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3 **PERSONNEL**

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5 Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

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7 School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program
8 that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

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10 Other persons who drive vehicles designed to transport sixteen (16) or more passengers,
11 including the driver, are likewise subject to the drug and alcohol testing program.

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13 Testing procedures and facilities used for the tests shall conform with the requirements of the
14 Code of Federal Regulations, Title 49, §§ 40, et seq.

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16 Pre-Employment Tests

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18 Tests shall be conducted before the first time a driver performs any safety-sensitive function for
19 the District.

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21 Safety-sensitive functions include all on-duty functions performed from the time a driver begins
22 work or is required to be ready to work, until he/she is relieved from work and all responsibility
23 for performing work. It includes driving; waiting to be dispatched; inspecting and servicing
24 equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining
25 and waiting for help with a disabled vehicle; performing driver requirements related to accidents;
26 and performing any other work for the District or paid work for any entity.

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28 The tests shall be required of an applicant only after he/she has been offered the position.

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30 Exceptions may be made for drivers who have had the alcohol test required by law within the
31 previous six (6) months and participated in the drug testing program required by law within the
32 previous thirty (30) days, provided that the District has been able to make all verifications
33 required by law.

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35 Post-Accident Tests

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37 Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable
38 on any driver:

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40 1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident
41 involved loss of human life; or
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43 2. Who receives a citation under state or local law, for a moving traffic violation arising
44 from the accident.

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46 Drivers shall make themselves readily available for testing, absent the need for immediate

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4 medical attention.

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6 No such driver shall use alcohol for eight (8) hours after the accident, or until after he/she
7 undergoes a post-accident alcohol test, whichever occurs first.

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9 If an alcohol test is not administered within two (2) hours or if a drug test is not administered
10 within thirty-two (32) hours, the District shall prepare and maintain records explaining why the
11 test was not conducted. Tests will not be given if not administered within eight (8) hours after
12 the accident for alcohol or within thirty-two (32) hours for drugs.

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14 Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing
15 requirements, provided they conform to applicable legal requirements and are obtained by the
16 District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled
17 substance testing obligations.

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19 Random Tests

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21 Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for
22 alcohol shall be conducted just before, during, or just after the performance of safety-sensitive
23 functions. The number of random alcohol tests annually must equal twenty-five percent (25%)
24 of the average number of driver positions. The number of random drug tests annually must equal
25 fifty percent (50%) of the average number of driver positions. Drivers shall be selected by a
26 scientifically valid random process, and each driver shall have an equal chance of being tested
27 each time selections are made.

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29 Reasonable Suspicion Tests

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31 Tests shall be conducted when a supervisor or District official trained in accordance with law has
32 reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This
33 reasonable suspicion must be based on specific, contemporaneous, articulable observations
34 concerning the driver's appearance, behavior, speech, or body odors. The observations may
35 include indications of the chronic and withdrawal effects of controlled substances.

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37 Alcohol tests are authorized for reasonable suspicion only if the required observations are made
38 during, just before, or just after the period of the work day when the driver must comply with
39 alcohol prohibitions. An alcohol test may not be conducted by the person who determines that
40 reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within
41 two (2) hours of a determination of reasonable suspicion, the District shall prepare and maintain
42 a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate
43 after eight (8) hours.

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45 A supervisor or District official who makes observations leading to a controlled substance
46 reasonable suspicion test shall make a written record of his/her observations within twenty-four

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4 (24) hours of the observed behavior or before the results of the drug test are released, whichever
5 is earlier.

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

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12 Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and
13 including dismissal.

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15 A driver who violates District prohibitions related to drugs and alcohol shall receive from the
16 District the names, addresses, and telephone numbers of substance abuse professionals and
17 counseling and treatment programs available to evaluate and resolve drug and alcohol-related
18 problems. The employee shall be evaluated by a substance abuse professional who shall
19 determine what help, if any, the driver needs in resolving such a problem. Any substance abuse
20 professional who determines that a driver needs assistance shall not refer the driver to a private
21 practice, person, or organization in which he/she has a financial interest, except under
22 circumstances allowed by law.

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24 An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated
25 by a substance abuse professional to determine that he/she has properly followed the prescribed
26 rehabilitation program and shall be subject to unannounced follow-up tests after returning to
27 duty.

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29 The district will not be responsible for any costs relating to a positive test for alcohol and/or
30 controlled substance.

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32 Return-to-Duty Tests
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34 A drug or alcohol test shall be conducted when a driver who has violated the District's drug or
35 alcohol prohibition returns to performing safety-sensitive duties.

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37 Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function
38 until the return-to-duty drug test produces a verified negative result.

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40 Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function
41 until the return-to-duty alcohol test produces a verified result that meets federal and District
42 standards.

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44 Follow-Up Tests
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46 A driver who violates the District's drug or alcohol prohibition and is subsequently identified by

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4 a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall
5 be subject to unannounced follow-up testing as directed by the substance abuse professional in
6 accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just
7 after the time when the driver is performing safety-sensitive functions.
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9 Records

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11 Employee drug and alcohol test results and records shall be maintained under strict
12 confidentiality and released only in accordance with law. Upon written request, a driver shall
13 receive copies of any records pertaining to his/her use of drugs or alcohol, including any records
14 pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent
15 employer or other identified persons only as expressly requested in writing by the driver.
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17 Notifications

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19 Each driver shall receive educational materials that explain the requirements of the Code of
20 Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and
21 regulations for meeting these requirements. Representatives of employee organizations shall be
22 notified of the availability of this information. The information shall identify:
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- 24 1. The person designated by the District to answer driver questions about the materials;
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26 2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49,
27 Part 382;
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29 3. Sufficient information about the safety-sensitive functions performed by drivers to make
30 clear what period of the work day the driver is required to comply with Part 382;
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32 4. Specific information concerning driver conduct that is prohibited by Part 382;
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34 5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part
35 382;
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37 6. The procedures that will be used to test for the presence of drugs and alcohol, protect the
38 driver and the integrity of the testing processes, safeguard the validity of test results, and
39 ensure that test results are attributed to the correct driver;
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41 7. The requirement that a driver submit to drug and alcohol tests administered in accordance
42 with Part 382;
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44 8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the
45 attendant consequences;
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- 4 9. The consequences for drivers found to have violated the drug and alcohol prohibitions of
- 5 Part 382, including the requirement that the driver be removed immediately from safety-
- 6 sensitive functions and the procedures for referral, evaluation, and treatment;
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- 8 10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater
- 9 but less than 0.04; and
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- 11 11. Information concerning the effects of drugs and alcohol on an individual's health, work,
- 12 and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a
- 13 coworker's); and available methods of intervening when a drug or alcohol problem is
- 14 suspected, including confrontation, referral to an employee assistance program, and/or
- 15 referral to management.
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17 Drivers shall also receive information about legal requirements, District policies, and

18 disciplinary consequences related to the use of alcohol and drugs.

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20 Each driver shall sign a statement certifying that he/she has received a copy of the above

21 materials.

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23 Before any driver operates a commercial motor vehicle, the District shall provide him/her with

24 post-accident procedures that will make it possible to comply with post-accident testing

25 requirements.

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27 Before drug and alcohol tests are performed, the District shall inform drivers that the tests are

28 given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be

29 provided only after the compliance date specified in law.

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31 The District shall notify a driver of the results of a pre-employment drug test if the driver

32 requests such results within sixty (60) calendar days of being notified of the disposition of his/

33 her employment application.

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35 The District shall notify a driver of the results of random, reasonable suspicion, and post-

36 accident drug tests if the test results are verified positive. The District shall also tell the driver

37 which controlled substance(s) were verified as positive.

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39 Drivers shall inform their supervisors if at any time they are using a controlled substance which

40 their physician has prescribed for therapeutic purposes. Such a substance may be used only if the

41 physician has advised the driver that it will not adversely affect his/her ability to safely operate a

42 commercial motor vehicle.

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44 Procedure History:

45 Promulgated on:

46 Reviewed on: 2/25/08

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