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**4003**  
**Drug Policy Regarding Drivers**

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**Policy Statement.** Drivers for the school district must be free from drug and alcohol abuse, and the use of illegal drugs or improper use of alcohol is prohibited. The overall goal of drug and alcohol testing is to insure a drug-free and alcohol-free transportation environment, and to reduce accidents, injuries and fatalities.

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**Designated Contact.** The school district has designated the superintendent as the individual any driver may contact with questions about this policy or the school district's drug testing program and procedures for drivers. This individual further maintains and will provide drivers informational materials concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

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The superintendent may be contacted at the superintendent's office at 431 North Green Street, Valentine NE or at (402)376-1780.

**Covered Drivers.** Any person who operates a commercial motor vehicle on behalf of the school district is covered by this policy and the school district's drug testing program and procedures for drivers. All covered drivers must provide the school district a signed statement certifying that he or she has received a copy of this policy and related materials.

**Covered Workday.** A driver is required to comply with this policy and the terms of the school district's drug testing program and procedures for drivers at all times they are assigned, or may be assigned, to perform safety-sensitive functions. This includes all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include: (1) all time at a school district facility or property, contractor facility or property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the school district; (2) all time inspecting equipment as required by state or federal law or regulation and any and all other time inspecting, servicing, or conditioning any commercial motor vehicle; (3) all time spent at the driving controls of a commercial motor vehicle in operation;

45 (4) all time, other than driving time, in or upon any commercial motor  
46 vehicle; (5) all time loading or unloading a vehicle, supervising, or  
47 assisting in the loading or unloading, attending a vehicle being loaded  
48 or unloaded, remaining in readiness to operate the vehicle, or in giving  
49 or receiving receipts for shipments loaded or unloaded; and (6) all time  
50 repairing, obtaining assistance, or remaining in attendance upon a  
51 disabled vehicle.

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53 **Prohibited Conduct.** No driver shall: (1) report for duty or remain on  
54 duty requiring the performance of safety-sensitive functions while  
55 having an alcohol concentration of 0.04 or greater; (2) use alcohol while  
56 performing safety-sensitive functions; (3) perform safety-sensitive  
57 functions within four hours after using alcohol; or (4) refuse to submit  
58 to a pre-employment controlled substance, a post-accident alcohol or  
59 controlled substance test, a random alcohol or controlled substances  
60 test, a reasonable suspicion alcohol or controlled substance test, a  
61 return-to-duty alcohol or controlled substances test, or a follow-up  
62 alcohol or controlled substance test required under state or federal law  
63 or this policy. No driver required to take a post-accident alcohol test  
64 shall use alcohol for eight hours following the accident, or until he/she  
65 undergoes a post-accident alcohol test, whichever occurs first.

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67 No driver shall: (1) report for duty or remain on duty requiring the  
68 performance of safety sensitive functions when the driver uses any drug  
69 or substance identified in 31 CFR 1308.11 Schedule 1; (2) report for  
70 duty or remain on duty requiring the performance of safety-sensitive  
71 functions when the driver uses any non-Schedule I drug or substance  
72 that is identified in the other Schedules in 21 CFR part 1308 except when  
73 the use is pursuant to the instructions of a licensed medical practitioner  
74 who is familiar with the driver's medical history and has advised the  
75 driver that the substance will not adversely affect the driver's ability to  
76 safely operate a commercial motor vehicle; or (3) report for duty,  
77 remain on duty or perform a safety-sensitive function, if the driver tests  
78 positive or has adulterated or substituted a test specimen for controlled  
79 substances.

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81 **Types of Testing.** Pursuant to regulations promulgated by the  
82 Department of Transportation (DOT), the district has implemented four  
83 types of testing: (1) pre-employment testing, (2) reasonable cause  
84 testing, (3) post-accident testing and (4) random testing.

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86 **Refusal to Submit to Testing.** A driver shall not refuse to submit to  
87 testing. A driver will be considered to have refused to submit to testing  
88 if the driver fails to provide a sample or specimen necessary for testing

89 upon a lawful request, consistent with the required testing protocols.  
90 The refusal to submit to the testing used by the district will be grounds  
91 for refusal to hire driver applicants and to terminate the employment of  
92 existing drivers.

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94 **Consequences for Violations.** Any driver who becomes unqualified  
95 on the basis of violation of the terms of this policy will be subject to  
96 disciplinary action which may include termination of the driver's  
97 employment, and shall include the immediate removal from safety-  
98 sensitive functions in compliance with federal law. No driver tested  
99 pursuant to this policy and the school district's drug testing program and  
100 procedures who is found to have an alcohol concentration of 0.02 or  
101 greater but less than 0.04 shall perform or continue to perform safety-  
102 sensitive functions until the start of the driver's next regularly scheduled  
103 duty period, but not less than 24 hours following administration of the  
104 test.

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106 **Return to Duty Process.** A driver who has violated this policy or the  
107 school district drug testing program and procedures cannot again  
108 perform any safety-sensitive functions until and unless the employee  
109 completes the return-to-duty process, including the substance-abuse  
110 professional's (SAP) evaluation, referral, and recommended education  
111 or treatment. The school district will provide employees the relevant  
112 contact information for available and acceptable SAPs as necessary, but  
113 the school district is not required under the law to provide a SAP  
114 evaluation or any subsequent recommended education or treatment for  
115 a driver. Any driver completing the return-to-duty process must  
116 complete a return-to-duty test and test negatively.

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118 **Disqualification.** Any applicant who tests positive for the presence of  
119 the following drugs is medically unqualified to drive and will not be  
120 considered for the position of driver: (1) marijuana, (2) cocaine, (3)  
121 opiates, (4) amphetamines, or (5) phencyclidine (PCP). Any district  
122 driver who tests positive shall be medically unqualified and removed  
123 from service immediately.

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125 **Pre-employment Testing.** All applicants for employment must submit  
126 to drug and alcohol tests as a condition of being considered for  
127 employment.

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129 **Reasonable Cause Testing.** The district shall have reasonable cause  
130 to require a driver to submit to drug testing when a driver manifests  
131 physical or physiological symptoms or reactions commonly attributed to  
132 the use of controlled substances or alcohol.

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**Post-Accident Testing.** A driver who has been involved in a reportable accident must submit to drug and alcohol testing as soon as possible. A reportable accident includes any accident in which there is a fatality, a person is injured and must be treated away from the accident site, the driver receives a citation for a moving violation, or a vehicle is towed from the scene. The driver must notify the district immediately regarding any reportable accident.

**Serious Injury to the Driver.** If a driver is so seriously injured that he or she cannot submit to testing at or immediately after the time of the accident, the driver must provide the necessary authorization for the district to obtain hospital reports or other documents that would indicate whether there were controlled substances or alcohol in the driver's system.

**Random Testing.** All drivers will be subject to unannounced random testing for drugs and alcohol. The district or its agents will periodically select drivers at random for testing. A district official will notify a driver when his or her name has been selected and will instruct the driver to report immediately for testing. By its very nature, random selection may result in one driver being tested more than once in a 12-month period, while another driver may not be selected at all during the same 12 months.

**Frequency of Random Testing.** Under DOT regulations, the district must test at least 50 percent of its average number of driver positions for drugs and 25 percent of its average number of driver positions for alcohol each year. The tests must be unannounced and spread evenly throughout the year. DOT regulations also require that every driver selected at random must have his or her name placed back in the random pool for the next selection period.

**Testing Procedure.** All urine and blood specimens collected under the policy will be submitted to an approved laboratory for testing. Specimens that initially test positive for drugs will be subjected to a subsequent confirmation test before being reported by the laboratory as positive. All such specimens collected and submitted will be maintained securely to safeguard the validity of the test results and maintain the integrity of the testing process while ensuring the results are attributed to the correct driver.

176 **Medical Resource Officer.** All laboratory test results will be reported  
177 by the laboratory to a medical review officer (MRO) designated by the  
178 district. Negative test results will be reported as such by the MRO to  
179 the district. Before reporting a positive test result to the district, the  
180 MRO will attempt to contact the driver to discuss the test result. If the  
181 MRO is unable to contact the driver directly, the MRO will contact a  
182 district official designated in advance by the district, who shall in turn  
183 contact the driver and direct the driver to contact the MRO. Upon being  
184 so directed, the driver shall contact the MRO immediately or, if after the  
185 MRO's business hours and the MRO is unavailable, at the start of the  
186 MRO's next business day. If required by DOT regulations, personal  
187 information collected and maintained pursuant to this policy shall be  
188 reported to the Clearinghouse by the MRO in the event of: (1) a verified  
189 positive, adulterated, or substituted drug test result; (2) an alcohol  
190 confirmation test with a concentration of 0.04 or higher; (3) a refusal to  
191 submit to any test required by this policy and the school district's drug  
192 testing program and procedures; (4) an employer's report of actual  
193 knowledge that a driver has used alcohol or controlled substances based  
194 on the employer's direct observation of the employee, information  
195 provided by the driver's previous employer(s), a traffic citation for  
196 driving a CMV while under the influence of alcohol or controlled  
197 substances or an employee's admission of alcohol or controlled  
198 substance use; (5) on duty alcohol use as prohibited above; (6) pre-  
199 duty alcohol use as prohibited above; (7) alcohol use following an  
200 accident as prohibited above; (8) controlled substance use as prohibited  
201 above; (9) a substance abuse professional report of the successful  
202 completion of the return-to-duty process; (10) a negative return-to-  
203 duty test; and (11) an employer's report of completion of follow-up  
204 testing.

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207 **Confidentiality.** Pursuant to DOT regulations, individual test results  
208 for applicants and drivers will be released to the district and will be kept  
209 confidential unless the tested individual consents to their release. Any  
210 person who has submitted to drug testing in compliance with this policy  
211 is entitled to receive the results of such testing upon timely written  
212 request.

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214 **Retesting.** An individual who tested positive for the presence of drugs  
215 may request that the original sample be retested. The request for a  
216 retest must be submitted in writing on a form provided by the district  
217 within 3 working days of the district's notification to the individual that  
218 he or she has a positive test result. The individual making the request

219 must pay all costs associated with the retest and transfer of the sample  
220 to another laboratory before the retest will be performed.

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223 Adopted on: June 12, 2018

224 Revised on: June 10, 2020

225 Reviewed on: June 12, 2018, June 10, 2020

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