

**TITLE: DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE OPERATORS**

The purpose of this policy is to help ensure safe operation of school vehicles and to comply with federal law and regulations by establishing a comprehensive program of drug and alcohol testing for any person who operates a commercial motor vehicle and who is employed by the Board. Volunteers shall not be permitted to operate commercial motor vehicles on behalf of the District.

Applicability. Persons subject to this policy include any driver who operates a commercial motor vehicle in the course of duties for the District, including anyone who regularly or intermittently drives a school bus or other commercial vehicle. For purposes of this policy and its accompanying regulations, the term “driver” includes, but is not limited to, school bus drivers, substitute school bus drivers, and school system delivery truck drivers employed by the Board, and any volunteers or independent contractors who operate a commercial motor vehicle on behalf of the Board.

Prohibited Acts. Drivers shall not be impaired by alcohol or drugs while on duty or while operating any motor vehicle or while performing any safety-sensitive function. Drivers shall inform their supervisors of any therapeutic drug use. In all cases, a driver will be considered impaired and in violation of the policy when testing reveals the presence of any alcohol or drugs. Further, no driver will be permitted to perform or to continue to perform safety-sensitive functions if evidence exists of alcohol consumption or if the employer knows the driver has consumed any alcohol or used a controlled substance. Drivers shall not commit any act prohibited by federal law, by the federal regulations contained in the Controlled Substance and Alcohol Use and Testing (49 C.F.R. part 382), by this policy and its regulations, or by the Board’s Drug-Free Workplace Policy. Further, anyone who supervises commercial motor vehicle operators shall be responsible for enforcing and complying with the foregoing provisions.

Testing. The District shall carry out pre-employment testing for drugs and post-accident, random, reasonable suspicion, return-to-duty and follow-up testing for drugs and alcohol as required by 49 C.F.R. part 382 for all drivers. Drivers shall undergo pre-employment drug testing prior to the first time the driver performs safety-sensitive functions for the Board. All other employees whose duties change during the course of their employment to include the driving of commercial motor vehicles shall be subject to a pre-driving drug testing and shall undergo any other testing required by 49 C.F.R. part 382 prior to being assigned driving duties. Refusal of any test required pursuant to this policy or 49 C.F.R. part 382 shall be cause for dismissal or removal.

Pre-employment Inquiry. All applicants who would be subject to this policy if employed shall consent, in writing, to the release of any information gathered pursuant to 49 C.F.R. part 382 by

any of the applicant's previous employers. Before employing any applicant covered by this policy or 49 C.F.R. part 382, the District shall obtain, pursuant to the applicant's written consent, all records maintained by the applicant's previous employer(s) of prohibited acts by the applicant that have taken place in the two years prior to the inquiry date.

Training and Education. Each driver and supervisory employee, including principals and assistant principals, shall be provided with educational materials that inform them of drug testing procedures, prohibited acts, consequences and other aspects of 49 C.F.R. part 382, this policy and any attached regulations. The information also shall identify a school system employee who will be responsible for providing information on substance abuse. Each employee shall sign a statement certifying receipt of these materials. Each supervisor responsible for overseeing the performance of drivers, including principals and assistant principals, shall undergo at least one hour of training concerning alcohol misuse and an additional hour of training concerning drug use.

Referrals. Each driver who commits acts prohibited by 49 C.F.R. part 382 shall be provided with information concerning resources available for evaluating and resolving drug or alcohol misuse through the employee assistance counseling program. This information shall include names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs.

Penalties. Employees found in violation of this policy and the attached regulations, or 49 C.F.R. part 382, will be subject to disciplinary action up to and including dismissal.

Procedures. The Superintendent shall enact appropriate regulations and procedures to ensure compliance with the collection and testing procedures outlined in the Federal Highway Administration's "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" (49 C.F.R. part 40), and to ensure compliance with 49 C.F.R. part 382, including, but not limited to, testing, reporting, record retention, training and confidentiality requirements. The regulations and procedures shall also include any reporting requirements required by law.

Review Schedule. This policy shall be reviewed in accordance with the Policy Review Schedule published by the Superintendent.

**Legal Authority:** 49 U.S.C. § 31306; 49 C.F.R. parts 40 and 382

**Board Adoption:** July 21, 2014