

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

School bus drivers employed by the district are subject to drug and alcohol testing pursuant to a program that complies with state and federal law. These district regulations reflect several requirements of the federal drug testing regulations, but are not intended to modify or limit the procedures for drug and alcohol testing specifically addressed in state or federal law. District personnel will adhere to the detailed provisions of these laws in administering the district's testing program.

Definitions

For purposes of these regulations, the term "tests" includes both drug and alcohol tests, unless specifically stated otherwise, in context.

The terms "drugs" and "controlled substances" have the same meaning and are interchangeable in these regulations.

"Safety-sensitive functions" include all on-duty functions performed from the time a driver begins work or is required to be ready to work until the driver is relieved from work and all responsibility for performing work as a driver. These functions include by way of example, driving, waiting to be dispatched, inspecting and servicing equipment, supervising, performing or assisting in loading and unloading, repairing or obtaining and waiting for help with a disabled vehicle, performing driver requirements related to accidents, and performing any other work for the district.

Prohibited conduct

Drivers shall be prohibited from any drug or alcohol use that could affect performance on the job, including use during the four hours before driving, during any period of time the employee is driving, and during the eight hours following an accident, should one occur.

Any driver required to use a controlled substance during any of these periods shall obtain in advance a written statement from a qualified physician instructing the employee to use the controlled substance and advising the employee that the substance does not adversely affect the employee's ability to safely operate a school bus or other motor vehicle. It is the employee's responsibility to submit this document to the employee's supervisor prior to using the controlled substance during any of the prohibited periods described above, and to use the substance in accordance with the physician's instructions.

REQUIRED TESTING

Pre-employment tests

Drug and alcohol tests will be required of an applicant for a position as a bus driver only after the individual has been offered the position. Pre-employment tests shall be conducted before the first time a driver performs any safety-sensitive function for the district. Employment with the district is conditional upon the applicant successfully passing these tests.

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Unless otherwise prohibited by law, exceptions may be made for drivers who have had the alcohol test required by law within the previous six months and participated in the drug testing program required by law within the previous 30 days, provided that the district has been able to make all verifications required by law.

Post-accident tests

Before any employee may operate a school bus, the district will provide the employee with information concerning post-accident testing procedures. Alcohol and drug tests will be conducted as soon after an accident as is practicable on any driver who:

1. was performing a safety-sensitive function with respect to the vehicle and the accident involved serious injury or the loss of human life.
2. received a citation under any state or local law for a moving traffic violation arising out of the accident.

Drivers shall make themselves readily available for drug and alcohol testing after an accident, absent the need for immediate medical attention. No driver involved in any accident, whether or not there was serious injury or death, may use alcohol or a controlled substance for eight hours after the accident, or until the employee has undergone a drug and alcohol test, whichever is first.

If an alcohol test is not administered within two hours after the accident, or a drug test is not administered within 32 hours after the accident, the district will prepare and maintain records explaining why the test was delayed or not conducted.

Reasonable suspicion tests

Whenever a supervisor or district official has a reasonable suspicion that a bus driver has violated the district's prohibitions against the improper use of alcohol or drugs, the district may conduct a test of that driver. This reasonable suspicion must be based on specific, contemporaneous, articulated observations concerning the driver's appearance, behavior, speech or body odors. These observations also may include indications of chronic use or the withdrawal effects of controlled substances.

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 these 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 a test was not conducted within that time. Attempts to conduct an alcohol test will terminate after eight hours.

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A supervisor or district official who makes a finding of reasonable suspicion also must make a written record of the observations made that lead to a reasonable suspicion. This written record must be made within 24 hours of the time the test is given, or before the test results are released, whichever is first. The individual making the reasonable suspicion shall not be the individual conducting the test, unless other persons qualified to administer the test are not reasonably available and there is danger that a proper test will not be conducted.

Random tests

Drug and Alcohol tests of bus drivers shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol or drugs shall be conducted just before, during or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal 10% of the average number of driver positions. The number of random drug tests annually must equal 50% of the average number of driver positions. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.

Return to duty tests

Prior to being permitted to return to performing safety-sensitive functions for the school district, a driver shall be administered a drug or alcohol test, as appropriate. Employees whose conduct involved misuse of drugs or alcohol may not return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result or the return-to-duty alcohol test produces a verified result that meets federal and district standards.

Follow-up tests

A driver who violates the district's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as requiring assistance in resolving a drug or alcohol problem will be subject to unannounced follow-up testing as directed by the 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.

Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion or follow-up test shall not perform or continue to perform safety-sensitive functions.

Drivers who test positive for alcohol or drugs in violation of this policy or law shall be subject to disciplinary action up to, and including, dismissal.

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Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to the employee's use of drugs or alcohol, including any records pertaining to the employee's drug or alcohol tests.

Records shall be made available to a subsequent employer or other identified persons only as permitted by law and expressly requested, in writing, by the driver.

Notifications

Each driver shall receive copies of educational materials that explain the requirements of the Code of Federal Regulations (CFR), Title 49, Part 382, together with copies of any other required materials and a copy of the district's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

1. the person designated by the district to answer driver questions about the materials;
2. the categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. specific information concerning driver conduct that is prohibited by Part 382;
5. the circumstances under which a driver will be tested for drugs and alcohol under Part 382;
6. the procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct driver;
7. the requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. an explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. the consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment;

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10. the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and
11. information concerning the effect of drugs and alcohol on an individual's health, work and personal life; sign and symptoms of a drug or alcohol problem (the driver's or a coworker's), and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program or referral to management.

Each driver shall sign a statement certifying that the employee has received a copy of the above materials.

Note: 49 CFR 382.113 requires the school district inform the employee, before tests are performed, that the tests are required by 49 CFR 382. 49 CFR 382.113 also states that employers shall not falsely represent that a test administered under their own or other authority is being administered under the authority of the Federal Highway Administration. If the school district establishes a testing program before the compliance date required by federal regulations, the following paragraph should be deleted until after the compliance date.

Before any employee operates a commercial motor vehicle for the school district, the district shall provide the employee with post-accident procedures that will make it possible for the employee to comply with post-accident testing requirements.

Prior to performing drug and alcohol tests, the district shall inform drivers that the tests are given pursuant to the Code of Federal Regulation, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The district shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of the employee's employment application.

The district shall notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The district shall tell the driver which controlled substances were verified as positive.

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