



Book	Policy Manual
Section	READY for 11-12-24
Title	Copy of CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR EMPLOYEES THAT TRANSPORT STUDENTS
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4162—CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR EMPLOYEES THAT TRANSPORT STUDENTS

Purpose

The Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety sensitive functions with District vehicles, must be mentally and physically alert at all times while on duty. In addition, the Board recognizes that a drug free and alcohol free school and work environment is vital to workplace and school safety and to the quality of the District's educational services.

To that end, the Board has established this policy, which includes an alcohol and controlled substance testing program. The Board expects all Drivers to comply with Board Policy 4122.01—Drug Free Workplace which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times.

Further, the Board concurs with the Federal requirement that all Drivers should be free of any influence of alcohol or controlled substance while on duty. Therefore, participation in the alcohol and controlled substances testing program is a condition of employment for all Drivers.

Covered Employees

This policy covers all commercial driver's license (CDL) holders and regular and substitute bus drivers who operate a commercial motor vehicle while on duty. The policy also applies to other staff members who drive students in District vehicles or inspect, service, or condition District vehicles. The District views these as "safety sensitive" functions.

Definitions

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply:

- A. The term *alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol. This term is a volume breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test as described herein.
- B. The term *controlled substance* includes any illegal drug, the possession or use of which is unlawful pursuant to Federal, State, and local laws and regulations, 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. This term includes, but is not limited to, marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, phenacyclidine (PCP).
- C. 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.

- D. The term *safety sensitive functions* includes waiting to be dispatched, inspecting equipment, servicing, driving, loading or unloading District vehicles, as well as repairing, obtaining assistance, or remaining in attendance upon a disabled District vehicle. This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety sensitive function.
- E. The term *Driver* means all CDL holders and regular and substitute bus drivers who operate a commercial motor vehicle while on duty, as well as other staff members who may drive students in District vehicles or inspect, service, and condition District vehicles.
- F. The term *while on duty* means all time from the time the Driver begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

Procedures

The District Administrator shall establish a drug and alcohol testing program whereby each driver is tested for the presence of alcohol in his/her system as well as for the presence of the following controlled substances:

- A. Marijuana
- B. Cocaine
- C. Opioids
- D. Amphetamines
- E. Phencyclidine (PCP)

The alcohol and controlled substances tests are to be conducted in accordance with Federal and State regulations:

- A. prior to employment (Controlled Substances only);
- B. reasonable suspicion;
- C. upon return to duty after any alcohol or drug rehabilitation;
- D. after any accident, whenever the District determines that an employee may have contributed to an accident involving a fatality, bodily injury, or damage to property, the District may require the employee to be tested for drugs or alcohol, or both;

In addition, Department of Transportation regulations require that drivers submit to post accident testing for drugs and alcohol under the following circumstances:

- 1. when the driver is involved in an accident involving the loss of a human life, regardless of who was at fault; or
- 2. when the driver is involved in an accident in which s/he is issued a citation for a moving traffic violation and the accident involves an injury to any person who, as a result of the injury, immediately receives medical treatment away from the accident scene, or involves disabling damage (i.e., must be towed away or cannot be driven from the accident scene) to any vehicle.
- E. on a random basis; and
- F. on a follow up basis.

Any staff member who tests positive as defined in the guidelines shall be subject to discipline, up to and including discharge, in accordance with District guidelines.

No staff member who has tested positive for alcohol or a controlled substance may be returned to a safety sensitive position without having been evaluated by a qualified substance abuse professional (SAP), completed any required treatment program, and passed a retest.

Prior to the beginning of the testing program, the District shall provide training for all employees, including Drivers and their supervisors, about:

- A. ~~the dangers and adverse effects of drug and alcohol use;~~
- B. ~~indicators of probable alcohol misuse and controlled substance abuse;~~
- C. ~~Board Policy 4122.01—Drug-Free Workplace and Policy 4161—Unrequested Leaves of Absence/Fitness for Duty;~~
- D. ~~the sanctions that may be imposed for violations of Policy 4122.01.~~

~~The District Administrator shall arrange for periodic retraining of supervisors and staff members as necessary. The District Administrator shall provide a copy of this policy and testing guidelines to all Drivers and will include available resources to assist employees with problems related to the use of alcohol and controlled substances.~~

~~The District Administrator shall submit, for Board approval, a contract with a certified laboratory to provide the following services:~~

- A. ~~testing of all first and second test urine samples~~
- B. ~~clear and consistent communication with the District's Medical Review Officer (MRO)~~
- C. ~~methodology and procedures for conducting random tests for controlled substances and alcohol~~
- D. ~~preparation and submission of all required reports to the District, the MRO, and to Federal and State governments~~

~~The District Administrator shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the District's MRO, and the drug collection site(s) in accordance with the requirements of the law.~~

~~Return-to-Duty (Safety Sensitive Positions)~~

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~~Employees who are removed from performing safety sensitive functions as a result of this policy must take and pass a return to duty test before returning to performing safety sensitive functions. The return to duty test will not occur until after a Substance Abuse Professional (SAP) has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming the performance of safety sensitive duties.~~

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~~Subject to any legal requirements, employees who are eligible to return to performing safety sensitive functions may not do so without the approval of the District Administrator.~~

~~Revised 1/8/19~~

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Legal

49 C.F.R. 382.101 et seq.

Last Modified by Coleen Frisch on October 22, 2024