

**Policy Outline**

- I. Policy Value Statement
- II. Purpose
- III. Standards
- IV. Responsibilities
- V. Delegation of Authority
- VI. Definitions
- VII. References
- VIII. History

**I. Policy Value Statement**

The Board of Education is committed to ensuring a safe and nurturing environment for its employees. The Board values a work environment free of any use, manufacture, possession, or distribution of alcohol. The Board recognizes that such conduct compromises the well being of students and staff and impairs performance.

All employees are expected to abstain from the use, manufacture, possession, or distribution of alcohol or being under the influence of alcoholic beverages while engaged in Howard County Public School System (HCPSS) duties.

**II. Purpose**

The purpose of this policy is to establish standards and procedures for employees regarding the possession, use, or distribution of alcohol.

**III. Standards**

- A. Compliance with this policy is a condition of employment, and violations of this policy may constitute grounds for disciplinary action, up to and including termination.
- B. An employee may not possess, use, or be under the influence of alcohol on school system property, at an HCPSS-sponsored event, or while engaged in HCPSS duties.
- C. The HCPSS will not hire anyone who is known to currently abuse alcohol.
- D. An employee may not possess, distribute, or intend to distribute alcohol on school system property, at an HCPSS-sponsored event, or while engaged in HCPSS duties.

- E. An employee may not be in constructive possession of alcohol on school system property, at an HCPSS-sponsored event, or while engaged in HCPSS duties.
- F. An employee may not engage in conduct that would constitute a violation of federal or state law concerning the use, manufacture, distribution, or intended distribution of alcohol.
- G. An employee who operates an HCPSS vehicle is required to report any alcohol charges to the Office of Staff Relations prior to the start of their next workday following the filing of legal charges.
- H. An employee who is convicted of an alcohol-related offense may be subject to disciplinary action, up to and including termination.
- I. Employees must report any violation or suspected violation of this policy to the Office of Staff Relations within one (1) workday. Failure to report policy violations or suspected policy violations may result in disciplinary action.
- J. Every supervisor and/or principal must immediately report any violations or alleged violations of this policy to the Superintendent/designee for investigation.
- K. An employee who aids, abets, and/or conspires with any person to violate this policy may be subject to disciplinary action.
- L. An employee who knowingly gives false information, fails to cooperate, or in any way impedes any investigation conducted by the Superintendent/designee may be subject to disciplinary action.
- M. Conduct constituting a potential criminal violation regarding alcohol will be reported to the police by the Superintendent/designee.
- N. An employee may be required to participate in a treatment program designed to address alcohol abuse and related problems.

#### **IV. Responsibilities**

- A. The Office of Human Resources will ensure that all newly hired employees receive notification of this policy.
- B. The Superintendent/designee will ensure that all employees are made aware of this policy. Policy updates will be posted on the HCPSS website.
- C. All employees will report alleged violations of this policy or implementation procedures to their immediate supervisor.

- D. Supervisors and principals will report alleged violations of this policy to the Superintendent/designee.
- E. The Superintendent/designee will investigate and make decisions regarding any reports of alleged violations of this policy.

**V. Delegation of Authority**

The Superintendent is authorized to develop appropriate procedures to implement this policy.

**VI. Definitions**

Within the context of this policy, the following definitions apply:

- A. Abuse – The ingestion, inhalation, injection, or absorption of alcohol in a manner or degree at any time that compromises workplace safety, job performance, and/or the work environment.
- B. Alcohol – Ale, beer, wine, whiskey, rum, gin, or any other spirituous, vinous, malt, or fermented liquor or compound by whatever name it is called. This includes any product that contains the aforementioned liquors or compounds.
- C. Constructive Possession – Having both knowledge of the presence of alcohol and the ability to control/use it, without having actual physical possession. More than one person may have constructive possession at the same time.
- D. Distribution – The actual or intended sale, transfer, trade, giving, exchange, and/or dispensing in any manner of alcohol or substance that is represented as alcohol. Distribution does not include circumstances where alcohol is possessed or owned collectively by all participants.
- E. Employee – An individual who is a permanent or temporary employee whose compensation is paid in whole or part by the Board and/or an individual who is a student teacher, an intern, consultant, or an independent contractor for the school system.
- F. Intent to Distribute – Possession of alcohol, in or on any item or belonging under the control of the employee or owned by the employee, in such quantity and under such circumstances, observed or discovered, indicating the strong likelihood of distribution.
- G. Possession – The presence of alcohol on an employee, however small the amount, or in or on any item under the control of the employee or owned by the employee.
- H. School System Property – Any property owned or leased by the HCPSS or used by HCPSS for school-related activities. The concept of property extends to school activities such as field trips, use of parks and recreation facilities, proms at hotels, etc.

---

School buses, bus stops, and facilities scheduled by the school system for student use are considered an extension of school property.

- I. Use – The deliberate act of ingesting alcohol and/or otherwise taking alcohol into the body; a condition or state of being of an employee indicating that the employee is under the influence of alcohol.

## **VII. Reference**

- A. Legal
  - The Americans With Disabilities Act, 42 U.S.C. Section 12114
  - 34 C.F.R. 84.100-115
  - 34 C.F.R. 84.200-230
  - 34 C.F.R. 84.605-670
  - The Annotated Code of Maryland, Criminal Law Article, Section 10-111
  - The Annotated Code of Maryland, Education Article, Section 4-205
  - The Annotated Code of Maryland, Education Article, Section 6-202
  - The Annotated Code of Maryland, Education Article, Section 26-103
  - The Annotated Code of Maryland, Health General Article, Section 17-214
  - COMAR 10.10.10.01-.10
  - COMAR 13A.12.05.02
  - COMAR 13A.12.05.03
- B. Other Board Policies
  - Policy 5100 Health Services
  - Policy 7030 Employee Conduct and Discipline
  - Policy 7050 Use of Drugs and Drug Paraphernalia by Employees
  - Policy 9230 Alcohol, Other Drugs, Prescription Medication and Over the Counter Products
- C. Relevant Data Sources
- D. Other

**VIII. History<sup>1</sup>**

ADOPTED: September 13, 1990

REVIEWED:

MODIFIED:

REVISED: April 15, 2010

March 11, 2021

EFFECTIVE: July 1, 2021

---

<sup>1</sup> Key: ***Adopted***-Original date the Board took action to approve a policy; ***Reviewed***-The date the status of a policy was assessed by the Superintendent's Standing Policy Group; ***Modified***-The date the Board took action to alter a policy that based on the recommendation of the Superintendent/designee did not require a comprehensive examination; ***Revised***-The date the Board took action on a policy that based on the recommendation of the Superintendent/designee needed a comprehensive examination; ***Effective***-The date a policy is implemented throughout the HCPSS, typically July 1 following Board action.

**ALCOHOL USE BY EMPLOYEES**

Effective: July 1, 2021

---

**I. Investigation of Alleged Violations**

- A. When the Superintendent/designee receives notice of an alleged violation of the provisions of Policy 7040, the following actions will be taken:

The Superintendent/designee will conduct an investigation into the alleged violation and make a determination regarding the employee's involvement in the alleged violation.

1. The investigation will be conducted promptly.
  2. The employee may be placed on administrative leave with or without pay while the investigation is being conducted.
  3. Physical evidence will be preserved for later use during the investigation and/or by the proper authorities.
  4. Circumstantial evidence may be used to prove a violation of this policy, including a violation based on constructive possession.
  5. Due process will be utilized during the investigation.
- B. At the conclusion of the investigation, which will include a conference with the employee, the Superintendent/designee will provide the employee a written decision containing all of the following:
1. A brief finding of facts.
  2. A determination as to whether there has been a policy violation; any such determination must specify the part of the policy violated.
  3. Any disciplinary action to be taken and the effective date of such action. Such disciplinary action may include but is not limited to:
    - a. Verbal and/or written warning
    - b. Written reprimand
    - c. Suspension from employment with or without pay
    - d. Termination from employment.

- C. If, at the conclusion of an investigation, it is determined that no policy violation occurred and an employee has been placed on administrative leave without pay, the employee will be awarded all back pay lost during the period of administrative leave without pay.
- D. The Superintendent will follow the requirements of the State Board of Education and any other relevant licensing board regarding the suspension and revocation of teaching certificates and/or licenses in applicable cases.

## **II. Alcohol Testing**

- A. The Howard County Public School System (HCPSS) has the right to conduct alcohol testing on any employee based on reasonable suspicion of a policy violation and/or to ensure compliance with any aspect of a disciplinary action. Failure to comply with an alcohol test notification or the alteration of a sample may result in disciplinary action, up to and including termination.
- B. All alcohol testing of employees will comply with Section 17-214 of the Health General Article of the Annotated Code of Maryland and COMAR 10.10.10.01-.10 regarding the certification of any laboratory testing specimen.
- C. If the employee has tested positive for the use of alcohol, the HCPSS will, after confirmation of the test results, supply the employee with:
  - 1. A copy of the test results.
  - 2. A copy of the Howard County Public School System's written policy and implementation procedures pertaining to the violation(s).
  - 3. If applicable, written notice of the Howard County Public School System's intention to take disciplinary action.
  - 4. A statement or copy of the Annotated Code, Health General Article, Section 17-214 (e), which permits an employee to request independent testing of the same sample for verification of the test results.

The information described in Section II.C.1-4. will be delivered to the employee in person or by certified mail within seven (7) days from the date the confirmed positive test results are received by the HCPSS. (COMAR 10.10.10.08)

## **III. Referral/Treatment for Employees**

- A. An employee may be required to participate in a Fitness for Duty Evaluation and any resulting treatment recommendations designed to address alcohol abuse and related problems.

1. This participation may be required as a condition of returning to employment, continued employment, or as associated with disciplinary action.
  2. The employee may be required to provide the Superintendent/designee with evidence of participation and compliance with recommendations as a condition of continued employment or returning to employment.
- B. Participation in a treatment program will be treated in a confidential manner. Treatment programs may include, but are not limited to, the following:
1. Individual and/or group counseling with an individual and/or agency approved by the Superintendent/designee or through the school system sponsored counseling and support program.
  2. Medical treatment prescribed by or through a licensed health care provider or medical program.
  3. Treatment programs available through and/or prescribed by an approved health maintenance organization or health insurance provider.
  4. Group programs such as Alcoholics Anonymous.
- C. Participation in a treatment program does not exempt an employee from performing their assigned job responsibilities in a satisfactory manner.

#### **IV. Non-Discrimination Against Prior Users**

- A. HCPSS will not take disciplinary action against an employee who has abused alcohol if the employee meets all of the following conditions:

The employee:

1. Voluntarily admits that they have abused alcohol prior to being identified through other means.
2. Is not currently engaged in the abuse of alcohol.
3. Has completed, or is in the process of completing, a treatment or rehabilitation program.
4. Did not endanger any student or other employee through his/her abuse of alcohol.
5. Did not abuse or use alcohol on school system property, at an HCPSS-sponsored event, or while engaged in HCPSS duties.
6. Thereafter refrains from abusing alcohol.



- a. The Superintendent/designee will set terms and conditions for continued employment.
  - b. Such terms and conditions may include participation in a treatment program as outlined in Section III.
- B. Any employee who meets the criteria set forth above in Section IV.A. will not be subject to disciplinary action, unless the employee fails to comply with the terms and conditions for continued employment.
1. In the event the employee is charged with failure to comply with the terms and conditions of continued employment, the employee will be afforded due process.
  2. If it is determined that the employee violated the terms and conditions for continued employment, then the employee will be subject to disciplinary action, up to and including termination.

## **V. Monitoring**

Policy 7040 implementation procedures will be overseen by the Division of Human Resources and Professional Development.

## **VI. Definitions**

Within the context of this policy, the following definitions apply:

- A. Currently Engaged – Abusing alcohol recently enough to justify the Superintendent/designee’s reasonable suspicion that involvement with alcohol is an ongoing problem. Current engagement is not limited to the day of use or recent days/weeks in terms of an employment action.
- B. Reasonable Suspicion – A belief based on facts, which may include a notification/report that an employee is using or under the influence of alcohol, or based on the rational inferences that may be drawn from such facts.
- C. Rehabilitation – The method used (including medical and psychological) to address the treatment and/or regression of any aspect connected with the use of alcohol.
- D. School System Sponsored Counseling and Support Services Program – A program designed to identify employee needs and provide subsequent referral recommendations, services, and/or resources in areas including, but not limited to, drug and substance abuse, alcoholism, and interpersonal, financial, or legal concerns.

**VII. History<sup>1</sup>**

ADOPTED: September 13, 1990  
REVIEWED:  
MODIFIED: September 6, 2012  
REVISED: April 15, 2010  
              March 11, 2021  
EFFECTIVE: July 1, 2021

---

<sup>1</sup> Key: *Adopted*-Original date the Board took action to approve a policy; *Reviewed*-The date the status of a policy was assessed by the Superintendent's Standing Policy Group; *Modified*-The date the Board took action to alter a policy that based on the recommendation of the Superintendent/designee did not require a comprehensive examination; *Revised*-The date the Board took action on a that policy based on the recommendation of the Superintendent/designee needed a comprehensive examination; *Effective*-The date a policy is implemented throughout the HCPSS, typically July 1 following Board action.