

# **404.08 Drug and Alcohol Testing Program**

Friday, August 11, 2023

## **DRUG AND ALCOHOL TESTING PROGRAM**

In an attempt to insure that all students riding the school buses of Banner County School District No. 1 are being safely transported to and from their planned destination the school district shall participate in the Omnibus Transportation Employee Testing Act of 1991. The overall goal of this act is to ensure a drug-free and alcohol-free transportation environment and to reduce accidents, injuries and fatalities. The requirements associated with drug testing of bus drivers is in addition to those other requirements established by federal or state law or any other school board policies regarding the use of alcohol and drugs. This policy shall include all persons subject to commercial driver's license requirements. This program shall include drug and alcohol testing for drivers for reasons of reasonable suspicion, random testing, post-accident testing, return to duty and followup testing, and re-employment drug testing. The superintendent of schools shall be responsible for maintaining appropriate records, and notifying drivers of the requirements and consequences of the program.

### **DEFINITIONS.**

**Alcohol:** The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

**Driver:** Any person who operates a commercial motor vehicle. This includes full time, regularly employed drivers; casual, intermittent or occasional drivers, leased drivers and independent, owner-operated contractors.

**Drugs:** Includes any of the following controlled substances: marijuana, cocaine, opiates, amphetamines, and Phencyclidine (PCP).

**Medical Review Officer (MRO): Regulations:** Those regulations promulgated by the Department of Transportation found in 49 CFR, Part 40. and the regulations promulgated by the Federal Highway Administration found at 49 CFR, Part 382, as

from time to time amended. A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a School District's drug testing program who meets the qualifications as listed above.

**Safety-Sensitive Function:** Includes all on-duty functions performed from the time a driver begins work or is required to be ready to work until he or 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 school district or paid work for any other entity. Approved July 14, 2014

**Substance Abuse Professional:** A licensed physician or certified psychologist, social worker, employee assistance professional or certified addiction counselor with knowledge of any clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.

#### PROGRAM COORDINATOR.

The board of education shall designate the program coordinator to implement the alcohol and drug testing program of the district within the guidelines of this policy.

#### ALCOHOL AND DRUG PROHIBITIONS.

No driver shall report for duty or remain on duty during the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No driver shall be on duty or operate a vehicle for this school district while he or she possesses alcohol. No driver shall use alcohol while performing safety-sensitive functions. No driver shall perform safety-sensitive functions within four hours after using alcohol. No driver required to take a post-accident test shall use alcohol for eight hours following the accident or until he or she undergoes a post accident alcohol test (whichever comes first).

No driver shall report for duty or remain on duty requiring the performances of safety sensitive functions when the driver uses any drug, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely perform the function. No driver shall report for duty, remain on duty or perform a safety-sensitive

function if the driver tests positive for drugs. No driver shall refuse to submit to a drug or alcohol test when provided for under this policy of the federal regulations noted above.

#### PRE-EMPLOYMENT TESTS.

Drug tests shall be conducted in accordance with the federal regulations noted above before any bus driver is permitted to perform a safety-sensitive function for this school district. Testing for newly-hired drivers shall be conducted after the offer of employment but before employment commences. Offers of employment are contingent on this test result. A refusal to submit to drug testing and/or refusal to release information as required by Banner County School District No. 1 shall remove the applicant from employment consideration. Such testing will also be required of any employee transferring into a covered position.

Exceptions may be made for drivers who have participated in the drug testing program required by law within the previous thirty (30) days, have been drug tested within the previous six months, or have been in a random program for the previous twelve months, and the previous employer(s) of the driver has no knowledge of a violation within the previous six months, provided that local school officials have been able to make all previous verifications required by law.

#### Legal Reference:

49 U.S.C. §§ 5331 et seq. (1994).

42 U.S.C. §§ 12101 (1994).

41 U.S.C. §§ 701-707 (1996).

49 C.F.R. Pt. 40; 382; 391.81-123 (1994).

34 C.F.R. Pt. 85 (1996).

#### Cross Reference:

410.02 Certificated Employee Personal Illness Leave

415.02 Support Staff Personal Illness Leave