

**TRANSPORTATION EMPLOYEE DRUG AND ALCOHOL TESTING**

Background

The Mt. Lebanon School District has long been committed to the maintenance of an academic and work environment free from all forms of alcohol abuse and illegal drug use. The District recognizes the detrimental impact of such use and abuse which can adversely affect work quantity and quality, jeopardize employee health and safety and create a dangerous work and academic environment. The Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143), as amended, and the regulations promulgated thereunder by the United States Department of Transportation (“DOT”) require the District to conduct drug and alcohol testing of District transportation employees. This policy only applies to District transportation employees and is in addition to District policy GBECA which applies to all District employees, including transportation employees. This policy is to be interpreted in conjunction with and consistent with all other District policies regarding drugs and/or alcohol rather than as limited or superseding same.

Objective

It is the objective of this policy to comply with the specific requirements of the Omnibus Transportation Employee Testing Act of 1991 and the DOT Regulations (49 CFR Part 655 which mandate the implementation of an employee drug and alcohol testing program for district transportation employees and to prevent alcohol use and prohibited drug use in transit operations.

Definitions

“Drugs” means any and all controlled substances, including, but not limited to, narcotics, hallucinogenics, amphetamines, barbiturates, marijuana, cocaine, PCP, opiates or any other controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. Section 812) and as further defined by regulation at 21 C.F.R. Parts 1300.11 through 1300.15 or as defined in The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §780-101), the Pennsylvania Drug and Alcohol Abuse Control Act (71 P.S. §1690.101), or any regulations relating to the foregoing statutes, or any successor statutes or regulations. The term “drugs” also includes prescription and over-the-counter medications.

“Under the influence” means, with respect to drugs, the presence in an employee’s system of a detectable amount of a drug, or its metabolites, and/or with respect to drugs and/or alcohol, speech, actions or an appearance which lead a supervisor or law enforcement official to reasonably suspect that the employee’s ability to perform his or her job safely and effectively has been impaired by drugs and/or alcohol.

“Testing positive for alcohol” means an alcohol test result showing a blood alcohol concentration of 0.02% or greater.

“Refusing to be tested” means any of the following: (i) failing to provide an adequate urine specimen for a drug test without a valid medical explanation; (ii) failing to provide adequate breath for an alcohol test without a valid medical explanation; (iii) failing to submit to a test as directed; or (iv) engaging in any conduct which clearly obstructs the testing process.

“School district location” means in any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.

“Safety-sensitive function” means any of the following:

1. Driving of any vehicle which is used to transport students;
2. Time spent waiting to be dispatched to or at any school district location;
3. Layover time spent at any location either between trips or during a trip;
4. Inspecting, servicing, or conditioning transportation equipment;
5. Being in or on a school vehicle which is used for the transportation of students;
6. Loading or unloading, including supervising or assisting in loading or unloading; attending a vehicle being loaded or unloaded, or remaining in readiness to operate the vehicle;
7. Securing the vehicle and taking all of the other precautionary measures required by federal, state, or school district regulations following an accident;
8. Repairing, obtaining assistance, or attending a disabled vehicle.

### Policy

It is the policy of the Board of School Directors that:

All employees who work in a “safety-sensitive function” in the district shall be subject to the provisions of this policy. Employees who perform any safety-sensitive function are prohibited from engaging in any of the following conduct:

1. Using, being under the influence of, or possessing illegal drugs;
2. Using or being under the influence of legal drugs which are being used illegally;

3. Using or being under the influence of legal drugs whose use can adversely affect the ability of the employee to perform his or her job safely;
4. Selling, buying, soliciting to buy or sell, transporting, or possessing illegal drugs;
5. Using alcohol within eight (8) hours prior to of driving or performing any other safety-sensitive function;
6. Using or being under the influence of alcohol at any time while driving or performing any other safety-sensitive function;
7. Possessing any amount of alcohol (including possessing medications which contain alcohol) while on duty or driving;
8. Testing positive for drugs and/or alcohol;
9. Refusing to be tested for drugs and/or alcohol;
10. Failing to submit to a drug and/or alcohol test as directed by the district;
11. Failing to stay in contact with the district and its medical review officer while awaiting the results of a drug test;
12. Violating any applicable federal, state, or district regulation, policy, or procedure governing the use of drugs and alcohol;
13. Taking any action to obstruct the district's drug and alcohol testing program.

An employee who violates these prohibitions shall be subject to disciplinary action up to and including termination of employment.

The following types of tests of transportation employees for alcohol and drug use may be required by the district in accordance with federal and state laws and regulations:

1. Pre-employment testing
2. Random testing
3. Reasonable suspicion testing
4. Post-accident testing
5. Return-to-duty testing
6. Follow-up testing

Testing for alcohol and drug use shall be conducted by a third party contractor in accordance with the provisions of the federal and state laws and regulations and district administrative procedures.

Records for the testing program shall be maintained in accordance with the provisions of the federal and state regulations and district procedures.

The District will attempt to insure that all aspects of the testing program are as private and confidential as reasonably practical. Actual test results will be provided to those administrators and supervisors who have a need to know such information, to the employee who was tested, and to any other person permitted or required by law or regulation to have such information. Except as required by law, test results will not be disclosed to co-workers, the employee's family, uninvolved administrators or supervisors, or law enforcement authorities without the written permission of the employee tested. The District will inform law enforcement officials of possession, use and/or trafficking in illegal drugs or other violations of the policy which may constitute illegal conduct by employees and will turn over any illegal drugs confiscated in any School District location to appropriate law enforcement officials.

#### Administration Responsibility

It shall be the responsibility of the administration to develop rules and regulations necessary to implement this policy.

#### Communication

This policy shall be communicated to:

1. Every covered employee will be notified of the District's policy on the use of drugs and alcohol during the initial training and in-service programs.
2. Covered employees will be required to acknowledge, in writing, receipt of the school district policy and related administrative procedure(s).
3. The District will provide information on employee assistance and substance abuse programs.
4. The Mt. Lebanon Community.

Adopted April 15, 1996  
Revised March 21, 2011