

# **DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE OPERATORS**

*Policy Code:*

**7241**

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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**

This policy applies to any driver which, for purposes of this policy, is defined as 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, an activity bus, a vehicle designed to transport 16 or more people (including the driver), or any other vehicle that meets the definition of commercial motor vehicle under federal law or regulation. Employees who operate vehicles for inspection, service, or maintenance purposes are included in this definition.

## **B. PROHIBITED ACTS**

No driver may:

1. 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;
2. use alcohol while performing safety-sensitive functions;
3. perform safety-sensitive functions within four hours after using alcohol;
4. report for or remain on duty requiring the performance of safety-sensitive functions when the driver uses any Schedule I drug or substance; or
5. report for or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance, unless such use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that use of the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Safety-sensitive functions include, but are not limited to, inspecting, servicing, or conditioning any commercial motor vehicle; operating any commercial motor vehicle; participating in or supervising the loading or unloading of a commercial motor vehicle; and repairing, obtaining assistance for, or remaining in attendance upon a disabled vehicle.

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In addition, drivers and anyone who supervises drivers 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), or by policy 7240, Drug-Free and Alcohol-Free Workplace.

**C. TESTING**

The human resources office will 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.

Federal regulations prohibit a driver who is tested under the provisions of this section and found to have an alcohol concentration of at least .02 from performing safety-sensitive functions for at least 24 hours following administration of the test. Drivers who are tested under the provisions of this section and found to have any alcohol in their system are subject to additional discipline under this policy, including dismissal.

**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 driver 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 drivers, 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 driver 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 driver 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

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