

SCHOOL BUS DRIVERS

The school division shall implement a drug and alcohol testing program for school bus drivers and other employees who are required to hold a commercial driver's license (CDL) by U.S. Department of Transportation Regulations who perform safety-sensitive functions as required by federal and state law and regulations.

Prohibited conduct

Drivers shall be prohibited from alcohol possession and/or use on the job, use during the four hours before performing safety-sensitive functions, having prohibited concentrations of alcohol in their systems while on duty or performing safety-sensitive functions, and use during eight hours following an accident or until after undergoing a post-accident alcohol test, whichever occurs first.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect his ability to safely operate a motor vehicle.

Required testing

Drivers shall be subject to pre-employment/pre-duty drug testing, reasonable suspicion alcohol and drug testing, random alcohol and drug testing, post-accident alcohol and drug testing, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Pursuant to state law, drivers shall be subject to pre-employment alcohol testing. Any employee who refuses to submit to a post-accident, random, reasonable suspicion or follow up test shall not perform or continue to perform safety-sensitive functions.

Notification

Each driver shall receive educational materials that explain the requirements of federal law and regulations together with a copy of the division's policy and procedures for meeting these requirements. Each driver shall sign a statement certifying that he/she has received a copy of the above materials and the division shall maintain this signed copy.

Before performing each alcohol or controlled substances test, the division will notify the driver that the test is required by federal law or regulation.

Consequences if testing indicates drug or alcohol misuse

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-sensitive functions

in accordance with the federal regulations. All drivers shall be advised of resources available and before a driver is re-instated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with negative urine sample.

Record retention

The division shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, the division may 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 controlled substances including information pertaining to alcohol or drug tests.

Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

Test procedure

The division shall administer controlled substance tests in accordance with federal laws governing test procedure and testing sites. The division shall take steps to insure proper training and testing procedures are provided.

Adopted: April 7, 2005

Legal Ref.: 49 U.S.C. § 31136

49 CFR § 382.101 et seq.

Code of Virginia, 1950, as amended, § 22.1-178.

8 VAC 20-70-280.

Cross Ref.: GBEA Unlawful Manufacture, Distribution, Dispensing, Possession or Use of a Controlled Substance

DRUG AND ALCOHOL TESTING FOR CDL EMPLOYEES

I. RANDOM DRUG TESTING

A. CDL DRIVERS

1. Random testing is defined in Federal Motor Carrier Safety Regulations sections 382.305 and sections 391.85-111. This is a federal policy for all commercial drivers working part-time or full-time in interstate or intrastate commerce. The drug and alcohol tests are unannounced and the selection is made via computer through a non-biased means of choice.

2. The selection process is done confidentially through Safety & Compliance Services, Inc. They notify the appointed personnel at Patrick County School Board, who in turn, notify those chosen.

3. With random selection, it is possible that some drivers may never be selected, while at times, some drivers may be selected more than once.

4. Since the regulation is not specific concerning a time factor, and due to the purpose behind the random testing, we have construed the following as Patrick County School Board policy.

a. When a driver is selected for drug and/or alcohol testing and notified of such, he or she will not perform a safety sensitive function until the drug and/or alcohol test is administered. The driver shall proceed to the test site immediately upon notification.

b. Alcohol testing will only be administered while the driver is performing safety sensitive functions, just before or just after performing safety sensitive functions.

c. Any rare exceptions to part a. or b. above, must be approved by the Transportation Coordinator.

b. If Patrick County School Board knows a driver who has been chosen is out of town on tour of duty, the driver will not be notified until he or she is able to proceed to the testing site.

e. Patrick County School Board does have up to, but no later than three months from the day of selection to delay notification of that selection to the specific driver. Any reason for delay will be documented accordingly.

5. Patrick County School Board is permitted to use results from another motor carrier's program in behalf of a driver who participates; but the Transportation Coordinator must have documentation of the participation on file.

6. If a driver refuses to have the drug and/or alcohol test, he is in violation of federal regulation and will not be allowed to drive for Patrick County School Board.

7. If a driver admits using a controlled substance or misusing alcohol before a screening test is administered, please refer to our Employee Assistance Program. He or she may be considered a disabled employee at that point and be allowed to obtain help outside of employment without discharge.

8. Further questions or problems concerning your random selection, driver participation, and drug and alcohol testing procedures should be brought to your Transportation Coordinator's attention.

II. POST ACCIDENT DRUG TESTING

A. CDL DRIVERS

1. A driver involved in a D.O.T. reportable accident defined in Federal Motor Carrier Safety Regulation 394.3; who also receives a citation for a moving traffic violation arising from the accident **is required to be drug and alcohol tested.**

2. The drug test shall be accomplished as soon as possible but no later than 32 hours after the reportable accident occurs. The alcohol test shall be accomplished no later than two hours following the accident. It will be the driver's responsibility to notify their supervisor. If this is not accomplished accordingly, Patrick County School board shall maintain on file, documentation stating the reason the test or tests were delayed.

3. Patrick County School Board is fulfilling our part of the responsibility by providing the driver with instructions and all information necessary for him or her to comply with this regulation.

4. Patrick County School Board shall maintain documentation that the Post Accident Drug Test was performed.

5. If a driver is disabled and cannot be tested for drugs and/or alcohol at the time of a reportable accident, Patrick County School Board will conduct the following steps to obtain permission to receive information from any medical records.

- a. Patrick County School Board will document all conversation held with enforcement officer, hospital staff, and especially the driver himself.
- b. The driver shall sign a Medical Release form, if at all possible, consenting to the release of hospital records to Patrick County School Board as a means of determining use of any controlled substances when necessary.
- c. The Administration shall obtain the appropriate information from the hospital before the driver may perform safety sensitive functions for Patrick County School Board following the reportable accident.

B. CDL & SAFETY SENSITIVE EMPLOYEES ACCIDENT/INCIDENTS

1. The drug test should be accomplished as soon as possible but no later than 32 hours after the reported accident occurs.

2. If an employee is disabled and cannot give a specimen at the time of a reported accident, **Patrick County School Board will document all conversation held with authorized personnel, hospital staff, and especially the employee himself.** The employee shall sign a Medical Release form, if possible, to authorize release of hospital records to Patrick County School Board. This release of information shall be for the purpose of determining use of any controlled substances.

PATRICK COUNTY SCHOOL BOARD

RECEIPT FORM EMPLOYEE MANUAL

I acknowledge that I have received a copy of Patrick County School Board’s drug and alcohol policy in effect as of this date.

I have also been instructed there are sections herein which address the disciplinary actions the school board will take for violations of this policy and violations of Federal, State or Local Law.

I agree to keep this policy updated with any changes given me by the school board or to annotate minor changes at the proper location in the policy when notified.

I further acknowledge that I have read and understand all the information contained in this policy.

Employee’s Name

Employee’s Signature

Social Security Number Date

I. DRUG AND ALCOHOL ABUSE POLICY FOR CDL EMPLOYEES

A. WRITTEN POLICY

1. PURPOSE

- a. Patrick County School Board has long been committed to safe and healthful work environments for its employees. Additionally, we have an obligation to the general public to conduct our operations safely and efficiently. With this commitment and obligation in mind, Patrick County School Board is reaffirming its position on alcohol and drugs.
- b. Alcohol and drug abuse are major health problems in this country. Such abuse can adversely affect an employee's job performance, endanger other employees and members of the public as well as affect county or private property, in both the immediate and long term ranges. The Patrick County School Board's goal is to help ensure a safe, healthy and productive work environment. Patrick County School Board is also reaffirming its willingness to assist employees with alcohol or drug-related problems to find the appropriate treatment for rehabilitation and recovery. Employees with need are encouraged to request such assistance through the Patrick County School Board's Employee Assistance Program or through community agencies.

2. DEFINITIONS:

- a. "Employee" refers to employees that have a Commercial Drivers License.
- b. "Abuse" includes the use of any substance that deviates from the intent of this policy or from specific medical direction.
- c. "Alcohol" includes the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.
- d. "Drug(s)" include any substance with the potential to produce the effects of a behavioral change which may be adversely affect a person's ability to safely efficiently perform his/her job, specifically those "controlled substances" as outlined in the Code of Federal Regulations (21 CFR 1308). The term drugs and controlled substances are synonymous in usage throughout this document.
- e. "Patrick County School Board premises" is used in its broadest sense, and includes all land (including leaseholds, easements and other job sites), property, buildings and other structures, vehicles owned by or leased to the locality, and personal vehicles while used on Patrick County School Board business.

- f. The term “on the job” includes paid and unpaid meal periods during the business day, including paid and unpaid overtime.
- g. A “Medical Review Officer or ‘MRO’” is licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders that is employed or used by an employer to evaluate drug test results and communicate those results to the school board.
- h. “Patrick County School Board” refers to Patrick County School Board, itself, or its designee.

3. SCOPE OF POLICY:

- a. The use, possession or having a detectable presence of alcohol in one’s system (except where specifically authorized), on Patrick County School Board premises or on the job, is prohibited.
 - (1) If an employee arrives for work and the odor of alcohol is detected on or about his person, a witness shall be called to verify such an odor existed on or about the suspect. If no witness is available, an Administrator is to be contacted immediately. (Under no circumstances is a suspected employee to be allowed to drive or operate any equipment while suspected). If such an odor is confirmed, the employee shall be informed that the odor of alcohol is present about him and he is not to commence work. The suspected employee is to be informed:
 - (a) He may contradict the judgment of the accuser or supervisor and their witness and submit to a breath test for a determination; or,
 - (b) He must leave the premises. He is to also be informed that a report will be made to Administration for a determination as to his continued employment.
 - (c) Should the suspected employee choose to be tested, a member of Administration is to be contacted immediately for instructions.
 - (2) Off-the-job abuse of alcohol which adversely affects an employee’s job performance, or adversely affects or threatens to adversely affect other interests of the School System or other persons, is prohibited.
- b. The use, possession or having a detectable presence of drugs in one’s system (except where specifically authorized), or the distribution or sale of drugs on the job or on Patrick County School Board premises, is prohibited.

- (1) Illegal drugs will be confiscated if found and may be turned over to the appropriate law enforcement agency, which may also result in criminal prosecution.
- (2) The off-the-job abuse or illegal possession of drugs which adversely affects an employee's job performance, or adversely affects or threatens to affect other interests of the Patrick County School Systems or other persons, is prohibited.

NOTE: *(Should the employee's condition suggest that his judgment is so impaired that he may be a danger to himself or others upon leaving, particularly if they are driving, he is to be told that the supervisor will call someone for transportation or a taxi to return him home or to any other location he may choose. If the employee fails to respond favorably to this advice then the supervisor shall notify the appropriate authorities (police) to handle the situation).*

c. Prescriptions and Over-the-Counter Drugs

- (1) **Employees taking prescription drugs issued by a licensed physician or over-the-counter drugs are responsible for:**
 - (a) **being aware of any effects such drugs may have on the performance of their duties,**
 - (b) reporting the use of such substances to their supervisor prior to reporting for work and
 - (c) obtaining Patrick County School Board's authorization to possess or use such drugs while working, or on Patrick County School Board's premises.

An employee may continue to work even though taking a legal drug, if Administration has determined after consulting with medical personnel and Employee Relations, that the employee does not pose a threat to his or her own safety or the safety of co-workers and that the employee's job performance will not be significantly affected by the legal drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action determined by the Administration.

- (2) Where an employee does not comply with these requirements, a physician's prescription will not be an acceptable excuse for violation of the above policy, and the employee will be subject to disciplinary action.

- (3) Medications prescribed for another individual or relative of the employee shall be considered to be improperly used and subject the employee to discipline for violation of the above policy.

4. ALCOHOL AND DRUG TESTING:

- a. Pre-Employment Screening – We will require a urine specimen at the specified collection site that will be examined by a qualified laboratory to determine if there is evidence of drug abuse and a breath alcohol test to determine if there is evidence of an alcohol concentration greater than 0.02. If the employee tests positive, it is Patrick County School Board’s option whether he or she will be given a second chance to be tested or not; and if so, it will be at the employee’s expense.
- b. **Random Testing of Employees – Employees will be subject to random alcohol and drug testing, as outlined below. An employee may also , however, be required to submit urine specimens for drug testing and breath alcohol screens under justifiable circumstances, including but not limited to the following:**
 - (1) **When an employee has been referred to treatment for alcohol and/or drug abuse, the employee shall be subject to random testing for two years after the employee returns to work. This “Follow-Up” testing shall consist of as a minimum, six tests in the first 12 months following the return to duty. The employee will also be required to furnish the school board with a copy of the treatment facility’s prescribed aftercare program and proper verification of the employee’s compliance with the aftercare program or revisions thereto and/or...**
 - (2) **When state and federal regulations require testing such as Random Testing, defined in Federal Motor Carrier Safety Regulation §382.305 and §391.85.111. This is a federal policy for all commercial drivers working part-time or full-time. The drug tests are unannounced and the selection is made via computer through a non-biased means of choice. Further details may be found at the end of the manual in File: GDQ-R PART 1. RANDOM DRUG AND ALCOHOL TESTING PROCEDURES, A. CDL DRIVERS.**
- c. Reasonable Cause Testing – Employees will be subject to alcohol and or drug testing under circumstances including but not limited to the following:

- (1) When Administration has reasonable cause to believe that an employee is using alcohol or performance-altering drugs on the job or on Patrick County School Board's premises and/or...
 - (2) When Administration has reasonable cause to believe that the abuse of alcohol or drugs has adversely affected an employee's job performance, or had adversely affected, or threatens to adversely affect, other interests of the school system.
- d. Post Vehicle Accident Drug/Alcohol Testing – A driver involved in a D.O.T. Reportable accident defined in Federal Motor Carrier Safety Regulation 394.3; who also received a citation for a moving traffic violation arising from the accident **is required to be drug and alcohol tested**. For further information describing the requirements under this regulation, please read **File: GDQ-R PART 2. POST ACCIDENT DRUG AND ALCOHOL TESTING PROCEDURES, A. CDL DRIVERS**.
 - c. Post Accident/Incident Drug Testing – An employee involved in an accident On Patrick County School Board premises or an appointed work site away from their regular work **place is required to be drug tested**. For further information see **File: GDQ-R PART 2. POST ACCIDENT TESTING PROCEDURES, B. EMPLOYEES**.
 - f. Return to Duty Drug/Alcohol Testing – A driver shall undergo a return to duty controlled substances test resulting negative after engaging in conduct prohibited by this policy concerning controlled substances before returning to duty in a safety sensitive function. A driver shall undergo a return to duty alcohol test resulting in an alcohol concentration of less than 0.02 after engaging in conduct prohibited by this policy concerning alcohol before returning to duty in a safety sensitive function.

5. TESTING AGREEMENT:

- a. An employee required to submit to alcohol and/or drug testing will be requested to sign a testing agreement.
- b. An employee who refuses to sign the requested testing agreement, or who refuses to submit to testing after signing the agreement, shall be deemed to be in violation of this policy and will be terminated accordingly.

6. METHODS AND PROCEDURES:

- a. LAB – Only a qualified and N.I.D.A. certified laboratory that accurately and reliably performs drug testing will be used. At present, we utilize Safety & Compliance Services, a third party administration to coordinate the appropriate lab services and administer the breath alcohol testing.
- b. Chain of Custody – Any and all collectors obtaining urine or breath samples from employee for testing will follow the prescribed chain of custody procedures established by regulations and these persons shall be certified technicians as required.
- c. Confirmation – Alcohol and drug testing will be conducted through methods with proven reliability and in strict compliance with the appropriate methodology. If an applicant or employee fails to pass the initial drug screening test, the original test sample will be further analyzed using *gas chromatography/mass spectrometry* before any action is taken. If the employee fails to pass the initial alcohol screen, a confirmation test will follow fifteen minutes after the initial screen as indicated in regulations.
- d. Medical Review Officer (MRO) – Patrick County School Board contracts Safety & Compliance Services, Inc. which will provide the services of an MRO in conjunction with our drug testing program as required for federally regulated employees. In the event of a positive test, the MRO will attempt to first contact the employee by phone to discuss the findings and any prescription medication that may be involved. If the employee is not reachable within a reasonable time period, the MRO will notify the school's representative of his determination and the representative will then contact the employee with instructions to call the MRO. The employee will be considered as temporarily medically unqualified and not allowed to work until cleared by the MRO.
- e. Substance Abuse Professional (SAP) – A substance abuse professional, as coordinated through Safety & Compliance Services, Inc. shall evaluate each driver who engages in conduct prohibited by the Drug and Alcohol policy. The SAP will then determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substance use. The SAP shall also evaluate each driver identified as needing assistance in resolving problems associates with alcohol misuse or controlled substance use.

- f. Confidentiality – All records and information obtained by the Patrick County School System regarding alcohol and/or drug testing, the test results and treatment of employees for chemical dependency will be confidentially maintained by restricting access on a need to know basis to those designated by the Administration.
- g. Recordkeeping – The Patrick County School Board and the MRO shall insure that all records related to the administration and results of the drug testing program, including individual test results, are maintained for all employees for a period of five years. The MRO shall retain reports of the individual test results as specified in applicable regulations. An annual summary shall be maintained and all reports required by regulations timely filed.

7. TEST RESULTS

- a. Any employee who, as a result of testing, is found to have unauthorized alcohol or drugs in his or her system in excess of established standards, regardless of when or where the substance entered the employee's system, will be considered in violation of this policy. However, testing is not a prerequisite for an Administrator's finding that an employee has used alcohol or drugs in violation of this policy.
- b. No person may obtain individual test results retained by the MRO without written authorization from the tested employee except as provided by law.
- c. Following a positive test result, an applicant may request a retest of the original specimen's split portion for controlled substances at his/her own cost. A negative retest result will not automatically result in the applicant being eligible for employment but will be considered in light of all the circumstances.

8. SPECIMEN RETENTION:

- a. All specimens deemed "positive" by laboratory, according to prescribed testing procedures, must be retained, for identification and reconfirmation purposes, at the laboratory for a period of at least one year.
- 3.If the results of an employee's drug test are positive, they employee may request that the testing laboratory transfer the split portion of the original specimen(s) to another approved laboratory for a second confirmation testing. **Any cost related to the transporting or testing of such specimen(s) will be the sole responsibility of the employee.**

9. ALCOHOL & DRUG ABUSE EDUCATION

- a. You will be provided with at least two hours of education upon being accepted for employment.
 - (i) The effects and consequences of controlled substances on your personal health, safety and your work environment.
 - (ii) The manifestations and behavioral changes that may indicate controlled substance use or abuse.
- b. If you are a commercial driver and have not received nor been scheduled to receive this instruction, please contact your supervisor as it is mandatory you receive this instruction.**

B. ALCOHOL AND DRUG POLICY – INDEPENDENT CONTRACTORS AND

TEMPORARY AGENCY EMPLOYEES

Employees of independent contractors and temporary agency employees who violate the above policy A will not be allowed on the Patrick County School Board's premises or otherwise to perform services in behalf of Patrick County School Board.

C. ALCOHOL & DRUG POLICY VIOLATIONS

1. Possession, use, distribution or sale of any alcohol or illegal drug on the job or on Patrick County School Board premises, will result in **immediate termination**.
2. Positive Test Results may result in termination. However, upon the Administration's discretion, an alternative to termination may be recommended by referring an employee to the Employee Assistance Plan for an appropriate treatment. Please see School Board Policy EAP for more information and for the specific requirements of completion { II. Part 4. (d)}. Referring employee to a treatment source does not necessarily preclude corrective discipline, which may include termination of employment, even for a first offense.
3. Depending on the circumstances surrounding other violations of this policy, an employee may be referred to an appropriate treatment source for assessment and possible treatment.

4. Refusal to submit to alcohol and/or controlled substance testing will be considered a positive result and will result in termination or other action as referenced in part 2 of C above.

II. EMPLOYEE ASSISTANCE POLICY

(Refer to Patrick County School Board Policy Manual Personnel File: GBE – R)