

DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE OPERATORS

Policy Code:

7241

The purposes of this policy are to help ensure the safe operation of school vehicles and to comply with federal law and regulations by establishing a comprehensive program for the drug and alcohol testing of school bus drivers and all other commercial motor vehicle operators employed by the board of education.

A. APPLICABILITY

Persons subject to this policy include any employee, volunteer, or independent contractor who operates a commercial motor vehicle in the course of his or her duties for the board of education, including anyone who regularly or intermittently drives a school bus, activity bus, or other vehicle designed to transport 16 or more people, including the driver.

B. PROHIBITED ACTS

Commercial motor vehicle operators employed by the board must not be impaired by alcohol or by a prescription or nonprescription drug while on duty or while operating any motor vehicle. For the purposes of this policy, an employee is considered impaired by alcohol in all cases in which testing reveals a blood alcohol content of higher than 0.02. Further, no driver will be permitted to perform safety-sensitive functions if evidence exists of his or her alcohol consumption. In addition, commercial motor vehicle operators, and anyone who supervises commercial motor vehicle operators, must not commit any act prohibited by federal law, including “Controlled Substances and Alcohol Use and Testing” (49 C.F.R. pt. 382, hereinafter referred to as Part 382), by this policy or by policy 7240, Drug-Free and Alcohol-Free Workplace. No driver may operate any school bus or school activity bus while consuming alcohol or while alcohol remains in the driver’s body in violation of G.S. 20-138.2B.

C. TESTING

The human resources office shall carry out pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing for drugs and alcohol as required by Part 382. School bus drivers and others employed by the board for the primary purpose of operating a commercial motor vehicle must undergo pre-employment testing. Employees whose duties include occasional driving will not be subject to pre-employment testing but must undergo all other testing required by Part 382.

All employees must undergo drug and alcohol testing before driving a commercial motor vehicle for the board of education.

D. PRE-EMPLOYMENT INQUIRY

All applicants who would be subject to this policy if employed by the board must consent in writing to the release of any information gathered pursuant to Part 382 by any of the applicant's previous employers.

Before employing any applicant subject to this policy or Part 382, the administration shall obtain, pursuant to the applicant's written consent, all records maintained by the applicant's previous employer of prohibited acts committed by the applicant in the two years prior to the inquiry date.

E. TRAINING AND EDUCATION

Each commercial motor vehicle operator and supervisory employee, including principals and assistant principals, must be provided with educational materials that inform the employees of drug testing procedures, prohibited acts, consequences, and other aspects of Part 382, this policy, and any accompanying administrative procedures. The information also will identify a school system employee who is responsible for providing information on substance abuse. Each employee must sign a statement certifying his or her receipt of these materials.

Each supervisor who is responsible for overseeing the performance of commercial motor vehicle operators, including principals and assistant principals, must undergo at least one hour of training concerning alcohol misuse and one additional hour of training concerning drug abuse.

F. REFERRALS

Each motor vehicle operator who commits acts prohibited by Part 382 or G.S. 20-138.2B, other than provisions governing pre-employment testing, will be provided with information concerning resources available for evaluating and resolving drug or alcohol misuse. This information will include the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. Before any motor vehicle operator who has committed a prohibited act under Part 382 or G.S. 20-138.2B will be allowed to drive again, he or she must be evaluated by a substance abuse professional and must satisfactorily complete any appropriate treatment that the substance abuse professional designates.

G. PENALTIES

Employees who have committed a prohibited act; refused any test required by this policy; or otherwise violated this policy, G.S. 20-138.2B, or Part 382 will be subject to disciplinary action, up to and including dismissal.

H. PROCEDURES

All procedures for collection and testing provided in the Federal Highway Administration's "Procedures for Transportation Workplace Drug and Alcohol Testing

Programs” (49 C.F.R. pt. 40) and all requirements in Part 382, including testing, reporting, record retention, training, and confidentiality, will be followed. Copies of these federal regulations will be readily available. The superintendent shall develop any other procedures necessary to carry out these regulations.

Legal References: 49 U.S.C. 31306; 49 C.F.R. pts. 40, 382; G.S. 20-138.2B

Cross References: Drug-Free and Alcohol-Free Workplace (policy 7240)

Adopted: April 18, 2016