

PROCEDURE TITLE: Staff Conduct: Maintaining a Drug and Alcohol Free Workplace		
ADOPTION/EFFECTIVE DATE: August 1, 2023	MOST RECENTLY AMENDED::	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Staff Conduct		

Harford County Public Schools (HCPS) is committed to a drug and alcohol free workplace. The system further realizes that the abuse of drugs and alcohol impacts adversely upon the high standards of safety, security, and productivity that we expect of all employees. Compliance with this procedure is a condition of employment.

This procedure balances respect for employees with the system's needs to maintain a drug and alcohol free environment. It intends to provide appropriate assistance while communicating that drug use, including alcohol abuse, that causes impairment is incompatible with the school system's mission and will not be tolerated.

Employees are advised that HCPS prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcohol on school premises or as part of any student activities.

Employees are further advised that they are obligated to notify their direct supervisor of any criminal drug statute conviction. This notification must be given to the direct supervisor no later than five (5) days after such conviction.

Within 30 days after receiving notice from an employee of such a conviction, HCPS will take the appropriate personnel action against such employee, up to and including termination, or require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

Failure to comply with the conditions outlined in this procedure will result in appropriate action taken against the employee, which may include termination of employment. When consistent with local, state, and federal law, it will include referral to appropriate authorities for prosecution.

Employees who may be encountering drug or alcohol abuse problems are encouraged to seek competent, professional assistance immediately. HCPS reserves the right to require treatment for employees experiencing drug or

alcohol abuse problems. This treatment may be mandatory and is at the employee's expense. Failure to comply will result in termination of employment.

HCPS maintains an Employee Assistance Program (EAP) to provide employees with confidential counseling in various areas. Employees are encouraged to contact the EAP or one of the agencies in the community when seeking help for drug or alcohol related problems.

Prescribed Medication

Employees taking a prescription that may affect their ability to complete their job's essential functions successfully shall notify their direct supervisor.

Determination of Reasonable Suspicion

1. If an employee is suspected of violating this procedure, the direct supervisor should be notified. This administrator will contact Human Resources.
2. Administrators designated by Human Resources will be trained by a recognized authority to identify employee signs/symptoms that determine reasonable suspicion for a drug/alcohol test. Such signs/symptoms may include an unsteady gait, slurred speech, atypical or erratic behavior, and/or not performing the job in a safe manner, such as having a preventable accident on the job. U.S. Department of Transportation (DOT) standards will be training standards.
3. The designated administrator will document all behaviors leading to a decision to require an employee to take a drug/alcohol test.
4. The designated administrator must sign the reasonable suspicion form requiring the person to submit to a reasonable suspicion drug/alcohol test.
5. A conference shall be held with any employee identified for reasonable suspicion testing. Administrators will explain the circumstance that led to the decision to require testing.

Drug/Alcohol Testing

1. If an employee exhibits signs and/or symptoms of not being fit for duty or has a documented pattern of unacceptable work behavior, or if the administrator has a reasonable suspicion that an employee is in violation of HCPS rules of conduct, the employee may be required to take a drug/alcohol test by a designated administrator.

2. If reasonable suspicion of drug and/or alcohol use resulting in impairment has been determined, the administrator, or designee, will escort the employee to the approved collection site.
3. All tests shall be administered within two (2) hours of notification of the determination of reasonable suspicion.
4. Any employee who refuses to be tested or to consent to the results of the test being released to HCPS shall be considered to have committed insubordination and misconduct in office and shall be subject to termination.
5. Drug and alcohol testing will be performed by trained personnel and at an approved testing facility. A proper chain of custody shall be followed.
6. The test site shall follow the Department of Health and Human Services (DHHS) guidelines.
7. All labs handling the drug/alcohol test shall be approved by the National Institute Drug Association.
8. The administrator shall review laboratory results. The employee may provide the administrator with any reasons they may have which would explain a positive test result.
9. Harford County Public Schools will assume the cost of the initial drug/alcohol test.
10. A copy of these procedures will be provided to the employee by the designated administrator.

Test Results

1. Employees who have been directed to have drug/alcohol tests based on reasonable suspicion shall be immediately placed on administrative leave from their position pending test results.
2. Test results shall be shared with the employee, HCPS' Human Resources Department, and others on a need-to-know basis. The employee shall receive a copy of the laboratory test results and policy "Staff Conduct: Use of Alcohol or Drugs" in person or by certified mail within 30 days of the date of the test.
3. Employees may make a request to the designated administrator for a second test. The original sample must be used for the second drug test. Any cost incurred for a second test is the responsibility of the employee.
4. Test results shall be released only to the extent necessary for the processing of any of the following actions:
 - There is a grievance concerning the disciplinary action taken because of the test.
 - There is an administrative proceeding, such as an unemployment compensation hearing resulting from a positive test.

- So ordered by a court of law.
- 5. A test will be considered positive, and the employee will be subject to disciplinary action up to and including termination if the employee:
 - Tests positive for illegal drugs or abuse of legal drugs, including alcohol, that produces a .02 or higher blood/alcohol level.
 - Refuses to go for testing.
 - Refuses to empty pockets for test collectors.
 - Changes or tampers with the chain of custody/control form.
 - Fails to stay at the testing site until testing is completed.
 - Fails to provide a sufficient amount of urine sample for testing, and it has been determined through a required medical evaluation that there is no adequate medical explanation for the failure.
 - Has adulterated or substituted test results.

Disciplinary Action

1. Employees who possess, manufacture, distribute, dispense, sell, trade, or offer for sale illegal drugs and/or alcohol or use illegal drugs and/or alcohol on HCPS property violate the law and HCPS policy. In all cases, the administrator will notify the appropriate police agencies.
2. Employees who test positive for drugs and/or alcohol, as outlined in the "Test Results" section herein, shall receive disciplinary action up to and including termination.
3. Employees who test positive, and are not terminated, shall be referred for treatment to the EAP. They may not return to work until the EAP, or their substance abuse licensed therapist, releases them for duty with a successful compliance report and a negative test. To continue employment, they must comply with all EAP or the conditions of their treatment agency. The employee must consent to up to six (6) unannounced tests for the ensuing twelve (12) months.
4. Employees who receive a second positive drug/alcohol test shall be recommended for termination.
5. Test results will be maintained by the Human Resources Department and shall not be disclosed to a third party unless required under the law.

Approved By:



Sean W. Bulson, Ed.D.
Superintendent of Schools

PROCEDURE

Harford County Public Schools

Procedure Action Dates					
ACTION		DATE		ACTION	

Responsibility for Procedure Maintenance & References		
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