

NUMBER: 19-1991
STATUS: APPROVED
PLACE: ROCKVILLE, MARYLAND
DATE: FEBRUARY 27, 1991
TEXT:

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Rockville, Maryland
February 27, 1991

The Board of Education of Montgomery County met in special session at the Carver Educational Services Center, Rockville, Maryland, on Wednesday, February 27, 1991, at 8:15 p.m.

ROLL CALL Present: Mr. Blair G. Ewing, President
 in the Chair
 Mrs. Frances Brenneman
 Dr. Alan Cheung
 Mrs. Sharon DiFonzo
 Ms. Ana Sol Gutierrez
 Mrs. Catherine E. Hobbs

Absent: Mr. David Chang
 Mrs. Carol Fanconi

Others Present: Dr. Harry Pitt, Superintendent

#indicates student vote does not count. Four votes are needed for adoption.

Re: ANNOUNCEMENT

Mr. Ewing announced that Mrs. Fanconi was attending the AASA convention, and Mr. Chang was home studying.

Re: ANNUAL MEETING WITH MONTGOMERY
 COUNTY COUNCIL OF SUPPORTING
 SERVICES EMPLOYEES

Mr. Vincent Foo, president of MCCSSE, thanked Board members for the opportunity of meeting with his Board of Directors. He said they were concerned about the Board's recently adopted policy on drug testing for bus drivers. They did not feel that all bus drivers should be tested, and they were concerned about false positive readings which could stigmatize innocent drivers. He showed the Board a video tape on the lack of reliability of drug testing.

Mr. Foo introduced Dr. Stanley Platman, vice president for medical affairs and chief of the Department of Psychiatry, Addictions, and Behavioral Medicine, at the Homewood Hospital Center, an affiliate of the Hopkins Health System. He was the vice president of MRO Plus and a member of the medical board for the Johns Hopkins Health System. Dr. Platman had expressed his concern to MCCSSE about the Board's policy.

Dr. Platman stated that he believed in drug testing. Secondly, MRO Plus was a recipient of the Board's bid for drug testing and had turned down the bid because of the Board's policy. He believed it deviated on the ethics and capacity of a physician to perform in this particular function. He explained that the

medical review officer received the results of laboratory drug testing. This was accompanied by a chain of custody to ensure that this was an adequate urine specimen. The MRO would look at the results, and if the specimen were negative, it would be reported as negative. If it were positive, the MRO contacted the individual employee for an interview. During that interview they looked for other reasons to explain a positive result. For example, poppy seeds, inhalers, and Tylenol No. 3 could produce positive drug testing results. An MRO looked for his own explanation, and if the explanation was valid, he would report it as a negative. Only if there were no valid explanation would the test be reported as a positive.

Dr. Platman explained that at no time did the MRO state on the basis of that test whether the particular employee was fit or unfit. They had no way of telling that. All he knew was that the employee was not taking an illicit substance just, for example, Tylenol No. 3. If he found a person with an illicit substance, the person could have that substance 25 days before the test. There was no way he could say the employee was fit or unfit today. Yet the Board's policy asked the MRO to make this determination. Dr. Platman believed that there were a number of things in the policy that were unethical for an MRO and impossible for an MRO.

Dr. Platman pointed out that the policy statement that prescriptions and over-the-counter medications were okay as long as they did not affect job performance. However, he did not know how to measure this from a urine sample. He explained that many over-the-counter medications contained substance that would show positive and were not prescribed by a doctor, and people might lose their jobs on this basis. The policy went on to state that even if the MRO gave a valid reason for the positive test if he found the individual fit or unfit for duty he must report it as a positive. A doctor could not make a judgment based on a urine test. For example, one person might function at one level and another person could function at another level.

Dr. Platman felt that the Board had a policy created by a lawyer which would cause many people to be falsely labelled as positive and unfit. This would lead to a great deal of hardships in their working population. He reported that the tests today were better than those shown in the 1988 video. The lab the Board had contracted with was now a certified laboratory; however, they had a policy which created a monster and would challenge their school system.

Dr. Cheung stated that laboratory tests could quantify drug levels. They could show the therapeutic ranges and the toxic ranges. Dr. Platman replied that the lab levels in the policy were not defined for therapeutic, sub-therapeutic, or toxic. They were defined as a cutoff level, but this did not define fitness. Dr. Cheung thought that the cutoff level was established by the equipment and the policy in the laboratory,

and Dr. Platman agreed.

Mr. Foo commented that Dr. Platman had to leave. He reported that at only one other time had MCCSSE gone to the courts to resolve an issue with the Board of Education. They believed this policy, if implemented, would force them to the courts for relief. He knew that individuals would refuse to take the tests, and that drivers with excellent records and many years of service would be dismissed. He hoped that the Board would revisit its policy. He would be willing to meet with anyone to give his input. He understood the Board wanted to assure parents that drivers were drug free, but he thought the way they were going about it was wrong. There were 1,074 drivers, and he would be surprised if they came up with a handful of violators. He would have no problem if the Board tested new applicants, but he had a problem with testing 1,074 employees.

Mr. Foo reminded the Board of the classification study of supporting services employees which would be completed shortly. Within a week the superintendent should have recommendations. There were two phases to the study. The first phase was recommendation for title changes, and later on there would be the placement of grade numbers to those titles. He wanted the Board to be aware of that. The study was being done to correct inequities in pay among female and male employees. He reminded the Board that the County Council had its own study and implemented their recommendations some time ago. The Board had provided the money to do the study, and they were able to prevail on the County Council to go with the study. He hoped that this would not get waylaid because of the budget situation.

Mr. Foo read two ads for secretarial positions which had appeared in a recent BULLETIN. He pointed out that despite the extensive requirements in these ads, the starting salary for these positions was \$10.61 an hour. He believed that it was time that classifications reflected the responsibility and experience of people in supporting services positions.

Mr. Foo knew that the Board was concerned with the operating budget. He wanted to let the Board know that the money they were looking for was not in supporting services. He believed that the Board had done the easy part, and that the tough part was yet to come. He sympathized with the Board. Supporting services employees did their jobs, and if they didn't, they were fired. This was not easy to accomplish in other disciplines. He pointed out that they were using \$51,000 for a FTE position, and he reminded the Board that 54.9 percent of their 10-month people earned under \$12,000. He reminded the Board that 81.5 percent of their 10-month people earned less than \$17,000, and 53 percent of 10- and 12-month employees earned less \$17,000. He noted that 91 percent of the 10-month employees earned less than \$20,000. In addition, 90.9 percent of 10- and 12-month employees earned

less than \$33,000. He hoped that the Board would keep those figures in mind when they were looking at the budget.

As far as budget recommendations, Mr. Foo asked why they would want to implement the drug testing policy when it was going to cost them \$50,000. He felt that implementing this policy at this time would not be cost effective. In addition, they had a problem with retirees who left the system and came back and filled a vacant position. They had active employees who could be promoted into those positions. He suggested that the Board look at its 80-72 policy because it was a luxury they could not afford at this particular time.

Mr. Foo reported that he had received a letter from Mr. Ewing regarding the efficiency study, and he would be providing some input to that group. Mr. Ewing explained that the group would be in touch with Mr. Foo shortly to ask for an opportunity to talk about efficiencies. Mr. Foo commented that the school system was a good one; however, the Board needed to look at some frills and some pet projects that were really not helping the students. He felt that in the Board's \$20 million cut they had addressed some of these issues.

Mr. Foo asked whether the Board had any questions of MCCSSE. Mr. Ewing commented that in regard to the budget the Board was looking for additional opportunities to make sensible reductions in the budget. It was his guess that they would be getting recommendations from the Board's task force as well as the DEA group. When the County Council made its decisions by May 15, he was sure the Board would have some difficult choices to make. They were planning to hold a public hearing in late May to get advice from the community, and they would be eager at any time to hear from MCCSSE. He remarked that the Board was impressed by the intelligent and responsible way in which MCCSSE had represented its members and the forceful way in which the Board of Directors had presented those views.

Mrs. DiFonzo stated that Mr. Foo had said MCCSSE was not a gold mine in terms of finding money. She had asked a question about MCAASP and what would happen if this unit were eliminated. If they eliminated the entire unit, they would not be halfway to closing the budget gap. She pointed out that there was a letter to the editor from a man in Bethesda complaining about a bus. She had checked with Mr. Stafford who had found out that the buses speeding down the man's street were Montgomery County Ride-on buses. These were not MCPS school buses.

Dr. Pitt stated that they needed to work together the best way they could. Right now the budget situation was frightening. The county was talking about a \$697 million level for affordability, and the Board's budget was now at \$762 million after a \$20 million cut. Dr. Pitt pointed out that he was retiring, and he

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wanted to express his appreciation to MCCSSE for the relationship he had had with them over the years. He thanked Mr. Foo for the cooperative working relationship they had had. He felt that the school system was fortunate in having people of their calibre working in it.

Mr. Ewing pointed out that the Board had unanimously passed a resolution saying they strongly supported the effort to increase taxes, particularly Mr. Potter's proposals. They had also said that if the property tax limitation had to be overridden, then it should be overridden. He hoped that the Board, the superintendent, and employee organizations could persuade the Council and the Legislature to do the right thing and raise taxes. While he did not believe they would get taxes to cover the entire amount, he hoped they could come up with about \$70 million in new taxes which would help. He reported that he had talked with Senator Levitan who said there was more talk about capping Social Security contributions for retirement. This would affect the budget and could be a major loss to the county. For this reason, Senator Levitan had sent out a letter asking local governments and school boards not to provide increases in employee salaries because it fueled the fires of anti-Montgomery County sentiment in Annapolis. Mr. Ewing thought that they could work together with MCCSSE to make it clear to the Council and the executive that the damage to the school system would be great, and that it was the responsibility of the Council to make sure that did not happen.

Ms. Gutierrez stated that the Board fully appreciated the role of MCCSSE. The schools could not operate and deliver quality education without MCCSSE. She hoped that MCCSSE would give the Board suggestions regarding the budget, and she requested their help in working with the County Council and county executive. Mr. Ewing thanked MCCSSE for sharing their views.

Re: ADJOURNMENT

The president adjourned the meeting at 9:25 p.m.

PRESIDENT

SECRETARY

HP:mlw