

PROCEDURES FOR BUS DRIVER DRUG AND ALCOHOL TESTING

District bus drivers are subject to a drug and alcohol testing program that fulfills the requirements of the federal regulations. The School District of West Salem recognizes that its bus drivers are extremely valuable. Their health and safety, and the health and safety of the students they transport, is a serious concern to the District. Drug use and alcohol abuse may pose a serious threat to driver and student health and safety. It is, therefore, the policy of the District to prevent substance use or abuse from having an adverse effect on its drivers.

The Federal Department of Transportation (DOT) has issued regulations which require employers to implement policies on drug use and alcohol abuse, including testing programs. DOT mandates that each and every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the licensing requirements of a commercial driver's license must submit to mandatory drug and alcohol testing. The District will comply with these regulations and is committed to maintaining a drug and alcohol free workplace. This policy is intended to reflect several requirements of the federal regulations, but is not intended in any way to modify or limit the procedures for drug and alcohol testing specifically addressed in the federal regulations. District personnel will adhere to the detailed provisions of the federal regulations in administering the District's drug and alcohol testing program.

References to "tests" in these regulations include both drug and alcohol tests unless the context specifies otherwise.

If a District bus driver tests positive for drugs and/or alcohol, he/she will be subject to disciplinary action, up to and including discharge. If an applicant for a bus driver position tests positive for drugs and/or alcohol, he/she will be disqualified from further consideration for a bus driver position with the District.

A. TYPES OF TESTING

1. Pre-Employment Drug Tests

Pre-employment drug testing shall be administered to an applicant who has received a conditional offer for a bus driver position in the District prior to the first time he/she performs any safety-sensitive function for the District. The drug tests will be required of an

applicant only after he/she has been given a conditional offer for the position. Employment with the District is contingent upon the applicant receiving a negative drug test result.

2. Post-Accident Alcohol and Drug Tests

Tests will be conducted as soon after an accident as practicable on any driver who:

- a. Was performing a safety-sensitive function with respect to the vehicle and the accident involved loss of human life, one or more persons requiring medical treatment away from the accident scene and/or one of the vehicles being towed from the scene.
- b. Received a citation under state or local law for a moving traffic violation arising from the accident.

The West Salem School District will send a bus and driver to pick up the passengers and transport the vehicle home.

No driver involved in an accident may use alcohol for eight hours after the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first. It is the driver's responsibility to get a alcohol test completed within two hours and before the bus is moved.

If an alcohol test is not administered within two hours, or if a drug test is not administered within 32 hours after the accident, the District will prepare and maintain records explaining why the test was not conducted.

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 drug testing obligations.

3. Random Alcohol and Drug Tests

The District will conduct tests on a random basis at unannounced times throughout the year. Random alcohol testing shall be limited to the time period surrounding the performance of safety-sensitive functions which includes just before or just after the employee performs the safety-sensitive function. Random tests for drugs do not have to be conducted in the immediate time proximity to performing safety-sensitive functions. Once notified of selection for testing, a driver must proceed immediately to a designated collection site to provide a urine and/or breath specimen.

Drivers will be selected by a scientifically valid random process, and each driver will have an equal chance of being tested each time selections are made. The number of bus drivers selected for random testing will be in accordance with federal applications.

4. Reasonable Suspicion Alcohol and Drug Tests

Tests must be conducted when a supervisor or administrator who has been trained to recognize signs or symptoms of drug or alcohol use has reasonable suspicion that the driver has violated the District's alcohol or drug use prohibitions. This reasonable suspicion must be based on specific, contemporaneous observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of chronic and withdrawal effects of drugs.

Alcohol tests will be 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. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the District will prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests will terminate after eight hours. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

A supervisor or District official who makes a finding of reasonable suspicion also must make a written record of his/her observations leading to a reasonable suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

5. Return-to-Duty Alcohol and Drug Tests

If bus driver is permitted to return to work after violating the District's drug and alcohol use prohibition, a test will be conducted when the bus driver returns to performing safety-sensitive duties. This provision should not be used to suggest that a bus driver will be permitted to return to work after violating the District's drug or alcohol use prohibition.

B. PROHIBITED ALCOHOL AND DRUG USE

1. Alcohol Prohibitions: Drivers may not use alcohol in any manner that could affect performance of a safety-sensitive function, including:

- a. Use while performing safety-sensitive functions;
- b. Use during the four (4) hours before performing safety-sensitive functions;
- c. Having prohibited concentrations of alcohol (0.02 or greater) in his or her system while on duty;
- d. Possession of alcohol while on duty;
- e. Use during eight (8) hours following an accident, or until the driver submits to a post-accident test; and
- f. Refusal or failure to take a required test for drugs and/or alcohol.

2. Drug Prohibitions: Drivers may not use drugs in any manner that could affect performance or safety-sensitive functions, including:

- a. Use of a drug(s) while on duty;

- b. Possession of a drug(s) while on duty;
- c. Testing positive for drug(s); and
- d. Refusal or failure to take a required test for drugs and/or alcohol.

C. RECORDKEEPING

Upon receiving the bus driver's required consent, the District will obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A driver shall be entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or drugs, including information pertaining to alcohol or drug tests.

Bus driver drug and alcohol test results and records will be maintained under strict confidentiality and released only in accordance with law. Records will be made available to a subsequent employer or other identified persons only as expressly requested in writing by the bus driver.

D. NOTIFICATIONS

The District shall take steps to ensure that bus drivers receive the notifications required by federal regulations.

1. Driver Notification of Requirements - Each bus driver will receive materials that explain the federal alcohol and drug testing requirements (49 C.F.R. Part 382), together with a copy of the District's policy and procedures for meeting these requirements. The District will inform drivers of this information before drug and alcohol tests are performed. Each driver must sign a statement certifying that he/she has received a copy of the District's policy and procedures.
2. Driver Notification of Drug Test Results - The District will notify a bus 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.

The District will notify a bus driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The District also will inform the driver which drugs were verified as positive.

3. Transportation Supervisor Notification of Prescription Drug Use - A bus driver will inform the Transportation Supervisor if at any time he/she is using a drug which his/her physician has prescribed for therapeutic purposes. Such a drug 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.

E. ENFORCEMENT

Any bus driver who refuses to submit to post-accident, random, reasonable suspicion or follow-up tests or who attempts to falsify results through tampering, contamination, alteration, or substitution will not be allowed to perform or continue to perform safety-sensitive functions. Refusals can include an inability to provide an adequate urine specimen or breath/saliva sample without a valid medical reason(s), delaying arrival at the collection site, or engaging in conduct which clearly obstructs the testing process. Such refusals will be treated as insubordination and recorded as a positive test, with the bus driver subject to disciplinary action, up to and including discharge.

A driver who in any other way violates District prohibitions related to drug or alcohol use will be subject to discipline, up to and including discharge.

F. STAFF TRAINING

The District shall take steps to ensure that the Director of Transportation receives proper training to administer the bus driver drug and alcohol testing program. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and drug use.

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