

1 **..Title**

2 **Fair Cannabis Employment Practices**– For the purpose of updating the City of Annapolis
3 employment policy as a result of the State legalizing cannabis use and possession on July 1,
4 2023, and generally related to city employment policy.

5 **..Body**

6 **CITY COUNCIL OF THE**
7 **City of Annapolis**

8
9 **Ordinance 35-24**

10
11 **Introduced by: Alderman Savidge**

12
13 **Referred to**

14 Rules and City Government Committee,
15 Housing and Human Welfare Committee

16
17 **AN ORDINANCE** concerning

18
19 **Fair Cannabis Employment Practices**

20
21 **FOR** the purpose of updating the City of Annapolis employment policy as a result of the State
22 legalizing cannabis use and possession on July 1, 2023, and generally related to city
23 employment policy.

24
25 **BY** repealing and re-enacting with amendments the following portions of the Code of the City
26 of Annapolis, 2024 Edition:
27 **3.04.010**

28
29 **BY** enacting with amendments the following portions of the Code of the City of Annapolis,
30 2024 Edition:
31 **3.24.050**

32
33 **WHEREAS,** Now that Maryland has legalized medical and recreational Cannabis use, there is
34 a disconnect between that legalized use and the City’s policies governing drug
35 abuse, which impacts both the City’s ability to hire and retain good employees
36 and discriminates against those who legally and responsibly use cannabis while
37 off-duty; and

38
39 **WHEREAS,** The City’s current policy is to test all job applicants and current employees upon
40 reasonable suspicion for Controlled Dangerous Substances (CDS), including
41 cannabis, which impacts our ability to hire and retain good employees and
42

Explanation: ~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates a change to the City Code.
Underlining & black - copyediting or reformatting of existing Code section
Underlining & red - new matter added to the code.

1 **WHEREAS**, The City's current policy requires an employee to go through a full drug treatment
2 program if tested positive for cannabis, treating it no differently than much more
3 addictive and severe CDS; and
4

5 **WHEREAS**, When determining on-the-job impairment, the City's current policy is to use urine
6 testing, which cannot determine impairment since it cannot detect the
7 psychotropic component of THC and instead reveals benign and off-duty use of
8 cannabis going back as far as three months, which is irrelevant to impairment; and
9

10 **WHEREAS**, Someone's job is one's livelihood, and losing such a job for using recreationally
11 and medically legal cannabis while off-duty represents an extreme, un-
12 proportional, discriminatory, and unacceptable consequence; and
13

14 **WHEREAS**, Whereas, Governor Wes Moore issued Executive Order 01.01.2023.16, which
15 rescinded previous executive orders related to workplace substance abuse policies
16 and reaffirmed Maryland's commitment to a drug-free workplace while
17 recognizing the legalization of adult-use cannabis, thus promoting a fair and
18 equitable approach to cannabis use; and
19

20 **THEREFORE**, the City of Annapolis aims to follow Governor Wes Moore's example by
21 promoting fair and equitable workplace policies regarding cannabis use, ensuring
22 that employees' rights are protected and respected.
23

24 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
25 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:
26

27 **Title 3 - HUMAN RESOURCES**
28 **Chapter 3.04 - General Provisions**
29 **Section 3.04.010 - Definitions**
30

31 For the purposes of this title, the following words and phrases have the meanings indicated:

- 32 1. "Anniversary date," also known as "review date" or "increment date," means ~~the~~that date
33 on which an employee is eligible to receive an in-grade pay increase, normally twelve
34 months from the date of hire and each twelve months thereafter. This date may ~~only~~only be
35 changed by awarding an in-grade pay increase later than the due~~date it is due~~.
- 36 2. "Appointing authority" means:
- 37 a. The Mayor, ~~(for positions assigned to the office of the Mayor);~~
38 b. The City Manager ~~(for the director of each department);~~
39 c. The director of each department, ~~(for positions assigned to that department); and~~
40 d. The head of an office, ~~(for positions assigned to that office);~~

Explanation: ~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates a change to the City Code.
Underlining & black - copyediting or reformatting of existing Code section
Underlining & red - new matter added to the code.

- 1 3. "Appointment list" means a list containing the names of qualified applicants for a
2 particular position ~~that~~ which may be ranked based on ~~the basis of~~ one or more of the
3 following: applicant's qualifications, competitive examination score(s) and personal
4 interview.
- 5 4. "Cannabis" means the plant Cannabis Sativa L. and any part of the plant, including all
6 derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether
7 growing or not, with a delta-9-tetrahydrocannabinol concentration greater than 0.3%
8 on a dry weight basis. Cannabis includes cannabis products but does not include hemp
9 or hemp products as defined by Agriculture Article § 14-101 of the Maryland Code.
- 10 5. "City employee" means an individual employed by the City of Annapolis or a City
11 contract employee.
- 12 6. "Civil Service" means the system which includes the regulations and procedures
13 prescribed in and promulgated under the authority of this chapter, the Civil Service
14 Board, the job descriptions, the pay plan and all of the employees ~~who are~~ included in the
15 system.
- 16 7. "Classification" means ~~the process of~~ reviewing the duties and responsibilities of a
17 position or positions and incorporating these duties and responsibilities into a job
18 description.
- 19 8. "Controlled Dangerous Substance" means any substance, excluding cannabis, that is
20 controlled under the Federal Controlled Substances Act, 21 U.S.C. § 801, et seq., as
21 amended, and/or the Maryland Controlled Dangerous Substances Act located in
22 Criminal Law Article § 5-101 through 5-1101 of the Maryland Code.
- 23 9. "Demotion" means an employee's ~~the~~ voluntary or involuntary movement ~~of an employee~~
24 from a pay grade to a lower pay grade.
- 25 10. "Drug" means any controlled, dangerous substance, non-prescription drug, or
26 prescription drug taken into the body that may impair one's mental faculties and/or
27 change one's mood and/or physical performance. ,
- 28 11. "Employee" means the person employed to perform the work of a position.
- 29 12. "Employment agreement" means a written agreement executed with the City for an
30 individual to provide personal services to the City for pay on either a part-time or full-
31 time basis.
- 32 13. "~~Employment agreement employee~~" means ~~another excluded service employee: (1) who,~~
33 ~~is required to execute an employment agreement; (2) who is not specifically placed in the~~
34 ~~civil service system by Human Resources Manager or designated as exempt service by~~
35 ~~the City Council; (3) who does not meet the definition of a temporary employee; and (4)~~
36 ~~who has an employer-employee relationship with the City as further described in Chapter~~
37 ~~3.10. This includes employees whose positions are fully funded by grant sources that~~
38 ~~preclude benefits or compensation to which civil service employees are entitled.~~

Explanation: ~~Strikethrough~~ indicates matter stricken from existing law.
 Underlining indicates a change to the City Code.
 Underlining & black - copyediting or reformatting of existing Code section
 Underlining & red - new matter added to the code.

1 An "employment agreement employee" means a non-civil service employee who:
2 a. Is required to sign an employment agreement;
3 b. Is not specifically placed in the civil service system by the Human Resources
4 Manager or designated as exempt service by the City Council;
5 c. Does not meet the definition of a temporary employee; and
6 d. Has an employer-employee relationship with the City as further detailed in § 3.10.
7 e. Is in a position that is fully funded by grant sources that prevent them from
8 receiving benefits or compensation entitled to civil service employees.

9 14. "Equal protection" means that in accordance with the 14th Amendment of the United
10 States Constitution, the City shall treat a person or class of persons the same as it treats
11 other persons or classes in like circumstances.

12 15. "Exempt service" means positions designated by the City Council ~~that~~which are
13 specifically not included in the civil service and are enumerated in ~~Section~~§ 3.08.

14 16. "Impaired" means reduced cognitive or physical ability that results from use of drugs,
15 alcohol, cannabis, or controlled dangerous substances.

16 17. "Job description" means a written explanation of one position or of several very similar
17 positions ~~that~~which always includes a title, a general definition of responsibilities, a list
18 of typical duties and the minimum required qualifications.

19 18. "Other excluded service" includes all other persons rendering limited-term or temporary
20 employee services except those specifically placed in the civil service system by the
21 Human Resources Manager or those designated as exempt service by the City Council.
22 Any positions not included in the civil service or the exempt service are considered ~~to be~~
23 "other excluded service."

24 19. "Pay plan" means the written chart ~~that~~which places every job description in a pay grade.
25 Each pay grade consists of a maximum, minimum, and intermediate level of
26 pay. ~~maximum and minimum level and intermediate levels of pay.~~

27 20. "Permanent status" means the status given to a civil service employee who has
28 successfully completed the initial probationary period, or any extension of an initial
29 probationary period.

30 21. "Position" means a group of duties and responsibilities assigned to an employee. A
31 position can be vacant or occupied.

32 22. "Probationary status" means the status given to a new, a transferred or a promoted civil
33 service employee for the designated period during which the employee must initially
34 demonstrate an ability to perform the duties of the position to which appointed.

35 23. "Promotion" means assigning a civil service employee from one pay grade to a higher
36 pay grade.

Explanation: ~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates a change to the City Code.
Underlining & black - copyediting or reformatting of existing Code section
Underlining & red - new matter added to the code.

1 24. "Reclassification" means ~~the process of~~ reviewing the duties and responsibilities of an
2 existing position or positions ~~in order~~ to revise the job description to which the ~~y position~~
3 ~~or positions~~ are assigned; or moving a job description from one pay grade to another pay
4 grade.

5 25. "Temporary employee" means any other excluded service employee appointed for a
6 special project, program, grant or seasonal employment who works either part-time for
7 less than thirty regularly scheduled hours per week or full-time for no more than one
8 hundred six days per City fiscal year. Temporary employees are not required to execute
9 an employment agreement, unless otherwise required by the appointing authority.

10 26. "Transfer" means the movement of a civil service employee from one position to another
11 in the same pay grade.

12
13 **Title 3 - HUMAN RESOURCES**
14 **Chapter 3.24 - Conduct and Qualifications**
15 **Section 3.24.050 - Cannabis**
16

17 **A. Testing** Except as may be required under § 3.24.050(B) herein, the City shall not conduct
18 cannabis testing during pre-employment screening or after hiring an employee.

19 **B. Preemptions.** Nothing in this section:

- 20 1. Permits a City employee to possess, be impaired by, or use cannabis or intoxicating
21 cannabinoids while on the job.
- 22 2. Affects the rights or obligations of the City to maintain a drug- and alcohol-free
23 workplace.
- 24 3. Prevents the rights or obligations of the City to take disciplinary action against
25 someone impaired while on duty.
- 26 4. Affects any other City obligations under Federal or State law.
- 27 5. Preempts state or federal laws requiring applicants or employees to be tested for
28 controlled substances.

29 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
30 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect upon passage.

Explanation: ~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates a change to the City Code.
Underlining & black - copyediting or reformatting of existing Code section
Underlining & red - new matter added to the code.