

HANFORD ELEMENTARY SCHOOL DISTRICT

BUS DRIVER

Supplemental Application Questions

INSTRUCTIONS: As part of the selection procedure, the following questions measure necessary employment standards for the position and must be completed in order to be considered for the position. Please attach your responses to the application (if additional space is needed for your answers, please use additional 8 ½ by 11 sheets of paper).

1. Briefly describe your background and experience that you believe would qualify you for the position of Bus Driver or Bus Driver (Service Worker).
2. What is the most important function of the Bus Driver position?
3. You are in the middle of your route and believe that it is too foggy to safely drive any further. What would you do?
4. What items would you check on your bus each day before putting it into operation?
5. As you are stopped at a regular stop, you look in the rear view mirror and see a student reaching over the seat in front of him and grabbing a handful of long blonde hair. How would you respond to this situation?
6. What records and reports would you expect to maintain as a Bus Driver or Bus Driver (Service Worker)?

7. CA Driver's License # _____ Class _____ Expires: ____/____/____
Valid Medical Certificate? Yes _____ No _____
School Bus Drivers Certificate? Yes _____ No _____
Current First Aid Certificate? Yes _____ No _____

Are there any restrictions on your California Special Driver Certificate?

Yes _____ Please identify _____

No _____

Please attach copies of all certificates and license.

Please review and include Pre-Employment Drug Testing Consent and Release Consent documents.

HANFORD ELEMENTARY SCHOOL DISTRICT

DRUG AND ALCOHOL TESTING PROGRAM

**PRE-EMPLOYMENT DRUG TESTING
CONSENT FORM**

1. I understand that, as required by the Federal Motor Carrier Safety Regulations, Title 49 Code of Federal Regulations, Section 382.201, candidates for Bus Driver positions must be tested for controlled substances as a pre-condition for employment.
2. I consent to the urine sample collection to test for controlled substances in the event I am offered a Bus Driver position with the Hanford Elementary School District.
3. I understand that Hanford Elementary School District has contracted with CDT, and that CDT and its subcontractors have agreed to perform drug testing in reliance on my agreement as set forth in this document.
4. I authorize CDT, Inc. in acting as the third-party administrator for Hanford Elementary School District's drug and alcohol testing program, and consent to the release of results of testing to the Hanford Elementary School District.
5. I hereby expressly release and hold harmless CDT and its subcontractors from any injury, claim, liability, loss, damage, or expenses that may result, directly or indirectly, from my failure to follow any agreement set forth above or from any action of CDT and its subcontractors as set forth above.

Applicant/Print Name

Applicant's Social Security #

Applicant's Signature

Date

Witness' Signature

Date

PERS-031

1/96 Reviewed: 10/02

HANFORD ELEMENTARY SCHOOL DISTRICT
Hanford, California

DRUG AND ALCOHOL TESTING PROGRAM

**PRE- OR CONCURRENT EMPLOYMENT VERIFICATION AND TESTING DATA
RELEASE CONSENT**

Purpose of the form: To obtain three years of controlled substance and alcohol testing records from the applicant's previous or current employer(s). COMPLETE ONE FORM FOR EACH CURRENT AND EACH PREVIOUS EMPLOYER WITHIN THE PAST **THREE YEARS**.

CANDIDATE TO COMPLETE:

I, _____, hereby authorize Hanford Elementary School District to obtain **three years** of drug and alcohol testing information from my previous or current employer(s) as part of my application for employment.
(Candidate's Name)

Date Signature of Candidate Soc. Sec. # of Candidate

Previous Employer, or Current Employer for Substitute:

Name: _____ Telephone No. _____

Address: _____

City, State,

Zip: _____

Contact

Person: _____

PREVIOUS OR CURRENT EMPLOYER TO COMPLETE:

1. TEST INFORMATION VERIFIED BY: Name (print): _____

Signature: _____

Title: _____

Date: _____

2. The applicant named above ___ participated in the past, or ___ participates now, or ___ does/did NOT participate in a drug and alcohol testing program that conforms to the Federal Highway Administration testing regulations.

Dates of participation: FROM: _____ TO _____

3. Has the applicant ever REFUSED a drug or alcohol test: **YES NO**

4. Has the applicant ever tested positive (.04 or above) on a breath alcohol test: **YES NO**
(IF YES-COMplete PAGE 2)

5. Has the applicant ever tested positive on a drug test: **YES NO**
(IF YES COMPLETE PAGE 2)

6. If YES was answered to questions 3, 4, or 5, has the driver complied with Part 382.605 of the federal regulations: **YES NO**

7. Is the applicant qualified to drive a commercial motor vehicle according to the FHWA Federal Drug testing guidelines: **YES NO**

HR-032

1/96 Reviewed: 10//02 Revised: 5/05

If YES answered to Questions 4 and 5 on the previous page, please complete the following:

Enter test result information in the space provided. Begin with the most recent test.

Alcohol Test or Drug Test Date: ___/___/___ Result: Negative Positive

Alcohol Test or Drug Test Date: ___/___/___ Result: Negative Positive

Alcohol Test or Drug Test Date: ___/___/___ Result: Negative Positive

Alcohol Test or Drug Test Date: ___/___/___ Result: Negative Positive

Alcohol Test or Drug Test Date: ___/___/___ Result: Negative Positive

Alcohol Test or Drug Test Date: ___/___/___ Result: Negative Positive

Alcohol Test or Drug Test Date: ___/___/___ Result: Negative Positive

Alcohol Test or Drug Test Date: ___/___/___ Result: Negative Positive

Alcohol Test or Drug Test Date: ___/___/___ Result: Negative Positive

Alcohol Test or Drug Test Date: ___/___/___ Result: Negative Positive

Comments: _____

Return completed report in sealed envelope marked "Confidential" to:

**Classified Personnel Manager
Hanford Elementary School District
P. O. Box 1067
Hanford, CA 93232-1067**

**559-585-3619
559-584-8013 (FAX)**

**Hanford ESD
Board Policy
Drug And Alcohol Testing For Holders Of Commercial Motor Vehicle Licenses**

BP 4112.42
Personnel

The Governing Board desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program designed to prevent the operation of buses or the performance of other safety-sensitive functions by a driver who is under the influence of drugs or alcohol, including a driver of a school bus, student activity bus, or other school transportation vehicle or any other employee who holds a commercial driver's license which is necessary to perform duties related to district employment

(cf. 3540 - Transportation)
(cf. 3542 - School Bus Drivers)
(cf. 3543 - Transportation Safety and Emergencies)
(cf. 4020 - Drug and Alcohol-Free Workplace)
(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

A driver shall not report for duty or remain on duty when he/she has used any drug listed in 21 CFR 1308.11. A driver is also prohibited from reporting for duty or remaining on duty when he/she has used any drug listed in 21 CFR 1308.12-1308.15, unless he/she is using the drug under the direction of a physician who has advised him/her that the substance will not adversely affect the driver's ability to safely operate a bus. In addition, a driver shall not consume alcohol while on duty or for four hours prior to on-duty time. (49 CFR 382.201, 382.209, 382.213)

The district's testing program for drivers shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306; 49 CFR 382.301-382.311)

The Board shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulations.

Except as otherwise provided by law, the Superintendent or designee shall not release individual test results or medical information about a driver to a third party without the driver's specific written consent. (49 CFR 40.321)

Consequences Based on Test Results

Any driver who refuses to take a required drug or alcohol test, tests positive for drugs, or is found to have a blood alcohol concentration level that exceeds the levels specified in law shall be removed from performing safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211.

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver. (49 CFR 40.21, 382.107, 382.119)

Not later than five days after receiving notification of the test result or refusal to comply, the Superintendent or designee shall report any refusal, failure to comply, or positive test result to the California Department of Motor Vehicles (DMV) using a form approved by the DMV. (Vehicle Code 13376)

Any driver who refuses, fails to comply, or has a positive test result may be referred to an education and treatment program that meets the requirements of 49 CFR 40.281-40.313. If the substance abuse professional recommends that ongoing services are needed to assist the driver to maintain sobriety or abstinence from drug use, the Superintendent or designee shall require the driver to participate in the recommended services as part of a return-to-duty agreement and shall monitor his/her compliance. Any drop from a rehabilitation or return-to-duty program or a subsequent positive test result shall be reported to the DMV. (Vehicle Code 13376; 49 CFR 40.285, 40.287, 40.303, 382.605)

(cf. 4159/4259/4359 - Employee Assistance Programs)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)
(cf. 4261.1 - Personal Illness/Injury Leave)

A driver who has violated federal drug and alcohol regulations may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

(cf. 4118- Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Voluntary Self-Identification

Whenever a driver admits to alcohol or drug misuse under the district's voluntary self-identification program, the Superintendent or designee shall ensure all of the following: (49 CFR 382.121)

1. No adverse action shall be taken against the driver by the district.
2. The driver shall be allowed sufficient opportunity to seek evaluation, education, or treatment to establish control over his/her drug or alcohol problem.
3. The driver shall be permitted to participate in safety-sensitive functions only after:
 - a. Successfully completing an education or treatment program, as determined by a drug and alcohol abuse evaluation expert, such as an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor
 - b. Undergoing a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or a verified negative result for drug use

A driver who admits to alcohol or drug misuse shall not be subject to federal requirements related to referral, evaluation, and treatment, provided that he/she does not self-identify in order to avoid drug or alcohol testing, makes the admission prior to performing a safety-sensitive function, and does not perform a safety-sensitive function until he/she has been evaluated and has successfully completed education or treatment

requirements in accordance with program guidelines. (49 CFR 382.121)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

GOVERNMENT CODE

8355 Drug-free workplace; employee notification

VEHICLE CODE

13376 Driver certificates; revocation or suspension

34500-34520.5 Safety Regulations

CODE OF REGULATIONS, TITLE 13

1200-1293 Motor carrier safety, especially:

1213.1 Placing drivers out-of-service

UNITED STATES CODE, TITLE 41

8101-8106 Drug-Free Workplace Act

UNITED STATES CODE, TITLE 49

31306 Alcohol and drug testing

CODE OF FEDERAL REGULATIONS, TITLE 49

40.1-40.413 , Procedures for transportation workplace drug and alcohol testing programs

382.101-382.605 Drug and alcohol use and testing; especially:

382.205 On-duty use

382.207 Pre-duty use

382.209 Use following an accident

Management Resources:

CALIFORNIA HIGHWAY PATROL PUBLICATIONS

Controlled Substances and Alcohol Testing Compliance Checklist, 2007

What is CSAT? Controlled Substances and Alcohol Testing, 2005

WEB SITES

California Highway Patrol: <http://www.chp.ca.gov>

Federal Motor Carrier Safety Administration: <http://www.fmcsa.dot.gov>

U.S. department of Transportation, Office of Drug and Alcohol Policy and Compliance:

<http://www.dot.gov/ost/dapc>

Policy HANFORD ELEMENTARY SCHOOL DISTRICT

adopted: March 11, 1998 Hanford, California

revised: November 7, 2001

revised: January 20, 2010

revised: August 23, 2017

**Hanford ESD
Administrative Regulation
Drug And Alcohol Testing For Holders Of Commercial Motor Vehicle Licenses**

AR 4112.42
Personnel

This regulation is adopted to implement the drug and alcohol testing requirements of the Omnibus Transportation Employer Testing Act of 1991 (Title 49 CFR) and the California Regulations placing drivers out of service (Title 13 CCR 1213.1) as fully adopted by the Hanford Elementary School District pursuant to Board Policy 4112.42/4212.42/4312.42.

A. Employees Subject To Drug And Alcohol Testing

The district's drug and alcohol testing program applies to all employees (covered employees) who are required to possess a commercial drivers' license (Class A or B) or who as part of their duties for the district perform safety-sensitive functions while operating a commercial motor vehicle, including any vehicle designed to transport 16 or more passengers. This includes all regular bus drivers, substitute, on-call or occasional drivers, and drivers who return to work after a long-term of absence or after layoff if the employee was removed from the random testing program during the period of absence or layoff. Candidates and current employees of the district seeking safety-sensitive positions involving the driving of a school bus or other commercial vehicle are subject to the controlled substance testing as a condition of employment or promotion/reassignment.

Safety-sensitive functions include all on-duty functions performed from the time a covered employee begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the district or paid work for any other entity. (49 CFR 382.107) It also includes any time spent on compliance with drug or alcohol testing requirements, including travel time to/from testing sites.

Types Of Drug And Alcohol Testing

B. Pre-Employment Testing

1. A pre-employment drug test shall be required of an applicant only after a conditional offer of employment. Tests shall be conducted before the first time a covered employee performs any safety-sensitive function for the district.

(cf. 4212 - Conditions of Employment)

2. Exceptions may be made for candidates who have participated in the drug testing program of another agency subject to federal drug testing laws within the previous 30 days and while participating in this program were tested for controlled substances and/or alcohol within the past six months, prior to the date of application for a position at the district, the previous employer verified that there is no record of a

violation of the controlled substance rule within the previous six months and provided that the District has been able to make all verifications required by law.

3. A candidate who accepts a conditional offer of employment shall be required to sign a consent form for pre-employment drug testing and a form authorizing previous employers to release drug testing information to the district. Applicants for substitute bus driver positions shall also, as a condition for employment, sign a form authorizing the district to release drug testing information and results to other school districts at which the candidate has applied for bus driving positions.
4. A candidate for whom previous drug testing information is not obtained shall be tested prior to employment in accordance with this section.
5. A candidate who fails to report for controlled substance testing as scheduled, who refuses to submit to the controlled substance test, refuses to consent to release of previous employers' testing records, whose previous employers' records contain adverse information related to controlled substance use or controlled substance testing, or whose pre-employment test results indicate a verified positive result for a controlled substance shall not be employed; the conditional offer of employment shall be withdrawn.

Refuse to submit means that the candidate fails to provide adequate urine for controlled substance testing without a valid medical explanation or engages in conduct that clearly obstructs the testing schedule or process.

6. All costs associated with pre-employment testing for controlled substances shall be borne by the candidate.
7. District employees who are candidates for promotion or reassignment to a safety-sensitive position, and employees returning from layoff if they were removed from the random testing pool during the layoff period, shall not be eligible for employment in such positions if they refuse to consent to, or to undergo, the required testing, or if their tests for controlled substances indicate a verified positive result.
8. District employees returning from extended leave periods if they were removed from the random testing pool during the leave of absence period, shall not be eligible for re-employment in the safety-sensitive position if they refuse to consent to, or to undergo, the required testing, or if their tests for controlled substances indicate a verified positive result and shall be subject to the disciplinary consequences of prohibited conduct.

C. Post Employment Testing

All covered employees performing safety sensitive functions for the district are subject to the following testing requirements for alcohol and controlled substances: unannounced random testing, post accident testing, reasonable suspicion testing, and return to duty testing as directed.

1. Random Tests (Post Employment Testing)
 - a. Alcohol and drug tests shall be conducted on a random basis at unannounced times throughout the year. All employees in covered positions are subject to unannounced drug and alcohol testing based on random selection. Covered employees

shall be selected by a scientifically valid random process, and each covered employee shall have an equal chance of being tested each time selections are made. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions.

b. The number of random alcohol and drug tests shall be at least equal to those required by federal regulations. The number of random drug tests shall be at least 50% of the average number of covered employees. The number of random alcohol tests shall be at least 25% of the average number of covered employees.

c. Covered employees who are notified of selection for random testing shall cease to perform safety-sensitive functions and shall immediately proceed to the testing site.

d. Covered employees not at work due to leave or vacation shall be informed that they remain subject to random testing. Employees drawn for such testing during their absence from work shall be notified and tested as soon as practicable after they return to duty.

e. Covered employees who do not proceed with random testing as directed may be deemed to have refused testing. Failure to submit to a test will result in disciplinary action up to and including termination.

D. Post-Accident Tests

1. Alcohol and controlled substance tests shall be conducted as soon after an accident as possible on any covered employee in a covered position:

a. who was performing safety-sensitive functions with respect to the vehicle, if the accident involves/involved loss of human life. (49 CFR 382.303)

b. who receives a citation under state or local law for a moving traffic violation arising from the accident, (49 CFR 382.303 if the accident involves either an injury requiring medical attention away from the scene of the accident or damage to any motor vehicle or property.

2. Covered employees shall make themselves readily available for immediate testing, absent the need for immediate medical attention, or shall be deemed to have refused testing. (49 CFR 382.303)

3. No such covered employee shall use alcohol for eight (8) hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

4. If an alcohol test is not administered within two (2) hours of the accident or if a drug test is not administered within 32 hours, the district shall prepare and maintain records explaining why the test was not conducted. Tests shall not be given if not administered within eight (8) hours after the accident for alcohol or within 32 hours for drugs. (49 CFR 382.303)

5. The results of breath or blood tests, for detecting the use of alcohol, or urine tests, for detecting the use of controlled substances, that have been conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and the results of the tests are

obtained by the District (49 CFR 382.303)

6. If a covered employee who is subject to post accident testing is conscious, able to provide specimen in the opinion of the medical professional, and refuses to be tested, the employee may be disciplined up to and including termination.

7. If a covered employee is unconscious or otherwise unable to evidence consent to the procedure, the district will wait until the treating physician determines the covered employee is able to understand a request to provide a sample and consents to provide one.

E. Reasonable Suspicion Tests

1. An alcohol or drug test shall be conducted if a supervisor or other district official trained in accordance with law has reasonable suspicion that the covered employee has engaged in conduct prohibited by the district's drug and alcohol policy. This reasonable suspicion must be based on specific, contemporaneous, objective observations concerning the covered employee's appearance, behavior, speech or body odors. The observations may include indications of chronic or withdrawal effects of controlled substances. (49 CFR 382.307)

2. Alcohol tests based on reasonable suspicion are permitted only if the required observations are made during, just before or just after the period of the work day when the covered employee must comply with alcohol prohibitions. If an alcohol test is not administered within two (2) hours of determination of reasonable suspicion, the district shall prepare and maintain a record explaining why the test was not administered. Attempts to conduct alcohol tests shall terminate after eight (8) hours; the reason shall be documented. (49 CFR 382.307)

3. A supervisor or other trained district official who makes observations leading to a reasonable suspicion for a controlled substance test shall make and sign a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier. If the controlled substance test is not administered within 32 hours following the reasonable suspicion, attempts to administer the test shall cease and the reason shall be documented. (49 CFR 382.307)

4. Any covered employee who is notified of a reasonable suspicion shall immediately cease to perform safety-sensitive functions and shall proceed to the testing site. Covered employees who do not proceed with the testing as directed may be deemed to have refused testing and will be subject to disciplinary action up to and including dismissal.

5. The Superintendent or designee shall ensure that an employee under reasonable suspicion is transported to the designated collection or testing site.

F. Prohibited Conduct/Positive Tests

Alcohol Use Controlled Substance (Drug) Use:

1. No covered employee shall report to work or remain at work while having an alcohol concentration of 0.01 or greater. If the district has actual knowledge that a covered employee has an alcohol concentration of 0.01 or greater, such covered employee will not be permitted to perform or continue to perform any safety-sensitive

functions.

2. No covered employee shall report for duty or remain on duty while under the influence or impaired by alcohol as shown by behavioral, speech, and performance indicators of alcohol misuse. The district shall not knowingly permit a covered employee under the influence of or impaired by alcohol to perform his/her job duties until the covered employee has been tested for alcohol and such test shows an alcohol concentration of less than 0.01 or at least 24 hours have elapsed from the time the district reached a determination that the covered employee was under the influence or impaired by alcohol.

3. No covered employee shall possess alcohol while on duty. If the district has actual knowledge that a covered employee is in possession of alcohol while on duty, the district will not permit the covered employee to perform or continue to perform his/her job duties. This includes the possession of medicines containing alcohol (prescription or over the counter), unless the packaging seal is unbroken.

4. No covered employee shall perform safety-sensitive functions within four (4) hours after using alcohol. If the district has actual knowledge that a covered employee has consumed alcohol within four (4) hours prior to performing any safety-sensitive function, the district will not permit the covered employee to perform his/her job duties.

5. A covered employee who is tested and found to have an alcohol concentration of .01 or greater but less than .04 may not perform or continue to perform safety-sensitive functions until the start of the covered employee's next regularly scheduled duty period, but not less than 24 hours after the test was administered, and only after a follow-up test results in an alcohol concentration of less than .01.

6. Any covered employee whose alcohol test indicates an alcohol concentration of .04 or greater and any covered employee who tests positive for a controlled substance, shall be immediately suspended from duty and shall be subject to disciplinary action up to, and including, dismissal.

7. No covered employee who has been required to take a post-accident alcohol test, as set forth above, shall use alcohol for eight (8) hours following the accident or until he/she has completed the required alcohol test, whichever occurs first.

8. Covered employees shall immediately inform their supervisor if at any time they are using a therapeutic drug that contains alcohol or controlled substances. No covered employee shall report for duty or remain on duty when the covered employee uses any controlled substance, except when the use of such controlled substance is pursuant to the instructions of a physician who has advised the district, in writing, that the substance does not adversely affect the covered employee's ability to operate a commercial vehicle or safety-sensitive functions. If the district has actual knowledge that a covered employee has used a controlled substance, the district will not permit such covered employee to perform his/her job duties.

9. No covered employee who tests positive for a controlled substance(s) as defined in DOT Final Rule 49 CFR 40 (as amended) shall perform his/her job duties.

10. No covered employee shall refuse to submit to any test required by law, policy or this regulation. Refusal to submit to an alcohol or controlled substance test is when a driver fails to provide adequate breath for testing without a valid medical explanation

after he or she has received notice of the requirement of breath testing, fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, or engages in conduct that clearly obstructs the testing schedule or process or fails to report for the test as directed. Failure to submit to a test will result in disciplinary action up to and including termination.

11. Failure to disclose to the district the use of a drug containing alcohol or a controlled substance for therapeutic purposes may result in disciplinary action up to, and including, termination.

12. Any covered employee who violates any portion of this regulation shall be subject to discipline, up to and including dismissal. Disciplinary action for a violation of this regulation shall be implemented in accordance with Board Policy and Administrative Regulation 4118/4218/4318 and the applicable Collective Bargaining Agreement.

13. Covered employees identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty. Failure to submit to test will result in disciplinary action up to and including termination.

G. Return To Duty Testing/Follow-Up Testing

1. An alcohol and/or controlled substance test shall be administered to a covered employee who has been found to be in violation of this policy and regulation prior to permitting the covered employee to return to work.

2. All return to duty and follow-up drug testing administered to an employee who has been found in violation of this policy and regulation will require observed collections under DOT Final Rule (49CFR40; effective 10/1/10)

3. A covered employee whose conduct involved violations of the controlled substance provisions of this policy and regulation shall not be permitted to return to duty until he/she submits to a controlled substance test and that such test results in a negative result for controlled substances.

4. A covered employee, who violates the provision of this policy and regulation and is allowed to return to work and is subsequently identified by a substance abuse professional as needing assistance in resolving problems associated with alcohol misuse and/or use of controlled substances shall be subject to unannounced alcohol and/or controlled substance testing. Such testing shall be conducted only when the covered employee is on duty, just before beginning of the covered employee's work shift, or just after the completion of the covered employee's work shift.

5. If a covered employee is returned to safety-sensitive duties, follow-up testing shall consist of at least six tests in the first 12 months following the driver's return to duty. A substance abuse professional may terminate the follow-up testing at any time after the first six tests if he/she determines that testing is no longer needed. Testing shall not occur beyond 60 months from the date of the covered employee's return to duty.

H. Testing Services Procedures

The Superintendent or designee shall contract with appropriate, certified organizations for the collection of testing samples and testing services, and shall ensure that testing procedures and facilities used for alcohol or controlled substance testing conform to federal and state standards and regulations.

I. POSITIVE RESULTS

1. A positive test for alcohol must be a confirmation test by an evidential breath testing device capable of printout and sequential numbering and must show an alcohol concentration of 0.01 grams of alcohol per 210 liters of breath or greater. Such a test is positive even if that concentration is caused by prescribed medication.

2. A positive test for controlled substances must be a confirmation by gas chromatography/mass spectrometry techniques and must show at least one of the following minimum test levels:

a. 15 ng/ml (nanograms per millileter) marijuana metabolite;

b. 100 ng/ml of cocaine metabolite;

c. 2000 ng/ml of either morphine or codeine;

d. 25 ng/ml of phencyclidine

e. 250 ng/ml of amphetamine or methamphetamine; and, the medical review officer must conclude there is no legitimate explanation, such as prescribed medication, for a result.

f. 10 ng/ml of acetylmorphine; or

g. 250 ng/ml of MDMA, MDA, MDEA

3. No positive test for controlled substances shall be reported to the employer until after:

a. The medical review officer has contacted the covered employee directly on a confidential basis, and given the covered employee an opportunity to discuss the test results and the covered employee's medical history, including medication, in confidence.

b. The medical review officer has given the covered employee, within 72 hours of the covered employee's notification that the test was positive, an opportunity to request that the split sample be tested by a different forensic laboratory, certified by the Department of Health and Human Services at the covered employee's expense and

c. The remainder of the split sample has been tested and found to be positive, or no timely request for such a test is made by the covered employee.

d. If the medical review officer concludes that there is a legitimate explanation for the positive test, such as prescription or over-the-counter medication or a negative result in the test of the remainder of the split sample, the medical review officer must

report the test to the employer as a negative test.

e. The medical review officer shall be a licensed physician (medical doctor or doctor of osteopathy who is Medical Review Officer (MRO) certified) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information. The MRO's specific responsibilities are outlined in the U.S. Department of Health and Human Resources (DHHS).

J. Maintenance of Records

The District shall maintain all records as required pursuant to 49 CFR, part 382.401.

1. The Transportation supervisor shall be responsible for maintaining employee drug and alcohol test results and records under strict confidentiality and in accordance with law. Except as required by law, the district shall not release information relating to alcohol and controlled substance testing performed in accordance with this policy and regulation or any records required by law.

2. A covered employee is entitled, upon written request to the district, to obtain copies of any records pertaining to the covered employee's use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substance test.

3. Records shall be made available to a subsequent employer or other identified persons only as expressly authorized in writing by the covered employee.

(cf. 4119.23/4219.23/4319.23 - Confidential/Privileged Information)

K. NOTIFICATIONS

The Transportation supervisor shall ensure that each covered employee receives educational materials that explain the requirements of the Code of Federal Regulations, (CFR) Title 49, Part 382, together with a copy of the district's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify all of the following:

1. The person or persons designated by the district to answer covered employees' questions about the materials

2. The categories of covered employees who are subject to the Code of Federal Regulations, Title 49, Part 382 and this policy and regulation

3. Sufficient information about the safety-sensitive functions performed by covered employees that make clear what period of the work day the covered employee is required to comply with Part 382

4. Specific information concerning covered employee conduct that is prohibited by Part 382

5. The circumstances under which a covered employee will be tested for drugs and/or alcohol under Part 382
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the covered employee and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct covered employee
7. The requirement that a covered employee submit to drug and alcohol tests administered in accordance with Part 382
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for covered employees found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the employee be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment
10. The consequences for covered employees found to have an alcohol concentration of .01 or greater but less than .04
11. The effects of drugs and alcohol on an individual's health, work and personal life; signs and symptoms of a drug or alcohol problem (the employee's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to a substance abuse rehabilitation program and/or referral to management
12. Other legal requirements, district policies and disciplinary consequences related to the use of alcohol and drugs.

Each covered employee shall sign a statement certifying that he/she has received a copy of the above materials.

(cf. 4020 - Drug and Alcohol-Free Workplace)

13. Before any covered employee operates a commercial motor vehicle, the Transportation Supervisor shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

14. Before drug and alcohol tests are performed pursuant to 49 CFR 382, the Transportation Supervisor shall inform the covered employees that the tests are required by these regulations.

The district shall notify covered candidates of the results of a pre-employment drug test if the covered candidate requests such results within 60 calendar days of being notified of the disposition of his/her employment application(49 CFR 382.411)

The district shall notify a covered employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are positive. The district shall also tell the covered employee which controlled substance(s) were verified as positive. Every covered employee who tests positive for alcohol and/or controlled substances

shall be advised of the resources available to that covered employee in evaluating and resolving problems associated with the abuse of alcohol or controlled substances. (49 CFR 382.411)

L. Training

The Department of Facilities and Operations shall ensure professional training of appropriate supervisory and management staff authorized to make reasonable suspicion determinations in detecting symptoms of alcohol and controlled substance use. The training shall be in accordance with federal regulations and must include at least 60 minutes each on alcohol and drug misuse including physical, behavioral, speech, and performance indicators.

Regulation HANFORD ELEMENTARY SCHOOL DISTRICT

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