the City vehicle at the time of the accident. The supervisor shall also order the testing of all other employees whose performance could have contributed to the accident, as determined by the supervisor using the best information available at the time of the decision.

The supervisor shall ensure that any employee required to be tested for drugs and/or alcohol under this section is tested as soon as practicable and within 24 hours of the accident. Any employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying all relevant persons as required in AM 501 (City-Owned Vehicle Policy), shall be deemed by the City to have refused to submit/consent to drug and/or alcohol testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for any injured employee following an accident or to prohibit an employee 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.

If an alcohol test required by this section is not administered within two (2) hours following the accident, the supervisor shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

b. Non-fatal Accidents

As soon as practicable following an accident not involving the loss of human life and/or property damage in which a City vehicle is involved, the supervisor shall order the testing of the employee operating the City vehicle at the time of the accident unless the supervisor determines, using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. The supervisor shall also order the testing of all other employees whose performance could have contributed to the accident, as determined by the supervisor using the best information available at the time of the decision.

The supervisor shall ensure that any employee required to be tested for drugs and/or alcohol under this section is tested as soon as practicable and within 24 hours of the accident. Any employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying all relevant persons as required in AM 501 (City-Owned Vehicle Policy), shall be deemed by the City to have refused to submit/consent to drug and/or alcohol testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for any injured employee following an accident or to prohibit an employee 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.

If an alcohol test required by this section is not administered within two (2) hours following the accident, the supervisor shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

iii. Pre-employment/Pre-placement Testing

Applicants for non-sensitive classes will not be subject to pre-employment drug or alcohol testing.

Only applicants in sensitive positions (those listed in Appendix B) shall be subject to drug and alcohol testing prior to placement in a City position. Any applicant who tests positive shall be denied the opportunity to apply for City employment for a period of one year from

the date of a positive test result.

In cases of existing City employees designated for promotion to a sensitive class, drug and alcohol testing shall be required prior to promotion. Any employee who tests positive shall be denied promotion to a sensitive class.

Prior to the first time a driver performs sensitive functions for the City, the driver shall be subject to drug and alcohol testing. No City agency shall allow a driver, who that agency intends to hire or use, to perform sensitive functions unless that Agency has received a drug and alcohol test result indicating a verified negative test result for that driver.

iv. Testing for Probationary (Initial and Promotional) and Temporary Employees

Probationary employees in sensitive classes must be tested at least three times during the probationary period without prior notice to the employees.

Probationary employees in non-sensitive classes must be tested on a random basis up to three times during the probationary period.

Temporary employees shall be subject to reasonable suspicion testing and must be terminated immediately upon confirmation of a positive test result.

Employees promoted into sensitive class positions must be tested according to the requirements of the positions. If the promotion is to a position requiring a CDL, then the employee will be subject to the CDL drug screening. If the promotion is to a sensitive, non-CDL class, the pre-placement drug screening requirements apply.

Probationary (non-promotional) and temporary employees are not entitled to participation in the City's rehabilitation program nor continued employment with the City.

NOTE: A SACO is not required for testing of temporary and non-promotional probationary employees.

v. Random Testing – CDL and Sensitive Class Employees

All CDL holders shall be subject to regulated drug and alcohol testing and all employees in non-CDL sensitive job classifications shall be subject to unscheduled drug and alcohol testing on a random basis without the need of a Performance Improvement Plan as follows:

Employees shall be randomly selected for a drug or alcohol test using a computer-based random number generator that is matched with the drivers' Social Security numbers or payroll identification numbers. Separate selections will be made for drug testing and for alcohol testing. Management shall have no input in the selection of employees for testing.

Drug and alcohol testing shall be unannounced and the employee shall be tested immediately upon notification. Efforts will be made to ensure that the dates for administering tests are

spread reasonably throughout the calendar year.

All active employees in sensitive job classifications shall be included in this selection program. Employees who have been tested shall remain in the random pool and could be re-tested at any time.

Alcohol testing may occur just before, during or after an employee performs a sensitive function.

Employees selected for random testing must proceed to the test site immediately. If, however, the employee is selected while performing a sensitive job function, the supervisor shall escort the employee to the testing site as soon as is reasonable so as not to cause unnecessary disruption in the work being performed.

vi. Reasonable Suspicion

Where there is reasonable suspicion of drug and/or alcohol abuse by an employee, the supervisor shall call upon the SACO who shall be asked to independently verify and approve an order for the employee to submit to drug and/or alcohol testing by the MRO. If a reasonable suspicion test is required by the SACO but not performed within two hours of the order for the test, the reason for delay must be documented. Reasonable suspicion of substance abuse may be based upon, among other things, any of the following:

An on-duty accident where the employee does not or cannot reasonably explain his or her behavior, or where there is evidence that the employee may have been using or under the influence of drugs or alcohol.

An on-duty incident, such as a medical emergency or altercation, that is likely to be attributable to drug or alcohol use by the employee.

Supervisory observation of behavior by the employee, which demonstrates that the employee may be unable to perform the employee's job satisfactorily or which may pose a threat to the safety or health of the employee or others. Such behavior may include mental confusion, slurred speech, and the smell of alcohol or marijuana, unusually slow reflexes, unusual appearance of eyes or skin or other symptoms of drug or alcohol use.

Reports from non-supervisory employees or private citizens that any supervisory or non-supervisory employee is using or is under the influence of drugs or alcohol, which have been confirmed. A confirmed report may be obtained through corroboration from another witness or source, or through physical evidence.

Physical evidence of drug or alcohol use on duty by the employee.

Verifiable deterioration of the employee's job performance that, using the best information available at the time of the decision in addition to other observed behaviors, is likely to be

attributable to substance abuse by the employee. A report of off-duty drug or alcohol abuse may be sufficient to presume a cause of a deterioration of performance.

A supervisor who suspects substance abuse, or who receives a report of suspected substance abuse, shall initiate an investigation and contact the SACO before testing is prescribed for the employee. The SACO and the supervisor must co-sign any order for testing. Before testing is ordered, the suspected employee shall be told of the evidence supporting reasonable suspicion of substance abuse. The employee shall have the opportunity to respond to the allegations.

Drug testing is not required where the employee does not contest the charge of substance abuse. However, if there is disagreement about how much alcohol

was consumed or which substance(s) were used, the supervisor and SACO shall order the employee to submit for drug and/or alcohol testing through the MRO.

For sensitive classes, emphasis shall be placed on the potential hazard that can be caused by substance abuse, without requiring an additional demonstration of poor work performance.

Employees reporting to the MRO shall be subject to testing under the following circumstances:

If an on-duty employee is sent to the MRO for any examination or treatment (even when substance abuse is not suspected) and if in the judgment of the MRO drug and/or alcohol abuse is suspected, the MRO shall act in the capacity of both the supervisor and the SACO to order a drug test. A positive drug test result shall be reported to the HR designee.

For employees who are on medical or accident leave, the MRO may require those employees who appear at the clinic for examination or therapy to be tested for substance abuse if in the judgment of the MRO, the employee's conduct and appearance suggests that the employee is impaired. A positive test result shall be reported to the HR designee.

vii. Return to Duty Testing

If an employee seeks to return to the performance of job functions following an initial positive test, the HR designee shall ensure that the employee takes a return-to-duty test. This test cannot occur until after the EAP has determined that the employee is in compliance with prescribed treatment. The HR designee must receive a negative drug and/or alcohol test result before the employee may resume the performance of duties.

viii. Supervisory Monitoring

Employees who have tested positive or self-disclosed a substance abuse problem to a supervisor and are under a Performance Improvement Plan will be subjected to unscheduled testing as follows:

Drug and alcohol testing shall be unannounced, and the employee shall be tested immediately upon notification. Efforts will be made to ensure that the dates for administering tests are spread reasonably throughout the calendar year.

The employee's supervisor, HR designee or the EAP may order testing under the Performance Improvement Plan (PIP).

Employees ordered to report for unscheduled drug and/or alcohol testing must be escorted to the testing site immediately. If, however, the employee is performing a sensitive function at the time of the notification, the supervisor shall instead

ensure that the employee ceases to perform the sensitive function before that employee proceeds to the testing site.

C. Testing Procedure

Testing should occur as soon as possible, but in any event, under circumstances that will ensure that the test will accurately indicate the condition of the employee at the time of the incident. All tests will be arranged through the MRO or through the closest available medical facility that is both certified under federal and state standards and able at the time to conduct the test under reliable conditions. Any certified testing procedure may be used.

At the time of testing, non-CDL employees and applicants in sensitive positions may provide a list of those medications that they have recently used. The list of medications, if provided, shall be sealed and held as confidential until there has been a positive test result. In the event of a confirmed positive test result, the list of medications shall only be disclosed to the medical professional that will determine whether the positive result was due to the lawful use of any of the listed medications.

In the case of CDL holders, no list of medications shall be obtained prior to testing. The MRO may require that the employee submit proof of a prescription, and/or sign a release for additional medical information.

i. Breath Examinations

Any device or instrument used to measure an employee's breath alcohol level shall meet all State and federal regulations. In case of suspected alcohol abuse, breath specimens will be taken at the testing site by having the employee exhale into the monitoring tube of the test instrument. The employee will be advised of any abnormal results.

ii. Urine Examinations

When urine specimens are necessary, such specimens will be obtained by having the employee void into a collection container, and the sample shall be split into two individual specimen bottles in the presence of the employee. The employee will verify that the labels on the containers are marked with his/her name and social security number.

One specimen bottle, containing at least 30 ml of urine, will be used for initial drug and confirmatory tests and then frozen. The second specimen, containing at least 15 ml of urine, will be refrigerated or frozen and retained at the laboratory for possible use for split sample testing. Any positive findings will require a second independent confirmatory test with the integrity of the specimens maintained by the appropriate chain of custody. The above urine testing procedures shall be subject to change, as required for compliance with State and federal regulations.

Urine specimens exhibiting abnormal pH levels, temperature, or other chemical abnormalities indicating possible adulteration will be rejected. Notification will be placed in the employee's chart that an adulteration specimen was received. The employee should be notified of such an entry on the chart.

Any request for further testing of a split sample must be made by the employee or the applicant in a sensitive position in writing and reach the MRO within five (5) business days of receipt of the results of the confirmatory test. The additional testing, at a City approved facility, shall be the financial responsibility of the employee.

D. Refusal to Consent

Applicants for employment to sensitive classes and applicants for promotion to positions in sensitive classes must consent to drug and alcohol testing as a condition for employment. Applicants in sensitive positions who refuse their consent to the required testing shall be denied employment or promotion.

A refusal to consent is insubordination and will result in disciplinary action. An employee who is ordered to submit to a drug or alcohol test who refuses to consent will be subject to disciplinary action as stated in Section VII, C of this Policy and Rule 56 of the Civil Service Commission Rules.

An employee has refused to consent to take a drug test if the employee:

- Failed to cooperate with any part of the testing process (e.g., refused to empty pockets when so directed by the collector, behaved in a confrontational way that disrupts the collection process);
- Failed to remain readily available for post-accident testing;
- Failed to appear for any test (except a Pre-Placement test) within two hours after being directed to do so by a supervisor, HR designee, SACO, Division of Occupational Safety personnel, or EAP;
- Failed to remain at the testing site until the testing process is complete;
- Failed to provide a urine specimen for any drug test required by this section or DOT regulations;
- Failed to permit the observation or monitoring of the provision of a specimen in the case of a directly observed or monitored collection in a drug test;
- Failed or declined to take a second test the City, MRO or collector has directed;
- Failed to undergo a medical examination or evaluation, as directed by the MRO as part of the

verification process;

- Failed to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there is no adequate medical explanation for the failure:
 - The employee must provide at least 45 milliliters of urine for a split specimen collection,
 - If the employee has not provided the required quantity of urine, the specimen shall be discarded. The collection site person shall direct the employee to drink up to 40 ounces of fluid, distributed reasonably through a period of up to three hours, or until the employee has provided a new urine specimen, whichever occurs first. If the employee refuses to drink fluids as directed or to provide a new urine specimen, the collection site person shall terminate the collection and notify the employer that the employee has refused to submit to testing,
 - If the employee has not provided a sufficient specimen within three hours of the first unsuccessful attempt to provide the specimen, the collection site person shall discontinue the collection and notify the MRO,
 - Any employee who does not provide (as soon as possible after the attempted provision of urine) sufficient urine to obtain an evaluation from the MRO concerning the employee's ability to provide an adequate amount of urine.
 - If the MRO determines, in his or her reasonable medical judgment, that a medical condition has, or with a high degree of probability, could have, precluded the employee from providing an adequate amount of urine, the employee's failure to provide an adequate amount of urine shall not be deemed a refusal to take a test. For purposes of this paragraph, a medical condition includes an ascertainable physiological condition (e.g., a urinary system dysfunction) or a documented pre-existing psychological disorder, but does not include unsupported assertions of "situational anxiety" or dehydration. The MRO shall report his or her conclusions (setting forth the basis for it, which shall not include detailed information on the medical condition of the employee) to the HR designee in writing.
 - If the MRO, in his or her reasonable medical judgment, is unable to make the determination set forth in paragraph D,4,a; the employee's failure to provide an adequate amount of urine shall be regarded as a refusal to take a test. The MRO shall report his or her conclusions (setting forth the basis for it, which shall not include detailed information on the medical condition of the employee) to the HR designee in writing.
 - A specimen temperature outside the range of 32 degrees - 38 degrees C/90 degrees-100 degrees F constitutes a reason to believe that the employee has altered or substituted the specimen.
 - Whenever there is reason to believe that a particular employee has altered or substituted

the specimen as described in this section, a second specimen shall be obtained as soon as possible under the direct observation of a collection site person. All specimens suspected of being adulterated shall be forwarded to the laboratory for testing.

- Failed to provide an adequate amount of breath:
 - This section sets forth procedures to be followed in any case in which an employee is unable or alleges inability to provide an amount of breath sufficient to permit a valid breath test because of a medical condition,
 - The Breath Alcohol Technician (BAT) shall again instruct the employee to attempt to provide an adequate amount of breath. If the employee refuses to make the attempt, the BAT shall immediately inform the MRO,
 - If the employee attempts and fails to provide an adequate amount of breath, the BAT shall so note in the "Remarks" section of the breath alcohol testing form and immediately inform the MRO,
 - If the employee attempts and fails to provide an adequate amount of breath, the employee shall obtain, as soon as practical after the attempted provision of breath, an evaluation from the MRO concerning the employee's medical ability to provide an adequate amount of breath.
 - If the MRO determines, in his or her reasonable medical judgment, that a medical condition has (or with a high degree of probability, could have) precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take a test. The MRO shall provide to the HR designee a written statement of the basis for his or her conclusion.
 - If the MRO, in his or her reasonable medical judgment, is unable to make the determination set forth in this section, the employee's failure to provide an adequate amount of breath shall be regarded as a refusal to take a test. The MRO shall provide a written statement of the basis for his or her conclusion to the HR designee.

E. Privacy In Drug Testing

Urine shall be provided in a private room with a toilet. In cases when the employee has had a previous positive test result or where there is suspicion of tampering with the specimen, the specimen shall be taken under observation. The employee may request that the observer be of the same gender.

i. Confidentiality of Test Results

Only the Department Head or HR designee, EAP, the Division of Occupational Safety and employee shall be informed of positive test results by the MRO. The positive test results shall be a part of the employee's confidential Human Resource medical file. This file shall be

maintained separately from any other personnel file. Except for those authorized by law as having the right of access to test results, only those members of management who have a need to know of test results shall be made aware of any test results. As part of the employee's personnel file, test results may be offered as evidence at legal hearings held by City, State and federal agencies only as permitted under 49 CFR 40.321.

The testing laboratory shall destroy the records of unconfirmed positive test results.

V. SELF-REFERRAL TO THE EAP

The City allows employees to voluntarily seek detoxification/rehabilitation treatment for substance abuse problems through the EAP. The employee shall be expected to comply with all treatment recommendations made by the EAP.

In order for an employee's admission of a drug and/or alcohol problem to be considered voluntary, the disclosure must be made prior to the employee being ordered for drug and/or alcohol testing and prior to disclosure to a supervisor of an alcohol or drug problem.

If there is a need for rehabilitation that involves loss of time from the workplace, the employee may request appropriate leave. All requests for leave are governed by the leave policies of the City.

Voluntary referrals for non-sensitive class employees shall be considered confidential and generally no information will be released to a supervisor by the EAP. If the voluntary referral is related to an employee in a sensitive job classification, the EAP counselor shall inform the employee's supervisor and recommend that the employee not perform those sensitive job duties until specific treatment criteria are met and the supervisor is notified otherwise in writing.

VI. SELF-DISCLOSURE OF SUBSTANCE ABUSE PROBLEM TO A SUPERVISOR

If an employee discloses a substance abuse problem for the first time to the Employer, the employee's supervisor shall make a referral to the EAP for the employee. At the time of the disclosure to the supervisor, the supervisor shall not order the employee to submit to a drug or alcohol test. Self-disclosure does not constitute a positive test. The employee will be expected to complete a Mandatory Rehabilitation Program and comply with a Treatment Contract with the EAP. A Performance Improvement Plan shall be implemented and signed by the employee and the employee's supervisor. Failure to comply with the Performance Improvement Plan will result in a disciplinary action consistent with this Policy. A subsequent self-disclosure will result in a drug/alcohol test during the period of the PIP.

VII. PERFORMANCE IMPROVEMENT PLANS (PIP)

As a requirement under this Policy, the supervisor shall establish a written Performance Improvement

Plan (PIP) for substance abusing employees. The PIP shall be in effect for a period of one year from the date of the initial positive test. The employee shall comply with all terms of the PIP. Failure to comply shall result in disciplinary action consistent with this Policy.

The PIP shall include:

- The employee's work performance deficiencies; Satisfactory attendance;
- The required standards of performance;
- The deadline for compliance with such standards; Complete abstention from drug and alcohol use;
- Successful completion of the Mandatory Rehabilitation Program as stated in the EAP Treatment Contract;
- Periodic drug and alcohol monitoring while the PIP is in effect; and
- The appropriate disciplinary action to be imposed for violation of the PIP. The PIP may include other options such as:
 - additional job-related training; sick leave to receive therapy; leaves of absence; and closer supervision.

Technical assistance for supervisors in preparing a PIP shall be available from the HR designee and the EAP. A sample PIP is attached to this Policy as Appendix E.

VIII. DISCIPLINARY ACTIONS

A. Probationary Employee Restriction

A probationary employee who receives a confirmed positive test result, or who intentionally tampers with a sample provided for drug screening, or who falsifies identification or test results, shall be terminated during probation, and shall be denied the opportunity to apply for City employment for a period of one year.

B. Failure to Comply with a Performance Improvement Plan

Any employee who fails to comply with any portion of a Performance Improvement Plan, including successful completion of required rehabilitation on or before the deadline, shall be recommended for discipline up to and including termination.

C. Refusal to Consent

First Refusal to Consent to testing shall result in a 5-day unpaid suspension and placement on a Performance Improvement Plan. The employee must submit to a drug and/or alcohol test before returning to duty following a suspension or shall be recommended for termination.

Second Refusal to Consent to testing shall result in a recommendation for termination of the employee.

D. Consequences of a First Positive Alcohol Test Result

Any employee in a sensitive class arrested for a DUI or DWI (on or off duty) shall be referred to the EAP and subject to a Performance Improvement Plan to the extent recommended by the EAP.

Any employee in a sensitive class convicted of a DUI or DWI (on or off duty) shall be considered to have a positive alcohol test result under this Policy.

Any employee who tests .02% W/V or above but less than .04% for alcohol shall be immediately removed from work for a minimum of twenty-four (24) hours. A Return to Duty test will not be required prior to the employee's return to work.

Any employee who tests .04% W/V or above for alcohol shall be immediately removed from the work site and suspended without pay for five (5) days. The employee shall be recommended for termination if:

The employee is currently subject to an Performance Improvement Plan to remain drug-free or alcohol-free, or

The employee had been required to participate in a rehabilitation program within a period of three (3) years of a positive initial test for an employee working in a non-sensitive class and within a period of five (5) years of an initial positive test for an employee working in a sensitive class, or

The employee refuses to participate in, or fails to successfully complete an approved rehabilitation program, or

The employee is convicted of an alcohol-related felony within the past three (3) years, for a sensitive or non-sensitive class or

The employee is convicted of any controlled dangerous substance offense within the last three (3) years.

A first offender who is not a CDL holder, whose conduct does not fit into the above categories, shall be referred to the EAP for mandatory participation in a rehabilitation program. This does not guarantee employment in the same position.

If the employee is a CDL holder, the employee shall be referred to a SAP for evaluation or recommended for termination in accordance with the Policy.

The employee shall not be returned to work unless the City receives confirmation of a negative Return to Duty Drug Test.

If the employee is returned to work, he or she shall be subject to follow-up testing as described by the policy.

E. Consequences of a First Positive Drug Test Result

An employee, who has a confirmed positive result for the first time, shall be recommended for termination if;

The employee is currently subject to an Performance Improvement Plan to remain drug-free or alcohol-free, or

The employee had been required to participate in rehabilitation program within three (3) years of an initial positive test for an employee working in a non- sensitive class and within five (5) years of an initial positive test for an employee working in a sensitive class, or

The employee refuses to participate in, or fails to successfully complete an approved rehabilitation program, or

The employee is convicted of an alcohol-related felony within the last three (3) years, or

The employee is convicted of any controlled dangerous substance offense within the last three (3) years.

A first offender who is not a CDL holder, whose conduct does not fit into the above categories, shall be referred to the EAP for mandatory participation in a rehabilitation program. This does not guarantee employment in the same position.

The employee shall not be returned to work unless the City receives confirmation of a negative Return to Duty Drug test after a five (5) day suspension without pay. After the five (5) day suspension without pay, the employee may use accumulated leave to cover any necessary absences.

If the employee is a CDL holder, the employee shall be referred to a SAP for evaluation or recommended for termination in accordance with this Policy.

The employee shall not be returned to work unless the City receives confirmation of a negative Return to Duty Drug Test.

If the employee is returned to work, he or she shall be subject to follow-up testing as described by this Policy.

Consequences of a Subsequent Positive Drug or Alcohol Test Result

If a non-sensitive class employee has tested positive, whether or not the employee has completed a Mandatory Rehabilitation Program and later tests positive for drugs or alcohol within 3 years from the date of the original test, then the employee shall be recommended for termination. If an employee in a sensitive class has tested positive, whether or not the employee has completed a Mandatory Rehabilitation Program, and later tests positive for drugs or alcohol within 5 years from the date of the original test, then the employee shall be recommended for termination.

For those employees who test positive after completing the time period specified in the proceeding

paragraph for their class, disciplinary actions will be based on Section D for positive alcohol test and Section E (above) for a positive drug test.

No employee may be afforded more than two opportunities for rehabilitation. An employee shall be recommended for termination after two successful completions of mandatory rehabilitation programs and subsequently tests positive for drug and/or alcohol.

Any employee who tampers with a sample provided for drug screening, violates chain-of-custody or identification procedures, or falsifies a test result shall be recommended for termination.

IX. APPEALS

Applicants in sensitive positions and employees who test positive may appeal to the Baltimore Occupational Medical Services' MRO, who is a physician, to request testing of a split specimen sample. Decisions of the MRO regarding the interpretation of an individual's test results are subject to further appeal through the grievance and Civil Service processes.

Permanent employees are entitled to follow the established grievance procedure for any violations of this Policy. Classified Civil Service employees must follow the regular Civil Service appeal procedures if they are terminated demoted or suspended for more than 30 days as a result of this Policy and wish to appeal the disciplinary action.

In the event that drug or alcohol tests are found to be improperly ordered by the supervisor and SACO, the test results shall be declared invalid and all records of the test results shall be removed from the employee's files.

X. COMMERCIAL MOTOR VEHICLE DRIVERS

Effective January 1, 1995, under the federal Omnibus Transportation Employee Testing Act of 1991, vehicle drivers who retain a (Maryland) Commercial Drivers License (CDL) are required to submit to drug and alcohol testing. Many of the CDL requirements are discussed in other areas of this Policy.

The drug testing rules cover the same drivers as the alcohol testing rules, however, the types of tests required and the circumstances requiring them may differ. For drug testing the types are:

A. Pre-employment (This is required by federal standard as opposed to alcohol testing pre-employment which is not federally mandated): See Section III of this Policy for details on this required testing.

B. Reasonable suspicion – conducted when a trained supervisor or City official observes behavior or appearance that is characteristic of drug misuse. See Section III of this Policy for details on this required testing.

C. Post-accident – conducted after accidents on drivers whose performance should have contributed to the accident (as determined by Section III of this Policy).

D. Random – conducted on a random unannounced basis and shall comply with all requirements of Section III.

E. Return-to-Duty – conducted when an individual who has violated the prohibited drug conduct standards returns to performing sensitive duties. See Section III of this Policy for details on this required testing.

F. Follow-up – shall exist, for each employee who has committed a DOT drug or alcohol regulation violation, and who seeks to resume the performance or sensitive functions under a written follow-up testing plan established by the SAP.

G. The SAP – shall not establish this plan until after the SAP determines that the employee has successfully complied with all recommendations for education and/or treatment.

H. The SAP – shall present a copy of this plan directly to the Agency.

I. The SAP – is the sole determiner of the number and frequency of follow-up tests and whether these tests will be for drugs alcohol or both.

Appendices

Appendix A – Sensitive Classes

Sensitive classes include all City drivers and are not limited to the classes listed herein. Such classes have a substantially significant degree of responsibility for the safety of others and/or a potential in which impaired performance of the employee could result in death of or injury to the employee or others.

CLASSIFIED CIVIL SERVICE TITLES

JOB CODE	DESCRIPTION
41413	Animal Control Investigator
41411	Animal Enforcement Officer
53541	Assistant Chief, Division of Utilities Maintenance
53555	Assistant Chief, Division of Utilities Maintenance
71411	Assistant City Arborist
72615	Assistant Field Survey Supervisor
71425	Assistant Watershed Manager
82121	Associate Teacher Preschool
52153	Automotive Body and Fender Technician
52114	Automotive Lead Mechanic
52115	Automotive Maintenance Supervisor I
52193	Automotive Maintenance Worker
52110	Automotive Mechanic
52105	Automotive Mechanic Apprentice
52725	Aviation Maintenance Program Supervisor
52721	Aviation Mechanic - Airframe & Powerplant
52722	Aviation Mechanic Inspector - Airframe & Powerplant
52723	Avionics Technician
52541	Bindery Worker I
52542	Bindery Worker II
52543	Bindery Worker III
52991	Building Maintenance General Supervisor
72492	Building Project Coordinator
53111	Building Repairer
53115	Building Repairer Supervisor
52231	Cabinetmaker I
52232	Cabinetmaker II
52235	Cabinetmaker Supervisor
42325	Cable Inspection Supervisor
42321	Cable Inspector
52241	Carpenter I

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52242 Carpenter II
52245 Carpenter Supervisor
34211 Cashier I
34233 Cashier I (Hourly)
34212 Cashier II
34215 Cashier Supervisor I
53311 Cement Finisher (Hourly)
71521 Chemist I
71522 Chemist II
71523 Chemist III
71412 City Arborist
61121 Clinical Director, School-Based Health Centers
81116 Clinical Social Work Supervisor
42931 Code Enforcemt Investigator I
42933 Code Enforcemt Investigator II
53707 Coin Collection Worker
34241 Collections Supervisor I
34242 Collections Supervisor II
81442 Community Coordinator
61251 Community Health Educator I
61252 Community Health Educator II
61253 Community Health Educator III
62211 Community Health Nurse I
62221 Community Health Nurse I (10 Months)
62212 Community Health Nurse II
62222 Community Health Nurse II (10 Months)
62215 Community Health Nurse Supervisor I
62210 Community Health Nurse Trainee
62220 Community Health Nurse Trainee (10 Months)
42261 Construction Building Inspector I
42262 Construction Building Inspector II
42271 Construction Electrical Inspector I
42272 Construction Electrical Inspector II
42281 Construction Mechanical Inspector I
42282 Construction Mechanical Inspector II
42221 Construction Project Supervisor I
42222 Construction Project Supervisor II
33120 Control System Lead Operator
33119 Control System Operator

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33105 Control System Operator Supervisor
82190 Crossing Guard
82195 Crossing Guard Supervisor I
62425 Dental Assistant (Board Qualified)
62441 Dental Hygienist I
62442 Dental Hygienist II
82125 Director (Day Care Center)
75355 Director Lead Abatement
62312 Director, Oral Health Services
33645 DPW Training Supervisor
54492 Drawbridge Operator (Hourly)
54437 Driver I
54439 Driver II
54352 Electrical Maintenance Technician II
54353 Electrical Maintenance Technician III
54355 Electrical Maintenance Technician Supervisor I
54356 Electrical Maintenance Technician Supervisor II
52210 Electrical Mechanic Apprentice
52211 Electrical Mechanic I
52212 Electrical Mechanic II
53421 Electrical Mechanic Street Lighting I
53422 Electrical Mechanic Street Lighting II
53425 Electrical Mechanic Street Lighting Supervisor
52215 Electrical Mechanic Supervisor
52216 Electrical Supervisor (Licensed)
62721 Emergency Medical Aide
33691 Employee Assistance Counselor I
33696 Employee Assistance Counselor II
42932 Environmental Crimes Investigator
42511 Environmental Sanitarian I
42512 Environmental Sanitarian II
42513 Environmental Sanitarian III
42992 Environmental Technician
61291 Epidemiologist
61293 Epidemiologist Supervisor
62723 Field Health Services Supervisor
72616 Field Survey Supervisor
52162 Fleet Quality Control Analyst
71264 Fuel Systems Specialist

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53523 General Superintendent of Utilities Maintenance & Repair
81331 Geriatric Day Care Aide
53155 Graffiti Removal Supervisor
53692 Greenhouse Supervisor
53675 Grounds Maintenance Supervisor
61245 Health Analysis Supervisor
62492 Health Clinic Aide
62491 Health Services Trainee
63331 Hearing & Vision Tester (10 Months)
54211 Heating & Air Conditioning Technician I
54212 Heating & Air Conditioning Technician II
54213 Heating & Air Conditioning Technician III
54215 Heating & Air Conditioning Technician Supervisor I
54216 Heating & Air Conditioning Technician Supervisor II
54431 Heavy Equipment Operator I
54432 Heavy Equipment Operator II
53331 Highway Maintenance Supervisor
42132 Housing Inspector
42129 Housing Inspector Apprentice
42133 Housing Inspector Senior
52134 Hydraulic Mechanic
42231 Inspection Associate I
42232 Inspections Associate II
42911 Inspector Trainee
52620 Instrumentation Technician (Apprentice)
52621 Instrumentation Technician I
52622 Instrumentation Technician II
52625 Instrumentation Technician Supervisor I
52626 Instrumentation Technician Supervisor II
71511 Laboratory Assistant I
71512 Laboratory Assistant II
71527 Laboratory Technical Administrator
71526 Laboratory Technical Supervisor
52931 Laborer
52941 Laborer
52932 Laborer Crew Leader I
52942 Laborer Crew Leader I
52943 Laborer Crew Leader II
32935 Legal Assistant Supervisor

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81423 Liaison Officer, Safe Streets
62260 Licensed Practical Nurse
62250 Licensed Practical Nurse (10 Months)
52415 Line Maintenance Technician Supervisor
33204 Liquor Board Community Representative
42941 Liquor Board Inspector I
42942 Liquor Board Inspector II
42944 Liquor Board Inspector III
54351 Maintenance Technician Apprentice
41625 Marine Dock Master
41622 Marine Enforcement Agent I
41623 Marine Enforcement Agent II
54513 Marine Equipment Operator I
54514 Marine Equipment Operator II
52221 Mason I
52222 Mason II
52225 Mason Supervisor
42241 Materials Inspector I
42251 Materials Inspector I
54363 Mechanical Maintenance Technician II
54364 Mechanical Maintenance Technician III
54365 Mechanical Maintenance Technician Supervisor I
54366 Mechanical Maintenance Technician Supervisor II
53813 Mechanical Sweeper Operator (Hourly)
63221 Medical Laboratory Technologist
63225 Medical Laboratory Technologist Supervisor
61391 Medical Office Assistant
61392 Medical Office Assistant (10 months)
81141 Mental Health Analyst
81195 Mental Health Program Assistant
71531 Microbiologist I
71532 Microbiologist II
71533 Microbiologist Supervisor
54445 Motor Pool Supervisor
54441 Motor Pool Worker I
54442 Motor Pool Worker II
54421 Motor Vehicle Driver I
54411 Motor Vehicle Driver I (Hourly)
54422 Motor Vehicle Driver II

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54412 Motor Vehicle Driver II (Hourly)
62294 Nurse Practitioner
62293 Nurse Practitioner (10 Months)
62295 Nurse Practitioner Supervisor
52552 Offset Press Operator I
52553 Offset Press Operator II
72193 Operations Engineer
54311 Operations Technician Apprentice
94311 Operations Technician I
52271 Painter I
52272 Painter II
52273 Painter III
52275 Painter Supervisor
41611 Parking Control Agent I
41612 Parking Control Agent II
53711 Parking Meter Mechanic
53715 Parking Meter Mechanic Supervisor
52961 Pest Control Worker
63393 Phlebotomist
62413 Physician's Assistant
52281 Pipe Fitter I
52282 Pipe Fitter II
52285 Pipe Fitter Supervisor
53290 Plant Building Maintenance Supervisor
71211 Pollution Control Analyst I
71212 Pollution Control Analyst II
71213 Pollution Control Analyst III
71215 Pollution Control Analyst Supervisor
71216 Pollution Control Program Administrator
31192 Program Coordinator
33544 Property Disposal Assistant Supervisor
62311 Public Health Dentist
42571 Public Health Investigator
42561 Public Health Representative
42211 Public Works Inspector I
42212 Public Works Inspector II
42213 Public Works Inspector III
54345 Pumping Stations Operations Manager
54341 Pumping Stations Operations Supervisor

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54318 Pumping Technician II
54319 Pumping Technician III
54320 Pumping Technician Supervisor
52421 Radio Maintenance Technician I
52422 Radio Maintenance Technician II
52425 Radio Maintenance Technician Supervisor
52420 Radio Maintenance Trainee
83213 Recreation Area Manager
83211 Recreation Center Director I
83212 Recreation Center Director II
83111 Recreation Leader I
83112 Recreation Leader II
83113 Recreation Leader II Elder Activities
81243 Registered Dietician
34218 Remittance Supervisor
33641 Safety Enforcement Officer I
33642 Safety Enforcement Officer II
33643 Safety Enforcement Officer III
99000 School Crossing Guard
62497 School Health Aide
62494 School Health Aide (10 Months)
81413 Senior Youth Development Technician
42311 Sewerline Video Inspection Technician
53371 Sign Fabricator I
53372 Sign Fabricator II
71225 Sludge Control Manager
53790 Small Engine Mechanic Apprentice
53791 Small Engine Mechanic I
53792 Small Engine Mechanic II
81110 Social Work Associate I
81111 Social Work Associate II
81115 Social Work Supervisor
81112 Social Worker I (LGSW)
81113 Social Worker II
53812 Solid Waste Driver (Hourly)
53814 Solid Waste Lead Worker
53815 Solid Waste Supervisor
53811 Solid Waste Worker (Hourly)
41613 Special Traffic Enforcement Officer

Appendices

33564 Store Supervisor I Auto Parts
33567 Store Supervisor II Auto Parts
33561 Storekeeper I
33562 Storekeeper II
33563 Storekeeper II Auto Parts
33565 Stores Supervisor I
33566 Stores Supervisor II
53312 Street Mason
53521 Superintendent of Utilities Maintenance and Repair
53531 Superintendent of Waste Water Maintenance & Repair
72611 Survey Technician I
72612 Survey Technician II
72613 Survey Technician III
72614 Survey Technician IV
82122 Teacher Preschool
82111 Teacher's Assistant I
82112 Teacher's Assistant II Preschool
52194 Tire Maintenance Worker I
52195 Tire Maintenance Worker II
54461 Tow Truck Operator
54440 Tractor Trailer Driver
52911 Trades Helper
42411 Traffic Investigator I
42412 Traffic Investigator II
42413 Traffic Investigator III
42415 Traffic Investigator Supervisor
53321 Traffic Maintenance Worker I
53322 Traffic Maintenance Worker II
53325 Traffic Maintenance Worker Supervisor
31993 Traffic Safety Coordinator
53411 Traffic Signal Installer I
53412 Traffic Signal Installer II
53413 Traffic Signal Installer III
53415 Traffic Signal Maintenance Supervisor
82191 Transportation Safety Instructor I
82194 Transportation Safety Instructor II
53693 Tree Service Technician
53655 Tree Services Supervisor I
53656 Tree Services Supervisor II

Appendices

53651 Tree Trimmer
52920 Tree Trimmer Apprentice
53511 Utilities Installer and Repairer I Apprentice
53512 Utilities Installer and Repairer II
53513 Utilities Installer and Repairer III
53515 Utilities Installer and Repairer Supervisor I
53516 Utilities Installer and Repairer Supervisor II
52951 Utility Aide
34311 Utility Meter Reader I
34312 Utility Meter Reader II
34316 Utility Meter Reader Superintendent I
34315 Utility Meter Reader Supervisor
32221 Vehicle Damage Investigator
54358 Waste Water Maintenance Manager Instrumentation
54359 Waste Water Maintenance Manager Mechanical
54332 Waste Water Operations Technician II Pumping
54333 Waste Water Operations Technician II Sanitary
54354 Waste Water Plant Coordinator
54339 Waste Water Plant Manager
54337 Waste Water Plant Operations Supervisor
54335 Waste Water Technician Supervisor I Pumping
54334 Waste Water Technician Supervisor I Sanitary
54336 Waste Water Technician Supervisor II Pumping
54338 Waste Water Technician Supervisor II Sanitary
54325 Water Pumping Assistant Manager
42330 Water Service Inspector
34321 Water Service Representative
54322 Water Systems Pumping Manager
54316 Water Systems Pumping Supervisor
54323 Water Systems Treatment Manager
54317 Water Systems Treatment Supervisor
54324 Water Treatment Assistant Manager
54312 Water Treatment Technician II
54313 Water Treatment Technician III
54315 Water Treatment Technician Supervisor
71421 Watershed Forester
53691 Watershed Maintenance Supervisor
71426 Watershed Manager
41520 Watershed Ranger I

Appendices

41523 Watershed Ranger II
41524 Watershed Ranger III
41525 Watershed Ranger Supervisor
52311 Welder
52310 Welder Assistant
52315 Welder Supervisor
81410 Youth Development Aide I
81411 Youth Development Aide II
81420 Youth Development Aide Supervisor
81412 Youth Development Technician

NON-CIVIL SERVICE TITLES

JOB CODE	DESCRIPTION
00839	Aide to Sheriff
00808	Alcohol Assessment Counselor I
00807	Alcohol Assessment Counselor II
00803	Alcohol Assessment Counselor III
00802	Alcohol Assessment Director Courts
00082	Building Repairer I
01899	Building Project Coordinator
07339	Building Services Supervisor
07340	Cabinetmaker Convention Center
00983	Chauffeur Bands Recreation & Parks
00877	Chief Medical Officer Courts
00787	Coach
10224	Community Health Nurse I
10225	Community Health Nurse II
01959	Computer Analyst
00898	Court Reporter
00867	Court Technologist
10220	Crossing Guard
00631	Driver Library
10242	Food Policy Director
00828	Forensic Psychologist / Evaluation Courts
00625	Library Bookmobile Operator
00661	Library Building Repairer
00634	Library Carpenter
00853	Licensed Clinical Social Worker
00841	Licensed Graduate Social Worker

Appendices

10223 Licensed Practical Nurse
00796 Lifeguard I
00797 Lifeguard II
07348 Maintenance Mechanic
10222 Medical Office Assistant
00852 Medical Psychiatrist Courts
10226 Nurse Practitioner
07344 Painter I Convention Center
07390 Painter II Convention Center
00416 Program Compliance Officer I
10240 Program Coordinator
10109 Public Health Physician I
10110 Public Health Physician II
10221 School Health Aide
00786 Sports Coordinator
00666 Storekeeper
00795 Swimming Pool Attendant
00793 Swimming Pool Manager
00794 Swimming Pool Operator
10232 WWW Division Manager I
10233 WWW Division Manager II

Appendices

APPENDIX B - DRUG/ALCOHOL TEST ORDER FORMS

Left Dept. At: _____

CITY OF BALTIMORE
MANAGEMENT / HR Admin.
DRUG/ALCOHOL TESTING ORDER



All information MUST be provided. Employee must bring Photo Identification with the completed "Original - Medical Services" copy of this form.

The employee/candidate named below is scheduled to report for drug and alcohol testing at the City of Baltimore Occupational Medical Services (Mercy Clinic), 323 N. Calvert St; (410-332-9773; Fax: 410-332-0614)

Employee/ Candidate Name:	Date of Request: / /
Home Address:	SSN:
City:	Home Phone:
State:	City: State: Zip: DOB: Gender:
Department:	Work Phone:
Bureau:	Division:
15-Digit Budget Account #:	Occupation/ Job Title:
Appointment Date for Service:	Appointment Time:

Please note that Pre-Placement Candidates for positions requiring a Commercial Drivers License (CDL) will need to take two separate Drug/Alcohol Tests. The first test is for employment screening and the second is for the DOT CDL. Only one Drug/Alcohol Test form is required. Indicate "Other" or "CDL" on the line next to the appropriate 'Management Reason for Testing'.

REASON FOR TESTING:	CDL PRE-PLACEMENT	PROMOTIONAL
	Non-CDL PRE-PLACEMENT	
AGENCY CONTACT FOR QUESTIONS REGARDING THIS ORDER:		
Name:	Title:	Phone:

Does this test order form satisfy ALL the Pre-Placement testing needs of this candidate?

NO YES

Choose "NO" if candidate is to be employed in ANY category listed to the right. An additional Physical will also be needed and requires a completed "Request for Services" form.

- All Commercial Drivers License (CDL) holders
- All employees who are required to frequently lift over 40 lbs.
- All health care workers
- All employees with potential exposure to hazardous materials, (ex. Chemicals, lead, rodenticides, herbicides, asbestos)
- All employees with exposure to noise in excess of 85 decibels
- All employees who are candidates for vaccination, (ex. hepatitis B, rabies)
- All employees who wear respirators

Department Head Name: _____
Supervisor Name: _____ Work Phone: _____
Supervisor's Work Title: _____
HR/Safety Designee Name: _____ Work Phone: _____

In ALL CASES of positive Drug/Alcohol Test results, the department's Designated Human Resources Authority will be notified. In cases of "PROMOTIONAL TESTING" resulting in a positive, both EAP and Safety Division will be ADDED to the notification list.

Requestor retains "Agency Copy" and distributes as directed below.

1) Original - Medical Services 2) Agency Copy 3) DHR - DP
28-1608-5156 (rev. 4/03)

1400-26-36

Appendices

Left Dept. At:

CITY OF BALTIMORE SUPERVISORY DRUG/ALCOHOL TESTING ORDER



All information MUST be provided. Employee must bring Photo Identification with the completed "Original – Medical Services" copy of this form.

The employee named below is scheduled to report for drug and alcohol testing at the City of Baltimore Occupational Medical Services (Mercy Clinic), 323 N. Calvert Street; (410-332-9773; Fax: 410-332-0614)

Employee Name:		Date of Request: / /	
Home Address:		SSN:	
City:		Home Phone:	
State:	Zip:	DOB:	Gender:
Department:		Work Phone:	
Bureau:		Division:	
15-Digit Budget Account #:		Occupation/ Job Title:	

REASON FOR TESTING:

Non-Regulated	Regulated
Employee MUST be accompanied by Supervisor or Agency Designee:	
<input type="checkbox"/> Post Accident <input type="checkbox"/> Reasonable Suspicion <i>For Cause</i> (Requires SACO Signature)	<input type="checkbox"/> Post Accident (CDL) <input type="checkbox"/> Reasonable Suspicion <i>For Cause (CDL)</i> (Requires SACO Signature)
Supervision not required:	
<input type="checkbox"/> Probationary (CDL and Non-CDL applies) <input type="checkbox"/> Supervisory Monitoring <i>Work Improvement Plan</i> (CDL and Non-CDL applies)	<input type="checkbox"/> Follow-up (CDL) <input type="checkbox"/> Return to Duty (CDL)

Department Head Name: _____

Supervisor: _____

Supervisor's Work Phone: _____

Supervisor's Work Title: _____

Substance Abuse Control Officer Signature: _____

Substance Abuse Control Officer Work Phone: _____

In ALL CASES of positive Drug/Alcohol Test results, the department's Designated Human Resources Authority, EAP, and the Safety Division will be notified.

Supervisor retains last copy and distributes as directed below.
 1) Original – Medical Services 2) Designated HR Authority 3) Supervisor

Appendices

APPENDIX C - NON-REGULATED DRUG/ALCOHOL PRETEST NOTICE AND CONSENT FORMS

CITY OF BALTIMORE

NON-REGULATED DRUG/ALCOHOL PRETEST NOTICE AND CONSENT FORM (City Employees)

PERSON TO BE TESTED: _____

SOCIAL SECURITY NUMBER: _____

CURRENT JOB TITLE: _____

I hereby consent to provide a sample, as required, to City of Baltimore Occupational Medical Services (Mercy Clinic) or its agents to test for drugs or alcohol.

1. I have received a copy of the Baltimore City Substance Abuse Control Policy.
1. I am aware that the drug or alcohol test will include the use of a breathalyzer, or a urinalysis for alcohol, amphetamines, benzodiazepines, cannabinoids, cocaine metabolite, methadone, opiates, phencyclidine, and other drugs ordered by the City of Baltimore Occupational Medical Services.
2. I am aware that initial test results that indicate the use of the above substance(s) will be confirmed through the use of a second, more sensitive test.
3. I am aware that if these drug/alcohol tests are positive, I may be subject to disciplinary action consistent with the Substance Abuse Control Policy, and I may be required by the City to participate in a rehabilitation program as a condition of my continued employment.
4. I am aware that if these drug/alcohol tests are positive, I have the right to provide an explanation to the Mercy Clinic and to my supervisor. I also have the right to disclose any medications I use to the Mercy Clinic, which will maintain that information as confidential.
5. I am aware that if these drug/alcohol tests are positive, I have the right to request an independent testing of the split sample for verification of the test results by a laboratory that holds a permit under Maryland laws. I understand I must pay for any such further test. I am aware that my request must be made, in writing to my agency's Human Resources Office, within 5 business days of the date I am notified of the results.

Signature

Date

I hereby refuse to provide a breath and/or urine sample as required by my supervisor or the City of Baltimore Occupational Medical Services. I may be subject to disciplinary action consistent with the City's Substance Abuse Control Policy.

Signature

Date

Witness

Date

Appendices

CITY OF BALTIMORE

NON-REGULATED DRUG/ALCOHOL PRETEST NOTICE AND CONSENT FORM (Applicants for Employment or Promotion)

PERSON TO BE TESTED: _____

SOCIAL SECURITY NUMBER: _____

DESIRED/FUTURE JOB TITLE: _____

I hereby consent to provide a sample, as required, to City of Baltimore Occupational Medical Services (Mercy Clinic) or its agents to test for drugs or alcohol.

- I. I have received a copy of the Baltimore City Substance Abuse Control Policy.
- II. I am aware that the drug or alcohol test will include the use of a breathalyzer, or a urinalysis for alcohol, amphetamines, benzodiazepines, cannabinoids, cocaine metabolite, methadone, opiates, phencyclidine, and other drugs ordered by the City of Baltimore Occupational Medical Services.
- III. I am aware that initial test results that indicate the use of the above substance(s) will be confirmed through the use of a second, more sensitive test.
- IV. I am aware that if these drug/alcohol tests are positive, I may not be recommended for hire and/or may be subject to disciplinary action consistent with the City's Substance Abuse Control Policy. I am aware that if I am currently employed with the City, I may also be required to participate in a rehabilitation program as a condition of my continued City employment.
- V. I am aware that if these drug/alcohol tests are positive, I have the right to provide an explanation to the Mercy Clinic and to my supervisor. I also have the right to disclose any medications I use to the Mercy Clinic, which will maintain that information as confidential.
- VI. I am aware that if these drug/alcohol tests are positive, I have the right to request an independent testing of the split sample for verification of the test results by a laboratory that holds a permit under Maryland laws. I understand I must pay for any such further test. I am aware that my request must be made, in writing to my agency's Human Resources Office, within 5 business days of the date I am notified of the results.

Signature

Date

I hereby refuse to provide a breath and/or urine sample as required by my supervisor or the City of Baltimore Occupational Medical Services. I may be subject to disciplinary action consistent with the City's Substance Abuse Control Policy.

Signature

Date

Witness

Date

Appendices

APPENDIX D - SAMPLE PERFORMANCE IMPROVEMENT PLAN

Performance Improvement Plan

Sample

J.P. Employee

Bureau of _____

WORK/BEHAVIOR WHICH REQUIRES IMPROVEMENT:

A positive alcohol/drug test on (date).

Other work/behavior that needs improvement if needed (e.g., additional training, sick leave, closer supervision, etc.).

DEADLINES FOR IMPROVEMENT:

Must comply with and be monitored by the Employee Assistance Program (EAP) until (dated usually one year later)

Must be completely abstinent from drugs and alcohol according to the Baltimore City Substance Abuse Control Policy.

Must maintain satisfactory performance and attendance on the job.

Etc.

STEPS TO BE TAKEN BY THE EMPLOYEE AND SUPERVISOR:

Employee is to remain drug and alcohol free. Employee is subject to unscheduled testing by EAP Counselor or supervisor during the time the Performance Improvement Plan is in effect. Employees must comply with all EAP recommendations. Employee is to successfully complete a rehabilitation program as recommended or agreed to by EAP. Employee is to successfully complete one year monitoring by the EAP and the supervisor.

Employee must comply with the Treatment Contract with the EAP and complete the Monitoring Program.

Supervisor will monitor employee and send for testing at the supervisor's discretion during the time the Performance Improvement Plan is in effect.

Superintendent/Supervisor

I EITHER ACKNOWLEDGE READING OR HAVING BEEN READ THE ABOVE MEMO.

Employee

WITNESS:

If Employee Refuses to sign

Appendices

Appendix E – Employee Acknowledgment

Acknowledgment of Substance Abuse Control Policy

I, [employee name], have received a personal copy of the Substance Abuse Control Policy, to review and maintain in my personal records. This signed copy acknowledges that I did receive a copy of the policy for my use. It also acknowledges that I agree to review the policy, and if I do not understand any sections that I immediately contact my supervisor for further explanation.

I understand that every employee of the City of Baltimore has a right to a safe and drug- free workplace. Every citizen of Baltimore has a right to require public employees to be alcohol-free and drug-free because public health, safety and welfare are threatened by substance abuse by City employees.

The City of Baltimore believes that the threat to public safety posed by employees who are substance abusers is a legitimate basis for establishing a drug-testing program, as described in this policy. Substance abuse testing is appropriate when conducted for the purpose of determining whether City employees are using drugs that could affect their abilities to safely perform their work. While substance abuse testing is not always required to establish that an employee is abusing drugs or alcohol, it is especially important when there is a disagreement between the employee and the supervisor about the employee's actions. The City of Baltimore also has a legitimate interest in assuring the public that none of the City's employees are under the influence of drugs or alcohol while on duty or on call for duty, where applicable, and that they are fully capable of performing their duties.

I am aware that any violation of the policy by me will subject me to disciplinary action, up to and including discharge from employment or contract. I also am aware that a copy of this Acknowledgment will become part of my agency personnel file.

_____ Print Name of Employee	_____ Employee Signature	_____ Date Signed
_____ Print Supervisor or Witness	_____ Supervisor/Witness Signature	_____ Date Signed