
GENERAL PERSONNEL POLICIES - ALCOHOL AND CONTROLLED SUBSTANCE POLICY FOR COMMERCIAL DRIVER'S LICENSE (CDL) AND SAFETY SENSITIVE POSITIONS

Adoption Date: August 8, 1995
Revised: May 8, 2001; November 14, 2017; August 18, 2020
Legal Ref: 49 C.F.R. Part 382
Cross Ref:
Exhibit To: Procedures for Alcohol and Controlled Substance Testing for
Commercial Driver's License (CDL) Employees

It is the policy of Westfield Washington Schools (WWS) that its drivers (CDL Drivers) and employees in safety sensitive positions be free of substance abuse and alcohol abuse. Employees who hold a CDL license (Commercial Driver's License) and who drive a school bus or other vehicle that qualifies under 49 C.F.R. Part 382, and employees in safety sensitive positions, must participate in the district's controlled substance and alcohol testing program. A copy of this policy and information packet regarding the harmful effects of controlled substances and alcohol (Drivers Packet) will be provided to all employees. The Transportation Director and/or Superintendent are designated to answer questions regarding this policy.

SAFETY-SENSITIVE FUNCTION

Definition: ***Safety-sensitive function*** is all time spent either waiting to be dispatched; inspecting equipment or otherwise inspecting, servicing, and/or conditioning any commercial motor vehicle; driving; in or upon a commercial motor vehicle; loading/unloading a vehicle, supervising or assisting in the loading/unloading process, attending a vehicle being loaded/unloaded, remaining in readiness to operate a vehicle, or giving or receiving receipts for shipments loaded/unloaded; performing accident-related duties; or repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. A supervisor, mechanic or clerk, etc., who is on call to perform safety-sensitive functions may be tested at any time they are on call, ready to be dispatched while on-duty (§382.305).

TESTING PROGRAM

Participation includes initial screening for existing employees, pre-employment screening, participation in a random testing program, post-accident analysis, return to duty testing, and follow-up testing associated with alcohol or controlled substance misuse, and employees who are suspected of controlled substance and/or alcohol use. Any driver who tests positive will be subject to a minimum of six (6) follow-up tests in the first twelve (12) months. The follow-up testing period shall not exceed sixty (60) months.

Refusal to submit to alcohol/ controlled substance testing will be recorded as a positive test. An employee refuses to take a drug test if they fail to appear for a test within a reasonable amount of time; fail to remain at the testing site until the testing process is

complete; failure to provide a urine specimen or sufficient specimen without an adequate medical explanation for the failure; fail to permit the observation or monitoring of the provision of a specimen; failure to an additional drug test as directed by WWS or a collector; failure to undergo a medical evaluation as directed by the MRO; failure to cooperate; failure to follow directions during collection; or the possession or wearing of a device that could interfere with the collection process.

It is incumbent on the driver to report to his/her supervisor use of any prescription or over-the-counter controlled substances that may affect job performance or the safety of others. Drivers and other employees covered under 49 C.F.R. Part 382, must cooperate with school officials in the execution of Alcohol and Controlled Testing Procedures; the driver must sign a release for alcohol and controlled substance testing. Failure to cooperate with school officials or their agent(s) will be considered insubordination and the driver shall be terminated as a driver subject to applicable laws. Drivers or other employees who test positive shall be prohibited from driving any school vehicle and subject to discipline, up to and including discharge.

Transportation supervisors and mechanics will be trained in the detection of alcohol and controlled substance use. Information obtained in the course of testing drivers is confidential and will not be made part of the driver's personnel file or made available to a third party (excluding corporation legal counsel) without direct written consent of the driver. Attached Alcohol and Controlled Substance Testing Procedures for Commercial Driver's License (CDL) provide specific direction for execution of the policy.

If a driver is involved in an accident while driving a district vehicle, an immediate alcohol/controlled substance test must be administered. The driver is to contact the Supervisor to make arrangements for transport and testing.

COSTS

All WWS employees who test positive for controlled substances and/or alcohol, will assume responsibility for all incurred testing fees. This includes positive results on Pre-employment, Probable Cause, Random, Post-injury and Post-accident testing.

All employees who request that split specimens be forwarded to another laboratory will be responsible for the cost.

Any employee who tests positive and is referred for an evaluation by a Substance Abuse Professional (SAP), will be required to incur the costs for the Return to Duty testing and all Follow-up testing required by FMCSA/DOT and/or WWS. WWS will pay for all negative controlled substance and alcohol testing.

PROHIBITED CONDUCT

The following shall be considered "prohibited conduct" for purposes of this policy:

No employee shall report for duty or remain on duty while having an alcohol concentration greater than 0.00.

No employee shall use alcohol while performing safety-sensitive functions.

No employee shall perform safety-sensitive functions within eight (8) hours after using alcohol.

No employee required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

No employee shall refuse to submit to a post-accident, a random, a reasonable suspicion, return-to-duty, follow-up, or post-injury breath alcohol or urine controlled substance test.

No employee shall report for duty or remain on duty when the employee uses any controlled substance, except when use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to operate a commercial motor vehicle or perform a safety-sensitive function.

If WWS has actual knowledge or has reason to believe that an employee has engaged in prohibited conduct, WWS may require the employee to submit to controlled substance and/or alcohol testing. If an employee engages in prohibited conduct, the employee is not qualified to drive a commercial motor vehicle or to perform a safety-sensitive function and shall be immediately removed from service. WWS may in its discretion, at the request of the employee, keep the employee's position open while such employee attempts to become re-qualified. WWS may also, at its discretion, take action against the employee up to and including termination.

EMPLOYEE TRAINING

WWS shall provide educational materials that explain the requirements of 49 C.F.R. 382.601, consequences of violating the regulations, materials that explain the harmful effects of alcohol and controlled substance abuse, and the employer's policies and procedures with the respect to meeting these requirements. The materials supplied to employees may include information on additional employer policies with respect to the use or possession of alcohol or controlled substances, for example, the consequences for an employee found to have a specified alcohol or controlled substances level based on the employer's authority independent of 49 C.F.R. 382.601.

COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE

WWS will collect, maintain, and report to the Commercial Driver's License Drug and Alcohol Clearinghouse the following personal information:

- a. A verified positive, adulterated, or substituted drug test result;
- b. An alcohol confirmation test with a concentration over 0.00;
- c. A refusal to submit to any test required by subpart C of this part;
- d. An employer's report of actual knowledge, as defined at 49 C.F.R. 382.107;
- e. On duty alcohol use pursuant to 49 C.F.R. 382.205;
- f. Pre-duty alcohol use pursuant to 49 C.F.R. 382.207;
- g. Alcohol use following an accident pursuant to 49 C.F.R. 382.209; and

- h. Controlled substance use pursuant to 49 C.F.R. 382.213;
- i. A SAP report of the successful completion of the return-to-duty process;
- j. A negative return-to-duty test; and
- k. An employer's report of completion of follow-up testing.

WWS shall ensure that each employee is required to sign a statement certifying that he/she has received a copy of these materials described in 49 C.F.R. 382.601.