

**I. PROHIBITIONS/INVESTIGATIONS**

1. In its effort to maintain a drug-free environment for the education of children in its school system, the Allegany County Board of Education will not hire anyone who has failed a pre-employment drug test.
2. Any person covered by the school board's policy relating to drugs and alcohol, who has been offered a position by the Allegany County School Board, shall, before reporting to assume that position, provide to the Superintendent of Schools the verified results of a pre-employment drug test, as defined herein, taken no more than thirty (30) days prior to the date of its submission. The test shall be sufficient to measure the presence of certain controlled substances in the applicant's body.
3. The Allegany County Board of Education will not tolerate any employee unlawfully manufacturing, dispensing, distributing, possessing, or using any controlled substance. Any employee violating the prohibitions of this paragraph shall be considered to have committed misconduct in office, and shall be subject to sanctions as set forth in Section V(1) herein.
4. Suspected violations of Board policy will be referred to the Superintendent or his designee for further investigation and appropriate action:
  - a. A thorough investigation will be conducted into the alleged policy violation(s), and a determination will be made by the superintendent or his designee regarding the employee's involvement in the alleged violation(s).
  - b. Employees may be placed on administrative leave while an investigation is being conducted.
5. Where justified by reasonable suspicion, reliable information and/or observation, any possible criminal violations may be referred to the appropriate law enforcement authority for further investigation and possible prosecution. Notification of any such referral shall be given immediately to the Superintendent.

**II. DUTY TO REPORT ILLEGAL DRUG VIOLATIONS**

In the event that any employee of the Board of Education of Allegany County is arrested and/or charged with any illegal drug-related violation, that employee must report the arrest or charge to Director of Personnel within three (3) days of the said arrest or charge. Failure to report will constitute insubordination and/or misconduct in office.

**III. REQUIREMENT FOR TESTING**

1. Effective with the adoption of Board Policy and Procedures, an administrator, principal, or assistant principal shall have the right, upon reasonable suspicion, to report any employee whom he or she suspects of being under the influence of any drug or alcohol to the Superintendent or his designee for a determination as to whether said employee shall be required to submit to an appropriate test to determine the presence of said drug or alcohol in his or her body. The Superintendent or his designee shall have the right to require the employee to report, at a specific time, or be transported, to an authorized testing facility for the purpose of an appropriate drug or alcohol test.

The employee shall consent or shall be deemed to have consented to the results of said testing being made available to the Superintendent. Any employee who refuses to be so tested or to so consent shall be considered to have committed insubordination and misconduct in office and shall be subject to discipline and/or termination under Section 6-202 of the Annotated Code of Maryland.

2. The following behaviors and/or indicators may be used to support reasonable suspicion requiring the need for drug or alcohol testing. The list of behaviors is not intended to be all inclusive:
  - a. evident odor of alcohol;
  - b. needle marks on arms, hands, or other parts of body;
  - c. observed use of drugs or alcohol;
  - d. uncharacteristic behaviors such as severe mood swings, abnormal agitation or hyperactivity, explosiveness, altercations or violence;
  - e. irrationality;
  - f. unusually boisterous or unusually subdued behavior;
  - g. slurred and irrational speech;
  - h. stumbling or irregular gait

It is the intention of the Board that the person making the determination, whether to report an employee for investigation by the Superintendent or his designee, or to require testing, shall consider all relevant factors in a fair and objective manner.

3. The Board shall indemnify and save harmless any administrator, principal, assistant principal, or any other supervisor from any liability, cause of action, etc., which may arise as a result of any duty imposed by this section, unless it is found that the administrator, principal, assistant principal, or supervisor shall have violated the rights of any employee. This indemnification includes providing a legal defense, as well as indemnification against any insurance deductible.

#### IV. SANCTIONS FOR DRUG VIOLATIONS

Any employee who is charged and/or convicted of unlawfully manufacturing, distributing, dispensing, possessing, or using any controlled substance, or paraphernalia, or any illegal or illicit drug, during or off school hours, shall be considered to have committed misconduct in office and shall be subject to discipline and/or termination of employment under Section 6-202 of the Annotated Code of Maryland.

#### V. ASSISTANCE AND REHABILITATION

1. Employees will not be terminated for seeking assistance from the Administration for a substance abuse problem, provided that they do so voluntarily, and before a problem arises either legally or administratively with the said substance abuse.
2. In the event that an employee voluntarily seeks assistance, the Board and the Administration will attempt to work with the employee through the Employee Assistance Program. Under such circumstances, the employee is required to cooperate fully with the Board and the Administration.

3. Unacceptable job performance, irregular attendance, or excessive absences, and/or behavior problems which are the consequence of drug or alcohol abuse shall result in disciplinary action up to and including termination.

VI. NOTIFICATION

1. Employees will be informed of the following:
  - a. the Board's Policy and Procedure for establishing and maintaining a drug and alcohol free workplace;
  - b. any drug and alcohol abuse counseling, rehabilitation, and employee assistance programs that are available; and
  - c. the penalties that may be imposed upon employees for drug and alcohol use violations as set forth herein.

<b>Board Reviewed</b> 10/08/13	<b>Superintendent Approved</b> 10/08/13
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