

The Honorable R. Clayton Mitchell, Jr.
Speaker of the House of Delegates
State House
Annapolis, Maryland 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 345.

House Bill 345 would prohibit the State from imposing sanctions under the State Substance Abuse Policy on a "nonsensitive" employee, as classified by the Department of Personnel, who is convicted or receives probation before judgement for a drug or alcohol offense if the incident giving rise to the conviction or probation before judgement occurred outside the work place. Furthermore, the bill would prohibit the State from imposing sanctions under the State Substance Abuse Policy on an employee classified as "sensitive" who receives a probation before judgement if the incident giving rise to the probation before judgement occurred outside the work place.

The Department of Public Safety and Correctional Services (DPSCS) and the Department of Personnel (DOP) have requested a veto of House Bill 345 because the bill, by weakening DPSCS' authority to sanction employees who abuse alcohol and drugs, would have a profoundly negative impact on all State agencies and, in particular, would jeopardize the integrity of the Department of Public Safety and Correctional Services. The Secretaries of both Departments also believe that the bill would erode public confidence in State law enforcement and correctional operations.

Substance abuse is a serious national crisis that has had a detrimental effect on society. Employees that abuse alcohol or drugs, whether in the work place or on their own time, are less productive, have higher rates of absenteeism and injuries on the job, and run greater risks of causing harm to innocent persons. The State of Maryland Substance Abuse Policy, promulgated as Executive Order 01.01.1989.05, proclaims that a "drug free workplace is fundamental to efficient, effective and responsive government." Because of the threat created by drug and alcohol abuse, whether on or off the job, the Executive Order authorizes State agencies to require an employee convicted of a drug or alcohol offense to seek treatment as a condition of continued employment or terminate the individual's employment. This is one mechanism by which the State, as an employer, encourages citizens to avoid substance abuse behavior or seek help if they have an alcohol or drug problem.

Furthermore, there are a significant number of "sensitive" personnel within DPSCS, including correctional and probation and parole officers, forensic chemists, pilots, and aviation mechanics. And, while Maryland State Police law enforcement officers are not "sensitive" employees, they are bound by the State of Maryland Substance Abuse Policy by virtue of a Departmental drug abuse policy that incorporates the Governor's Executive Order. These law enforcement officers patrol the streets, investigate criminal activity, run the daily operations of the State's jails, counsel drug-addicted prisoners, analyze drugs seized during arrests made of criminal suspects, and fly State helicopters. If House Bill 345 were enacted, it is conceivable that a "sensitive" employee with the responsibility for enforcing our drug and alcohol laws may plead guilty to violations of drug or alcohol laws