

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Drug and Alcohol Testing for School Bus Operators

Series: G55A

Reference:

Issued: 12.06.1994

Revised:

Revision Number:

55.01 General. School bus operators, other service personnel who may be required to operate a school bus in accordance with their job descriptions, and employees who are required to operate commercial motor vehicles shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382. Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, Section 40 et seq.

55.02 Pre-Employment Tests. Tests shall be conducted before the first time a driver performs any safety-sensitive function for the District. (49 CFR 382.301) Safety-sensitive functions include all on-duty function performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the district or paid work for any other entity. (49 CFR 382.107, 395.2).

The tests shall be required of an applicant only after he/she has been advised that the Superintendent intends to recommend to the Board that he/she be employed in a position. Exceptions may be made for drivers who have had the alcohol test required by law within the previous six months and participated in the drug-testing program required by law within the previous 30 days, provided that the District has been able to make all verifications required by law. (49 CFR 382.301)

55.03 Post-Accident Tests. Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

55.03.1 Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or,

55.03.2 Who received a citation under state or local law for a moving traffic violation arising from the accident. (49 CFR 382.303)

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Drug and Alcohol Testing for School Bus Operators

Series: G55A

Reference:

Issued: 12.06.1994

Revised:

Revision Number:

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention. (49 CFR 382.303) No such driver shall use alcohol for 8 hours after the accident or until after he/she undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209) If an alcohol test is not administered within 2 hours or if a drug test is not administered within 32 hours, the District shall prepare and maintain records explaining why the tests were not conducted. Tests will not be given if not administered within 8 hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations. (49 CFR 382.303)

55.04 Random Tests. Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal 25% of the average number of driver positions. The number of random drug tests annually must equal 50% of the average number of driver positions. A scientifically valid random process shall select drivers, and each driver shall have an equal chance of being tests each time selections are made. (49 CFR 382.305).

55.05 Reasonable Suspicion Tests. Tests shall be conducted when a supervisor or district official trained in accordance with law has reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances. (49 CFR 382.307).

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the workday when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Drug and Alcohol Testing for School Bus Operators

Series: G55A

Reference:

Issued: 12.06.1994

Revised:

Revision Number:

who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours. (49 CFR 382.307).

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier. (49 CFR 382.307).

55.06 Enforcement. Any driver who refuses to submit to a post-accident, random, reasonable suspicion or follow-up tests shall not perform or continue to perform safety-sensitive functions, and shall be subject to dismissal. (49 CFR 382.211) Drivers who test positive for alcohol (concentration of 0.02 or greater) or drugs shall be subject to disciplinary action up to and including dismissal.

A driver who violates district prohibitions related to drugs and alcohol shall receive from the district the names, address, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law. (49 CFR 382.605) The District shall not be responsible for any costs associated with the evaluation, counseling, or treatment of drug and alcohol related problems.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty, if such employee is returned to duty. (49 CFR 382.605).

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Drug and Alcohol Testing for School Bus Operators

Series: G55A

Reference:

Issued: 12.06.1994

Revised:

Revision Number:

55.07Return-To-Duty Tests. A drug or alcohol test shall be conducted when a driver who has violated the District's drug or alcohol prohibition returns to performing safety-sensitive duties, if such employee is returned to duty. (49 CFR 382.309) Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. (49 CFR 382.605).

55.08Follow-up Tests. A driver who violates the District's drug or alcohol prohibition, who is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem and who is returned to duty shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during or just after the time when the driver is performing safety-sensitive functions. (49 CFR 382.3211).

55.09Records. Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver. (49 CFR 382.405).

55.10Notification. Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Drivers shall also receive information about legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

55.10.1 The person designated by the District to answer driver questions about the materials.

55.10.2 The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382.

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Drug and Alcohol Testing for School Bus Operators

Series: G55A

Reference:

Issued: 12.06.1994

Revised:

Revision Number:

- 55.10.3** Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382.
- 55.10.4** Specific information concerning driver conduct that is prohibited by Part 382.
- 55.10.5** The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382.
- 55.10.6** The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct driver.
- 55.10.7** The requirements that a driver submit to drug and alcohol tests administered in accordance with Part 382.
- 55.10.8** An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendance consequences.
- 55.10.9** The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment.
- 55.10.10** The consequences for drivers found to have an alcohol concentration of 0.02 or greater, but less than 0.04.
- 55.10.11** Information concerning the effects of drugs and alcohol on an individual's health, work and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and, available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management. (49 CFR 382.601).

Each driver shall sign a statement certifying that he/she received a copy of the above materials. (49 CFR 382.601).

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

Drug and Alcohol Testing for School Bus Operators

Series: G55A

Reference:

Issued: 12.06.1994

Revised:

Revision Number:

Before any driver operates a commercial motor vehicle, the district shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements. (49 CFR 382.303).

Before drug and alcohol tests are performed, the District shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law. (49 CFR 382.113). The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application. (49 CFR 382.411) The District shall notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive. (49 CFR 382.411).

Drivers shall inform their supervisors if at any time they are using a controlled substance that their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle. (49 CFR 382.213)