

**ALCOHOL AND SUBSTANCE ABUSE POLICY FOR DISTRICT EMPLOYEES
WITH COMMERCIAL DRIVER'S LICENSES**

The Board of Education recognizes the fundamental necessity for all its employees, particularly those in safety sensitive positions, to be free from the influence of alcohol and controlled substances, so that the health and safety of the students and the public are not compromised. Toward that end and in accordance with regulations from the U.S. Department of Transportation, the Board hereby requires alcohol and controlled substance testing for all transportation department staff, as well as designated buildings and grounds staff who are required to have a commercial driver's license (CDL) in order to perform their duties.

The Superintendent of Schools or designee will establish administrative regulations to implement this policy, particularly in regard to testing methods, record procedures, notification of staff, and written acknowledgement from affected employees who receive this information.

All employees so affected by this policy will receive a copy of this policy and administrative regulations regarding testing requirements, procedures, etc., as well as information on alcohol and drug abuse and treatment resources.

Approved standardized drug and alcohol tests will be conducted under the following circumstances: (1) pre-employment (drugs only); and (2) initially upon return to duty subsequent to a confirmed positive test, as well as for monitoring thereafter.

In accordance with federal and state law, affected district employees will not be permitted to drive if they:

1. possess, consume or are reasonably believed to possess or have consumed alcohol or a controlled substance (appear under the influence) while on duty;
2. use or are under the influence of alcohol or a controlled substance within six hours before duty or within 4 hours before operating district vehicles;
3. have an alcohol concentration of 0.02 or higher, or test positive for a controlled substance;
4. refuse to take a required alcohol or controlled substance test; or
5. use alcohol within eight hours following an accident in which there was a fatality, or for which the driver received a moving violation and a vehicle was towed from the scene or an injury was treated away from the scene.

Any employee who is tested and found to have an alcohol concentration of at least 0.02, but less than 0.04, shall be removed from the position until his/her next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any employee found to have violated this requirement may be disciplined in accordance with the provisions of the applicable collective bargaining agreement, district policy, and/or law.

If a driver has an alcohol concentration of 0.04 or greater, or has engaged in prohibited alcohol or controlled substance use, he/she will be removed from driving duties, referred to a substance abuse professional, and may be subject to disciplinary action as recommended by the Superintendent. The employee may be required to complete a treatment program and/or be disciplined pursuant to district policy and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may return to duty unless he/she has successfully passed a required return to duty test. Thereafter, the driver will be subject to follow-up testing.

Should the district receive a dilute test result in which the creatinine concentration is greater than 5mg/dL in the case of any pre-employment, return-to-duty, follow-up, reasonable suspicion, or random test, it is the policy of the district that the individual shall be re-tested and that re-test will become the test of record.

The Superintendent of Schools or designee shall ensure that a copy of this policy, the district's policy on misuse of alcohol and use of controlled substances, information on alcohol and drug abuse and treatment resources and any other information prescribed by federal regulations is provided to all school bus drivers and other appropriate personnel prior to the initiation of the testing program and to each driver subsequently hired or transferred to a position subject to testing.

Ref: Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§31136; 31306
49 U.S.C. §521(b)
49 CFR Part 382
49 CFR Part 40
49 CFR §395.20
Vehicle and Traffic Law, §§509-1; 1192; 1193

Date Adopted: 5/16/06