

CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR
COMMERCIAL MOTOR VEHICLE (CMV) DRIVERS AND OTHER EMPLOYEES
WHO PERFORM SAFETY SENSITIVE FUNCTIONS
~~DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS~~

Purpose

The Board of Education 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 (collectively “Covered Employees”) must be mentally and physically alert at all times while on duty.

To that end, the Board has established this policy, which includes an alcohol and controlled substances testing program. The Board also expects all Covered Employees to comply with Board Policy 4122.01 on 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~~Covered Employees 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.

~~Covered Employees~~

~~This policy covers all commercial driver's license (CDL) holders and regular and substitute bus drivers as well as other staff who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL.~~

Definitions

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

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- A. ~~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 *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and/or local laws and regulations.~~
- BC. 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. ~~The term includes, but is not limited to, marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, phencyclidine (PCP).~~

- DE. 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.
- ED. 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.~~ all tasks associated with the operation and maintenance of District owned and/or operated vehicles. 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.
- FE. The term Covered Employee means all commercial driver license (CDL) holders and regular and substitute bus drivers as well as other staff who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL. This policy also covers other staff members who drive students in or inspect, service, and condition non-CMV District vehicles. ~~CDL license holder means all Driver CDL holders and regular and substitute bus drivers who operate a commercial motor vehicle while on duty, as well as other staff members who operate, inspect service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL. This policy also covers other staff members who may drive students in District vehicles or inspect, repair, and maintain non-CMV District vehicles.~~
- GF. The term *while on duty* means all time from the time the Covered Employee ~~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 ~~Board directs the~~ Superintendent ~~to~~ shall establish a drug and alcohol testing program whereby each ~~Driver~~ Covered Employee, 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. ~~Opiates~~ Opioid

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D. Amphetamines

E. Phencyclidine (PCP)

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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.) for reasonable cause, c.) upon return to duty after any alcohol or drug rehabilitation , d.) after any accident 1.) resulting in human death, 2.) where the driver is issued a citation and the accident results in an injury that requires immediate medical attention away from the scene, or 3.) where there is disability damage to any motor vehicle that requires towing.

Any staff member who tests positive shall be:

- A. immediately prohibited from driving any District vehicle or conducting a safety sensitive function;
- B. evaluation by a substance abuse professional;
- C. and subject to discipline, up to and including discharge, in accordance with District guidelines and the terms of any applicable collective bargaining agreements;
- D. provided information regarding drug/alcohol counseling; or referred to the District's Employee Assistance Program.

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. Return to a safety sensitive position is solely at the District's discretion.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, the test will be considered positive and the employee shall be prohibited from driving any school vehicle and be referred to the District's Employee Assistance Program and the employee will be re-tested with an observed collection to prevent the addition of an adulterant to the specimen.

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 of illegal drug use and controlled substance and alcohol abuse;
- B. indicators of probable alcohol misuse and controlled substance abuse;
- C. Board Policy 4122.01 - Drug-Free Workplace,
Policy 4161 - Unrequested Leaves of Absence,

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Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;

- D. the sanctions that may be imposed for violations of Policy 4122.01.

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

The Superintendent 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 Superintendent 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.

Educational materials explaining the requirements of the Federal regulations and of the Board's policies and procedures to meet the Federal regulations shall be provided to all Covered Employees, including the following:

- A. the name of the person designated by the Board to answer questions about the materials
- B. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations
- C. information concerning what conduct is prohibited
- D. the circumstances under which employees are subject to testing
- E. the procedures for testing in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee
- F. the requirement that staff members must submit to testing as required by the regulations

- G. an explanation of what constitutes a refusal to be tested and the attendant consequences
- H. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment
- I. the consequences for a test indicating an alcohol concentration greater than 0.02, and
- J. information concerning the effects of alcohol and drug misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected (including confrontation and how to refer someone to an Employee Assistance Program or to management).

49 C.F.R. 382.101 et. seq.
34 C.F.R. Part 40

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