



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Employee Drug and Alcohol Use and Drug and Alcohol Testing	Number 14 -17
Originating Department Office of Human Resources	Effective Date

Montgomery County Regulation on:
**EMPLOYEE DRUG AND ALCOHOL USE AND
 DRUG AND ALCOHOL TESTING**
 Issued by: County Executive
 Regulation No. 14 -17
 COMCOR No. 33.07.01
 Supersedes: Executive Regulation 12-00AM, in part,
 Executive Regulation 26-07, in part,
 and Executive Regulation 16-13, in part
 Authority: Montgomery County Code (2004) §33-7(b)
 Council Review: Method (1)
 Montgomery County Register Volume 34, Issue 8
 Comment Deadline: August 31, 2017
 Effective date: _____
 Sunset Date: None

Summary: This regulation amends Section 32 of the Personnel Regulations to incorporate changes for safety-sensitive transit employees to ensure compliance with a Federal Transit Administration audit of the County’s drug and alcohol program. The changes in this regulation also reflect the requirements of the Maryland Transit Administration.

Staff contact: Johnna DeVaul, Disability Program Manager, Office of Human Resources, 240-777-5176
Address: Office of Human Resources, 101 Monroe Street, 7th Floor, Rockville, MD 20850

Please use the key below when reading this regulation:

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing regulation by proposed regulation.</i>
[Single boldface brackets]	<i>Deleted from existing regulation by proposed regulation.</i>
* * *	<i>Existing language unchanged by executive regulation.</i>

SECTION 32. EMPLOYEE DRUG AND ALCOHOL USE AND DRUG AND ALCOHOL TESTING

* * *

32-5 Prevention of Prohibited Drug Use and Alcohol Misuse by Safety-Sensitive Transit Employees under Federal Transit Administration Regulations

* * *

(e) Drug and alcohol prohibitions.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Employee Drug and Alcohol Use and Drug and Alcohol Testing	Number 14 -17
Originating Department Office of Human Resources	Effective Date

* * *

(4) Refusal to submit to drug or alcohol testing.

* * *

(E) failing to arrive, or arrive in a timely manner, for a required test, except a pre-employment test;

* * *

(H) in the case of a directly observed or monitored specimen collection for a drug test, failing to permit the observation or monitoring of the provision of a specimen, including failing to follow instructions from the observer to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if any type of prosthetic or other device (that could be used to interfere with the collection process) is present;

Observed collections are required in the following circumstances:

* * *

[(8) Anytime the employee admits to the collector or MRO that the employee adulterated or substituted the specimen.]

* * *

(g) Types of drug and alcohol testing.

* * *

(1) Pre-employment and pre-assignment drug testing.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Employee Drug and Alcohol Use and Drug and Alcohol Testing	Number 14 -17
Originating Department Office of Human Resources	Effective Date

- (A) An applicant for an FTA Safety-Sensitive position must produce a verified negative drug test result before employment.
- (B) An employee transferred or temporarily assigned to an FTA Safety-Sensitive position must produce a verified negative drug test result before performing safety-sensitive functions.

* * *

(h) Retesting of employees; collecting a new specimen after a dilute test result.

* * *

- (3) Collecting a new specimen from an applicant or employee after a dilute test result.
 - (A) If the MRO reports that an applicant or employee had a verified dilute positive test, the County must treat it as a positive test result.
 - [(B) If the MRO reports a dilute negative test result that requires collection of another specimen for testing, the County must immediately notify the applicant or employee of the need to collect another specimen and that it must be provided within no more than 48 hours from the time of notification. If the employee is on duty, the employee must be accompanied to the collection site immediately for collection of the second specimen. If the applicant or employee fails to report for specimen collection within 48 hours and has not provided a valid reason for the delay, the County must treat it as a refusal to test.]
 - [(C)](B) The MRO will direct whether the new specimen is to be collected under direct observation or not.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Employee Drug and Alcohol Use and Drug and Alcohol Testing	Number 14 -17
Originating Department Office of Human Resources	Effective Date

[(D)](C) After a dilute negative test result, if a new specimen is collected for testing this second test will be the test of record. If this second test also produces a dilute negative result, no additional tests will be conducted.

(4) Random testing.

* * *

(B) The County must ensure that random drug and alcohol tests are unannounced and that the dates for administering random tests are spread reasonably throughout the entire calendar year. Random tests will be reasonably spread throughout the day, week, and hours when safety sensitive functions are performed.

* * *

Approved:

Isiah Leggett, County Executive

Date

Approved as to form and legality:

7/6/2017
Office of the County Attorney Date