

PERSONNEL

Drug and Alcohol Testing of Employees Holding a Commercial Driver's License

The Superintendent or designee shall promulgate regulations setting forth the procedures of complying with this Policy and applicable federal or state law and regulations and shall ensure that copies of this Policy and applicable regulations are provided to each employee subject to this Policy.

A. Applicability

In compliance with the Omnibus Transportation Employee Testing Act of 1991, and Regulations of the Federal Highway Administration, contained in 49 CFR Parts 40 and 382, *et. al.*, as amended, all employees and applicants who hold or are required to hold a commercial driver's license (CDL) as a condition of employment, shall comply with this Policy.

B. Prohibitions

The manufacture, distribution, dispensation, possession, consumption, use, or sale of alcohol or illegal drugs or the unauthorized use of prescription drugs is strictly prohibited on School Board property.

No employee shall report to work, perform assigned duties, engage in School Division business in the school community, or participate in an activity involving students while the employee has detectable amounts of alcohol, illegal drugs, unauthorized prescription drugs, or illegal drug metabolites in ~~his or her~~their system.

Whether the employee has alcohol, illegal drugs, unauthorized prescription drugs, or illegal drug metabolites in ~~his or her~~their system shall be determined in accordance with medically established standards for measuring detectable amounts of these substances.

1. Alcohol concentration: No driver shall report for duty or remain on while having a detectable amount of alcohol of 0.02 breath alcohol concentration (BAC) or higher in ~~his or her~~their system or while under the influence of or impaired by alcohol.
2. Alcohol possession: No driver shall be on duty or operate a commercial motor vehicle while the driver possesses ~~alcohol,~~ unless alcohol unless the alcohol is manifested and transported as part of a shipment.
3. On-duty and pre-duty use: No driver shall use alcohol while performing safety-sensitive ~~functions, or~~functions or perform safety-sensitive functions within four (4) hours after using alcohol.
4. Refusal to submit to tests: No driver shall refuse to submit to an alcohol or controlled substance test. An employee's refusal to submit to a drug or alcohol test immediately when requested will be considered the same as a positive test result. An employee's refusal includes, but is not limited to, failure to appear for testing for any reason, leaving the testing site without prior permission from VBCPS, or failure to complete and sign an authorization and consent form.
5. Controlled substances use: No driver shall report for duty or remain on duty when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. No driver shall report for duty, remain on ~~duty~~duty, or perform a safety-sensitive function, if the driver tests positive for controlled substances.

C. Testing for safety-sensitive position

Testing for safety-sensitive positions shall include:

1. Pre-Employment
2. Post-Accident

3. Random
4. Reasonable Suspicion - Note: reasonable suspicion testing applies to all VBCPS employees (see Regulation 4-~~10.227.1~~ and Regulation 4-27.2)
5. Return-to-Duty

D. Consent

Each employee subject to this Policy will sign a certificate of acceptance and consent to disclosure form acknowledging receipt of the policy and regulations and consenting to the disclosure by ~~their~~his/her former employer of information on the employee's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years.

Legal Reference

U.S. Department of Transportation, Title 49, Part 40-Procedures for Transportation Workplace Drug and Alcohol Testing Programs: 49 CFR Part 40 in its entirety; Federal Motor Carrier Safety Administration DOT, regulation, 49 CFR, Subpart A: Controlled Substances and Alcohol Use and Testing; section 382.101-382.605, as amended.

Code of Virginia §§ 54.1-3400, et seq., as amended.

Editor's Note

See School Board Regulation 4-22.1 for Drug and Alcohol Testing of Employees Holding a Commercial Driver's License.

See School Board Regulation 4-27.1 for Use of Alcohol and Drugs/Tobacco Products.

See School Board Regulation 4-27.2 for Drug-free Workplace.

Related Links

School Board [Regulation 4-22.1](#)

School Board ~~Regulation 4-27.1~~[Regulation 4-27.110.2](#)

School Board ~~Regulation 4-27.2~~

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APPROVED AS TO
LEGAL SUFFICIENCY

Kamala H. Lenczowski

Cheryl Woodhouse