

Kimberly School District

PERSONNEL 5228P

Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382. Other persons who drive vehicles designed to transport sixteen (16) or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

Testing procedures and facilities used for the tests shall conform to the requirements of the Code of Federal Regulations, Title 49, §§ 40, et seq.

Pre-Employment Tests

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the District. Safety-sensitive functions include all on-duty functions 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 entity.

The tests shall be required of an applicant only after he/she has been offered the position. Exceptions may be made for drivers who have had the alcohol test required by law within the previous six (6) months and participated in the drug testing program required by law within the previous thirty (30) days, provided that the District has been able to make all verifications required by law.

Post-Accident Tests

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

1. who was performing safety-sensitive functions with respect to the vehicle, if the accident involved any injuries; or
2. Who receives a citation under state or local law, for a moving traffic violation arising from the accident.
3. Drivers shall make themselves readily available for testing, absent the need for immediate medical attention. No such driver shall use alcohol for eight (8) hours after the accident, or until after they undergo a post-accident alcohol test, whichever occurs first. If an alcohol test is not administered within two (2) hours or if a drug test is not administered within thirty-two (32) hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight (8) hours after the accident for alcohol or within thirty-two (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.

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. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.

Reasonable Suspicion Tests

Tests shall be conducted when the supervisor and one other district administrator 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.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. All tests for alcohol shall be conducted at Magic Valley Regional Medical Center by that facilities staff. The employee shall be transported by district personnel to MVRMC.

If an alcohol test is not administered within two (2) 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 (8) hours.

The supervisor and other District official who make observations leading to a controlled substance reasonable suspicion test shall make a written record of their observations within twenty-four(24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion or follow-up test is subject to immediate suspension with a recommendation to the Board for termination.

Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including dismissal. A driver who violates District prohibitions related to drugs and alcohol may receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee may 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.

An employee identified as needing help in resolving a drug or alcohol problem may be evaluated by a substance abuse professional to determine that they have properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests if they are approved by the board to return to duty.

Return-to-Duty Tests

If the board approves the reinstatement of any district employee after resolving their drug or alcohol abuse, a drug or alcohol test shall be conducted prior to that employee rendering any service to the district. Employees whose conduct involved drugs or alcohol cannot return to duty function until the drug test produces a verified negative result.

Follow-Up Tests

A driver who violates the District's drug or alcohol prohibition and is subsequently reinstated by the board will be subject to unannounced follow-up testing 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.

Records

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 their use of drugs or alcohol, including any records pertaining to their drug or alcohol tests.

Notifications

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 receive information about legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs prior to driving for the school district.

The District shall notify a driver of the results of a pre-employment drug test at the driver request within ten (10) calendar days of being tested. 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.

Drivers shall inform transportation director if at any time they are using a controlled substance which 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.

Policy History:

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Revised on: