

DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE OPERATORS

Policy Code: **7241**

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 school bus drivers and all other commercial motor vehicle operators employed by the board of education.

A. APPLICABILITY

Persons subject to this policy include any employee, volunteer or independent contractor who operates a commercial motor vehicle in the course of duties for the board of education, including anyone who regularly or intermittently drives a school bus, activity bus or other vehicle designed to transport sixteen or more people, including the driver.

B. PROHIBITED ACTS

Commercial motor vehicle operators employed by the board will not be impaired by alcohol or by a prescription or nonprescription drug while on duty or while operating any motor vehicle. For the purposes of this policy, an employee will be considered impaired by alcohol in all cases when testing reveals a blood alcohol content of 0.00 or higher. Further, no driver will be permitted to perform safety sensitive functions if evidence exists of alcohol consumption. In addition, commercial motor vehicle operators, and anyone who supervises commercial motor vehicle operators, will not commit any act prohibited by federal law, including "Controlled Substance and Alcohol Use Testing" (49 C.F.R. pt. 382) (hereinafter referred to as Part 382), by this policy or by board policy 7240.

C. TESTING

The administration will carry out pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing for drugs and alcohol as required by Part 382. School bus drivers and others employed by the board for the primary purpose of operating a commercial motor vehicle will undergo pre-employment testing. Employees whose duties include occasional driving will not be subject to pre-employment testing but must undergo all other testing required by Part 382.

All employees must undergo drug and alcohol testing before driving a commercial motor vehicle for the board of education.

D. PRE-EMPLOYMENT INQUIRY

All applicants who would be subject to this policy if employed will consent in writing to the release of any information gathered pursuant to Part 382 by any of the applicant's previous employers.

Before employing any applicant covered by this policy or Part 382, the administration will obtain, pursuant to written consent, all records maintained by the applicant's previous employer of prohibited acts by the applicant that have taken place in the two years prior to the inquiry date.

E. TRAINING AND EDUCATION

Each commercial motor vehicle operator and supervisory employee, including principals and assistant principals, will be provided with educational materials that inform the employees of drug testing procedures, prohibited acts, consequences and other aspects of Part 382, this policy and any attached administrative procedures. The information also will identify a school district employee who will be responsible for providing information on substance abuse. Each employee will sign a statement certifying receipt of these materials.

Each supervisor responsible for overseeing the performance of commercial motor vehicle operators, including principals and assistant principals, will undergo at least one hour of training concerning alcohol misuse and an additional hour of training concerning drug abuse.

F. REFERRALS

Each motor vehicle operator who violates acts prohibited by Part 382 or G.S. 20-138.2B, other than provisions governing pre-employment testing, will be provided with information concerning resources available for evaluating and resolving drug or alcohol misuse. This information will include names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs. Before anyone who has committed a prohibited act under Part 382 or G.S. 20-138.2B will be allowed to drive again, that person must be evaluated by a substance abuse professional and must satisfactorily complete any appropriate treatment designated by the substance abuse professional.

G. PENALTIES

Employees who have committed a prohibited act, refused any test required by this policy or otherwise violated this policy, G.S. 20-138.2B or Part 382, will be subject to disciplinary action up to and including dismissal.

H. PROCEDURES

All procedures provided in the Federal Highway Administration's "Procedures for Transportation Workplace Drug Testing Programs" (49 C.F.R. pt. 40) for collection and testing and all requirements in Part 382, including testing, reporting, record retention, training and confidentiality, will be followed. Copies of these federal regulations will be readily available. The superintendent will develop any other procedures necessary to carry out these regulations.

Legal References: 49 U.S.C. app. §2717; 49 C.F.R. pts. 40, 382; G.S. 20-138.2B

Cross References: Drug-Free and Alcohol-Free Workplace (policy 7240)

Adopted: June 7, 2004