

1 **St. Regis School District**

2  
3 **PERSONNEL**

5228P  
page 1 of 5

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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.

15  
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.

20  
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.

27  
28 The tests shall be required of an applicant only after he/she has been offered the position.

29  
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.

34  
35 Post-Accident Tests

36  
37 Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable  
38 on any driver:

- 39  
40 1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident  
41 involved loss of human life; or  
42  
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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4 Drivers shall make themselves readily available for testing, absent the need for immediate  
5 medical attention.

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

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

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

19  
20 Random Tests

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

29  
30 Reasonable Suspicion Tests

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

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

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4 A supervisor or District official who makes observations leading to a controlled substance  
5 reasonable suspicion test shall make a written record of his/her observations within twenty-four  
6 (24) hours of the observed behavior or before the results of the drug test are released, whichever  
7 is earlier.

8  
9 Enforcement

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

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

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

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

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31 Return-to-Duty Tests

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

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

38  
39 Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function  
40 until the return-to-duty alcohol test produces a verified result that meets federal and District  
41 standards.

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43 Follow-Up Tests

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45 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.  
8

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.  
16

17 Notifications

18  
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:  
23

- 24 1. The person designated by the District to answer driver questions about the materials;
- 25  
26 2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49,  
27 Part 382;
- 28  
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;
- 31  
32 4. Specific information concerning driver conduct that is prohibited by Part 382;
- 33  
34 5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part  
35 382;
- 36  
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;
- 40  
41 7. The requirement that a driver submit to drug and alcohol tests administered in accordance  
42 with Part 382;
- 43  
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
- 10
- 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 disciplinary  
18 consequences related to the use of alcohol and drugs.

19  
20 Each driver shall sign a statement certifying that he/she has received a copy of the above  
21 materials.

22  
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.

26  
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.

30  
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/her  
33 employment application.

34  
35 The District shall notify a driver of the results of random, reasonable suspicion, and post-accident  
36 drug tests if the test results are verified positive. The District shall also tell the driver which  
37 controlled substance(s) were verified as positive.

38  
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: March 8, 2006

46 Revised on: