

1 Great Falls School District

2

3 **PERSONNEL**

5228P

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5 Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

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7 School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program  
8 that fulfills the requirement of the Code of Federal Regulations, Title 49, Part 382.

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10 Other persons who drive vehicles designed to transport sixteen (16) or more passengers,  
11 including the driver, are likewise subject to the drug and alcohol testing program.

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13 Testing procedures and facilities used for the tests shall conform with the requirements of the  
14 Code of Federal Regulations, Title 49, §§ 40, et seq.

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16 Pre-Employment Test

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18 Tests shall be conducted before the first time a driver performs any safety-sensitive function for  
19 the District.

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21 Safety-sensitive functions include all on-duty functions performed from the time a driver begins  
22 work or is required to be ready to work, until he/she is relieved from work and all responsibility  
23 for performing work. It includes driving; waiting to be dispatched; inspecting and servicing  
24 equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining  
25 and waiting for help with a disabled vehicle; performing driver requirements related to accidents;  
26 and performing any other work for the District or paid work for any entity.

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28 The tests shall be required of an applicant only after he/she has been offered the position.

29

30 Exceptions may be made for drivers who have had the alcohol test required by law within the  
31 previous six (6) months and participated in the drug testing program required by law within the  
32 previous thirty (30) days, provided that the District has been able to make all verifications  
33 required by law.

34

35 Post-Accident Tests

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37 Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable  
38 on any driver:

39

- 40 1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident  
41 involved loss of human life; or
- 42 2. Who receives a citation within 8 hours of the occurrence under state or local law, for a  
43 moving traffic violation arising from the accident if the accident involved:

- 1 a. Bodily injury to any person who, as a result of the injury, immediately receives
- 2 medical treatment away from the scene of the accident; or
- 3 b. One or more motor vehicles incurring disabling damage as a result of the
- 4 accident, requiring the motor vehicle to be transported away from the scene by a
- 5 tow truck or other motor vehicle.
- 6

7 Disabling damage under the law means damage which precludes departure of a motor vehicle  
8 from the scene of the accident in its usual manner in daylight after simple repairs.

9  
10 Accidents will be reported to the Superintendent or designee immediately. Drivers shall make  
11 themselves readily available for testing, absent the need for immediate medical attention.

12  
13 No such driver shall use alcohol for eight (8) hours after the accident, or until after he/she  
14 undergoes a post-accident alcohol test, whichever occurs first.

15  
16 If an alcohol test is not administered within two (2) hours or if a drug test is not administered  
17 within thirty-two (32) hours, the District shall prepare and maintain records explaining why the  
18 test was not conducted. Tests will not be given if not administered within eight (8) hours after the  
19 accident for alcohol or within thirty-two (32) hours for drugs.

20  
21 Tests conducted by authorized federal, state or local officials will fulfill post-accident testing  
22 requirements, provided they conform to applicable legal requirements and are obtained by the  
23 District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled  
24 substance testing obligation.

25  
26 Random Test

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28 Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for  
29 alcohol shall be conducted just before, during or just after the performance of safety-sensitive  
30 functions. The number of random alcohol tests annually must equal twenty-five percent (25%) of  
31 the average number of driver positions. The number of random drug tests annually must equal  
32 fifty percent (50%) of the average number of driver position. Drivers shall be selected by a  
33 scientifically valid random process, and each driver shall have an equal chance of being tested  
34 each time selections are made.

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36 Reasonable Suspicion Test

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38 Tests shall be conducted when a supervisor or District official trained in accordance with the law  
39 has reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions.  
40 This reasonable suspicion must be based on specific, contemporaneous, articulable observations  
41 concerning the driver's appearance, behavior, speech, or body orders. The observations may  
42 include indications of the chronic and withdrawal effects of controlled substances.

1 Alcohol tests are authorized for reasonable suspicion only if the required observations are made  
2 during, just before, or just after the period of the work day when the driver must comply with  
3 alcohol prohibitions. An alcohol test may not be conducted by the person who determines that  
4 reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within  
5 two (2) hours of a determination of reasonable suspicion, the District shall prepare and maintain  
6 a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after  
7 eight (8) hours.

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9 A supervisor or District official who makes observations leading to a controlled substance  
10 reasonable suspicion test shall make a written record of his/her observation within twenty-four  
11 (24) hours of the observed behavior before the results of the drug test are released, whichever is  
12 earlier.

#### 13 14 Enforcement

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16 Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up  
17 test shall not perform or continue to perform safety-sensitive functions.

18  
19 Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and  
20 including termination of employment.

21  
22 A driver who violates District prohibitions related to drug and alcohol shall receive from the  
23 District the names, addresses, and telephone numbers of substance abuse professionals and  
24 counseling and treatment programs available to evaluate and resolve drug and alcohol-related  
25 problems. The employee shall be evaluated by a substance abuse professional who shall  
26 determine what help, if any, the driver needs in resolving such a problem. Any substance abuse  
27 professional who determines that a driver needs assistance shall not refer the driver to a private  
28 practice, person or organization in which he/she has financial interest, except under  
29 circumstances allowed by law.

30  
31 An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated  
32 by a substance abuse professional to determine that he/she has properly followed the prescribed  
33 rehabilitation program and shall be subject to unannounced follow-up tests after returning to  
34 duty.

#### 35 36 Return-to-Duty Tests

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38 A drug or alcohol test shall be conducted when a driver who has violated the District's drug or  
39 alcohol prohibition returns to performing safety-sensitive duties.

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41 Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function  
42 until the return-to-duty drug test produces a verified negative result.

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1 Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function  
2 until the return-to-duty alcohol test produces a verified result that meets federal and District  
3 standards.

#### 4 5 Follow-Up Tests 6

7 A driver who violates the District's drug or alcohol prohibition and is subsequently identified by  
8 a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall  
9 be subject to unannounced follow-up testing as directed by the substance abuse professional in  
10 accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just  
11 after the time when the driver is performing safety-sensitive functions.

#### 12 13 Records 14

15 Employee drug and alcohol test results shall be maintained under strict confidentiality and  
16 released only in accordance with law. Upon written request, a driver shall receive copies of any  
17 records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her  
18 drug or alcohol test. Records shall be made available to a subsequent employer or other  
19 identified persons only as expressly requested in writing by the driver.

#### 20 21 Notifications 22

23 Each driver shall receive educational material that explains the requirement of the Code of  
24 Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and  
25 regulations for meeting these requirements. Representative of employee organizations shall be  
26 notified of the availability of this information. The information shall identify:

- 27  
28 1. The person designated by the District to answer driver questions about the materials;  
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- 30 2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49,  
31 Part 382;  
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- 33 3. Sufficient information about the safety-sensitive functions performed by drivers to make  
34 clear what period of the work day the driver is required to comply with Part 382;  
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- 36 4. Specific information concerning driver conduct that is prohibited by Part 382;  
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- 38 5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part  
39 382;  
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- 41 6. The procedures that will be used to test for the presence of drugs or alcohol, protect the  
42 driver and the integrity of the testing processes, safeguard the validity of test results, and  
43 ensure that test results are attributed to the correct driver;

- 1       7. The requirement that a driver submit to drug and alcohol tests administered in accordance  
2       with Part 382;
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- 4       8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the  
5       attendant consequences;
- 6
- 7       9. The consequences for drivers found to have violated the drug and alcohol prohibitions of  
8       Part 382, including the requirement that the driver be removed immediately from safety-  
9       sensitive functions and the procedures for referral, evaluation, and treatment;
- 10
- 11      10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater  
12      but less than 0.04; and
- 13
- 14      11. Information concerning the effects of drugs and alcohol on an individual's health, work,  
15      and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a  
16      coworker's); and available methods of intervening when a drug or alcohol problem is  
17      suspected, including confrontation, referral to an employee assistance program, and/or  
18      referral to management.
- 19
- 20      12. The requirement that the following personal information collected and maintained under  
21      this part shall be reported to the Commercial Driver's License Drug and Alcohol  
22      Clearinghouse:  
23
  - 24              a. A verified positive, adulterated, or substituted drug test result;
  - 25              b. An alcohol confirmation test with a concentration of 0.04 or higher;
  - 26              c. A refusal to submit to any test required by law;
  - 27              d. An employer's report of actual knowledge, as defined in law;
  - 28              e. On duty alcohol use;
  - 29              f. Pre-duty alcohol use;
  - 30              g. Alcohol use following an accident;
  - 31              h. Controlled substance use;
  - 32              i. A substance abuse professional report of the successful completion of the return-  
33              to-duty process;
  - 34              j. A negative return-to-duty test; and
  - 35              k. An employer's report of completion of follow-up testing.
- 36

37 Drivers shall also receive information about legal requirements, District Policies, and  
38 disciplinary consequences related to the use of alcohol and drugs

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40 Each driver shall sign a statement certifying that he/she has received a copy of the above  
41 materials.  
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1 Before any driver operates a commercial motor vehicle, the District shall provide him/her with  
2 post-accident procedures that will make it possible to comply with post-accident testing  
3 requirements.

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5 Before drug and alcohol tests are performed, the District shall inform drivers that the tests are  
6 given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be  
7 provided only after the compliance date specified in law.

8  
9 The District shall notify a driver of the results of a pre-employment drug test if the driver  
10 requests such results within sixty (60) calendar days of being notified of the disposition of  
11 his/her employment application.

12  
13 The District shall notify a driver of the results of random, reasonable suspicion, and post-  
14 accident drug tests if the test results are verified positive. The District shall also tell the driver  
15 which controlled substance(s) were verified as positive.

16  
17 Drivers shall inform their supervisors if at any time they are using a controlled substance which  
18 their physician has prescribed for therapeutic purposes. Such a substance may be used only if the  
19 physician has advised the driver that it will not adversely affect his/her ability to safety operate a  
20 commercial motor vehicle.

21  
22 Clearinghouse

23  
24 The District will comply with the requirements of the Commercial Driver’s License Drug and  
25 Alcohol Clearinghouse. The District and Transportation service providers are called upon to  
26 report DOT drug and alcohol testing program violations to the Clearinghouse. Drivers have been  
27 notified that any information subject to disclosure will be submitted to the Clearinghouse in  
28 accordance with this policy and applicable regulations.

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30 Cross Reference:

31 Policy 5227 Drug and Alcohol-Free Workplace  
32 Policy 5228 Drug and Alcohol Testing for District School Bus Drivers

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34 Legal Reference:

35 49 C.F.R Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing  
36 49 C.F.R Part 382 Controlled Substance and Alcohol Use and Testing

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38 Policy History:

39 Adopted on: April 29, 2019  
40 Revised on: May 10, 2021  
41 Revised on: June 27, 2022  
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