

## Boundary County School District No. 101

### PERSONNEL

5835P

#### Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

1 School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program  
2 that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

3 Other persons who drive vehicles designed to transport sixteen (16) or more passengers,  
4 including the driver, are likewise subject to the drug and alcohol testing program.

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

#### Pre-Employment Tests

7  
8 Tests shall be conducted before the first time a driver performs any safety-sensitive function for  
9 the District. Safety-sensitive functions include all on-duty functions performed from the time a  
10 driver begins work or is required to be ready to work, until he/she is relieved from work and all  
11 responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and  
12 servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or  
13 obtaining and waiting for help with a disabled vehicle; performing driver requirements related to  
14 accidents; and performing any other work for the District or paid work for any entity.

15 Furthermore, all prospective drivers must disclose to the district all previous employers for  
16 whom they have worked as a CDL driver within the past two (2) years. The district will then  
17 request from those employers information regarding any incidents where the prospective driver  
18 has tested positive for illegal drugs or alcohol or refused to test within the last two (2) years. In  
19 the event the district receives information from a past employer that the prospective driver has  
20 tested positive for drugs or alcohol within the last two (2) years, that prospective driver will not  
21 be offered employment, or their conditional employment will be terminated with the district.  
22 Drivers will be required to sign a consent form authorizing the district to conduct a check of each  
23 employer the driver has been employed with during the past two (2) years as a CDL driver to  
24 determine if the driver has tested positive for illegal drugs or alcohol. Any driver who refuses to  
25 sign the consent form will not be hired.

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

#### Random Tests

31  
32 Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for  
33 alcohol shall be conducted just before, during, or just after the performance of safety-sensitive  
34 functions (a driver's duty time). The number of random alcohol tests annually must equal 25%  
35 of the average number of driver positions. The number of random drug tests annually must equal  
36 50% of the average number of driver positions. Drivers shall be selected by a scientifically valid

37 random process, and each driver shall have an equal chance of being tested each time selections  
38 are made.

### 39 Post-Accident Tests

40 A driver operating a commercial vehicle for the district that is involved in a reportable accident  
41 will be tested for both illegal drugs and alcohol as soon as practical. For terms of this policy, a  
42 reportable accident means an accident that results in a fatality, or where someone involved  
43 requires medical treatment away from the scene, or if one of the vehicles is towed away and there  
44 is a citation issued to the driver in connection with the accident. Alcohol testing must be  
45 administered within two (2) hours of the accident where possible, but in no case later than eight  
46 (8) hours. Drug testing must be administered within thirty-two (32) hours of the accident.

47 Any driver required to be tested under this section must remain readily available for such testing  
48 and such a driver may not consume alcohol within eight (8) hours of the accident or until they  
49 have been tested for alcohol. A driver involved in an accident requiring a drug and alcohol test  
50 must notify the district contact of the accident as quickly as possible and comply with those  
51 instructions given them relative to their taking a drug and alcohol test.

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

### 56 Reasonable Suspicion Tests

57 Tests shall be conducted when a supervisor or District official trained in accordance with law has  
58 reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This  
59 reasonable suspicion must be based on specific, contemporaneous, articulable observations  
60 concerning the driver's appearance, behavior, speech, or body odors. The observations may  
61 include indications of the chronic and withdrawal effects of controlled substances.

62 Alcohol tests are authorized for reasonable suspicion only if the required observations are made  
63 during, just before, or just after the period of the work day when the driver must comply with  
64 alcohol prohibitions. An alcohol test may not be conducted by the person who determines that  
65 reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within  
66 two (2) hours of a determination of reasonable suspicion, the District shall prepare and maintain  
67 a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate  
68 after eight (8) hours.

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

### 73 Baseline Testing

74 In initiating the provisions of this drug-free workplace policy, the district will require all drivers  
75 to submit to testing for the presence of illegal drugs as soon after the effective date of this policy  
76 as is scheduled by the Board or their designee.

77 **SPECIMEN COLLECTION PROCEDURES AND TEST RESULT NOTIFICATION**

78 Adulteration or Submission of a Concealed Specimen

79 If, during the collection procedure, the collection monitor detects an effort by a driver to  
80 adulterate or substitute a specimen, a second specimen will be immediately requested. If a second  
81 specimen is provided, that specimen will be tested. If the request for a second specimen is  
82 refused, the collection monitor will inform the transportation supervisor of the driver's refusal to  
83 submit a true specimen. Such conduct by the driver will be considered as a refusal to provide a  
84 true specimen for testing, and they will be subject to the same procedures as a driver testing  
85 positive.

86 In the event that a prospective or current driver submits a specimen that the laboratory later  
87 identifies as a diluted specimen, the district will advise the driver of that result and request that  
88 driver submit a second specimen. Such donors will be advised by the district not to drink any  
89 fluids prior to the test.

90 Drug/Alcohol Specimen Collection Procedures

91 All testing for illegal drugs will be done by the testing of a driver's urine specimen. All such  
92 testing will utilize the split specimen collection procedure. Under that procedure, each driver will  
93 have his/her urine specimen sealed in two separate containers and both sent to a SAMHSA  
94 certified laboratory for testing. If a driver's first specimen tests positive, that driver may request,  
95 within three (3) days of the positive notification, that the other specimen be tested at another  
96 SAMHSA laboratory. This second test will be done at the driver's expense unless the second test  
97 comes back negative. During the time the second specimen is being tested, the driver may be  
98 suspended without pay. Any driver who has a test come back negative on a test of their split  
99 specimen will be given back pay for the time of the suspension and will be paid for the cost of  
100 the retest.

101 All specimen collections will be conducted by personnel who have been instructed and trained in  
102 collection procedures set by the DOT. All testing for alcohol will be done by the use of DOT-  
103 approved alcohol testing procedures conducted by trained and qualified alcohol testing  
104 technicians.

105 Notification of Test Results

106 This district has arranged that all test results, both drug and alcohol, will be forwarded to the  
107 district contact through Minert & Associates, Inc., as the representative of the district, and as the  
108 representative of the Medical Review Officer (MRO). Prior to the district being informed that a  
109 prospective or current driver has tested positive for illegal drugs, the driver will be offered an  
110 opportunity to personally discuss the positive drug test with the MRO or his representative. The  
111 MRO will follow up on such information as is appropriate. Any driver who is taking a  
112 prescription drug that may have been the cause of a positive test result will be asked to provide  
113 the name of the medication and the identity of the prescribing physician for verification. If this is  
114 verified, the driver's test result will be reported as negative. If, after consideration of the matter,  
115 the MRO finds no reason to doubt the validity of the positive test, that result will be conveyed to  
116 the district contact, as well as the identity of the drug. If the driver cannot be located, the MRO  
117 or his representative may request that the district contact arrange for the driver to contact the

118 MRO as soon as possible to discuss the results of the positive test. The MRO will communicate a  
119 positive result to the district without discussing the result with the driver if the driver expressly  
120 declines the opportunity to discuss the results of the test, or the driver is instructed by the district  
121 to contact the MRO but fails to do so within five (5) days.

#### 122 Refusal

123 A driver operating a commercial vehicle for this district may not refuse to take a drug or alcohol  
124 test when requested to do so, consistent with the terms of this policy. Such a refusal will be  
125 considered equivalent to testing positive for illegal drugs or alcohol. A driver will be considered  
126 as refusing to test if he/she expressly refuses to take a test when so requested, or otherwise fails  
127 to provide an adequate breath or urine sample without a valid medical explanation. Additionally,  
128 a driver will be considered as refusing to test if he/she engages in conduct that clearly obstructs  
129 the testing process.

#### 130 Effect of Testing Positive For Drugs or Alcohol

131 Any prospective driver who tests positive for the presence of illegal drugs will not be hired. Any  
132 current driver who tests positive for the presence of illegal drugs or alcohol will immediately be  
133 terminated from employment with the district.

134 For purposes of this policy, a driver tests positive for alcohol when that driver's blood alcohol  
135 concentration (BAC) is .02 or above. This last provision is done as a matter of district policy and  
136 is not as required by the DOT.

#### 137 Return-to-Duty Tests

138 A drug or alcohol test shall be conducted when a driver who has violated the District's drug or  
139 alcohol prohibition returns to performing safety-sensitive duties.

140 Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function  
141 until the return-to-duty drug test produces a verified negative result.

142 Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function  
143 until the return-to-duty alcohol test produces a verified result that meets federal and District  
144 standards.

#### 145 Follow-Up Tests

146 A driver who violates the District's drug or alcohol prohibition and is subsequently identified by  
147 a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall  
148 be subject to unannounced follow-up testing as directed by the substance abuse professional in  
149 accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just  
150 after the time when the driver is performing safety-sensitive functions.

#### 151 Records

152 Employee drug and alcohol test results and records shall be maintained under strict  
153 confidentiality and released only in accordance with law. Upon written request, a driver shall  
154 receive copies of any records pertaining to his/her use of drugs or alcohol, including any records

155 pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent  
156 employer or other identified persons only as expressly requested in writing by the driver.

157 Notifications

158 Each driver shall receive educational materials that explain the requirements of the Code of  
159 Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and  
160 regulations for meeting these requirements. Representatives of employee organizations shall be  
161 notified of the availability of this information. The information shall identify:

- 162 1. the person designated by the District to answer driver questions about the  
163 materials;
- 164 2. the categories of drivers who are subject to the Code of Federal Regulations, Title  
165 49, Part 382;
- 166 3. sufficient information about the safety-sensitive functions performed by drivers to  
167 make clear what period of the work day the driver is required to comply with Part  
168 382;
- 169 4. specific information concerning driver conduct that is prohibited by Part 382;
- 170 5. the circumstances under which a driver will be tested for drugs and/or alcohol  
171 under Part 382;
- 172 6. the procedures that will be used to test for the presence of drugs and alcohol,  
173 protect the driver and the integrity of the testing processes, safeguard the validity  
174 of test results, and ensure that test results are attributed to the correct driver;
- 175 7. the requirement that a driver submit to drug and alcohol tests administered in  
176 accordance with Part 382;
- 177 8. an explanation of what constitutes a refusal to submit to a drug or alcohol test and  
178 the attendant consequences;
- 179 9. the consequences for drivers found to have violated the drug and alcohol  
180 prohibitions of Part 382, including the requirement that the driver be removed  
181 immediately from safety-sensitive functions and the procedures for referral,  
182 evaluation, and treatment;
- 183 10. the consequences for drivers found to have an alcohol concentration of 0.02 or  
184 greater but less than 0.04; and
- 185 11. information concerning the effects of drugs and alcohol on an individual's health,  
186 work, and personal life; signs and symptoms of a drug or alcohol problem (the  
187 driver's or a coworker's); and available methods of intervening when a drug or  
188 alcohol problem is suspected, including confrontation, referral to an employee  
189 assistance program, and/or referral to management.

190 Drivers shall also receive information about legal requirements, District policies, and disciplinary  
191 consequences related to the use of alcohol and drugs.

192 Each driver shall sign a statement certifying that he/she has received a copy of the above  
193 materials.

194 Before any driver operates a commercial motor vehicle, the District shall provide him/her with  
195 post-accident procedures that will make it possible to comply with post-accident testing  
196 requirements.

197 Before drug and alcohol tests are performed, the District shall inform drivers that the tests are  
198 given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be  
199 provided only after the compliance date specified in law.

200 The District shall notify a driver of the results of a pre-employment drug test if the driver  
201 requests such results within sixty (60) calendar days of being notified of the disposition of his/her  
202 employment application.

203 The District shall notify a driver of the results of random, reasonable suspicion, and post-accident  
204 drug tests if the test results are verified positive. The District shall also tell the driver which  
205 controlled substance(s) were verified as positive.

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

Policy History:

Adopted on: JUNE 21, 2004

Revised on: