

**DRUG AND ALCOHOL TESTING FOR SCHOOL BUS  
DRIVERS/COMMERCIAL VEHICLE DRIVERS**

**A. Purpose and Scope**

To provide guidance and direction for administrative personnel regarding drug and alcohol testing for school bus drivers and other employees whose assigned duties require the operation of a commercial vehicle, including any vehicle designed to transport 16 or more passengers, as defined by Title 49 of the Code of Federal Regulations Section 382.107 or a “school transportation vehicle” as defined in Vehicle Code 34520.3. This includes casual, intermittent or occasional drivers as well as full-time, regularly employed drivers.

The Superintendent or designee shall contract for collection and testing services and shall ensure that testing procedures and facilities used for the tests conform with the requirements of the Code of Federal Regulations, Title 49, Part 40.

**B. General**

**Designated Employer Representative**

**The Superintendent or designee shall identify a designated employer representative who is authorized to take immediate action to remove drivers from safety-sensitive functions and to make required decisions in the testing and evaluation processes.**

**The designated employer representative shall also be responsible for receiving test results and other communications. The name and telephone number of the designated employer representative shall be provided to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)**

**Notice/Notifications**

**The Superintendent or designee shall provide each driver with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the following: (49 CFR 382.113, 382.303, 382.601)**

- 1. The identity of the person designated by the district to answer driver questions about the materials**
  
- 2. The categories of drivers who are subject to drug and alcohol testing**

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- 3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance**
- 4. Specific information concerning prohibited driver conduct**
- 5. The circumstances under which a driver will be tested for drugs and/or alcohol, including post-accident testing**
- 6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver**
- 7. The requirement that a driver submit to drug and alcohol tests**
- 8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences**
- 9. The consequences for drivers found to have violated the prohibitions against drug or alcohol use, including the circumstances under which drivers will be removed immediately from safety-sensitive functions and the requirements for education, treatment, and return-to-duty testing**
- 10. The consequences for drivers found to have a blood alcohol concentration of .01 and above.**
- 11. Information concerning the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management**

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**12. The requirement that personal information collected and maintained pursuant to 49 CFR 382 shall be reported to the Clearinghouse**

**Each driver shall sign a statement certifying receipt of a copy of the above materials. The Superintendent or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (49 CFR 382.601)**

**In addition, prior to administering each alcohol or drug test, the driver shall be notified that the test is required pursuant to Title 49, Part 382, of the Code of Federal Regulations. (49 CFR 382.113)**

**The driver shall be notified of the results of drug and alcohol tests in accordance with 49 CFR 382.411.**

~~1. Before drug and alcohol tests are performed pursuant to the 49 CFR 382, the District shall inform drivers that the tests are required by these regulations.~~

~~— The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application.~~

~~— All drivers subject to this policy and regulation shall be individually notified, in advance and in writing, that they are subject to “reasonable suspicion”, “post-accident”, “random”, “return to duty” and “follow up” testing for controlled substances and alcohol while employed by the District.~~

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

~~2. All drivers subject to this policy and regulation shall receive educational materials on alcohol misuse and controlled substance use (Code of Federal Regulations, 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:~~

~~a. The person designated by the District to answer drivers’ questions about the materials.~~

~~b. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382.~~

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- ~~c. — Sufficient information about the safety sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382.~~
- ~~d. — Specific information concerning driver conduct that is prohibited by Part 382.~~
- ~~e. — The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382.~~
- ~~f. — The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct driver.~~
- ~~g. — The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382.~~
- ~~h. — An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences.~~
- ~~i. — The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety sensitive functions and the procedures for referral, evaluation and treatment.~~
- ~~j. — The consequences for drivers found to have an alcohol concentration of .02 or greater but less than .04.~~
- ~~k. — 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 driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management.~~
- ~~l. — Other legal requirements, District policies and disciplinary consequences related to the use of alcohol and drugs.~~

~~In addition,~~

- ~~a. — all stewards at the drivers' work locations shall receive the same training provided to supervisors for reasonable suspicion determinations.~~
- ~~b. — all drivers shall be notified of the right to have a union representative present throughout the questioning and testing by a Medical Review Officer. If the driver requests union representation, questioning and testing shall be suspended for a period not greater than two (2) hours, during which time a union representative will be made available.~~

Regulation Adopted: TUSD 01/1998 Revised: 1/9/07

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3. If a driver is under the care of a licensed physician and taking a prescription medication that has a significant potential to affect or impair safety and performance of duties, the driver must notify the supervisor before beginning the work shift.

In addition, drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Drivers using such a substance may continue to perform safety-sensitive functions only if the physician has advised the driver that the substance will not adversely affect his/her ability to safely operate a commercial motor vehicle.

4. ~~Each driver shall sign a statement certifying that he/she has received a copy of the materials under B1. and B2. above.~~
5. Suggestions or concerns relating to this policy and regulation should be directed to the Associate Superintendent for Human Resources or the Assistant Superintendent for Business Services.

**C. Forms Used and Additional References**

District forms available through Human Resources Division.

**D. Procedure**

Pre-Employment Tests

~~Tests for controlled substances and alcohol shall normally be conducted before the first time a driver performs any safety sensitive function for the District.~~

~~Safety sensitive functions include all on-duty functions performed from the time a driver 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; and performing driver requirements related to accidents. (49 CFR 382.107, 395.2)~~

~~The tests shall be required of an applicant only after he/she has been offered a position subject to this policy and regulation.~~

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~~Exceptions may be made for drivers who have had the alcohol test required by law within the previous six months and participated in the drug testing program required by law within the previous 30 days, provided that the District has been able to make all verifications required by law. (49 CFR 382.301)~~

~~Pre-employment testing shall also be required of employees returning to work after a layoff period if the employee was removed from the random testing pool. If the employee remains in the random testing pool, additional testing shall not be necessary. (49 CFR 382.301)~~

**Pre-Employment Tests**

**When hiring a new driver, the Superintendent or designee shall, with the driver's written consent, conduct a pre-employment query using the Commercial Driver's License Drug and Alcohol Clearinghouse to obtain information about whether the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)**

**The Superintendent or designee shall also, with the driver's consent, request the driver's past drug and alcohol testing record, as specified in 49 CFR 40.25 and 382.413, from any employer who has employed the driver at any time during the previous three years. To the extent practicable, the Superintendent or designee shall obtain and review such information before the driver first performs safety-sensitive functions. In addition, the Superintendent or designee shall ask the driver if there was a positive test, or a refusal to test, on any pre-employment drug or alcohol test that was administered during the past two years in the course of applying for another safety-sensitive transportation position that was not obtained. (49 CFR 40.25, 382.413)**

**The driver shall not be permitted to perform safety-sensitive functions if the driver refuses to provide consent to obtain the information from previous employers or from the Clearinghouse; the information from previous employers is not received within 30 days of the date on which the driver first performed safety-sensitive functions for the district; or the driver, the Clearinghouse, or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return-to-duty process. (49 CFR 40.25, 382.413, 382.701, 382.703)**

**A driver whom the district intends to hire or use shall undergo testing for drugs and receive a verified negative test result prior to the first time the driver performs safety-sensitive functions for the district. This testing requirement may be waived if all of the following conditions exist: (49 CFR 382.301)**

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- 1. The driver has participated in a qualified drug testing program within the previous 30 days.**
- 2. While participating in the program, the driver either was tested within the past six months from the date of application or participated in a random drug testing program for the previous 12 months from the date of application.**
- 3. No prior employer of the driver of whom the district has knowledge has records of the driver's violation of federal drug testing regulations within the previous six months.**

**The Superintendent or designee shall contact the testing program(s) in which the driver has participated and obtain information about the program and the driver's participation as specified in 49 CFR 382.301.**

**In addition, the Superintendent or designee shall require the driver to undergo pre-employment alcohol testing in accordance with the procedures in 49 CFR 40.1-40.605 and to receive a test result indicating an alcohol concentration of less than 0.04. (49 CFR 382.301)**

Reasonable Suspicion Testing

~~An alcohol or drug test shall be conducted if a supervisor or district official trained in accordance with law has reasonable suspicion that a driver has violated the district's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances. (49 CFR 382.307)~~

~~Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the district shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours. (49 CFR 382.307)~~

~~A supervisor or district official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24~~

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~~hours of the observed behavior or before the results of the drug test are released, whichever is earlier. (49 CFR 382.307)~~

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

**Reasonable Suspicion Testing**

**A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)**

**The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)**

**Within 24 hours of the observed behavior or before the results of the drug or alcohol test are released, whichever is earlier, a written record of the observations leading to a reasonable suspicion test shall be made and signed by the person who made the observations. (49 CFR 382.307)**

**An alcohol test required as a result of reasonable suspicion shall be administered within eight hours following the determination of reasonable suspicion. If the test is not administered within two hours, the Superintendent or designee shall prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.307)**

**In the absence of a reasonable suspicion alcohol test, the district shall take no action against a driver based solely on the driver's behavior and appearance, except that the driver shall not be allowed to report for or remain on safety-sensitive functions until an alcohol test is administered and the results show a concentration less than 0.02 or 24 hours have elapsed following the determination of reasonable suspicion.**



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**(49 CFR 382.307)**

Return-To Duty Tests

~~A controlled substance or alcohol test shall be conducted whenever a driver who has violated the district's controlled substance or alcohol prohibition returns to performing safety sensitive duties. (49 CFR 382.309)~~

- ~~1. — Employees whose conduct involved controlled substances cannot return to duty in a safety sensitive function until the return to duty controlled substance test produces a verified negative result. (49 CFR 382.605)~~
- ~~2. — Employees whose conduct involved alcohol cannot return to duty in a safety sensitive function until the return to duty alcohol test produces a verified result that meets federal and District standards.~~

Return-To Duty Tests

**Note: Pursuant to 49 CFR 40.305, the district may return a driver to safety-sensitive functions after the driver completes required education and treatment services as described in the accompanying Board policy and a return-to-duty drug or alcohol test. Such personnel decisions may be subject to collective bargaining or other legal requirements.**

**The Superintendent or designee may permit a driver who has violated federal drug or alcohol regulations to return to safety-sensitive functions after the driver has successfully complied with the education and treatment services prescribed by a substance abuse professional and has taken a return-to-duty drug or alcohol test. The driver shall not resume performance of safety-sensitive functions unless the drug test shows a negative result and/or the alcohol test shows a concentration of less than 0.02. (49 CFR 40.305, 382.309)**

Follow-up Tests

~~A driver who violates the district's controlled substance or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a controlled substance or alcohol problem shall be subject to unannounced follow up testing as directed by the substance abuse professional in accordance with law.~~

~~Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety sensitive functions. (49 CFR 382.311)~~

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**Follow-Up Testing**

Upon receiving a written follow-up testing plan from a substance abuse professional, the Superintendent or designee shall determine the actual dates for follow-up testing consistent with those recommendations and shall ensure that such tests are unannounced and follow no discernable pattern as to their timing. No additional tests beyond those included in the plan shall be imposed by the district. (49 CFR 40.307-40.309, 382.111)

**Post-Accident Testing**

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

- ~~1. Who was performing safety sensitive functions with respect to the vehicle, if the accident involved loss of human life. (49 CFR 382.303)~~
- ~~2. Who receives a citation under state or local law for a moving traffic violation arising from the accident. (49 CFR 382.303)~~
- ~~3. Who was performing safety sensitive functions with respect to the vehicle, if the accident involved a serious medical injury.~~
- ~~4. Whose performance cannot be excluded as a contributing factor based on information available at the time of the accident.~~

~~Drivers shall make themselves readily available for testing, absent the need for immediate medical attention. (49 CFR 382.303)~~

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

~~If an alcohol test is not administered within two 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 hours after the accident for alcohol or within 32 hours for drugs. (49 CFR 382.303)~~

~~Tests conducted by authorized federal, state or local officials shall fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations. (49 CFR 382.303)~~

**Post-Accident Testing**

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As soon as practicable following an accident involving a school bus or student activity bus, the Superintendent or designee shall ensure that the driver involved is tested for alcohol and/or drugs under either of the following conditions: (49 CFR 382.303)

1. The accident involved loss of human life.
2. The driver receives a citation for a moving traffic violation within eight hours of the accident and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing.

The Superintendent or designee shall attempt to administer a required alcohol test up to eight hours following the accident and/or a drug test up to 32 hours following the accident. The results of an alcohol or drug test conducted by federal, state, or local officials having independent authority for the test shall be considered to meet this requirement. If the alcohol test is not administered within two hours following the accident, or the test for drugs is not administered within 32 hours following the accident, the Superintendent or designee shall make a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

No driver required to take a post-accident alcohol test pursuant to 49 CFR 382.303 shall use alcohol for eight hours following the accident or until the driver undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

Random Testing

~~Alcohol and drug tests shall be conducted on a random basis at unannounced times throughout the year. The number of random alcohol and drug tests shall be at least equal to those required by federal regulations. Drivers shall be selected by a scientifically valid random process, and each driver 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. (49 CFR 382.305)~~

~~Employees off work due to leaves, vacation and layoffs shall be informed that they remain subject to random testing. Employees drawn for such testing shall be notified and tested as soon as practicable after they return to duty.~~

Random Testing

The Superintendent or designee shall ensure that random, unannounced drug and alcohol tests of bus drivers are conducted on testing dates reasonably spread throughout the year.

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**Such tests shall be unannounced and conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305) The Superintendent or designee shall ensure that the percentage of district drivers randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.**

**Each driver selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)**

**Each driver who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)**

Testing Procedures

All tests for alcohol or controlled substances must comply with the requirements for such tests set forth in Title 49 of the Code of Federal Regulations, Part 40. In addition:

1. The immediate supervisor of a driver shall not serve as either a collection site person for controlled substance testing or as a breath alcohol technician for alcohol testing of that driver.
2. All testing shall be conducted in a private setting and, in the case of testing, no direct observation of a driver's urination by a collection site person is permitted except for the reasons stated in Title 49 of the Code of Federal Regulations Section 40.25, (e), and then only by a same gender collection site person who is not employed by the District.
3. The testing laboratory for controlled substance testing must be a laboratory certified for such testing by the U.S. Department of Health and Human Services. A split sample test requested by a driver shall be conducted at a different certified laboratory than the one which conducted the initial test(s).
  - a. Any tests that do not comply with the requirements of paragraph (3) above shall be treated as negative tests.
  - b. A split sample test shall be paid for by the employee. If the test is negative, the District shall reimburse the employee for the cost of the test.

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Note: The District will select the Laboratory. The District will formulate a procedure to address any complaints which surface regarding the laboratory. If the District determines that any complaint received from CSEA has validity, and if requested by CSEA, the District will meet with CSEA to evaluate whether a change of Laboratory is warranted.

4. A refusal to submit to an alcohol or controlled substance test means that a driver:
  - a. fails to provide adequate breath for alcohol testing without a valid medical explanation after he/she has received notice of the requirements for breath testing in accordance with the provisions of the District's policy; or
  - b. fails to provide an adequate urine sample for testing without a genuine inability to provide a specimen (as determined by a medical evaluation) after he/she has received notice of the requirements for urine testing in accordance with the provisions of the District's policy; or
  - c. engages in conduct that clearly obstructs the testing process.
5. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the District to have refused to submit to testing. This shall not be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
6. The consequences of a driver's refusal to submit to an alcohol or controlled substance test required under post-accident, random reasonable suspicion or follow-up testing will be that the District will prohibit the driver from performing or continuing to perform safety-sensitive functions. During the period the driver is prohibited from performing or continuing to perform safety-sensitive functions, he/she will not receive pay.
7. If a driver refuses to submit to controlled substance or alcohol testing, that driver shall be subject disciplinary action in accordance with the District/CSEA collective bargaining agreement.

Positive Tests

1. A positive test for alcohol must be either (1) 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; or (2) any other test authorized by Title 49 of the Code of Federal

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Regulations. Such a test is positive even if that concentration is caused by prescribed medication.

2. The medical review officer will determine if a confirmation test for controlled substance is positive in accordance with Title 49 of the Code of Federal Regulations, part 40, by using a gas chromatography/mass spectrometry technique.
3. No positive test for controlled substances or alcohol, conducted pursuant to this Side Letter, shall be reported to the District until:
  - a. For alcohol and controlled substances:

The medical review officer has made all reasonable efforts to contact the driver (and documented them), on a confidential basis, and attempted to give the driver an opportunity to discuss the test results and the driver's medical history, including medication, in confidence.

- b. For controlled substances:
    - 1) The medical review officer has given the driver, within 72 hours of the driver's notification that the test was positive, an opportunity to request that the remainder of the split sample be tested by a different laboratory, certified by the Department of Health and Human Services;
    - 2) 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 driver.
4. If the medical review officer concludes that there is a legitimate medical 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 District as a negative test.
5. The medical review officer shall be a licensed physician with (1) special knowledge of substance abuse disorders, (2) appropriate medical training to interpret and evaluate an individual's confirmed positive test, and (3) knowledge of the medical use of prescription drugs and the pharmacology and toxicology of alcohol and controlled substances. The medical review officer shall not be an employee of the District.

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Note: The District will select the Medical Review Officer. The District will formulate a procedure to address any complaints which surface regarding the Medical Review Officer. If the District determines that any complaint received from CSEA has validity, and if requested by CSEA, the District will meet with CSEA to evaluate whether a change of Medical Review Officer is warranted.

6. The cut-off levels in this section are those required by Federal regulation.
  - a. They will be automatically adjusted to be consistent with changes, if any, in the levels specified by those regulations. (See 49 CFR 40.29, (f).)
  - b. On the date of this Side Letter, the most relevant cut-off levels are:
    1. 15 ng/ml (nanograms per milliliter) of marijuana metabolite;
    2. 150 ng/ml of cocaine metabolite;
    3. 300 ng/ml of opiate metabolite;
    4. 25 ng/ml of phencyclidine; or
    5. 500 ng/ml of amphetamine or methamphetamine.

Effects of a Positive Test

1. Any driver who tests positive under the testing procedures (random, post accident, reasonable suspicion, return to duty and follow-up tests) will:
  - a. if the positive test is an alcohol test showing an alcohol concentration of 0.01 or greater, but less than 0.04, be placed on unpaid administrative leave for 24 hours or, at the option of the District be assigned to duties that are not safety sensitive for the same time period. Additional discipline will be based upon an assessment of all relevant factors.
  - b. if the positive test is **.01** or greater for alcohol, or positive for any controlled substances, they be subject to disciplinary action in accordance with the District/CSEA collective bargaining agreement.
2. In addition, drivers will also be subject to discipline if:
  - a. they refuse to submit to a test authorized by this policy and regulation;
  - b. they fail to complete rehabilitation recommended by the substance abuse professional which has been approved by the District; or

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- c. they subsequently tests positive for alcohol and/or for controlled substances after a return to duty test following completion of rehabilitation.
3. A permanent driver is entitled to all due process rights pursuant to the District/CSEA collective bargaining agreement. A probationary driver, as a continuing part of the selection process, is subject to immediate termination.
4. Subject to the disciplinary provisions of the collective bargaining agreement, the driver shall be evaluated by a substance abuse professional, who shall determine what assistance, if any, is needed to resolve alcohol or controlled substance problems. Any assistance sought by the employee shall be paid for entirety by the employee.
5. With respect to all positive tests, nothing shall prohibit the District from taking adverse personnel actions in accordance with its authority independent from that conferred by 49 CFR part 382 which are consistent with other policies of the District.

Miscellaneous

1. Drivers will receive their regular pay for time required to take tests specified in this policy and regulation. The District will pay for these tests.
2. The parties agree to treat all test results as confidential medical records.

**E. Reports Required**

- ~~1. All records identified pursuant to 49 CFR 382.401 and 382.403 that the district must keep for varying periods of time.~~
- ~~2. Statements signed by Bus Drivers or other employees who are assigned duties requiring operation of commercial vehicles indicating that they have received copies of this policy and regulation.~~

**E. Mandatory Reporting and Annual Queries to the Drug and Alcohol Clearinghouse**

**The Superintendent or designee shall report to the Clearinghouse any violation of federal drug and alcohol regulations, any refusal to test, and other required information by the close of the third business day following the date on which the information was obtained. (49 CFR 382.705)**



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The Superintendent or designee shall conduct a query using the Clearinghouse at least once a year for all drivers to determine whether information exists in the Clearinghouse about the drivers. (49 CFR 382.701)

In lieu of a full query, the Superintendent or designee may obtain the individual driver's consent to conduct a limited query that is effective for more than one year and informs the district about whether there is information about the driver in the Clearinghouse without releasing that information to the district. If the limited query shows that information exists in the Clearinghouse about the individual driver, the Superintendent or designee shall conduct a full query within 24 hours of conducting the limited query. If a full query is not conducted within 24 hours, the driver may not perform any safety-sensitive function until the results from a full query confirm that the driver may perform such functions. (49 CFR 382.701)

A driver may not perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)

**F. Record Retention**

The Superintendent or designee shall maintain records of the district's drug and alcohol testing program in accordance with 49 CFR 40.333 and 382.401. Such records shall be maintained in a secure location with controlled access and shall be disclosed only in accordance with 49 CFR 382.405.

- ~~1. All records identified pursuant to 49 CFR 382.401 and 382.403 that the district must keep for varying periods of time.~~
- ~~2. Statements signed by Bus Drivers or other employees who are assigned duties requiring operation of commercial vehicles indicating that they have received copies of this policy and regulation.~~
- ~~3. Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver. (49 CFR 382.405)~~

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DRIVERS/COMMERCIAL VEHICLE DRIVERS**

**G. Responsible Administrative Unit**

Human Resources  
Business Services

**H. Approved By**

The Administrator of the Division.

**Legal Reference:**

**EDUCATION CODE**

**35160 Authority of Governing Boards**

**VEHICLE CODE**

**13376 Driver certificates; revocation or suspension**  
**34500-344520.5 Safety regulations**

**CODE OF REGULATIONS, TITLE 13**

**1200-1293 Motor carrier safety, especially:**  
**1213.1 Placing drivers out-of-service**

**UNITED STATES CODE, TITLE 49**

**31306 Alcohol and controlled substances testing**  
**41501-41507 Transportation Employee Testing Act**

**CODE OF FEDERAL REGULATIONS, TITLE 49**

**40.1-40.413 Procedures for Transportation Workplace Drug and  
Alcohol Testing Programs**  
**382.101-382.727 Controlled Substance and Alcohol Use and Testing**  
**382.205 On-duty use**  
**382.207 Pre-duty use**  
**382.209 Use following an accident**

**CODE OF FEDERAL REGULATIONS, TITLE 21**

**1308.11 – 1308.15 Controlled Substances**

**DRUG AND ALCOHOL TESTING FOR SCHOOL BUS  
DRIVERS/COMMERCIAL VEHICLE DRIVERS**

**CODE OF FEDERAL REGULATIONS, TITLE 41**

**8101-8106**

**Drug-Free Workplace Act**

**GOVERNMENT CODE**

**8355**

**Certification of drug-free workplace, including  
notification**

**DRUG AND ALCOHOL TESTING FOR SCHOOL BUS  
DRIVERS/COMMERCIAL VEHICLE DRIVERS**

List of Laboratories in California and Nevada that have been approved for Urine Drug Testing  
by the Department of Health and Human Services

<del>Associated Pathologists Laboratories, Inc.</del>	<del>Sierra Nevada Laboratories, Inc.</del>
<del>4230 So. Burnham Ave., Suite 250</del>	<del>888 Willow Street</del>
<del>Las Vegas, Nevada 89119-5412</del>	<del>Reno, Nevada 89502</del>
<del>(702) 733-7866</del>	<del>(800) 648-5472</del>

<del>Centinela Hospital Airport Toxicology Laboratory</del>	<del>SmithKline Beecham Clinical Laboratories</del>
<del>9601 So. Sepulveda Blvd.</del>	<del>7600 Tyrone Avenue</del>
<del>Los Angeles, California 90045</del>	<del>Van Nuys, California 91045</del>
<del>(310) 215-6020</del>	<del>(818) 376-2520</del>

<del>National Health Laboratories Inc.</del>	<del>TOXWORX Laboratories, Inc.</del>
<del>5601 Oberlin Drive, Suite 100</del>	<del>6160 Variel Avenue</del>
<del>San Diego, California 92121</del>	<del>Woodland Hills, California 91367</del>
<del>(619) 455-1221</del>	<del>(818) 226-4373</del>

<del>National Toxicology Laboratories, Inc.</del>	<del>UNILAB</del>
<del>1100 California Avenue</del>	<del>18408 Oxnard Street</del>
<del>Bakersfield, CA 93304</del>	<del>Tarzana, California 91356</del>
<del>(805) 322-4250</del>	<del>(818) 343-8191/800-492-0800</del>

~~Nicols Institute Substance Abuse Testing~~  
~~7470 A Mission Valley Road~~  
~~San Diego, California 92108-4406~~  
~~(619) 686-3200/800-446-4728~~

~~PharmChem Laboratories, Inc.~~  
~~1505 A O'Brien Drive~~  
~~Menlo Park, California 94025~~  
~~(415) 328-6200/800-446-5177~~

~~Poisonlab, Inc.~~  
~~7272 Clairemont Mesa Road~~  
~~San Diego, California 92111~~  
~~(619) 279-2600/800-882-7272~~