IN THE COURT OF APPEALS OF MARYLAND

ADMINISTRATIVE ORDER ADOPTING A SUBSTANCE ABUSE POLICY FOR THE JUDICIAL BRANCH OF GOVERNMENT

WHEREAS, Substance abuse is a serious national crisis which has had a detrimental effect on the lives of many of our citizens and has exerted a negative effect on the operation of business and government;

WHEREAS, Every employer, including the State of Maryland, experiences a loss in productivity due to drug-related absenteeism, injuries on the job, decreased work quality and wasted dollars;

WHEREAS, Substance-abusing employees function below established standards, may make impaired decisions, may have negative effects on their co-workers, and are not as alert as non-using employees;

WHEREAS, On April 10, 1989, Governor William Donald Schaefer by Executive Order promulgated a substance abuse policy for the Executive Branch consistent with the federal Drug-Free Workplace Act of 1988; and on July 13, 1989, the Legislative Branch adopted a similar substance abuse policy;

WHEREAS, The Judiciary is committed to the maintenance of a drug-free workplace which is consistent with the purposes of the federal act;

NOW, THEREFORE, I, Robert C. Murphy, Chief Judge of the Court of Appeals of Maryland and administrative head of the Judicial Branch, do this _____ day of August, 1989, adopt the following substance abuse policy affecting all judges and employees of the Judicial Branch.

A. In this Administrative Order, the following words have the meanings indicated:

(1) **"Substance"** means alcohol or drugs.

(2) **"Alcohol"** means ethyl alcohol or ethanol.

(3) **"Drugs"** means any substance, including controlled dangerous substances, taken into the body, other than alcohol, which may impair one's mental faculties, change one's mood and/or physical performance.

(4) **"Judiciary personnel"** means any person employed in the Judicial Branch of State government.

(5) **"Abuse"** means:

(a) Any use of any illegal drug;

(b) Intentional misuse of any over-the-counter drug, in cases where such misuse impairs job performance;

(c) Use of any prescription drug in a manner inconsistent with its medically prescribed, intended use, or under circumstances where use is not permitted;

(d) Use of alcohol where such use impairs job performance; and

(e) Intentional and inappropriate use of any substance, legal or illegal, which impairs job performance.

(6) **"Workplace"** means a State owned or utilized premise for official State business.

B. The Maryland Judiciary establishes and adopts the following substance abuse policy:

(1) Judiciary personnel are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using a controlled substance in the workplace.

(2) Where justified by reliable information and/or observation, criminal violations shall be referred to the appropriate law enforcement authority for further investigation and prosecution.

(3) The Judiciary will not hire anyone who is known to currently abuse drugs or alcohol.

(4) All Judiciary personnel must report to work in a fit condition to perform their duties. Reporting to work under the influence of drugs or alcohol is a violation of this policy and shall subject judiciary personnel to disciplinary action.

(5) All Judiciary personnel on official business, on or off the workplace, are prohibited from purchasing, transferring, using, or possessing illegal drugs or from abusing alcohol or prescription drugs in any way that is illegal.

(6) All Judiciary personnel must report any drug arrest to their supervisor within five (5) days of that arrest.

(7) All Judiciary personnel convicted of off-the-job drug or alcohol offenses will be in violation of this policy.

(8) All Judiciary personnel must cooperate fully with appropriate law enforcement authorities in the investigation and prosecution of illegal drug or alcohol use.

(9) The Judiciary, in cooperation with the Executive and Legislative branches of State government, will educate and inform its personnel about:

(a) The dangers of drug and alcohol abuse in the workplace and the community at large;

(b) The Judiciary's policy of maintaining a drug-free workplace;

(c) Any drug and alcohol abuse counseling, rehabilitation, and personnel assistance programs that are available; and

(d) The penalties that may be imposed upon Judiciary personnel for drug and alcohol abuse violations.

(10) Judiciary personnel will not be terminated for voluntarily obtaining assistance for a substance abuse problem. However, continued unacceptable job performance, attendance and/or behavior problems shall result in disciplinary action up to and including termination.

(11) Any Judiciary personnel found to be in violation of any of the provisions of this policy shall be subject to authorized disciplinary and other sanctions as permitted by law.

(12) All administrative judges and supervisory Judiciary personnel are responsible for adherence, implementation, enforcement, and monitoring of this policy.

C. The Judiciary is committed to making good faith efforts to insure a safe, secure, and drug-free workplace for its personnel consistent with the Drug-Free Workplace Act, governmental operations and the needs of employees to work in a drug-free environment conducive to productive and satisfying job experiences. This policy requires the cooperation and support of all personnel of the Judiciary to reach the objective of a drug-free workplace.

Filed: August 29, 1989

/s/ Alexander L. Cummings
Clerk
Court of Appeals of Maryland

/s/ Robert C. Murphy
Robert C. Murphy, Chief Judge