

BOARD OF EDUCATION
POLICY 7040
ABUSE OF ALCOHOL AND OTHER
NONCONTROLLED SUBSTANCES
BY EMPLOYEES

Effective: September 13, 1990

Policy Statement

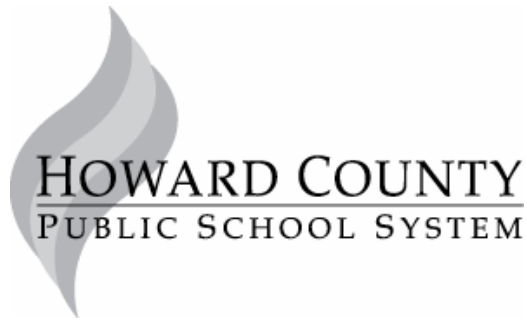
Every attempt will be made to create and maintain a safe and healthful school and work environment for employees of the Howard County Public School System. Therefore, all employees on official business, both on and off the workplace, are prohibited from the abuse of alcohol and/or noncontrolled substances.

The Howard County Public School System will not hire anyone who is known to currently abuse alcohol or noncontrolled substances.

No employee may abuse alcohol or noncontrolled substances on the job or be under the influence of alcoholic beverages or noncontrolled substances during work hours to the extent that job performance is impacted negatively and/or safety is compromised. All employees will be made aware that compliance with this policy is a condition of continued employment.

The abuse of alcohol or noncontrolled substances on the job or an employee's being under the influence of alcoholic beverages or noncontrolled substances during work hours to the extent that job performance is impaired negatively and/or safety is compromised will be in violation of this policy. These behaviors will constitute grounds for disciplinary action. Employees may be directed, through the Employee Assistance Program when operational, to participate in an appropriate treatment and/or rehabilitation program as a condition of returning to work and/or as a condition of continued employment.

Original Approval: September 13, 1990



POLICY 7040-R
REGULATIONS
ABUSE OF ALCOHOL AND OTHER
NONCONTROLLED SUBSTANCES
BY EMPLOYEES

Effective: September 13, 1990

I. Definitions

Terms utilized in these regulations shall be defined as follows:

- A. "Abuse" shall mean the ingestion, inhalation, injection of any legal or illegal drug, alcoholic beverage, or any noncontrolled substances to the extent that safety, job performance, and the work environment are compromised.
- B. "Alcoholic Beverages" shall mean ale, beer, wine, whiskey, rum, gin, or any other spirituous, vinous, malt, or fermented liquor or compound by whatever name called.
- C. "Disciplinary Action" shall mean action taken as a result of the decision of the Superintendent/designee upon reasonable investigation that an employee is in violation of this policy. Such disciplinary action may include, but is not limited to:
- Verbal and/or written reprimand
 - Suspension from employment with or without pay
 - Termination from employment
- D. "Distribute/Distribution" as defined exclusively from both "Use" or "Possession" shall mean the sale, transfer, trade, dispensing, or exchange in any matter of any alcohol, noncontrolled substance or a noncontrolled substance that is represented as a controlled dangerous substance by an employee to any person, whether or not an employee, when such distribution takes place on or off a Howard County Public School System property.
- E. "Due Process" is the process whereby before any disciplinary action is taken against an employee, he/she shall receive notice of the charges. An employee denying such charges shall have the right to provide an explanation directed to the evidence supporting the charges and to submit any related information.
- F. "Employee Assistance Program (EAP)," shall mean a program designed to identify employee needs and provide subsequent referral recommendations and services as needed in the areas including, but not limited to, drug and substance abuse, alcoholism, and family or financial problems. The EAP program for

Howard County Public School System employees is anticipated to be operational in FY91.

- G. "Noncontrolled Substances" shall mean any substance not classified as a controlled substance by State Law or regulation or a substance represented as a controlled dangerous substance. These substances may include over-the-counter drugs, and/or any other substance capable of modifying the employee's behavior or physically altering a person's ability to the extent that the result is a negative impact on safety or job performance.
- H. "Possess/Possession" as defined exclusively from "Use," shall mean the presence of an alcoholic beverage or a noncontrolled substance on the person of an employee however small the amount, in or on any item or belonging under the control of the employee or owned by the employee, when such presence of an alcoholic beverage or a noncontrolled substance being abused or misused is observed or discovered or has occurred in any work-related setting or facility.
- I. "Rehabilitation" shall mean the treatment (medical and/or psychological) utilized to address the regression and/or treatment of any aspect connected with the use of alcohol.
- J. "Use" shall mean the ingestion of an alcoholic beverage or noncontrolled substance and shall also mean a condition or state of being of an employee indicating that the employee is under the influence of an alcoholic beverage or noncontrolled substance when the ingestion is performed or observed.

II. Regulations

- A. Administrative Actions
 - 1. It is a violation of Policy 7040 for any employee to distribute alcoholic beverages to any employee or student while on work assignment or to use any alcoholic beverages at the work site during duty hours.
 - 2. It shall be a violation of this policy to abuse and/or distribute noncontrolled substances.
 - 3. The Howard County Public School System will not hire anyone who is known to currently abuse alcohol or noncontrolled substances.
 - 4. Employees who operate Howard County Public School System vehicles are required to report any alcohol or noncontrolled substance-related conviction to their immediate supervisor within five days.

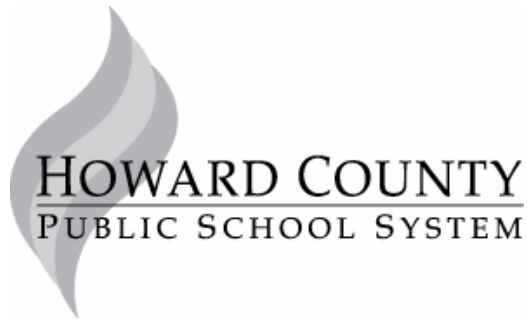
5. Employees who operate Howard County Public School System vehicles who are convicted of off-the-job alcohol or noncontrolled substance-related offenses also will be in violation of this policy.

B. Referral/Treatment for Employees

As part of Policy 7040, an employee may be required to participate in a treatment program designed to address any alcohol or noncontrolled substance abuse and related problems. The treatment may be initiated by employee self-referral or supervisory referral. The employee may be required to participate in a treatment program as a condition of returning to employment, continued employment, or as associated with any disciplinary action. The employee may also be required to provide the Superintendent/designee with evidence of participation and progress related to any treatment program as a requirement relative to continued employment or as a condition of returning to employment status.

- C. Employee information related to the Employee Assistance Program, when operational, and accompanying referral and/or treatment program shall be held in strict confidence by the EAP provider and the department administration.
- D. Nothing described herein shall in any way relieve the employee from arrest and conviction for violation of any local, state, and/or federal laws in this regard.

Original Approval: September 13, 1990



POLICY 7040-PR
IMPLEMENTATION PROCEDURES
ABUSE OF ALCOHOL AN OTHER
NONCONTROLLED SUBSTANCES
BY EMPLOYEES

Effective: September 13, 1990

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- I. Upon determining the occurrence of a violation of any of the provisions of policy 7040, the following actions will be taken:
 - A. 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 charges in relation to the existing policy.
 - B. Employees may be placed on administrative leave with pay while an investigation is being conducted.
 - C. After the investigation and a conference with the employee, the employee may be placed on extended leave without pay or may be terminated. If an employee is placed on extended leave without pay, a determination will be made at that time regarding the employee's present and future position assignment.
 - II. Participation in a treatment or rehabilitation program does not exempt an employee from adhering to established practices, regulations, and policies concerning job performance, attendance, and other related matters.
 - III. Rehabilitation may not be allowed as an alternative to termination after an employee has been involved in known criminal activity resulting from a violation of this policy.
 - IV. As the result of on-the-job behaviors, the employer may refer the employee to the EAP, when operational for rehabilitation assistance. If the situation warrants treatment, the employee may be required to participate in a treatment program as a condition of continued employment.
 - V. The treatment programs referenced in this procedure shall be treated in a confidential manner and may include, but not be limited to the following:
 - A. Individual and/or group counseling with an individual and/or agency approved by the Superintendent/designee or an Employee Assistance Program, when operational.
 - B. Treatment program as prescribed by the Superintendent/designee or an Employee Assistance Program, when operational.

- C. Medical treatment prescribed by or through an approved medical person, program, or group person.
- D. Treatment programs available through and/or prescribed by an approved health maintenance organization or health insurance provider.
- E. Group programs such as Alcoholics Anonymous.

Administrative Approval: September 13, 1990