

DRUG AND ALCOHOL TESTING FOR BUS DRIVERS

In accordance with federal law and regulations, the district shall be responsible for implementing a drug and alcohol testing program. This policy will apply to all employees of the School District of Bonduel who are required as a condition of their employment to have a Commercial Driver's License (CDL) and operate a commercial motor vehicle (CMV). The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by bus drivers. Any employee with questions regarding this policy should direct them to either the Director of Transportation or the District Administrator.

This district policy reflects several requirements of the federal drug testing regulations but is not intended in any way to modify or limit the procedures for drug and alcohol testing specifically addressed in federal regulation. District personnel will adhere to the detailed provisions of federal regulation in administering the district's drug and alcohol program.

References to tests in this policy include both drug and alcohol tests unless otherwise specified. The terms drugs and controlled substances are interchangeable and have the same meaning. Drugs refer to marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamines).

The district will not tolerate unauthorized use, abuse, possession or sale of controlled substances or alcohol by its employees. Mandated federal drug and alcohol testing for bus drivers along with training and education will be provided to assist employee understanding of their responsibility in achieving a drug and alcohol free environment.

Noncompliance or violation of the guidelines of this policy may result in severe disciplinary action including suspension or dismissal.

Prohibited Conduct

Drivers shall be prohibited from any alcohol misuse that could affect performance on the job including use on the job, use during the four hours before driving, having prohibited concentrations of alcohol in their systems while driving and use during eight hours following an accident.

No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when using any controlled substances except when the use is pursuant to the

instructions of a physician who has advised the driver that the substance does not adversely affect his ability to safely operate a motor vehicle. This includes the following:

1. all time inspecting equipment.
2. all driving time.
3. all time in or on a CMV.
4. all time spent performing driver requirements relating to accidents.
5. all time spent repairing, assisting, or attending a disabled CMV.
6. all time spent providing a breath sample or urine specimen, including travel time to and from the collection site, to comply with testing as directed by employer.

Required Testing

Drivers shall be subject to reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. These procedures use an evidential breath testing device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory certified by the US Department of Health and Human Services shall be required.

1. Post-Accident Testing - Alcohol and controlled substance tests will be conducted as soon after an accident as practicable on any driver who:
 - a. Was performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life.
 - b. Received a citation under state or local law for a moving traffic violation arising from the accident.

No driver involved in an accident may use alcohol for eight hours after the accident or until after undergoing a post-accident alcohol test, whichever occurs first. If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours after the accident, the district will prepare and maintain records explaining why the test was not conducted.

2. Random Tests - Tests will be conducted on a random basis at unannounced times throughout the year.
 - a. Random tests for alcohol will be conducted just before, during or just after the performance of safety-sensitive functions. Random test for drugs do not have to be conducted in immediate time proximity to performing safety sensitive functions. Once notified of selection for drug testing, a driver must proceed to a collection site to provide a urine specimen.
 - b. Drivers will be selected by a scientifically valid random process, and each driver will have an equal chance of being tested each time selections are made. The number of bus drivers selected for random testing will be in accordance with federal regulations.

3. Reasonable Suspicion Tests - Tests must be conducted when a properly-trained supervisor or district official has reasonable suspicion that the driver has violated the district's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of chronic and withdrawal effects of controlled substances.
 - a. Alcohol tests will be authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the work day when the driver must comply with alcohol prohibitions. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the district will prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests will terminate after eight hours.
 - b. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.
 - c. A supervisor or district official who makes a finding of reasonable suspicion also must make a written record of his observations leading to a reasonable suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.
4. Return-to-Duty Tests - A drug or alcohol test will be conducted when a driver who has violated the district's drug or alcohol prohibition returns to performing safety sensitive duties.
 - a. Employees whose conduct involved misuse of drugs may not return to duty in a safety sensitive function until the return-to-duty drug test produces a verified negative result.
 - b. Employees whose conduct involved alcohol may not return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and district standards.
5. Follow-up Tests - A driver who violates the district's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem will be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing will be conducted just before, during or just after the time when the driver is performing safety-sensitive functions.

Consequences if Testing Indicates Drug or Alcohol Misuse

If testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety related functions in accordance with federal regulations. Before a driver is reinstated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified test results.

A driver who is prohibited from performing safety-sensitive functions may be assigned non-safety-sensitive functions until such time as the driver complies with the requirements for returning to duty.

The Board retains the authority consistent with state and federal law to discipline or discharge any employee who is alcohol or chemically dependent and whose current use of alcohol or drugs affects the employee's job performance.

The district is not required under federal law requiring drug and alcohol testing to provide rehabilitation, pay for substance abuse treatment or to reinstate the employee. All employment decisions involving reinstatement, termination or dismissal shall be made in accordance with applicable district policies.

Record Retention

The district shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, the district may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A driver shall be entitled upon written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

Records shall be made available to a subsequent employer upon receipt of a written request from a driver only as expressly authorized by the terms of the driver's request.

Other Provisions

The district shall take steps to insure that supervisors receive proper training to administer the drug and alcohol testing program and that employees receive the notifications required by federal regulations.

Adopted: December 19, 1995