

DRUG TESTING FOR SCHOOL BUS DRIVERS

General

1. It is the policy of the Board to establish a program which is designed to aid in the prevention of accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by employees who are drivers of commercial motor vehicles.
2. The misuse of alcohol and the use of controlled substances can cause grave harm to not only the person using the substance but also to fellow employees, students and citizens. The effects of alcohol misuse or drug use are magnified when the individual is responsible for the safety-sensitive functions involved with operating a commercial motor vehicle and/or school bus.
3. Federal law prohibits any alcohol misuse that could affect the performance of driving a commercial motor vehicle. This includes:
 - A. use on the job;
 - B. use during the four hours before driving a commercial motor vehicle;
 - C. having prohibited concentrations of alcohol in the system while driving a commercial motor vehicle;
 - D. use during eight hours following an accident and
 - E. refusal to take a required test.
4. Federal law prohibits any controlled substance use without a licensed physician's written prescription.
5. Federal law requires employers to implement certain drug and alcohol testing procedures in accordance with the requirements of 49 C.F.R. Part 382. The law mandates that drivers of commercial motor vehicles (bus drivers and chauffeurs alike), which includes school buses, be subject to pre-employment testing, reasonable suspicion testing, random testing, post-accident test, return to duty and follow-up testing.
6. The testing procedures utilize an evidential breath device for alcohol testing and urine specimen collection for controlled substance testing. The testing procedures shall be implemented in accordance with the federal requirements contained in 49 C.F.R. Part 40. Every effort will be made to protect the driver and the integrity of the testing processes, to safeguard the validity of the test results, and to insure that the results are attributed to the correct driver. Alcohol testing will be performed using breath testing devices approved by the National Highway Traffic Safety Administration (NHSTA) and operated by certified Breath Alcohol Technicians (BAT). Controlled substance testing will be conducted by a Department of Health and Human Services (DHHS) certified testing laboratory.

7. Before performing an alcohol or controlled substances test under this policy, the District will notify a driver that the alcohol or controlled substances test is required under the policy and federal law.
8. Any questions regarding the language, implementation or consequences of this policy shall be brought to the attention of the Transportation Coordinator.

Definitions

For purposes of this policy, the following definitions shall apply:

1. The term illegal drug means drugs and controlled substances, the possession or use of which is unlawful, pursuant to federal, state and local laws and regulations.
2. The term controlled substance includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.
3. The term controlled substance abuse includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner or in the prescribed quantity.
4. The term safety-sensitive functions includes all tasks associated with the operation and maintenance of District vehicles.
5. The term CDL license holder means all regular and substitute bus drivers and other staff members who may drive students in District vehicles which require a CDL license for operation.
6. The term while on duty means all time from the time the CDL license holder begins to work or is required to be in readiness for work until the time he/she is relieved from work and all responsibility for performing work.

Prohibitions

1. Alcohol concentration. No driver shall report to duty or remain on duty requiring the performance of driving a commercial motor vehicle while having an alcohol blood concentration of 0.02 or greater.
2. Alcohol possession. No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol.
3. On-duty use. No driver shall use alcohol while on duty or driving a commercial motor vehicle.

4. Pre-duty use. No driver shall drive a commercial motor vehicle within four hours after using alcohol.
5. Use following accident. No driver required to take a post-accident alcohol test under this policy shall use alcohol for eight hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
6. Controlled substance use. No driver shall report for duty or remain on duty requiring the performance of driving a commercial motor vehicle when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. A commercial motor vehicle driver may be required by the Transportation Coordinator to inform the Board of any therapeutic drug use.
7. Controlled substance testing. No driver shall report for duty, remain on duty or drive a commercial motor vehicle, if the driver tests positive for controlled substances.
8. Refusal to submit to required alcohol or controlled substances test. No driver may refuse to submit to a required alcohol or controlled substance test. Drivers notified of alcohol or controlled substance tests will immediately submit to such testing as directed by the Transportation Coordinator. Failure to submit to testing as directed by the Transportation Coordinator shall constitute refusal to the testing. A driver refusing to undergo such tests will not be permitted to operate a commercial vehicle and will be treated as having failed the prescribed alcohol or drug test.

Test Required

1. Pre-employment. Prior to the first time a driver performs safety sensitive functions for the employer, the driver must undergo testing for alcohol and controlled substances. This requirement pertains to all new hires and existing employees transferred to a commercial drivers position. The Board is under no obligation to hire an applicant who fails a drug or alcohol test.
2. Post Accident Testing. As soon as practical after an accident involving a commercial motor vehicle, a driver may be tested for alcohol and controlled substances. An accident is defined as one which involves the loss of human life or the driver receives a citation under state or local law for a moving traffic violation arising from the accident. A CDL license holder who is subject to post-accident testing shall remain readily available for such testing or shall be deemed by the District to have refused to submit to testing. The required testing shall not delay necessary medical attention for injured people following an accident or prohibit a CDL license holder from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
3. Random testing. At a minimum, 25% of the average number of drivers of commercial motor vehicles in the District will undergo annual alcohol testing. The minimum annual

percentage rate for random controlled substance testing is 50% of the average number of drivers of commercial motor vehicles in the District. The selection of CDL license holders for random alcohol and controlled substances testing shall be made by a scientifically valid method provided by the District's drug-testing facility. Under the selection process used, each CDL license holder shall have an equal chance of being tested each time selections are made.

4. Reasonable suspicion testing. Drivers are required to submit to testing based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver". Reasonable suspicion testing is authorized by the regulations during, just preceding or after a period of the work day the driver is required to be drug or alcohol free.

The required observation for reasonable suspicion testing will be made by the Superintendent, Assistant Superintendent, Supervisor of Health Services, Transportation Coordinator or Student Route Coordinator who is trained in accordance with the requirements of the federal regulations.

5. Return to duty testing. After a driver fails to pass an alcohol or controlled substance test, the driver will be required to undergo and pass another test before the driver is permitted to operate a commercial motor vehicle.
6. Follow-up testing. Drivers who are reinstated after problems associated with alcohol misuse and/or use of controlled substances shall be subject to unannounced follow-up testing as directed by a substance abuse professional (minimum of six tests during the first 12 months after the return to work).

Consequences for Violating Alcohol and Drug Prohibitions

1. Each driver who has engaged in conduct prohibited by this policy shall be advised by the Board of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses and telephone numbers of substance abuse professionals (SAP) and counseling and treatment programs.
2. Alcohol. Following a determination that the employee has violated the alcohol prohibitions, including having a test result of 0.04 VAC or greater, the driver must be removed from, and cannot be returned to, a driving position until, at a minimum:
 - A. The employee undergoes and completes at his/her own expense, evaluation, and where necessary, rehabilitation within ninety days of the initial positive tests.
 - B. A substance abuse professional determines and signs a statement that the employee has successfully complied with any required rehabilitation and is fully able to return to driving duties.

- C. The employee undergoes, at his/her own expense, return-to-duty tests administered by the Board with the result of less than 0.02 BAC.
- D. The employee undergoes at his/her own expense, follow-up testing, administered by the Board, after the return to work as directed by the substance abuse professional (a minimum of six tests in the first 12 months following the return to work).

An employee with an alcohol concentration of 0.02 or greater, but less than 0.04, will not be permitted to drive a commercial motor vehicle for a minimum of 24 hours and must undergo a return-to-duty test administered by the Board with the result of less than 0.02 BAC within 48 hours of the initial test.

- 3. Drugs. Following a determination that an employee has misused controlled substances, as determined through testing, this policy requires that a driver be removed from operating a commercial motor vehicle until, at a minimum:
 - A. The employee undergoes and completes, at his/her own expense, evaluation and where necessary, rehabilitation within ninety calendar days of the initial positive test.
 - B. A substance abuse professional determines that the driver has successfully complied with any required rehabilitation, that the substance abuse professional signs a statement indicating the employee is fully able to return to driving duties, and the employee takes, at his/her own expense, a return-to-duty test with verified negative test result.
 - C. The employee undergoes at his/her own expense, follow-up testing administered by the Board, after the return to work as directed by the substance abuse professional (a minimum of six tests in the first 12 month following the return to work).
- 4. The employment of any employee governed by this Commercial Driver's Alcohol and Drug Policy who tests positive for alcohol and/or controlled substances after return to duty following an initial positive alcohol and/or controlled substance test shall be terminated immediately.

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49 C.F.R. Part 382