

POLICY Board of Education of Queen Anne's County

| | |
|----------------------------|-----------------|
| Responsible Office: | Human Resources |
|----------------------------|-----------------|

DRUG-FREE WORKPLACE

I. PURPOSE

The purpose of the policy is to ensure compliance with the federal drug-free workplace act of 1988, to provide for testing for illegal drugs of prospective employees, to provide for testing of illegal drugs, cannabis (marijuana), and alcohol of current employees with cause, and random testing for illegal drugs, cannabis (marijuana), and alcohol of certain classifications of employees.

II. POLICY STATEMENT

The Board of Education of Queen Anne's County (Board) is committed to a drug-free workplace and learning environment for students. Therefore, the Board prohibits:

- A. the unlawful manufacture, distribution, dispensing, possession, or use of an illegal drug, cannabis (marijuana), or alcohol by school system personnel during the workday on or off school premises;
- B. the unlawful manufacture, distribution, dispensing, possession, or use of illegal drugs, cannabis (marijuana), by school system personnel at any time; and
- C. having an alcohol concentration of 0.02 or greater during the workday on or off school premises. Any employee found to have violated this policy will be subject to discipline up to and including termination of employment and referral for prosecution.

III. DEFINITIONS

- A. ***Illegal Drugs*** – drugs, controlled dangerous substances, and/or controlled substances, the possession or use of which is unlawful, pursuant to the laws of any county, 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, anabolic steroids, and phencyclidine (PCP). It also includes but is not limited to controlled substances such as amphetamine, methamphetamine, and barbiturates.

- B. **Controlled Substance** – includes but is not limited to prescription drugs not being used in a prescribed manner.
- C. **Workday** – all hours that an employee is
 - 1. on duty or assigned to work,
 - 2. on Queen Anne’s County Public Schools (QACPS) property,
 - 3. at QACPS approved or school related functions,
 - 4. attends conferences and seminars in connection with an employee’s employment with QACPS 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.

IV. IMPLEMENTATION

A. Pre-Employment Testing

All final candidates for employment shall undergo examinations for illegal drugs. Persons who test positive for illegal drugs shall be denied employment. Applicants who refuse to consent to testing shall not be eligible for employment with the QACPS.

B. For Cause Testing

- 1. **For Cause Testing:** For cause testing is based on circumstances where the QACPS has information about an employee’s behavior or physical appearance which provides reasonable cause to suspect that the employee may have used illegal drugs, cannabis (marijuana), or alcohol while on QACPS property, or during the workday, or has used illegal drugs, cannabis (marijuana), or has an alcohol concentration of 0.02 or greater.
- 2. **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 QACPS has a reasonable suspicion that an employee is in violation of the QACPS rules of conduct regarding the use of alcohol, cannabis (marijuana), or illegal drugs, the employee shall be referred to an administrator or supervisor to decide whether a test for alcohol, cannabis (marijuana), or illegal drugs is to be conducted.

Administrators and supervisors are responsible for advising the Human Resources Department when reasonable suspicion exists. Drug and alcohol tests required under this policy shall be approved by and coordinated through the Human Resources Department.

3. 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 Human Resources Department to determine if alcohol or drug testing shall be administered. An alcohol test shall be administered as soon 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.
4. Travel to Laboratory: If the decision is to conduct suspicion-based alcohol and/or drug test, the employee shall be escorted to the testing laboratory for testing.

C. Miscellaneous Testing

1. An employee shall undergo testing for illegal drugs, cannabis (marijuana), or alcohol if transferring to a position which requires driving a vehicle or operating heavy equipment.
2. Safety-sensitive employees shall be subject to random testing for drugs, cannabis (marijuana), or alcohol. "Safety-sensitive" employees include the following job title and category:
 - (a) Bus Drivers
3. Employees shall be subject to drug and/or alcohol testing if returning to duty after an absence of six (6) months or longer.

D. Testing Procedures

1. 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.
2. At the time of testing, at the applicant's or employee's request, QACPS will inform the individual of the name and address of the laboratory that will test the specimen.
3. If the test result is positive, QACPS will provide the applicant or employee with:

- (a) a copy of the laboratory test indicating the test results, and
 - (b) a copy of this Drug-Free Workplace Policy if the individual has not already received a copy.
4. 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.
 5. An employee who is injured in a work-related accident must provide to QACPS upon request a copy of all laboratory tests performed within twenty-four (24) hours of the request.

E. Positive Test

An employee whose alcohol, cannabis (marijuana), or drug test is positive is considered in violation of Board of Education policy:

1. First Positive: The employee shall be recommended for termination or suspension. Depending on the facts, the employee may be given the option of participating in the QACPS Employee Assistance Program or a QACPS approved alcohol or drug rehabilitation program. If the employee is given the option of entering the QACPS 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 QACPS, is negative. The employee must also provide written evidence of successful rehabilitation and may be required, at the option of QACPS to remain active in a rehabilitation program. Following such negative test, the employee may return to work and shall be subject to random (unannounced and unscheduled) alcohol and/or drug test.
2. Second Positive: The employee shall be discharged.
3. Notification: All individuals who test positive are to be so notified by QACPS and given an opportunity to provide QACPS any reason he/she may have which would explain the positive alcohol or drug test.
4. 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. QACPS will not provide the test results to an individual’s health insurer without the written permission of the individual.

F. Arrests or Conviction

An employee arrested or convicted of violating a criminal drug statute must notify the Board of Education Human Resources 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 shall notify the appropriate Federal and State agencies of such convictions.

V. POLICY REVIEW

The Board directs the Superintendent to implement this policy.

VI. SPECIFIC REFERENCES TO TITLES, DEPARTMENTS, OR LAWS

Federal Drug-Free Workplace Act of 1988
Code of Maryland Regulations: 13A.12.05.03
Cross Reference: Queen Anne's County Transportation Handbook

VII. EFFECTIVE DATE

Date: July 12, 2023

Patricia Saelens, Ed.D.
Superintendent, Queen Anne’s County Public Schools

HISTORY:

| | | | | | | | |
|-------------------------|------------|----------------|------------|-----------------|------------|--------------------|------------|
| Initial Adoption | 08/05/2009 | Revised | 07/10/2013 | Reviewed | 07/12/2023 | Next Review | 07/12/2026 |
|-------------------------|------------|----------------|------------|-----------------|------------|--------------------|------------|