**Title: P.9. Substance Abuse Awareness & Prevention Policies and Programs**

1. Purpose: The purpose of this program element is to assure that there are documented policies and programs to address substance abuse awareness and prevention. The procedures must include the employer’s methods that are implemented to inform employees of the hazards associated with the use of, or being under the influence of alcohol or other controlled substances in the workplace.

1. Introduction: This directive contains the minimum requirements necessary to ensure a Substance Abuse Awareness and Prevention Program is successfully and consistently implemented.

1. Procedure Elements:

1. Hazard Assessment. The Substance Abuse Awareness and Prevention Policies and Programs element is applicable and mandatory for all agencies participating in the Commonwealth’s Workers’ Compensation Program. Please follow the guidance in the remainder of this directive for developing, implementing, and maintaining an effective program.
2. Ensure all employees are covered by the agency’s policy and procedures concerning substance abuse in the workplace.
3. All agencies participating in the State Employee Assistance Program (SEAP) are required to comply with the Commonwealth’s Executive Orders and Management Directives pertaining to Substance Abuse in the Workplace.
4. Agencies not participating in SEAP are required to comply with the requirements of this directive.
5. Applicable Standards: The following list includes the policies and standards pertaining to substance abuse in the Commonwealth.
6. Executive Order 1996-13 (Substance Abuse in the Workplace)
7. MD 505.25 (Substance Abuse in the Workplace)
8. MD 505.22 (State Employee Assistance Program)
9. Manual 505.3 (State Employee Assistance Program Supervisor’s Guide)
10. OA approved SEAP training curriculum
	* 1. SEAP General Awareness Training
		2. SEAP Drug Free Workplace Training
		3. SEAP for Supervisors/Managers
		4. Fitness for Duty for Supervisors/Manager
11. Executive Order 1980-13 (Code of Conduct)
12. Drug-Free Workplace Act of 1988, (P.L 100-690, Title V. Subtitle D).
13. Controlled Substance Act (21 U.S.C. 812).
14. Written Procedure: Develop a written policy and procedures that are consistent with the established Executive Orders and Management Directives pertaining to Substance Abuse in the Workplace. The written policy and procedures, at a minimum, must address the following.
15. Define the purpose and scope of the agency’s policy regarding the unlawful manufacture, distribution, dispensation, possession or use of alcohol and other controlled substances by an employee, either while on duty or in any agency workplace.
16. Define responsibilities for the development, implementation, and coordination of the agency’s substance abuse awareness and prevention program.
	* 1. List the names or occupational titles of the individuals responsible for managing the substance abuse programs.
17. Define the agency’s procedures regarding fitness for duty, disciplinary actions, and last chance agreements regarding violations of the agency’s substance abuse policy.
18. Define the reporting procedures for employees convicted of crimes covered by the agency’s policy regarding substance abuse in the workplace.
19. Define the agency or community programs available to provide employee assistance for substance abuse related issues. Include information on how to initiate services and/or referral procedures. (State Employee Assistance Program – SEAP).
20. Ensure information pertaining to an employee's personal problems, substance abuse, involvement in an employee assistance program (EAP) and/or other treatment related information is kept confidential and maintained in accordance with state and federal regulations.
21. If applicable, prior to receiving or renewing a federal contract of $25,000 or more, or a grant of any denomination, agencies must a Certification of Drug-Free Workplace, or similar form, and send it to the appropriate federal agency.  In addition, all contracts or grants, regardless of denomination, awarded directly to individuals also require the completion of the certificate.
22. If applicable, define the agency’s policies and procedures regarding drug and alcohol testing.
	1. Pre-employment drug testing.
	2. Random drug/alcohol testing for any government employee requires a legal determination, union negotiation, and a demonstrated need.
	3. **Agencies must request OA approval, initiated through the Workplace Support Services Division, to establish any form of employee drug/alcohol testing.**
23. Training and Education: Develop, provide, and document the orientation and ongoing education methods used to train and inform all employees on the agency’s substance abuse awareness and prevention policies.
24. Develop and provide orientation training for all new employees that includes information on the following:
	* 1. The agency’s policy regarding substance abuse in the workplace (MD 505.25 and Executive Order 1996-13).
		2. Informational brochure or information regarding substance abuse (Things You Should Know Pamphlet).
		3. The employees’ responsibilities regarding fitness for duty.
25. Annually distribute the agency’s policy on substance abuse in the workplace to all employees.
26. Provide substance abuse awareness and prevention training or education to all employees every two years. Training or education must be done in the form of classroom training, online training courses (such as e-LMS), computer based training courses (CBT), or a review of the required information by a supervisor. The training must cover, but is not limited to, the following:
	* 1. The agency’s policy regarding substance abuse in the workplace (MD 505.25 and Executive Order 1996-13).
		2. Any employee assistance programs (EAPs) available to employees and how to utilize those services. (State Employee Assistance Program – SEAP).
		3. Fitness for duty policies and requirements.
		4. The types of substances and the hazards associated with substance abuse.
		5. The agency’s disciplinary policy and procedures.
			1. Provide training for supervisors on how to recognize impaired behaviors and initiating a response or follow-up actions.
			2. Develop procedures to provide ongoing information to employees regarding substance abuse in the form of informational email, brochures, and/or newsletters.
			3. Develop methods to document and track substance abuse and awareness training and educational efforts.
27. Checklists and Forms: Develop the necessary forms to ensure compliance with the requirements of this standard operating procedure. The forms may include, but are not limited to, the following:
28. **Certification of Drug-Free Workplace.**
29. **Fitness for Duty Checklists (visual and/or questionnaires).**
30. Program Effectiveness Review and Response: The effectiveness of this program in preventing workplace hazards, injuries, and illnesses should be evaluated at least annually with appropriate actions taken to address any program deficiencies found.