

**ALCOHOL AND DRUG TESTING OF BUS DRIVERS**

The Board of Education bears responsibility for preserving the health and safety of the students and residents of the District as well as its employees. The Board recognizes the dangers inherent in alcohol and controlled substance use by employees especially those in safety-sensitive positions. Moreover, the District simply cannot take the chance that an impaired bus driver will cause harm to the students of the District or others. Accordingly, the District has a zero tolerance for any bus driver who tests positive for illegal drugs or alcohol.

To ensure the safety of its students and others and in order It is the District's intention to comply fully with the Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143) (the "Omnibus Act") and U. S. Department of Transportation (the "DOT") regulations governing drug and alcohol use and testing (49 CFR parts 40, 382, 391, 392, and 395), and the requirements of the DOT's regulations are hereby incorporated into this Policy by reference. In the event DOT's regulations are amended, this Policy and the applicable term(s), condition(s) and/or requirement(s) of the Policy shall be deemed to have been amended automatically at that time, without the need for redrafting, in order to reflect and be consistent with DOT's regulations. In such case, the District reserves the right to apply the amended requirements immediately, and without giving prior notice to drivers and/or applicants, unless such notice is required by DOT or another applicable law.

Where the term "controlled substance test" or "drug test" is used, the following substances will be tested for: amphetamines, cocaine, marijuana, opiates, phencyclidine (PCP), and any additional substances as may be specified from time to time by U.S. Department of Transportation ("DOT") regulations 49 CFR part 40. All of the procedures specified in the DOT regulations (49 CFR part 382) including for example, but not limited to procedures for conducting and having an MRO review the test, the cutoff levels for a positive test, and requirements for testing after an employee returns to work, shall apply.

While the District has a zero tolerance policy, the District also wants to encourage any person with a drug or alcohol problem to seek the assistance they may need. Therefore, if an employee voluntarily comes forward to acknowledge a problem and seeks treatment before being in violation of this policy or being sent for a drug test, the District will work proactively with that employee to allow the employee to obtain that treatment. Treatment is not, however, a revolving door to be used by an employee to avoid discipline or termination from employment.

The District shall directly, by contract, or through a consortium, implement and conduct a program to provide alcohol and controlled substance drug testing of employees who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to hold a commercial driver's license. Such employees include:

- 1) all bus drivers;
- 2) drivers of commercial motor vehicles whose manufacturer's rating is 26,001 lbs. or more; or
- 3) any other employee who may drive a listed vehicle (e.g. a mechanic who performs test drives).

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Controlled substance drug and alcohol tests\* will be conducted prior to employment and randomly throughout the school year. In addition, testing will be conducted when a supervisor has a reasonable suspicion that an employee has engaged in prohibited alcohol or controlled substance drug use; after certain accidents; prior to return to duty when the employee has been found to violate District policy and/or federal law or regulations; and after the employee's return to duty.

In accordance with federal and state law, a bus driver will not be permitted to drive if he or she:

- 1) possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
- 2) uses or is under the influence of alcohol or a controlled substance within six hours or less before duty;
- 3) has an alcohol concentration of 0.02 or higher, or tests positive for a controlled substance; or
- 4) refuses to take a required alcohol or controlled substance test.

Also, no driver shall use alcohol after being involved in an accident in which there was a fatality or in which the bus driver was cited for a moving violation and a vehicle was towed from the scene or an injury was treated immediately away from the scene until he/she has been tested or 8 hours have passed, whichever occurs first.

Any employee who is tested and found to have an alcohol concentration of at least 0.02, but less than 0.04, shall be removed from the position until his or her next regularly scheduled duty period, but not less than 24 hours following administration of the test. Another alcohol test shall be required before the employee returns to safety sensitive duty. The result of this test must be less than 0.02.

Any employee found to have violated this policy may be disciplined or terminated in accordance with the provisions of the applicable collective bargaining agreement, District policy, and/or law.

Individuals who test positive for alcohol or drugs or who demonstrate impairment will not be permitted to drive away from the location of the test. Employees who appear impaired will not be permitted to drive off District property and any attempt to do so shall result in law enforcement being informed of the employee's name and the fact of the positive drug or alcohol test or apparent impairment.

If a driver has an alcohol concentration of 0.04 or greater, or has engaged in prohibited alcohol or controlled substance use, he or she will be removed from driving duties, and referred to a substance abuse professional. The employee may be required to complete a treatment program and/or be disciplined pursuant to District policy and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may return to duty unless he/she has successfully passed a required return to duty test. Thereafter, the driver will be subject to follow-up testing.

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Should the District receive a dilute test result in which the creatine concentration is greater than 5mg/dL in the case of any pre-employment, return-to-duty, follow-up, reasonable suspicion, or random test, it is the policy of the District that the individual shall be re-tested and that re-test will become the test of record.

The Superintendent of Schools or designee shall ensure that a copy of this policy, the District's policy on misuse of alcohol and use of controlled substances, information on alcohol and drug abuse and treatment resources and any other information prescribed by federal regulations is provided to all school bus drivers and other appropriate personnel prior to the initiation of the testing program and to each driver subsequently hired or transferred to a position subject to testing.

**CONTRACTORS/SUBCONTRACTOR**

Contractors, owner operators, or any other non-employees that enter into a contractual arrangement with the District to perform any job duties on behalf of the District must either participate with the mandates of this policy or provide certain proof of participation in an equivalent program as a condition of the contract. By signing an "Acknowledgment" of this policy, the non-employee duly accepts all the mandates of this program in the equivalent context to the District employee.

The District will initially secure compliance of contractors who choose not to participate in the company program by:

- 1) Having the contractors file a pre-audit questionnaire before any covered work is performed.
- 2) Assurance of all required aspects of compliance are in place before work functions are initiated.
- 3) Requesting quarterly testing statistics from approved contractors.

\*The District has the option to require pre-employment *alcohol* testing as part of District policy. However, pre-employment controlled substance testing and random alcohol and controlled substance tests are mandatory under federal regulations.

Cross-ref: 8414.1, Bus Driver Qualifications and Training  
9320, Drug-Free Workplace  
9610, Staff Substance Abuse

Ref: Omnibus Transp. Employee Testing Act of 1991, 49 U.S.C. §§31136; 31306 49 U.S.C. §521(b), 49 CFR Part 382, 49 CFR Part 40, 49 CFR §395.20 Vehicle and Traffic Law, §§509-1; 1192; 1193

Adopted: May 21, 2014

Reaffirmed: December 20, 2017