

Administrative Procedures for Policy #1540 (Administration) Regarding Prohibition of Drug and Alcohol on the Property of Calvert County Public Schools

Procedures Relating to Employees

I. Definitions

- A. Substance: alcohol or drugs.
- B. Alcohol: Alcoholic beverages including, but not limited to: brandy, whiskey, rum, gin, cordial, beer, ale, foster, stout, wine, cider and any other spirituous, vinous malt or fermented liquor, liquor or compound, by whatever name called, containing one-half of one percent or more of alcohol by volume.
- C. Drug: Drug means a substance recognized in the official U.S. Pharmacopoeia, National Formulary, or any supplement to them; substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; and substances (other than food) intended to affect the structure of any function of the body of man or other animals. Drugs may include:
 - 1. Barbiturate: a drug which contains any quantity of:
 - a. Barbituric acid of any of the salts of barbituric acid; or
 - b. Any derivative of barbituric acid which has been designated by the Secretary of Health and Human Services as habit forming under Section 502 of the Federal Food, Drug and Cosmetic Act 21 U.S.C. 352
 - 2. Tranquilizers/sedatives: valium, downers, reds, dummies, yellows, goofballs, slammers, etc.
 - 3. Amphetamine: a drug which contains any quantity of:
 - a. Amphetamine or its optical isomers;
 - b. Any salt of amphetamine or any salt of an optical isomer of amphetamine; or
 - c. any substance which the Attorney General of the U.S., after investigation, has found to be, and by regulation designed as, habit forming because of its stimulant effect on the central nervous system (diet pills, bennies, pep pills, uppers, etc.)
 - 4. Depressants/hallucinogens/stimulants: any drug found to have and by regulation designated as having a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

5. Inhalants: glue, contents of aerosol spray cans amyl or butyl nitrates (locker room, rush), paint, cleaning fluid, laughing gas, white out, or other gases, fluids, or sprays in order to get high.
 6. Narcotics other than heroin: codeine, morphine, percocet, Ritalin, oxycotin, valium, adderal, concerta, etc.
 7. Any of the following by any name or in any form: mescaline, mushrooms, PCP, angel dust, love boat, green, cocaine, crack, rock, pot, grass, marijuana, hashish, steroids, ethamphetamines (meth, speed, crack, ice), designer drugs (Ecstasy), heroin (smack, stuff), LSD (lysergic acid diethylamide, acid)
- D. Drug Paraphernalia: All equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, progressing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled dangerous substance. It includes but is not limited to:
1. Scales used for weighing
 2. Testing equipment used for analyzing the strength and purity of the substance
 3. Capsules, balloons, envelopes, plastic bags (baggies) and other containers designed for use in packaging small quantities of controlled dangerous substances or counterfeit drugs
 4. Hypodermic syringes, needles and other objects used, intended for use in injecting controlled dangerous substances into the human body
 5. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body
- E. Reasonable Suspicion: the existence of circumstances that present a reasonable cause to believe that the search or testing of a person, place, or thing will lead to the discovery of an object, substance, or device whose use or possession constitutes a criminal offense under the laws of the state of Maryland or a violation of CCPS policy.
- F. Drug or Alcohol Test: any professionally recognized method of determining objectively whether a person has engaged in alcohol or drug use or abuse.
- G. Authorized Test Facility: any Maryland State and Department of Health and Human Services (DHHS) certified organization, clinic, office, or institution designated by the Superintendent of Schools as authorized to perform all, or a portion of, drug or alcohol testing.
- H. Abuse:
1. Any use of an illegal drug;
 2. Intentional misuse of any over-the-counter drug when such misuse impairs job performance or endangers the safety of others in the workplace;

3. The misuse of any prescription drug which the user knows or should know may impair job performance or endanger the safety of others in the workplace; or
 4. The prohibited use of alcohol.
- I. School Property: Any Calvert County Public Schools building and/or grounds, and any CCPS leased or owned vehicles, including school buses when they are in use for official school business. This includes any location used for co- or extra-curricular activities, including any field trips.
 - J. Permanent Position: a position which requires, or which is likely to require, the regular employment of an individual without interruption for more than 12 months.
 - K. Supervisor: a building principal or central office department head.

II. General Regulations

- A. Employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, being under the influence and/or abusing alcohol or drugs in the workplace.
- B. Suspected policy violations will be referred to the Director of Human Resources for further investigation and appropriate action.
 1. A thorough investigation will be conducted into the alleged policy violation(s), and a determination will be made regarding the employee's involvement in the alleged actions.
 2. Employees may be placed on administrative leave while an investigation is being conducted.
 3. After the investigation and a conference with the employee, the employee may be disciplined, including reprimand, suspension or termination, if it is determined that established policies have been violated. If an employee is suspended, a determination will be made at that time regarding the employee's present and future position assignment.
- C. Supervisors may recommend to the Director of Human Resources that an employee submit to drug or alcohol testing when a supervisor is convinced that there is reasonable suspicion that the employee has engaged in drug or alcohol abuse. Reasonable suspicion does not require certainty.
- D. Whenever a supervisor has reasonable suspicion, as defined in sections IE and IIC of these procedures, to believe an employee's problems may be caused by substance abuse, the following steps shall be taken:
 1. The supervisor shall document in writing all circumstances, information and facts leading to and supporting his/her suspicion. At a minimum, the report shall include appropriate dates and times of questionable behavior, sources of information and rationale leading to referral for testing and the action(s) taken.

2. The supervisor, once having made the decision to proceed, shall contact the Director of Human Resources. Together they shall determine whether there is sufficient reason for a drug and/or alcohol test referral.
3. At this time, the supervisor shall discuss the situation with the employee in a private location with a witness present. Care shall be taken not to accuse the employee of substance abuse. Instead, the employee shall be presented with instances of questionable behavior. If the employee does not have an acceptable explanation for his/her questionable behavior, the supervisor shall continue with the procedures set forth herein.
4. In those cases where the supervisor determines that the employee's behavior causes a potential threat of harm to him/herself, or others, the supervisor shall request that the employee leave the worksite immediately. If the employee refuses to cooperate, the supervisor will call local law enforcement officials.
5. Once a determination has been made to refer an employee for testing, it shall be the responsibility of the Director of Human Resources/designee or supervisor to:
 - a. Advise the employee of such a decision with a witness present;
 - b. Fill out a Drug/Alcohol Testing Information Referral and Consent Form for the employee; and obtain employee consent for testing;
 - c. Make arrangements for the employee to get to the collection site for the drug and/or alcohol test and for the employee to get home following the collection process. (For the safety of the employee, other employees, and the general public, all possible steps shall be taken to ensure the employee in question does not drive a vehicle. If the employee refuses assistance with transportation, it will be considered a violation of this policy.)
6. The supervisor shall notify the collection facility that the employee is being sent for testing and shall request that the collection facility notify the supervisor when collection procedures are completed. The employee shall be placed on administrative leave pending receipt of the test results by the Director of Human Resources.
7. Employees are expected to cooperate fully in providing specimens and information which may be subsequently required by this Policy. Failure to provide specimens or otherwise interfering with the procedures established by this Policy will be grounds for disciplinary action up to and including dismissal.
8. In those cases where a supervisor learns/discovers an employee may possess what appears to be a controlled substance, illegal drug, or alcohol, he/she shall proceed as described in D1-7 of this section for instances where reasonable suspicion exists, and, if the substance in question appears to be a

controlled substance or illegal drug, shall in addition perform the following steps:

- a. Immediately confiscate the substance and all equipment or paraphernalia directly related to the substance. If the employee refuses to cooperate, the supervisor will call local law enforcement officials.
 - b. Wrap the substance and related equipment or paraphernalia in any available clean material (e.g. paper towel, copier paper, or handkerchief) and keep the package on his/her person or where he/she can be certain it cannot be tampered with until the police arrive.
 - c. As soon as the supervisor can, the supervisor shall secure a witness to observe as he/she puts the wrapped materials into a large envelope, seals the envelope completely and writes his/her initials over the seal of the envelope in several places.
 - d. The supervisor shall write the employee's name, his/her own name and the date at the top of the envelope. That person shall turn it over to local law enforcement officials. The supervisor and/or the Director of Human Resources shall witness the signing and dating of the envelope by the person to whom he/she turns it over.
- E. Employees will report to work in condition fit to perform their assigned duties. Reporting to work under the influence of drugs or alcohol, as defined in section I of these procedures, is a violation of CCPS policy and will subject the employee to disciplinary action which may include suspension or termination of employment.
- F. Repeated violations of CCPS Policy 1540 will result in recommendation for termination of employment.
- G. Employees on official business, on or off CCPS properties, are prohibited from using or possessing illegal drugs or using alcohol, prescription drugs, or over-the-counter drugs in any way that is illegal. The use of alcohol is strictly prohibited on CCPS properties or during the discharge of official CCPS duties at locations off CCPS properties when employees have direct responsibility for the supervision of students.
- H. Employees are expected to cooperate fully with appropriate law enforcement authorities in the investigation and prosecution of illegal drug or alcohol use at the worksite, or while on official CCPS business on or off CCPS property.
- I. CCPS encourages employees who use substances or who recognize that they are suffering from substance dependency to seek assistance through the CCPS' Employee Assistance Program (EAP) or a CCPS-approved alternative substance treatment program.
1. Irrespective of an individual's voluntary participation in such programs, CCPS will take appropriate and lawful action to identify and discipline employees who violate these regulations.
 2. Employees who are engaged in substance abuse rehabilitation programs may be terminated if it is confirmed that they are involved in a further violation of CCPS Policy 1540.

3. Employees must provide the Superintendent/designee with evidence of participation and progress in any treatment program required for continued employment or as a condition of returning to work.
- J. The Director of Human Resources and supervisors are responsible for the implementation, enforcement, and monitoring for CCPS Policy 1540.
- K. Employees will be informed about:
1. The CCPS policy for establishing and maintaining an illicit drug and alcohol-free workplace;
 2. The dangers of drug and alcohol abuse in the workplace and the community at large;
 3. Any drug and alcohol abuse counseling, rehabilitation, and employee assistance programs that are available; and
 4. The penalties that may be imposed upon employees for drug and alcohol use violations of this policy.
- L. The Human Resources Department will be responsible for notifying all new employees of CCPS Policy 1540 and Procedure 1540.1 Regarding the Prohibition of Drugs and Alcohol on CCPS Property.
- M. CCPS requires pre-employment applicant screening for temporary and permanent positions for the prohibited use of drugs. The applicant will be notified in advance that a drug screen is a necessary condition of employment. The consent of the applicant to perform the drug screen will be secured. An applicant's refusal to undergo the pre-employment drug screen and/or an applicant failing the drug screen, will automatically disqualify the applicant from further immediate consideration and also for a subsequent period of one (1) year. In accordance with Maryland law, it is the policy of the CCPS:
1. To use laboratories located in the state of Maryland which are state certified or, if located outside the state of Maryland, certified or otherwise approved by the Department of Health and Mental Hygiene.
 2. To inform the person tested, at the person's request, of the address of the laboratory that will test the specimen.
 3. To provide any applicant who has tested positively and whose test results have been confirmed with the following information within thirty (30) days of the date that the test was performed:
 - a. A copy of the laboratory test indicating the test results (upon request);
 - b. A copy of this written policy on the use or abuse of controlled dangerous substances or alcohol;
 - c. If applicable, written notice of the school system's intent to suspend consideration of the application as noted above or change the conditions of continued employment; and
 - d. The applicant may request, at his/her cost, independent testing of the same sample.

- N. All applicants being considered for employment with the Board of Education of Calvert County are required to read and sign the following statement:

CALVERT COUNTY PUBLIC SCHOOLS
EMPLOYEE DRUG-FREE WORKPLACE STATEMENT

In accordance with Board of Education of Calvert County Public Schools Policy 1540 and the Federal Drug-Free Workplace Act of 1988, I understand that it is unlawful to manufacture, distribute, dispense, possess or use a controlled substance in the workplace. A controlled substance is defined in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by Regulation at 21 CFR 1300.11 through 1300.15.

I further understand that:

1. The use by a CCPS employee of any prescription drug in a manner inconsistent with its medically prescribed, intended use or under circumstances where use is not permitted is prohibited on CCPS properties and during the discharge of official CCPS duties at locations off CCPS properties.
2. Knowingly permitting any student enrolled in the public schools to possess, use, distribute, or conspire to distribute alcoholic beverages, controlled dangerous substances, or other intoxicants is prohibited on CCPS properties, on school buses, and at off-site school or CCPS approved activities.
3. The possession, use, manufacture, distribution, or dispensing of alcohol is prohibited by all CCPS employees on CCPS properties. The use of alcohol is strictly prohibited during the discharge of official CCPS duties at locations off CCPS properties when employees have direct responsibility for the supervision of students.
4. I am obliged to abide by the terms of this statement and failure to do so will result in appropriate personnel action against me, up to and including termination of employment, and that my appointment to a position is conditional on successful completion of a drug screen testing.
5. I may be required to submit to drug or alcohol testing if my supervisor determines, subject to CCPS guidelines, that there is reasonable suspicion that I have engaged in drug or alcohol abuse.

By signature below, I acknowledge that I have read and understand this statement and that I have been informed of the conditions of my employment as written in this statement. I have received a copy of Board of Education Policy 1540 and Procedures 1540.1

Employee Signature

Date