



EEAEAA-R - DRUG AND ALCOHOL TESTING FOR DISTRICT CDL DRIVERS

In accordance with federal law and regulations, all district drivers who operate a motor vehicle requiring a commercial driver's license (CDL), including bus operators, are subject to a controlled substance and alcohol testing program. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by drivers.

These district regulations reflect several requirements of the federal drug testing regulations, but are not intended in any way to modify or limit the procedures for drug and alcohol testing specifically addressed in federal regulation. District personnel will adhere to the detailed provisions of federal regulations in administering the district's drug and alcohol program.

References to "tests" in these regulations include both drug and alcohol tests unless the context specifies otherwise. The terms "drug" and "controlled substances" are interchangeable and have the same meaning. "Drugs" refer to marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamines).

PRE-EMPLOYMENT TESTS

Tests will be administered before a driver performs any safety-sensitive functions for the district.

The tests will be required of an applicant only after he or she has been offered the position. Testing shall also be conducted on employees seeking transfer into the safety-sensitive positions. Employment with the district is conditional upon the applicant receiving a negative alcohol and drug test result and signing a waiver for release or pertinent drug and alcohol testing information from previous employers.

POST-ACCIDENT TESTS

Alcohol and controlled substance tests will be conducted as soon after an accident as practicable on any driver who:

1. Was performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life; and/or
2. Received a citation under state or local law for a moving traffic violation arising from the accident.

No driver involved in an accident may use alcohol for the eight hours after the accident or until after he or she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two hours, or if a drug test is not administered within 32 hours after the accident, the district will prepare and maintain records explaining why the test was not conducted.

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 district. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

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

RANDOM TESTS

Tests will be conducted on a random basis at unannounced times throughout the year. Random tests for alcohol will be conducted just before, during, or just after the performance of safety-sensitive functions. Random tests for drugs do not have to be conducted in immediate time proximity to performing safety-sensitive functions. Once notified of selection for drug testing, a driver must proceed to a collection site to provide a urine specimen.

Drivers will be selected by a scientifically valid random process, and each driver will have an equal chance of being tested each time selections are made. The number of bus drivers selected for random testing will be in accordance with federal regulations.

REASONABLE SUSPICION TESTS

Tests must be conducted when a properly-trained supervisor or district official has reasonable suspicion that the driver has violated the district's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, breath, or body odors. The observations may include indications of chronic and withdrawal effects of controlled substances.

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

An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

A supervisor or district official who makes a finding of reasonable suspicion also must make a written record of his or her observations leading to a reasonable suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

RETURN-TO-DUTY TESTS

Before a driver is reinstated, if at all, the driver shall undergo a drug or alcohol test.

Employees whose conduct involved misuse of drugs may not return to duty in a safety-sensitive function, if at all, until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol may not return to duty in a safety-sensitive function, if at all, until the return-to-duty alcohol test produces a verified result that meets federal and district standards.

On-call or emergency call-in employees who are asked to report to perform a safety-sensitive function must notify their supervisor if the employee cannot perform a safety-sensitive function due to controlled substance or alcohol use. Such employee will generally not be subjected to discipline, but multiple absences caused by the use of controlled substances or alcohol may be treated as other absences pursuant to district policy.

FOLLOW-UP TESTS

A driver who violates the district's drug or alcohol prohibition and who subsequently is 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 the driver is performing safety-sensitive functions.

RECORDS

Employee 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 or her use of drugs or alcohol, including any records pertaining to his or her drug or alcohol tests. Records will be made available to subsequent employers or to other identified persons only as expressly requested in writing by the driver.

NOTIFICATIONS

Each driver will receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the district's policy and regulations for meeting these requirements. Representatives of employee organizations will be notified of the availability of this information. The information will identify:

1. The persons designated by the district to answer driver questions about the materials
2. Categories of drivers who are subject to the drug and alcohol testing requirements
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear for what period of the work day driver compliance is required
4. Specific information concerning driver conduct that is prohibited
5. Circumstances under which a driver will be tested for drugs and/or alcohol
6. 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 federal regulations
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. Consequences for drivers found to have violated the drug and alcohol prohibitions, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment
10. Consequences for drivers found to have alcohol concentration of 0.02 or greater but less than 0.04
11. Information concerning the following:
 - Effects of drugs and alcohol on an individual's health, work, and personal life;
 - External and internal signs and symptoms of a drug or alcohol problem; 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 administrative officials.

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

If reasonably possible, the district will inform drivers before drug and alcohol tests are performed.

The district will notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his or her employment application.

The district will notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The district also will tell the driver which controlled substances were verified as positive. Upon request by the employee, the district shall forward the second, duplicate specimen to any laboratory of the employee's choosing, so long as the laboratory chosen is Department of Health and Human Services certified.

No drivers shall use medications which are contraindicated for operation of a commercial vehicle unless a licensed physician provides written release stating he has advised the driver that the substance does not adversely affect his or her ability to safely operate a commercial motor vehicle, and the driver must give this release to his or her supervisor before performing safety-sensitive functions.

REFUSALS TO SUBMIT TO TESTING

It is prohibited conduct to refuse to submit to a controlled substance or alcohol test required under Board policy EEAEAA and these regulations. A refusal to submit is defined as follows:

1. Failure to provide adequate breath for alcohol testing without a valid medical explanation and after the employee has received notice of the requirement of a breath test in accordance with this policy;
2. Failure to provide adequate urine for a controlled substance test without a valid medical explanation after the employee has received notification of the requirement for urine testing in accordance with this policy; or
3. Engaging in conduct that clearly obstructs the testing process.

ENFORCEMENT

Any driver who refuses to submit to post-accident, random, reasonable suspicion or follow-up tests will not be allowed to perform or continue to perform safety-sensitive functions and shall be subject to other disciplinary action up to and including discharge.

A driver who in any other way violates district prohibitions related to drugs and alcohol will receive from the district 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 violating driver shall also be subject to other disciplinary action up to and including discharge.

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 or she has a financial interest except under circumstances allowed by law.

Before the driver is returned to safety-sensitive duties, if at all, the district must ensure that the employee:

1. Has been evaluated by a substance abuse professional;
2. Has complied with any recommended treatment;
3. Has taken a return-to-duty drug and alcohol test with a result indicating an alcohol concentration level of less than 0.02; and
4. Is subject to unannounced follow-up drug and alcohol tests. The number and frequency of such follow-up testing will be as directed by the substance abuse professional and will consist of at least six tests in the first 12 months following the driver's return to duty.

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