

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

Regulations of the Federal Highway Administration prohibit alcohol misuse and use of controlled substances that could affect the performance of a safety-sensitive function by employees. This policy implements the requirements of Federal law and is applicable to those employees of the Brea Olinda Unified School District who hold a commercial driver's license which is necessary to perform job-related duties such as operating commercial motor vehicles, or who perform safety sensitive functions as defined in this policy.

Who Is Required to be Tested

Every District employee required to possess a commercial driver's license and who operates a commercial motor vehicle as defined in the 49 C.F.R., Section 82 et. seq., is subject to this policy.

Dissemination of Policy

1. This policy shall be distributed to every covered employee, on an individual basis, prior to the start of alcohol and controlled substances testing. This policy shall also be distributed to every covered employee hired after the adoption of the policy, and to every covered employee transferred into a position which is covered by this policy.
2. Employees shall be required to sign a statement acknowledging receipt of this policy.
3. Any questions regarding this policy should be directed to the Director, Transportation or designee, who are responsible for administering this policy, or the Assistant Superintendent of Human Services.

For purposes of this controlled substance and alcohol policy, the following definitions apply:

1. Accident - An occurrence involving a commercial motor vehicle operating on a public or private road which results in:
 - a. A fatality;
 - b. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

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- c. One or more vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
- 2. Alcohol - Intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- 3. Alcohol Use - The consumption of any beverage, mixture, or preparation, including any medication containing alcohol.
- 4. Breath Alcohol Technician (BAT) - An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT). BATs must be trained to proficiency to operate the EBTs in courses of instruction that are equivalent to the DOT model course as determined by the National Highway Traffic Safety Administration.
- 5. Commercial Motor Vehicle - A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - a. Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
 - b. Has a gross vehicle weight rating of 26,001 or more pounds;
 - c. Is designed to transport 16 or more passengers, including the driver, and
 - d. Is of any size and is used in the transportation of hazardous materials requiring placards.
- 6. Confirmation Test (for alcohol testing) - A second test that provides quantitative data of alcohol concentration following a screening test with a result of .02 grams or greater of alcohol per 210 liters of breath.
- 7. Confirmation Test (for controlled substances testing) - It is a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principal from that of the screen test in order to ensure reliability and accuracy.
- 8. Covered Employee - An employee subject to the requirements of applicable Federal law, and this policy, the Brea Olinda Unified School District is the employer.

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9. Driver - Any person who operates a commercial motor vehicle. For the purposes of pre-employment testing, the term "driver" includes a person applying to drive a commercial motor vehicle.
10. Evidential Breath Testing Device (EBT) - A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurements Devices" (CPL).
11. Medical Review Officer (MRO) - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.
12. On-Duty Time (as that phrase is defined by Federal regulations and this Policy) All of the time from the time a covered employee begins to work, is required to be in readiness to work, until the time he or she is relieved from work and all responsibility for performing work.
13. Performing (a safety sensitive function) - Any period in which the driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.
14. Refusal to Submit (to an alcohol or controlled substance test) - When a driver (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement of breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirements for urine testing, or (3) engages in conduct that clearly obstructs the testing process.
15. Safety-Sensitive Function - Any of the functions defined in Title 49 of the Code of Federal Regulations and this policy. More specifically, safety-sensitive functions include all functions performed by a covered employee during on-duty time and include:
 - a. All time at a carrier or shipper plant, terminal, facility, or other property waiting to be dispatched, unless the covered employee has been relieved from duty by the District;

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- b. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSR's) or otherwise inspecting, servicing, conditioning, or dispatching any commercial motor vehicle at any time;
- c. All time spent at the driving controls of a commercial motor vehicle;
- d. All time, other than driving time, spent on or in a commercial motor vehicle;
- e. All time loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- f. All time spent performing the driver requirements associated with an accident;
- g. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;
- h. All time spent operating any vehicle or motorized equipment with a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds.

On-duty time also includes:

- i. All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the testing requirements.
16. Screening Test (aka initial test) in Alcohol Testing - An analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it is an immunoassay screen to eliminate negative urine specimens from further consideration.
17. Substance Abuse Professional - A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of a clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

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PROHIBITED CONDUCT

1. No covered employee shall report for duty or remain on duty, requiring the performance of safety-sensitive functions, while having an alcohol concentration of .02 or greater.
2. No covered employee shall remain on duty or operate a commercial vehicle while that employee possesses alcohol. This includes the possession of medicines containing alcohol (prescription or over-the-counter) unless the packaging seal is unbroken.
3. No covered employee shall use alcohol during on-duty time, while performing safety-sensitive functions.
4. No covered employee shall perform safety-sensitive functions within four hours after using alcohol.
5. No covered employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever is earlier.
6. No covered employee shall refuse to submit to any test required by law or this policy.
7. No covered employee shall report for duty or remain on duty, requiring the performance of safety-sensitive functions, when the covered employee uses or possesses any controlled substances, except when the use or possession is pursuant to the instructions of a physician who has advised the driver that the substances do not adversely affect the driver's ability to safely operate a commercial vehicle. Any therapeutic drug use which may affect an employee's ability to drive must be reported to the District.
8. No covered employee shall report for duty, remain on duty, or perform safety-sensitive functions after testing positive for a controlled substance.

CONSEQUENCES/DISCIPLINARY ACTION FOR PROHIBITED CONDUCT

1. No covered employee shall return to duty or remain on duty to perform safety-sensitive functions if the covered employee has engaged in conduct prohibited by this policy, unless the covered employee successfully fulfills the conditions set forth in this policy.

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2. Any covered employee discovered to have engaged in prohibited conduct shall be subject to an evaluation by a substance abuse professional (SAP) to determine what, if any, assistance the employee needs in resolving problems associated with alcohol misuse and controlled substances use. The SAP shall be a person who is qualified for that position in accordance with applicable Federal requirements.
3. The choice of the substance abuse professional who shall conduct the evaluation is reserved to the District.
4. If, after an evaluation, an employee is diagnosed as needing assistance and directed to an assistance program, that employee may not return to safety-sensitive duty unless the SAP determines that the employee has properly followed any rehabilitation program prescribed and shall be subject to follow-up testing.
5. Every covered employee who has engaged in prohibited conduct shall be advised of the resources available to that employee in evaluating and resolving problems associated with the misuse of alcohol and controlled substances.
6. The costs of any treatment and/or rehabilitation program prescribed by the SAP shall be borne by the employee. The employee may utilize the benefit component of the District's health benefits program.
7. An employee who voluntarily refers himself or herself as a substance abuser or alcohol user will be exempt from disciplinary action provided the employee volunteers for drug or alcohol treatment prior to any prohibited conduct.
8. Sick leave, vacation and/or comp time may be used by an employee who voluntarily submits to a rehab program for substance abuse.
9. No covered employee found to have an alcohol concentration of .02 or greater but less than .04 shall perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. The employee will be on unpaid leave during that time. The other consequences imposed by the regulations and discussed below do not apply. However, documentation of this test constitutes written warning that District policy has been violated, and the next occurrence could result in suspension and/or termination.

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10. If an applicant or covered employee produces a test result indicating an alcohol concentration equal to or greater than .04, or a positive result on a controlled substances test, that employee shall be transported to his or her residence by the District.
11. Any covered employee tested under this policy who is found to have an alcohol concentration equal to or greater than .04, or who tests positive on a verified controlled substances test, shall not continue to perform safety-sensitive functions for the District. In this situation, the covered employee shall not resume the performance of safety-sensitive functions until the employee produces a Return-to-Duty test with a result indicating an alcohol concentration of less than .02, and/or a result indicating a negative result for controlled substances use.
12. Employees who test .04 or above, and/or have a verified positive controlled substance result shall be relieved of duty under the conditions set forth in this policy and as outlined in the Collective Bargaining Agreement, placed in an unpaid administrative leave status and afforded due process rights.
13. Appropriate disciplinary action up to and including suspension and/or termination, as outlined in Board Policy and the Collective Bargaining Agreement will be imposed if an employee produces a test result indicating an alcohol concentration equal to or greater than .04 or if that employee produces a controlled substances test with a verified positive result, or if the employee refuses to submit to any test required by this policy.

TESTING PROCEDURES

No test shall be conducted pursuant to this policy that is not required by 49 C.F.R., Section 82, and such test will be administered as set forth in 49 C.F.R., Section 40.