

Drug and Alcohol Testing for Bus Drivers

In accordance with federal law and regulations, Mapleton Public Schools (the “District”) has implemented a drug and alcohol testing program for bus drivers. The purpose of the testing program is to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by bus drivers.

The Board of Education (the “Board”) deems that school bus operation is a safety sensitive operation and therefore is subject to all Transportation Department drug and alcohol testing rules, regulations, and procedures.

Prohibited Conduct

Bus drivers are prohibited from any alcohol use that could affect performance on the job including: use on the job, use during the four hours before driving, having prohibited concentrations of alcohol in their systems while driving, and use during the eight hours following an accident.

No bus driver shall report for duty or remain on duty requiring the performance of a safety-sensitive function 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

Bus drivers are subject to drug and alcohol testing pursuant to federal regulations in the following instances: pre-employment, pre-duty, reasonable suspicion, random, post-accident, return-to-duty, and for follow-up. The procedures use an evidential breath testing device for alcohol testing. When testing for controlled substances, urine specimen collection and testing will be done by a laboratory certified by the U. S. Department of Health and Human Services.

Pre-employment testing will be administered to an applicant offered a position in the Transportation Department prior to the first time the driver performs any safety-sensitive function for the District.

Random alcohol testing will be limited to the time period surrounding the performance of safety-related functions, which includes just before or just after the employee performs the safety-related function. Controlled substances testing may be performed at any time while the driver is at work.

An employee covered by the federal regulations may not refuse to take a required test.

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 will be removed immediately from a safety-related function in accordance with the federal regulations. Before a bus driver is reinstated, if at all, the bus driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified test results.

A bus driver who is prohibited from performing safety-sensitive functions may be assigned to non-safety functions until such time as the bus driver complies with the requirements for returning to duty.

The District retains the authority consistent with state and federal law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affects the employee's qualifications for, and performance of, his/her job.

The District is not required under federal law to provide rehabilitation, pay for substance abuse treatment, or to reinstate the employee. All employment decisions involving reinstatement, termination, or dismissal will be made in accordance with applicable District policies.

Records Retention

The District shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, the District may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A bus driver will 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 bus driver, only as expressly authorized by the terms of the driver's request.

Other Provisions

The District will take steps to ensure that supervisors receive proper training to administer the drug and alcohol testing program and that employees receive the notifications required by federal regulations.

Adopted January 22, 2013, by the Board of Education for Mapleton Public Schools.

LEGAL REFERENCES:

49 U.S.C. §§ 2717 *et seq.* (*Omnibus Transportation Employee Testing Act of 1991*)

49 C.F.R. § 382.601 (*Employer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances.*)

49 C.F.R. Part 40 (*procedures for transportation workplace drug and alcohol testing programs*)

49 C.F.R. Part 382 (*controlled substance and alcohol use and testing*)

49 C.F.R. Part 391 (*qualification of drivers*)

C.R.S. § 25-1.5-106(12)(b) (*possession or use of medical marijuana in or on school grounds or in a school bus is prohibited*)

C.R.S. §§ 42-2-401 *et. seq.* (*Commercial Driver's License Act*)

C.R.S. § 42-4-707 (*certain vehicles must stop at railroad grade crossings*)

CROSS REFERENCES:

EEAEA: School Transportation Vehicle Operator Requirements and Training

GBEC: Alcohol and Drug-Free Workplace

GDQD: Discipline, Suspension, and Dismissal of Support Staff