

## DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

The Sevier County Board of Education shall adhere to federal law and regulations requiring a school bus driver and commercial driver (hereafter referred as driver) drug and alcohol testing program. The testing program will be implemented beginning January 1, 1995.

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. Testing procedure and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, Section 40.

### Pre-Employment Tests

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the school system.

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.

The tests shall be required of an applicant only after he/she has been offered a driver's position.

### 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 a safety-sensitive function with respect to the vehicle, if the accident involved loss of human life; or
2. Who receives a citation under state or local law for a moving traffic violation arising from the accident.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

No such driver shall use alcohol for eight hours after the accident, or until after he/she undergoes a post-accident alcohol test, which ever occurs first.

If an alcohol test is not administered within two hours or if a drug test not administered within 32 hours, the school system will prepare and maintain records explaining why the test(s) was not conducted. A test will not be given if not administered within eight after the accident for alcohol or within 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 system. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

#### Random Tests

Tests will be conducted on a random basis at unannounced times throughout the year. Tests for alcohol will 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.

#### Reasonable Suspicion Tests

Tests will be conducted when a supervisor or system official trained in accordance with law has reasonable suspicion that a driver has violated the system'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 substance.

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. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the system shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests will terminate after eight hours.

A supervisor or system official who makes observations leading to a controlled substance reasonable suspicion test will make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, which ever is earlier.

## Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion or follow-up tests will not perform or continue to perform safety-sensitive functions.

Drivers who test positive for alcohol or drugs will be subject to disciplinary action up to and including dismissal.

A driver who violates system prohibitions related to drugs and alcohol will receive from the system 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 driver will be evaluated by a substance abuse professional who will determine what help, if any the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance will 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.

Any driver identified as needing help in resolving a drug or alcohol problem will be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and will be subject to unannounced follow-up tests after returning to duty.

## Return-to-Duty Tests

A drug or alcohol test will be conducted when a driver who has violated the system's drug or alcohol prohibition returns to performing safety-sensitive duties. Drivers whose conduct involved drugs cannot return to duty in safety-sensitive functions until the return-to-duty drug test produces a verified negative result. Drivers whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal standards.

## Follow-up Tests

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

## Records

Driver drug and alcohol test results and records will be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver will receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records will be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

## 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 system's policy and regulations for meeting these requirements. The information will identify:

1. The person designated by the district to answer driver questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulation, Title 49, Part 382;
3. Sufficient information about the safety-sensitive function performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstance under which a driver will be tested for drugs and/or alcohol under Part 382;
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct driver;
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;

10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;(the consequences are the driver not being allowed to drive for a minimum of 24 hours and if results are 0.04 or greater failure of the alcohol test by the driver) and

11. Information concerning the effects of drugs and alcohol on an individual's health, work and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management.

The driver will also receive information about legal requirements, system policies and disciplinary consequences related to the use of alcohol and drugs.

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

Before any driver operates a commercial motor vehicle/school bus, the system will provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

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

The system will notify a driver of the results of a pre-employment drug test if the driver requests, in writing, such results within 60 calendar days of being notified of the disposition of his/her employment application.

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

Drivers will inform their supervisors 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/school bus.