

Section: **PERSONNEL**

Policy Title: **Federal Motor Carrier Safety Administration Mandated Drug and Alcohol Testing Program**

The Board of Directors recognizes that drug abuse and alcohol misuse in today's society is a very serious problem that impacts the workplace. The Board of Directors also recognizes the significant threat that a drug or alcohol impaired driver working in the district can pose to children, employees and to the general public.

The Superintendent/designee will establish programs and procedures as mandated by the Federal Motor Carrier Safety Administration (FMCSA) controlled substances, including marijuana (cannabis), and alcohol testing rules.

In order to address the safety threat presented by the problem of drug abuse and alcohol misuse in the transportation industry, the Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA) have established extensive regulations requiring drug ("drugs" and "controlled substances" mean the same thing in this policy) and alcohol testing under certain circumstances.

Prohibited alcohol and controlled substance-related conduct: The following alcohol and controlled substance-related activities are prohibited by the district for drivers required to possess a commercial driver's license (CDL) as part of their job responsibilities:

1. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration in excess of the standard set by the FMCSA.
2. Being on duty or operating a vehicle while the driver possesses alcohol or controlled substances in any amount. (Note: This is not a DOT requirement, but is required under district authority. If a driver possesses alcohol or a controlled substance pursuant to this section, a reasonable suspicion non-DOT alcohol and/or drug test will be conducted.)
3. Using alcohol while performing safety-sensitive functions. (Safety-Sensitive Functions: a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. For school districts, the typical safety-sensitive function is operating a school bus or other commercial vehicle; it also includes all time repairing, obtaining assistance or remaining in attendance with a disabled vehicle by employees required to have a CDL as part of their employment.)
4. When required to take a post-accident alcohol test, using alcohol within eight hours following the accident, or prior to undergoing a post-accident alcohol test, whichever comes first.

5. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements.
6. Using alcohol, within four hours of performing safety-sensitive functions.
7. Reporting for duty or remaining on duty when using any controlled substance. Prescription medications: No driver may possess any prescription medication or report to work while using any prescription, except when the driver is under a doctor's care and the doctor has advised the driver and the district in writing that the substance does not affect the driver's ability to operate a commercial motor vehicle. The use of medication that could affect a driver's safe job performance is prohibited while working. The driver shall report to the district human resources representative (responsible for maintaining confidential medical files), the use of any prescribed medication upon it being prescribed although the specific medication that has been prescribed does not have to be provided and, shall provide a certificate from the driver's doctor that the use of the medication will not impair his/her ability to safely perform his/her duties. If, as a result of testing under this policy, the driver is found to have the presence of controlled substances in the body which is a result of the use of his/her legally-prescribed medication that has not been reported, the driver shall be removed from service without pay until it is determined that the use of medication will not impair his/her ability to safely perform assigned duties. This is a district requirement, not DOT-mandated requirement.
8. Reporting for duty, remaining on duty or driving if the driver tests positive or would test positive for controlled substances.

No employer/supervisor having actual knowledge of the above violations shall permit a driver to perform or continue to perform safety-sensitive functions.

Violations of this policy will result in appropriate corrective action ranging from removal from the performance of safety-sensitive functions up to and including discharge.

Cross References: Policy 5201 Drug-Free Schools, Community and Workplace
Policy 5281 Disciplinary Action and Discharge

Legal Reference: 49 CFR §§ 382.101-382.605
49 CFR § 40

Management Resources:

Policy & Legal News, October 2015 Federal Motor Carrier Safety Administration
mandated drug and alcohol testing program
Policy & Legal News, February 2013

Policy 5202 Cont.

Policy News, April 2012 Federal Motor Carrier Safety Administration mandated
drug and alcohol testing program
Policy News, December 2001 Federal Government Amends Bus Driver Testing Rules
Policy News, February 1999 Bus drivers still tested for marijuana

Adopted: December 14, 1994
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