

EASTON AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: DRUG/ALCOHOL TESTING -
COVERED DRIVERS

ADOPTED: December 21, 2006

REVISED:

| 810.1. DRUG/ALCOHOL TESTING - COVERED DRIVERS | |
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| 1. Purpose | The Board recognizes that the use and abuse of drugs and alcohol is a serious problem that may be present in the workplace. The Board also recognizes that an employee impaired by drugs or alcohol who operates district vehicles or transports students poses significant risks to the safety of students and others. |
| 2. Definition | <p>A covered driver shall mean any district employee who drives or operates a motor vehicle with a gross vehicle weight rating of 26,001 or more pounds or is designed to transport sixteen (16) or more passengers, including the driver; or any other district employee who is regularly assigned to drive a school district vehicle of any size or kind.</p> <p>The phrase includes drivers and mechanics who operate such vehicles, including full-time, regularly employed individuals; casual, intermittent or occasional individuals; and leased drivers and independent owner-operator contractors who are either directly employed by or under lease to the district or who operate a bus owned or leased by the district.</p> |
| 3. Authority SC 510 49 CFR Sec. 382.305 | In accordance with its authority and responsibility, the Board adopts this policy to comply with federal regulatory mandates and to establish programs and practices designed to help prevent accidents and injuries resulting from misuse of drugs and alcohol by covered drivers employed by the district. |
| 4. Delegation of Responsibility | <p>The Superintendent or designee shall develop procedures to implement this policy and the requirements of law which include the following components:</p> <ol style="list-style-type: none"> 1. Contracts with a qualified medical review officer and substance abuse professional and a certified laboratory. 2. Establishment of procedures for required testing for covered drivers. 3. Maintenance of the confidentiality of all aspects of the testing process. |

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| | <ol style="list-style-type: none"> 4. Delegation of responsibility for monitoring employee compliance with the provisions of Board policy and procedures. 5. Designation of an employee responsible for receiving and handling results of drug and alcohol tests. 6. Implementation of procedures for the preparation, maintenance, retention and disclosure of records, as required by law. 7. Distribution of information and materials relevant to district policies and procedures regarding drug and alcohol testing to affected employees. |
| <p>5. Guidelines</p> <p>49 CFR Sec. 382.305</p> <p>49 CFR Sec. 382.305</p> | <p><u>Employee Prohibitions</u></p> <p>No covered bus driver shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater, while possessing alcohol, while using alcohol, or within four (4) hours after using alcohol.</p> <p>No covered driver shall report for duty or remain on duty when the driver uses or tests positive for any drug, except when the use is pursuant to the written instructions or prescription of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.</p> <p>Hemp product consumption is not an acceptable alternative medical explanation for a positive marijuana result.</p> <p>No covered driver required to take a post-accident alcohol test under this policy shall use alcohol for eight (8) hours following the accident, or until s/he undergoes a post-accident alcohol test, whichever occurs first.</p> <p>No covered driver shall refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or drug test required under this policy.</p> <p>No individual shall be hired by the district as a driver covered by this policy or transferred into a covered driver position unless:</p> <ol style="list-style-type: none"> 1. S/He has undergone and passed pre-employment testing for alcohol and drugs, in accordance with this policy. 2. S/He has either certified that s/he has not been employed for the previous two (2) years or has given written consent and authorization for the district to obtain information from the individual's employers during the preceding |

two (2) years pertaining to the driver's alcohol tests showing concentration results of 0.02 or greater, positive drug test results, and refusals to be tested, within the preceding two (2) years, which are maintained by the driver's previous employers.

3. The district has received the required information from the driver's previous employer, if any. A candidate shall not be recommended for hire if the Transportation Coordinator obtains information on the candidate's alcohol test with a concentration of 0.02 or greater, verified positive drug test result, or refusal to be tested, without obtaining records of a subsequent substance abuse professional's evaluation and/or determination under law.

Any covered driver shall be deemed to have consented to such testing as is required of him/her by this policy. Consent is implied by agreeing to continue to drive a covered vehicle after notification of this policy.

Duties Of Covered Drivers

Covered drivers shall comply with all mandates and prohibitions contained in this policy.

Covered drivers shall cooperate fully with all required testing and shall promptly report to all required testing as directed.

Covered drivers are required to notify the Testing Center if they are taking any therapeutic drugs and shall supply written certification on a form provided by the district from the physician prescribing the drug(s) that the substance(s) will not adversely affect the driver's ability to safely operate a bus or motor vehicle.

Consequences For Drivers Engaging In Drug Use-Related Conduct

Consistent with contractual, legal and constitutional requirements, a determination shall be made as to the appropriate disciplinary action, if any, to be imposed upon any covered driver who violates any of the prohibitions or mandates set forth in this policy. Nothing in this policy shall be construed to limit the authority of the district to impose discipline, including discharge.

Any covered driver tested under this policy who is found to have an alcohol concentration of 0.02 or greater shall be suspended without pay until the start of the driver's next regularly scheduled duty period that is at least twenty-four (24) hours following administration of the test.

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| | <p>Any covered driver: who reports or remains on duty while having an alcohol concentration of 0.02 or greater; possessing alcohol; using alcohol or having used alcohol within four (4) hours of reporting to work; who reports or remains on duty when the driver uses, has used or tests positive for any drug, except when the use is pursuant to the written instructions or prescription of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely drive the bus and the driver has so advised the Transportation Coordinator in accordance with this policy; or who consumes alcohol in contravention of a post-accident alcohol test requirement or refuses to submit to any drug or alcohol test required under this policy, and who is not to be discharged, shall be suspended without pay and shall not be reinstated until after the following requirements have been met:</p> <ol style="list-style-type: none">1. The driver has been advised of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of drugs, including the names, addresses and telephone numbers of substance abuse professional and counseling and treatment programs.2. The driver has been evaluated by a substance abuse professional, who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use.3. The driver has undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02, if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved a drug.4. If the driver has been identified as needing assistance in resolving problems associated with alcohol misuse or drug use, the driver shall be evaluated by a substance abuse professional to determine that the driver has properly followed any rehabilitation program prescribed.5. The driver serves the length of the suspension and meets any other conditions of reinstatement that may have been imposed by the district. <p>The minimum suspensions without pay shall be as follows. The district may impose discipline which exceeds the following minimums:</p> <ol style="list-style-type: none">1. A driver with an alcohol concentration of 0.02 or greater shall be suspended without pay until the next scheduled duty period that is at least twenty-four (24) hours following administration of the test. |
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Where alcohol testing shows a concentration of 0.10 or greater after a driver has been driving, or drug testing shows a positive result and the driver has not advised the district of therapeutic drug use prescribed by a physician in accordance with this policy, the matter shall be turned over to the police.

Duties Of The Transportation Department

The Transportation Coordinator and/or designee shall take action to ensure that covered drivers do not violate the prohibitions and mandates set forth in this policy. If the Transportation Coordinator or his/her designee has reasonable suspicion that a driver has violated any prohibition or mandate, the following actions shall be taken:

1. The employee shall be promptly contacted and an informal hearing shall be conducted. The driver shall be advised of the allegations and be given an opportunity to tell his/her side of the story.
2. If the suspicion relates to the driver's alcohol concentration levels or use of alcohol during or prior to reporting to work, the driver shall be required to submit to an alcohol test in accordance with this policy.
3. If the suspicion relates to the bus driver's use of drugs during or prior to reporting to work, the driver shall be required to submit to a drug test in accordance with this policy.
4. If after investigation, testing, as may be required, and consideration of the driver's input, it is determined by the Transportation Coordinator and/or designee that a driver violated any of his/her obligations, the matter shall be referred to the appropriate administrator for appropriate action.

The Transportation Coordinator shall ensure that the following tests are performed:

1. Pre-Employment Testing - Prior to recommending to the Board that any individual be hired as a driver, the candidate shall undergo testing for alcohol and drugs. No individual shall be recommended to the Board to be hired as a driver who has not undergone such testing or who has not been administered such tests with a result indicating an alcohol concentration less than 0.02 and a negative drug test result.
2. Post-Accident Testing - As soon as practicable following a school bus accident involving loss of human life or where the driver receives a citation under state or local law for a moving traffic violation arising from the accident, the covered driver shall be tested for alcohol and drugs.

A driver who is subject to post-accident testing under this policy shall remain readily available for such testing or may be deemed by the district to have refused to submit to testing.

If a post-accident alcohol test is not administered within two (2) hours following the accident, the Transportation Coordinator or his/her designee shall prepare and maintain a record stating the reasons the test was not promptly administered. If the test is not administered within eight (8) hours following the accident, attempts to administer the alcohol test shall cease and the Transportation Coordinator or his/her designee shall prepare and maintain the same record.

If a post-accident drug test is not administered within thirty-two (32) hours following the accident, attempts to administer the test shall cease and the Transportation Coordinator or his/her designee shall prepare and maintain a record stating the reasons why the test was not administered within the required time.

A breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by federal, state, or local officials or police having authority to conduct such testing shall be considered to meet the requirements of this policy if the results of the test will be turned over to the district.

3. Random Testing - Random alcohol and drug testing shall be conducted on that percentage of drivers as mandated from time to time by the federal government. The selection of drivers for random testing shall be by a scientifically valid method so that each driver shall have an equal chance of being tested each time selections are made. The tests shall be unannounced and the tests shall be spread reasonably throughout the year.

Each driver who is notified of selection for random testing shall proceed to the test site immediately.

Random alcohol testing may be conducted only just before the driver is to begin driving or just after the driver has finished driving a school vehicle.

4. Reasonable Suspicion Testing - A driver shall be required to submit to an alcohol and/or drug test when the Transportation Coordinator or his/her designee has reasonable suspicion that the driver is using or has used alcohol or drugs in violation of the prohibitions or mandates of this policy.

The determination that reasonable suspicion exists to require a driver to undergo testing must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of drugs. Reasonable suspicion as to alcohol use may be based only on observations made while the driver is driving, just before the driver begins driving, or just after the driver has ceased driving.

The Transportation Coordinator and other designated supervisors shall obtain necessary training that covers the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of drugs. Only those so trained shall be permitted to make the determination that can lead to reasonable suspicion testing.

Reasonable suspicion testing may not be performed by the individual who made the determination that there was reasonable suspicion for the testing.

A written record shall be prepared and maintained setting forth the basis and observations for the reasonable suspicion leading to the testing. With respect to suspicion related to drugs, such records shall be made and signed by the supervisor who made the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Reasonable suspicion alcohol testing shall be required while the driver is driving, just before the driver is to drive, or just after the driver has ceased driving. If an alcohol test is not administered within two (2) hours following the determination that reasonable suspicion exists, the Transportation Coordinator shall prepare and maintain a record stating the reasons the test was not promptly administered. If the test is not administered within eight (8) hours following the accident, attempts to administer the alcohol test shall cease and the Transportation Coordinator shall prepare and maintain the same record. Notwithstanding the absence of a reasonable suspicion alcohol test, where there was reasonable suspicion of alcohol use, the driver shall not be permitted to drive until:

- a. An alcohol test is administered and the driver's alcohol concentration measures less than 0.02.
- b. Twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

5. Return-to-Duty Testing - No driver may return to work after engaging in conduct prohibited by this policy until after s/he has, as appropriate, undergone an alcohol test with a result indicating an alcohol concentration of less than 0.02 or a drug test with a result indicating a verified negative result for drug use.

6. Follow-Up Testing - Any driver who is in need of assistance in resolving problems associated with alcohol misuse and/or use of drugs shall be subject to unannounced follow-up testing as directed by a substance abuse professional. Follow-up alcohol testing shall be conducted only when the driver is driving, just before the driver is to drive, or just after the driver has stopped driving.

The Superintendent or designee shall be the district's representative for purposes of receiving and handling alcohol and drug test results. Those results shall be handled in a confidential manner in accordance with applicable federal, state, and local law and regulation.

The Superintendent or designee shall advise a driver of the results of random, reasonable suspicion and post-accident tests if the test results show an alcohol concentration in excess of 0.02 or are verified as positive in the case of drugs. The driver shall be advised which substance(s) were verified as positive.

The Transportation Coordinator shall make reasonable efforts to contact and request each driver who submitted a specimen under this policy, regardless of the driver's employment status, to contact and discuss the results of the drug test with a medical review officer who has been unable to contact the driver, and notify within twenty-four (24) hours the medical review officer that the driver has been notified to contact the medical review officer.

The Superintendent or designee shall develop and implement procedures for the preparation, maintenance, retention and disclosure of records as required by law.

The Superintendent or designee shall recommend the actions necessary to ensure that the district can perform the testing described in this policy and has the services of a qualified medical review officer, a qualified substance abuse professional, and a certified laboratory.

The Superintendent or designee shall develop and provide educational materials that explain the requirements of this policy and the district's policies and procedures with respect to meeting said requirements. Materials in compliance with law shall be distributed to each driver prior to the start of the district's testing under this policy and to each driver subsequently hired or transferred into a driving position. A copy shall also be provided to the employee's bargaining representative as applicable.

Each driver shall be required to sign a statement certifying that s/he has received a copy of the material, and the Transportation Coordinator shall maintain the original copy of the signed certification.

The Transportation Coordinator shall ensure that access is provided to all district facilities utilized in complying with the requirements of the Federal Highway Administration, the Secretary of Transportation, any Department of Transportation agency, or any state or local official with regulatory authority over the district or any of its drivers.