

### ALCOHOL AND DRUG TESTING OF BUS DRIVERS

The Board of Education recognizes the dangers inherent in alcohol and controlled substance use by employees especially those in safety-sensitive positions. To ensure the safety of its students and in compliance with federal regulations, the Board requires alcohol and controlled substance testing of school bus drivers and other covered employees.

The district shall directly, by contract, or through a consortium, implement and conduct a program to provide alcohol and controlled substance testing of employees who operate a commercial motor vehicle and perform in a safety-sensitive position. Such employees include:

1. drivers of buses designed to transport 15 or more passengers;
2. drivers of commercial motor vehicles whose manufacturer's rating is 26,001 lbs or more; or
3. drivers of vehicles that are used to haul hazardous materials.

Mechanics who work on and drive a commercial motor vehicle are also included. If no driving is required, the mechanic is not subject to the regulations.

The district will conduct pre-employment testing for controlled substances and conduct alcohol and controlled substance testing of employees randomly throughout the school year pursuant to federal regulations.\* In addition, testing will be conducted when a supervisor has a "reasonable suspicion" that an employee has engaged in prohibited alcohol or controlled substance use; after certain accidents; prior to return to duty when the employee has been found to violate district policy and federal regulations; and after the employee's return to duty.

In accordance with federal and state law, a bus driver will not be permitted to drive if he or she:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
2. uses or is under the influence of alcohol or a controlled substance within six hours or less before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for a controlled substance; or
4. refuses to take a required alcohol or controlled substance test.

No driver shall use alcohol after being involved in an accident in which there was a fatality or in which the bus driver was cited for a moving violation and a vehicle was towed from the scene or an

injury was treated away from the scene until he/she has been tested or eight hours have passed, whichever occurs first.

\*If, after consultation with its school attorney, a board opts to require *preemployment alcohol* testing in its policy, the language mandating such testing should be inserted at this point.

Any employee who is tested and found to have an alcohol concentration of at least 0.02, but less than 0.04, shall be removed from the position until his or her next regularly scheduled duty period, but not less than 24 hours following administration of the test.

If a driver has engaged in prohibited alcohol or controlled substance use, he or she will be removed from driving duties and referred to a Substance Abuse Professional. The employee may be required to complete a treatment program and/or be disciplined pursuant to district policy and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may return to duty unless he/she has successfully passed a required return to duty test. Thereafter, the driver will be subject to follow-up testing.

The Superintendent of Schools shall ensure that a copy of this policy, the district's policy on misuse of alcohol and use of controlled substances, information on alcohol and drug abuse and treatment resources and any other information prescribed by federal regulations is provided to all school bus drivers and other appropriate personnel prior to the initiation of the testing program and to each driver subsequently hired or transferred to a position subject to testing.

Ref: U.S. Constitution, 4th Amendment  
Omnibus Transportation Employee Testing Act of 1991, 49 USC §§31136;  
31306  
Americans with Disabilities Act, 42 USC §§12111-12117  
49 USC §521(b)  
49 CFR Part 382  
49 CFR Part 40  
49 CFR §395.20  
Vehicle and Traffic Law, §§509-1; 1192; 1193  
Labor Law §201-d

ADOPTED: 1/12/98