

TALBOT COUNTY  
PUBLIC SCHOOLS  
EASTON, MD 21601

POLICY CODE

7.4

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**DRUG-FREE WORKPLACE**

The Talbot County Board of Education is committed to a drug-free workplace, and learning environment for students. **The Board believes to be essential to a safe and productive learning environment for students and staff.** Therefore, the Talbot County Board of Education **directs the administration to develop regulations that comply with the Federal and State laws regarding a drug free workplace.** ~~prohibits: (1) the unlawful manufacture, distribution, dispensing, possession, or use of an illegal drug or alcohol by school system personnel during the workday on or off school premises, (2) the unlawful manufacture, distribution, dispensing, possession, or use of illegal drugs by school system personnel at any time, and (3) having an alcohol concentration of 0.02 or greater.~~

~~Any employee found to have violated this policy will be subject to discipline up to and including termination of employment and referral for prosecution.~~

**I. — DEFINITIONS:**

A. — ~~The term “illegal drug” means drugs, controlled dangerous substances, and/or controlled substances, the possession or use of which is unlawful, pursuant to the laws of any county or Federal, State, or local laws or regulations in the United States. Drugs that are not legally obtainable, or that are legally attainable but have not been legally obtained, such as prescription drugs prescribed for someone other than the employee, are considered to be illegal drugs under the terms of this policy. “Illegal drugs” includes but is not limited to drugs such as cocaine, heroin, marijuana, and phencyclidine (PCP). It also includes but is not limited to controlled substances such as amphetamine, methamphetamine, and barbiturates.~~

~~— The policies and regulations set forth by the Federal Drug-Free Workplace Act apply directly to the use of cannabis in schools, including child care facilities located in schools, even if such use might be permitted under State law. All employees, contractors, volunteers, and visitors are required to comply with this law and may not distribute, possess, use, or be under the influence of cannabis while in schools or during working hours, including but not limited to while transporting students or attending school-sponsored activities.~~

B. — ~~The term “controlled substance” includes but is not limited to drugs not being used for prescribed purposes or in a prescribed manner.~~

- ~~C. The term “workday” means all hours that an employee is (1) on duty or assigned to work, (2) on Talbot County Public Schools property, (3) at Talbot County Public Schools approved or school-related functions, (4) attends conferences and seminars in connection with an employee’s connection with an employee’s employment with Talbot County Public Schools or (5) is assigned overtime work. The term “workday” does not include hours for which the employee is on a leave of absence or is absent due to illness or on vacation.~~

## ~~H. PRE-EMPLOYMENT TESTING~~

~~COMAR 13A.06.07.11 Requires an alcohol and controlled substance testing program for all school vehicle drivers. A controlled substances test shall be administered as part of the application process prior to the offer of employment as a school vehicle trainee.~~

## ~~III. FOR CAUSE TESTING~~

- ~~A. For Cause Testing: For cause testing is based on circumstances where the Talbot County Public Schools (“TCPS”) has information about an employee’s behavior or physical appearance which provides reasonable cause to suspect that the employee may have used illegal drugs or alcohol while on Talbot County Public Schools property, or during the workday, or has used illegal drugs, or has an alcohol concentration of 0.02 or greater.~~
- ~~B. Reasonable Cause to Suspect Use of Illegal Drugs or Alcohol: When an employee shows signs of impairment such as difficulty in maintaining balance, slurred speech, erratic or atypical behavior, or otherwise appears unable to perform his/her job in a safe manner, or if the TCPS has a reasonable suspicion that an employee is in violation of the TCPS rules of conduct regarding the use of alcohol or illegal drugs, the employee shall be referred to an administrator or supervisor to decide whether a test for alcohol or illegal drugs is to be conducted. Administrators and supervisors are responsible for advising the Personnel Office when reasonable suspicion exists. Drug and alcohol tests required under this policy shall be approved by and coordinated through the Personnel Department.~~
- ~~C. Accidents or Unsafe Practices: If an employee is involved in an accident while using or operating equipment or vehicles while on duty or while engaging in an unsafe work practice, as determined by the employee’s supervisor, then the employee shall be referred to the Personnel Office to determine if alcohol or drug testing shall be administered. An alcohol test shall be administered as soon as practicable, but no later than eight (8) hours following the accident or unsafe practice. A drug test shall be administered as soon as practicable but no later than thirty-two hours following the accident or unsafe practice.~~

- ~~\_\_\_\_\_ D. Travel to Laboratory: If the decision is to conduct a suspicion-based alcohol and/or drug test, the employee shall be escorted to the testing laboratory for testing.~~

#### ~~IV. MISCELLANEOUS TESTING~~

- ~~\_\_\_\_\_ A. An employee shall undergo testing for illegal drugs or alcohol if transferring to a position which requires driving a vehicle or operating heavy equipment.~~
- ~~\_\_\_\_\_ B. Safety-sensitive employees shall be subject to random testing for drugs or alcohol. "Safety-sensitive" employees include the all of the following job titles and categories:~~

~~Superintendent, Assistant Superintendents, Directors, Coordinators, Specialists, Teachers, Guidance Counselors, Psychologists, Social Workers, Therapists, Principals, Assistant Principals, Secretaries, Clerks, Receptionists, Administrative and other office Assistants, Substitute Teachers, Coaches, Maintenance employees, Custodians, Supervisors, Managers, Instructional Assistants, Bus Drivers, and any other positions which may have any direct contact with students.~~

~~In addition to the above noted employees, Members of the Board of Education may voluntarily undergo alcohol and drug testing.~~

#### ~~V. TESTING PROCEDURES~~

- ~~\_\_\_\_\_ A. For tests for applicants or employees, the test shall be conducted by a laboratory that holds a Maryland permit, is certified or otherwise approved by the State of Maryland.~~
- ~~\_\_\_\_\_ B. At the time of testing, at the applicant's or employee's request, the TCPS will inform the individual of the name and address of the laboratory that will test the specimen.~~
- ~~\_\_\_\_\_ C. If the test result is positive, the TCPS will provide the applicant or employee with: (1) a copy of the laboratory test indicating the test results, and (2) a copy of this Drug-Free Workplace Policy if the individual has not already received a copy.~~
- ~~\_\_\_\_\_ D. The applicant or employee may request independent testing of the same sample for verification of the test results by a laboratory holding a Maryland permit, or by a laboratory that is certified or otherwise approved by the State of Maryland. This test will be paid for by the applicant or employee.~~

- ~~\_\_\_\_\_ E. \_\_\_\_\_ An employee who is injured in a work-related accident must provide to the TCPS upon request a copy of all laboratory tests performed within twenty-four (24) hours of the request.~~

## **~~VI. POSITIVE TEST~~**

~~An employee whose alcohol or drug test is positive is considered in violation of Board of Education policy:~~

- ~~\_\_\_\_\_ A. \_\_\_\_\_ First Positive: The employee shall be terminated or, at TCPS's option, placed on an immediate leave of absence without pay and given the option of participating in the TCPS Employee Assistance program or a TCPS approved alcohol or drug rehabilitation program. If the employee is given the option of entering the TCPS Employee Assistance Program or an approved rehabilitation program, the employee cannot return to active work until such time as another alcohol and/or drug test, administered by or through the TCPS, is negative. The employee must also provide written evidence of successful rehabilitation and may be required, at the option of the TCPS, to remain active in a rehabilitation program. Following such a negative test, the employee may return to work and shall be subject to random (unannounced and unscheduled) alcohol and/or drug tests.~~
- ~~\_\_\_\_\_ B. \_\_\_\_\_ Second Positive: The employee shall be discharged.~~
- ~~\_\_\_\_\_ C. \_\_\_\_\_ Notification: All individuals who test positive are to be notified by the TCPS and given an opportunity to provide the TCPS any reasons he/she may have which would explain the positive alcohol or drug test.~~
- ~~\_\_\_\_\_ D. \_\_\_\_\_ Confidentiality: The identity of individuals who have tested positive on "for cause" testing are to be limited to those persons having a need to know. The Talbot County Public Schools will not provide the test results to an individual's health insurer without the written permission of the individual.~~
- ~~\_\_\_\_\_ E. \_\_\_\_\_ Employee's Responsibility: It is the responsibility of each employee to seek assistance from the Employee Assistance Program before the employee's alcohol or drug use or other violation of this policy leads to disciplinary action. Once a violation of Board of Education policy has been identified, subsequent use of rehabilitation programs will not lessen disciplinary action.~~

## **~~VII. ARRESTS OR CONVICTION~~**

~~An employee arrested or convicted of violating a criminal drug statute must notify the Board of Education Personnel Department within five (5) days of such arrest or conviction. A decision regarding the employee's employment status will be made based upon the specifics of each case.~~

~~The Board of Education shall notify the appropriate Federal and State agencies of such convictions.—~~

**-END-**