

Drug and Alcohol Testing for Bus Drivers

The Garfield Re-2 School District is committed to the safe operation of all district commercial motor vehicles. The district has adopted this drug and alcohol testing policy in accordance with federal law and regulations to prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by operators of commercial motor vehicles. This policy ensures that all employees required to hold a commercial driver's license shall be subject to controlled substance and alcohol testing.

Applicability

This policy applies to all employees in safety-sensitive positions, including part-time, temporary and substitute workers who are required to hold a Colorado Commercial Driver's License and who work in the transportation department. This policy also applies to all applicants for employment into positions requiring a Colorado Commercial Driver's License, including current district employees seeking to transfer into such positions.

The performance of "safety-sensitive" functions is defined as:

1. Waiting to be dispatched.
2. Inspecting, servicing or conditioning any commercial motor vehicle at any time.
3. All driving time. This includes all time spent at the controls of a commercial motor vehicle in operation.
4. All time other than driving time spent in or upon any commercial motor vehicle. Thus, an employee who is required to hold a commercial driver's license and is present on a district commercial motor vehicle is subject to the testing requirements of this policy even if the employee is not operating the vehicle if such employee is "on duty" as defined below.
5. All time loading or unloading a commercial motor vehicle, supervising or assisting the loading or unloading of a commercial motor vehicle and/or attending to a commercial motor vehicle being loaded or unloaded while ready to operate such vehicle.
6. All time spent following an accident involving the injury or death of any person taking all precautions necessary to prevent further accident, rendering reasonable assistance to those injured, giving information regarding the name and address of the driver and school district and other information and reporting details of the accident to the school district.

7. All time spent attempting to locate the custodian of an unattended vehicle and/or while placing driver information on an unattended vehicle after an accident where the driver's vehicle struck an unattended vehicle.
8. All time repairing, obtaining assistance or remaining in attendance upon a disabled commercial motor vehicle.

Prohibited conduct

No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any controlled substances except when the use is pursuant to the instructions of a physician who had advised the employee that the substance does not adversely affect his or her ability to safely operate a motor vehicle.

Employees shall be prohibited from any alcohol misuse that could affect performance on the job including use on the job, use during the four hours before driving, having prohibited concentrations of alcohol in their systems while driving and use during the eight hours following an accident.

Alcohol-related prohibited conduct:

1. Reporting for or remaining on duty while having an alcohol concentration of 0.02 or greater.
2. Possessing alcohol while on duty: this includes medication, either prescribed or "over-the-counter," that contains alcohol. Mere possession of alcohol will not subject an employee to a reasonable suspicion alcohol test.
3. Using alcohol while performing safety-sensitive functions.
4. Performing safety-sensitive functions, within four (4) hours after using alcohol.
5. Using alcohol within eight (8) hours following an accident where such accident requires the employee to take a post-accident alcohol test unless the employee has already completed the post-accident alcohol testing process.

Controlled substance-related prohibited conduct

1. Reporting for or remaining on duty when the employee subject to this policy uses any controlled substance, unless the medical exception applies.

An employee who uses a controlled substance pursuant to the instructions of a physician who has advised the employee that the substance, as prescribed, will not adversely effect the employee's ability to safely operate a commercial vehicle will not be considered to have violated this prohibition if the employee has used the controlled substance in no greater amount than that prescribed by the physician, and if the employee has informed the district of such prescribed use prior to the employee's performance of any safety-sensitive function.

It is important to note that there is no medical exception for medicine taken or possessed by an employee that contains alcohol, whether by prescription or "over the counter."

2. Reporting for or remaining on duty when the employee has tested positive for controlled substances.

Required testing

Employees shall be subject to pre-employment/pre-duty drug testing and to reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. These procedures use an evidential breath testing device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services shall be required.

Pre-employment drug testing shall be administered to an applicant offered a position in the district prior to the first time the driver performs any safety-sensitive function for the district.

Random alcohol testing shall be limited to the time period surrounding the performance of safety-related functions which includes just before or just after the employee performs the safety-related function. Controlled substances testing may be performed at anytime while the driver is at work.

An employee covered by the federal regulations may not refuse to take a required test.

Consequences if testing indicates drug or alcohol misuse

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-sensitive functions in accordance with the federal regulations and may be dismissed from employment with the district.

A driver who is prohibited from performing safety-sensitive functions may be assigned to non-safety-sensitive functions until such time as the driver complies with the requirements for returning to duty.

The Board retains the authority consistent with state and federal law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose

current use of alcohol or drugs affects the employee's qualifications for and performance of his job.

The district is not required under federal law requiring drug and alcohol testing to provide rehabilitation, pay for substance abuse treatment or to reinstate the employee. All employment decisions involving reinstatement, termination or dismissal shall be made in accordance with applicable district policies.

Record retention

The district shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the employee's consent, the district may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. An employee shall be entitled upon written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

Records shall be made available to a subsequent employer upon receipt of a written request from an employee only as expressly authorized by the terms of the employee's request.

Other provisions

The district shall take steps to ensure that supervisors receive proper training to administer the drug and alcohol testing program and that employees receive the notifications required by federal regulations.

Adopted: November 28, 1995
Revised: March 2004
Reviewed: January 9, 2018

LEGAL REFS.: 49 U.S.C. §2717 *et seq.* (*Omnibus Transportation Employee Testing Act of 1991*)
49 C.F.R. Part 40 (*procedures for transportation workplace drug and alcohol testing programs*)
49 C.F.R. Part 382 (*controlled substance and alcohol use and testing*)
49 C.F.R. Part 391 (*qualification of drivers*)
C.R.S. 42-2-501 *et seq.* (*Commercial Driver's License Act*)

CROSS REFS.: EEAEA, Bus Driver Requirements and Training
4 of 5

File: EEAEAA*

GBEC, Drug-Free Workplace

GDQD, Discipline, Suspension and Dismissal of Support Staff

Garfield School District No. Re-2, Rifle, Colorado