

A 1993 study by the National Institute on Drug Abuse (NIDA) estimates that nationally, one in ten employees suffers from a substance use or abuse problem. Additionally, the report finds that on average, one employee influences the lives of at least four other co-workers. This translates into a staggering cost to both public and private sector employers in terms of lost productivity, absenteeism, and injuries.

The intent of the SSAP is to ensure a drug and alcohol-free work place where State employees can carry out their duties efficiently and effectively. The SSAP provides the means by which management can identify and assist at-risk employees and, if necessary, discipline those who fail to respond to treatment in order to ensure the integrity of the work place.

While proponents have expressed concern about unjustified dismissals, House Bill 441 would preclude a management authority from taking any action on what might be a flagrant drug or alcohol violation, and which might be indicative of a serious substance abuse problem, simply because probation before judgement was awarded. Such a restriction greatly undercuts the effectiveness of the SSAP and is bad public policy.

Maryland has taken, and continues to take, great strides in combatting the pervasive and destructive problem of substance abuse. House Bill 441 flies directly in the face of these efforts and would create an unsatisfactory and confusing policy for both State employees and the public they serve.

For these reasons, I have vetoed House Bill 441.

Sincerely,
William Donald Schaefer
Governor

House No. 441

AN ACT concerning

State Substance Abuse Policy – Probation Before Judgment – Convictions for Offenses Outside the Course and Scope of Employment

FOR the purpose of providing that a probation before judgment for State employees and that convictions for offenses for certain State employees not in a sensitive class or position occurring outside the course and scope of employment may not be considered violations of the State Substance Abuse Policy under certain circumstances; prohibiting the State or an appointing authority from imposing a suspension or other sanctions, or undertaking any other disciplinary actions under the State Substance Abuse Policy against a State employee who receives a probation before judgment or against certain State employees not in a sensitive class or position for convictions for offenses not occurring during the course and scope of employment under certain circumstances; providing certain exceptions for convictions for offenses occurring during the course and scope of employment; defining certain terms; making this Act an emergency measure; and generally relating to the consideration of probation before judgment and convictions for offenses