

SJE Board Policy 5202P - Procedure Federal Motor Carrier Safety Administration Mandated Drug and Alcohol Testing Program

Testing Requirements

The superintendent or designee is responsible for the development and implementation of procedures for conducting the tests and administering the exemptions consistent with federal rules. The following identify the occasions on which a CDL driver will be subject to alcohol or controlled substances testing.

1. **Pre-employment testing:** Prior to the first time a driver performs a safety-sensitive function for the district, the driver will undergo testing for controlled substances. This testing requirement may be waived under FMCSA rules for CDL drivers recently employed elsewhere for whom testing records are available from their previous employers.
2. **Post-accident testing:** Each surviving driver of an accident, as defined by the FMCSA, will be tested for alcohol and controlled substances.
3. **Random testing:** Annually the district will arrange for the unannounced random alcohol and controlled substances testing of its drivers. Fifty percent (50%) of the district's drivers must be randomly selected for controlled substances testing each year, and ten percent (10%) of its drivers for alcohol testing (or whatever level of testing is required in a given year by the FMCSA). Alcohol testing under this program will take place just prior to, during, or immediately after the driver engages in a safety-sensitive function for the district.
4. **Reasonable suspicion testing:** A driver must submit to alcohol or controlled substance testing whenever a trained supervisor has a reasonable suspicion of alcohol misuse or controlled substance use based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or bodily odors of the driver. Observations related to using alcohol must be made just prior to, during or immediately after the driver engages in a safety-sensitive function for the district, and the alcohol test must be given within eight hours following the determination of reasonable suspicion.
5. **Return-to-duty testing:** If a driver is to be returned to performing safety-sensitive functions for the district after violating this policy or the federal regulations, the driver will be evaluated by a substance abuse professional (SAP) who will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and use of controlled substances. SAPs must require education and/or treatment in all such cases. If a driver is to be returned to performing safety-sensitive functions for the district following a violation of this policy or the federal regulations, the driver will first be evaluated by a SAP to determine that the driver has properly followed any rehabilitation prescribed. Before a driver could be returned to performing safety-sensitive functions for the district following a violation of this policy and/or the federal regulations, the driver will undergo a return-to-duty alcohol and/or controlled substances test resulting in an alcohol concentration below 0.02 alcohol concentration and/or a negative controlled substances test. The District retains the right to solely determine whether an employee who has violated this policy will be returned to performing safety-sensitive functions.
6. **Follow-up testing:** Any driver who continues performing safety-sensitive functions for the district, following a determination of the alcohol or controlled substances prohibited conduct, will be subject to a follow-up testing.

Record Retention And Reporting

Records collected under this policy will be secured and retained with controlled access and for the time periods established by the federal regulations. The data collected under this policy will be reported as required by the federal regulations.

Education, Training, And Referral Services

Educational materials that explain the requirements of this policy and the federal program will be distributed to each driver prior to the start of the testing program and to each driver subsequently hired or transferred into a position covered by this policy. Each driver, after receiving a copy of the materials, will sign a

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