

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

School bus drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Federal Code of Federal Regulations. Other persons who drive vehicles designed to transport 16 or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

Pre-employment Test

Drug and alcohol tests shall be conducted before a driver performs any safety-sensitive function for the District.

Safety-sensitive functions include on-duty functions performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. It includes 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 driving requirements related to accidents, and performing any other work for the District or paid work for any other entity.

Drug and Alcohol Testing for School Bus Drivers

The tests shall be required of an applicant only after he/she has been offered and accepted a position with the District.

Drivers who have passed 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, may be excused from the employment testing requirement.

Post Accident Tests

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

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

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

If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours, the District shall prepare and maintain records explaining why the tests were not conducted. Tests need not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs.

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

Random Tests

Drug and/or alcohol tests shall be conducted on a random basis at unannounced times throughout the year. Tests for drug and/or alcohol shall be conducted just before; during or just after the performance of safety-sensitive function. Drivers shall be selected by a scientifically valid random process, and each driver shall have equal chance of being tested each time selections are made.

Reasonable Suspicion Tests

Drug and/or alcohol tests shall be conducted when a supervisor or District official trained in accordance with law has a reasonable suspicion that the driver has violated the District's drug or alcohol prohibitions. This reasonable suspicion must be based on specific observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substance.

Alcohol tests are 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 alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours.

A supervisor or District official who makes a finding of reasonable suspicion shall also make a written record of his/her observations leading to a reasonable suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

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 his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with 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 material;
2. The categories of drivers who are subject to the Code of Federal Regulations;
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 be in compliance with Part 382;
4. Specific information concerning drivers conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol;

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 process, 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;
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;
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 effects of drugs and alcohol on an individuals' health, work and person life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem and/or referral to management.

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

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

When tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382, the District shall so inform drivers before drug and alcohol tests are performed.

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 his/her 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 also tell the driver which controlled substance(s) were verified as positive.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

Enforcement

A driver who is tested and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform safety-sensitive functions, including driving a commercial motor-vehicle until the start of the driver's next regularly scheduled duty period, but not less than 24 hours after the test was administered.

Any driver testing positive at an alcohol concentration of 0.04 or greater or refusing to submit to a post-accident, random, reasonable suspicion or follow-up tests will be terminated and will not be considered for future employment with the District in any safety-sensitive occupation, such as bus driving.

Any driver testing positive or refusing to submit to a controlled substance test will be terminated and will not be considered for future employment with the District in any safety-sensitive occupation, such as bus driving.

A driver who is tested and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform safety-sensitive functions, including driving a commercial motor-vehicle until the start of the driver's next regularly scheduled duty period, but not less than 24 hours after the test was administered.

A driver who is tested and found to have an alcohol concentration of 0.08 or greater while operating a commercial or non-commercial vehicle will be subject to termination and may be subject to loss of the school bus driver's endorsement as outlined in Federal and State regulations.