

Purpose

To identify provisions for a substance abuse free workplace

Definitions

In these regulations, the following words have the meanings indicated:

1. **Abuse** means:
 - a. the use of any illegal drug or alcohol;
 - b. the intentional misuse of any over-the-counter drug when such misuse substantially impairs performance; or
 - c. the intentional misuse of any prescription drug which the user will substantially impair performance or endanger the safety of others in the workplace;
2. **Alcohol** means alcoholic beverages and/or any other intoxicating liquid which contains alcohol.
3. **Authorized Test Facility** means any organization, clinic, office, or institution, designated by the Superintendent as authorized to perform all, or a portion of, drug or alcohol testing.
4. **Conviction** means that a person is found guilty of a substance violation in a court of competent jurisdiction, pleads guilty, whether or not by nolo contendere, or 400 U.S. 25 (1970) and irrespective of whether the employee is or is not granted probation before judgment, a suspended sentence, or any other such disposition.
5. **Drug** means:
 - a. a controlled dangerous substance as defined in Title 5 of the Criminal Law Article of the Annotated Code of Maryland;
 - b. a substance, other than alcohol, caffeine, food, or tobacco, that when taken into the body may substantially impair one's mental faculties or physical performance;
 - c. an over-the-counter drug which the user knows may substantially impair job performance or endanger the safety of others in the workplace; or
 - d. a prescription drug used in a manner inconsistent with its medically prescribed purpose, or under circumstances where use is not permitted.
6. **Drug or Alcohol Test** means any professionally recognized method of determining objectively whether a person has engaged in alcohol or drug use or abuse. The Superintendent shall determine the nature of the test and the drugs the test is designed to detect.
7. **Reasonable Suspicion** means the existence of circumstances that present a reasonable cause to believe, based on objective observations, that there has been a violation of school board policy and/or this procedure relating to drugs or alcohol.
8. **Controlled Substance** means anything containing alcohol, tobacco, or any drug.
9. **Workplace** means any property owned, leased, or used by the Allegany County School Board for any official business. Workplace shall also include any place where any employee of the Board is supervising students or any place where school related activities involving students are taking place.
10. **Paraphernalia** means any item described in and proscribed by Section 5-101 (o) of the Criminal Law Article of the Annotated Code of Maryland to the extent that such items may be used with use of controlled substances as defined herein.

Policy Statement

Consistent with the Federal Drug-Free Workplace Act and other applicable law, Board of Education policy prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or paraphernalia in the workplace. This policy ensures that the highest standards of personal conduct and behavior are followed by all employees.

Violation of this policy regarding controlled substances in the workplace will result in disciplinary action up to and including termination. Any illegal activity may be referred to law enforcement officials. If an administrator has reasonable suspicion to believe that an employee is in violation of the Drug-Free Workplace Act, the employee may be required to participate in an alcohol or drug test.

All employees are required to report to work in a condition fit to perform their duties. Any employee who reports to work under the influence of an illegal drug or alcohol shall be considered to have committed misconduct in office under Education Article, Section 6-202 of the Annotated Code of Maryland.

An employee with a positive result of an alcohol or drug test, who has not been terminated, shall attend a prescribed drug abuse/treatment program through employee assistance, as determined appropriate by the administration, as a condition of returning to work or as a condition of continued employment. Failure to comply with the requirements of a prescribed substance abuse/treatment program may subject an employee to further disciplinary action.

Legal Reference	Public Law 100-690		
Policy History	Adopted	Reviewed	Revised Jan. 9, 2007, 1 st Reading Feb. 13, 2007, 2 nd Reading March 13, 2007, 2 nd Reading Oct. 8, 2013, 1 st Reading Nov. 12, 2013, 2 nd Reading Aug. 15, 2023, 1 st Reading Sept. 12, 2023, 2 nd Reading