

Lancaster Community School District

Personnel

**ALCOHOL AND OTHER DRUG FREE BUS DRIVERS
POLICY ENFORCEMENT PROCEDURES**

I. SCOPE

The alcohol and other drug free bus drivers policy and procedures apply to all vehicle operators when on duty; whenever performing, or just about to perform, a safety-sensitive function.

Safety sensitive functions are defined as any on duty activity and include all time:

1. driving, including all layover time;
2. inspecting equipment;
3. waiting to be dispatched;
4. in or on a school bus or commercial motor vehicle;
5. loading and unloading students, equipment or supplies;
6. spent performing requirements relating to accidents;
7. repairing, assisting or attending a disabled school bus.
8. spent providing breath sample or urine specimen, including travel time to and from the collection site, in order to comply with testing as directed by the District.
- 9.

II. DEFINITIONS

- A. "On premises" includes any work location, vehicle, property or office which is serviced or used by the District.
- B. Drugs includes any and all illegal drugs, including so-called look-alike and designer drugs; legally obtained drugs which are used in a manner other than that prescribed by a physician, and any substance which can affect a person's perceptions or motor functions.
- C. Persons affected by this policy will be tested for at least the following substances: amphetamines, cannabinoids, cocaine, opiates, phencyclidine (PCP), and alcohol.

III. PROCEDURES

- A. Pre-Employment:

All offers by the District to hire an applicant for a driver position are conditioned upon:

1. completing the District's general consent and release to be tested for drugs forms;
2. taking a drug test as directed by the District and passing test;
3. completing the District's authorization to obtain past drug test results form from previous employer(s);
4. passing the department of transportation (DOT) required physical exam;
5. complying with any other District conditions or requirements at time of offer.

B. Failure to Appear for Testing:

Any applicant who refuses or fails to complete the District's consent and release to be drug and alcohol tested form(s), who refuses or fails to complete the District's authorization to obtain past drug and alcohol test results form, who refuses or fails to submit to a pre-employment/pre-duty drug test, or whose result is positive for the test, will not be considered eligible to work for the District.

C. Reasonable Suspicion Testing:

Each driver is required to submit to a drug and/or alcohol test whenever the District has reasonable suspicion to believe that the driver has used drugs and/or alcohol in violation of DOT regulation and/or Board policy/procedures. In the event one or more supervisors find reasonable suspicion to test (based on personal observation and documented by one or more supervisors who has received training on performance indicators of probable drug and alcohol use) a drug and/or alcohol test will be required of the employee.

Drivers who are required to submit to a reasonable suspicion test will be escorted by a District official to the collection site for a drug and/or alcohol test. If the driver refuses the District's efforts and insists on driving his/her own vehicle, or a District vehicle, the District reserves the right to take appropriate action to prevent this, including contacting law enforcement officials. Failure to abide by District policy may result in severe disciplinary action including suspension or dismissal.

D. Random Testing:

The District is required to perform unannounced, random drug and alcohol testing of covered employees. Every driver will have an equal chance to be selected each and every time a selection is conducted.

Whenever a driver is randomly selected to be tested, he/she will be notified of this in writing and instructed to report to the collection site immediately.

Any driver who tests positive for drugs or alcohol will be considered unqualified to drive and/or perform any other safety-sensitive function and will be subject to disciplinary action, up to and including discharge.

E. Post-Accident Testing:

A driver who has an accident while performing a safety-sensitive function must submit to a post-accident drug and alcohol test as soon as possible.

A driver must always submit to a post-accident test as soon as possible after an accident that involves the death of a human being.

A post-accident drug and alcohol test is required whenever a driver receives a citation for a moving violation involving the accident and either: (1) a person is injured because of the accident and the injuries require immediate medical attention to the person away from the accident scene; or (2) one or more motor vehicles involved in the accident receive disabling damage and must be removed from the accident scene by a tow vehicle or another vehicle.

Following an accident under the above circumstances, all employees will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Employees involved in accidents must refrain from alcohol use for eight hours following the accident or until a drug/alcohol test has been administered.

Any other employee whose performance may have contributed to an accident under this section will be tested, for example, maintenance or dispatching employees.

Employees who leave the scene of an accident without appropriate authorization prior to testing will be considered to have refused the test and be subject to discipline, up to and including discharge.

F. Compliance with testing

Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately. Refusal can include an inability to provide an adequate urine specimen or breath/saliva sample without valid medical reason or delaying arrival at the collection site, or engaging in any conduct which clearly obstructs the testing process.

Such refusals will be treated as insubordination and recorded as a positive test, with the employee subject to disciplinary action up to and including discharge.

IV. TEST PROCEDURES AND CONFIDENTIALITY

To ensure the integrity and accuracy of each test, all specimen collection, analysis, and laboratory procedures will be performed in accordance with DOT protocols and

safeguards as set forth in Part 40 of Title 49 of the Code of Federal Regulations. This will include:

1. procedures to ensure identity of driver at time of specimen collection;
2. strict chain-of-custody procedure to ensure that the driver's specimen is not tampered with;
3. the use of a trained breath alcohol technician (BAT) and national highway transportation safety administration (NHTSA) approved testing equipment for conducting alcohol test;
4. the use of a laboratory which has been certified by the department of health and human services (DHSS); the confirmation of an initial positive drug screen by second analysis using gas chromatography/mass spectrometry (GCMS);
5. the confirmation of an initial positive alcohol screen by a second analysis;
6. District appointment of a qualified medical review officer (MRO) to review drug test results before they are reported to the District's designated contact person.

V. COLLECTION PROCEDURES

All drug tests will be administered using split sample procedures required by DOT. Under these procedures, the driver must provide at least 45 milliliters (ml) of urine in a specimen container. The specimen will then be divided into two specimen bottles by the collector. Thirty (30) ml will be poured into one bottle and 15 ml into the second bottle. Both bottles will be sent to the laboratory.

The bottle containing 30 ml will be analyzed as the driver's primary specimen. The second bottle will be held by the laboratory, to be sent to another lab at the driver's request in the event that the primary specimen is verified as positive. In the event the primary specimen is verified as positive, the driver will be notified by the District's MRO or by the District of the positive test and given the option to have the second bottle sent to a different laboratory for analysis. To exercise this option, the driver must advise the District's MRO within 72 hours of being told that the primary specimen was positive. A positive drug test may be determined to be negative by the MRO if the driver can prove that the substance was prescribed by a licensed physician. This determination will be made by the District MRO.

Board policy is not intended to prohibit the use of medication legally prescribed by a licensed physician, who is familiar with the driver's medical history and specific safety-sensitive duties, and who has advised the driver that the prescribed medication will not adversely affect the driver's ability to operate a motor vehicle. Medications prescribed for someone other than the driver, however, will not be considered lawfully used when taken by the driver under any circumstances.

All alcohol tests conducted under this policy require that the driver must provide a breath/saliva specimen for any test conducted by the District. If the alcohol test is conducted by a law enforcement officer following an accident, the driver must provide either a breath or blood specimen.

Prior to being tested for alcohol, each driver will be required to;

1. present their personal identification,
2. complete a DOT breath alcohol test Form provided by the breath alcohol technician/screening testing technician (BAT/SST). Prior to each alcohol breath/saliva test conducted by the School District, the BAT/SST will instruct the driver on how the test will be conducted.

A driver who fails to provide identification, refuses to complete form, or otherwise fails to cooperate will be treated as though they has tested positive and will be subject to disciplinary action, up to and including discharge.

VI. REFERRAL, EVALUATION AND TREATMENT

Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in alcohol or drug-related conduct prohibited by Board policy and law, must undergo a return to duty alcohol test with a result of less than 0.02, or a return to duty drug test with a negative result.

A driver who registers 0.02 or more but less than 0.04; registers 0.04 or greater; or who has a verified positive test result for a controlled substance will, at a minimum, be suspended without pay until his/her next regular duty period, but for no less than 24 hours. A driver may also be subject to additional disciplinary action by the District, up to and including discharge. In addition a driver must be released for duty by a substance abuse professional.

ACKNOWLEDGMENT AND ACCEPTANCE OF SUBSTANCE ABUSE POLICY

I _____ have read and understand the Board policy and procedures on Alcohol and Drug Free Bus Drivers and hereby agree to abide by those terms. I understand that compliance with this policy/procedure is a condition of my continued employment with Lancaster Community School District,

Employee _____

Date _____

Witness _____

APPROVED: December 13, 1995

REVISED: September 11, 2002