

Drug Testing For Bus Drivers

4070.1

In an attempt to insure that all students riding the school buses of Gage County School District No. 34 are being safely transported to and from their planned destination the school district shall participate in the Omnibus Transportation Employee Testing Act of 1991. The overall goal of this act is to ensure a drug-free and alcohol-free transportation environment and to reduce accidents, injuries and fatalities. The requirements associated with drug testing of bus drivers is in addition to those other requirements established by federal or state law or any other school board policies regarding the use of alcohol and drugs. This policy shall include all persons subject to commercial driver's license requirements or any person authorized to transport students in this school district. This program shall include drug and alcohol testing for drivers for reasons of reasonable suspicion, random testing, post-accident testing, return to duty and follow-up testing, and re-employment drug testing. The superintendent of schools shall be responsible for maintaining appropriate records, and notifying drivers of the requirements and consequences of the program.

DEFINITIONS.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

Driver: Any person who operates a commercial motor vehicle. This includes full time, regularly employed drivers; casual, intermittent or occasional drivers, leased drivers and independent, owner-operated contractors.

Drugs: Includes any of the following controlled substances: marijuana, cocaine, opiates, amphetamines, and Phencyclidine (PCP).

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a school district's drug testing program.

Regulations: Those regulations promulgated by the Department of Transportation found in 49 CFR, Part 40, regulations promulgated by the Federal Highway Administration found at 49 CFR, Part 382, as from time to time amended, and those regulations set forth in Nebraska Chapter 79, Article 6.

Safety-Sensitive Function: Includes all on-duty functions performed from the time a driver begins work or is required to be ready to work until he or 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; performing driver requirements related to accidents; and performing any other work for the school district or paid work for any other entity.

PROGRAM COORDINATOR.

The board of education designates the superintendent of schools as the program coordinator for the school district's busing program and to implement the alcohol and drug-testing program of the school district within the guidelines of this policy.

ALCOHOL AND DRUG PROHIBITIONS.

No driver shall report for duty or remain on duty requiring the performances of safety sensitive functions when the driver uses any drug, 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 perform the function. No driver shall report for duty, remain on duty or perform a safety-sensitive function if the driver tests positive for drugs. No driver shall refuse to submit to a drug or alcohol test as provided under this policy. If it is suspected that a driver has reported to duty or attempts to perform a safety sensitive function within four hours after using alcohol or any drug listed above, school officials may immediately remove the individual from service and request that he or she submit to drug or alcohol tests within eight hours. If the employee tests positive for drugs or alcohol the individual shall be immediately suspended without further pay from service with the school district.

Any driver who engages in any prohibited conduct described in this policy shall be provided with the names, addresses, and telephone numbers of qualified substance abuse professionals. Any individual that tests positive for drug abuse or alcohol under this policy shall not be re-employed in any capacity unless he or she has meet the following conditions:

- I. Provides the school district with written verification from a substance abuse professional that he or she has participated and completed an appropriate substance abuse treatment program.
- II. Submits to and successfully completes a return-to-duty drug and or alcohol test.
- III. Any reassignment will not involve driving a vehicle which involves the transportation of students for a period of two years following his or her return to employment with the school district.
 - A. If the individual would choose to return to duty as a driver of a student transportation vehicle he or she shall so notify the superintendent of schools. The individual shall be subject to a follow-up random testing program which shall include no fewer than six tests during a twelve-month period prior to taking all tests necessary to requalify as a bus driver. The cost for these six tests shall be the responsibility of the individual and not paid for by the school district.

PRE-EMPLOYMENT TESTS.

Drug and alcohol tests shall be conducted in accordance with federal and state regulations noted above before any bus driver is permitted to perform a safety-sensitive function for this school district. Testing for newly hired drivers shall be conducted after the offer of employment but before employment commences. Offers of employment are contingent on this test result. A refusal to submit to drug testing and/or refusal to release information as required by Gage County School District No. 34 shall remove the applicant from employment consideration. Such testing will also be required of any employee transferring into a covered position.

Any driver or prospective driver who tests positive for the presence of alcohol and/or any controlled substance in the body may request that the original sample be reanalyzed.

Requests for retest shall be submitted in writing within five (5) working days upon receipt of the notice of a positive drug or alcohol test. If such request is not received within five (5) working days, it shall be denied and the original positive drug/alcohol test will be used in making a decision of employment or continued employment. The cost for the retest or the cost of transferring a sample to another laboratory shall be borne by the employee or prospective employee making the request. A retest using new samples shall not be permitted.

Exceptions may be made for drivers who have participated in the drug testing program required by law within the previous thirty (30) days, have been drug tested within the previous six months, or have been in a random program for the previous twelve months, and the previous employer(s) of the driver has no knowledge of a violation within the previous six months, provided that local school officials have been able to make all previous verifications required by law.

RANDOM TESTS.

The school district may conduct random drug and alcohol testing. The school district will submit driver's names in a random selection system. The random system shall be reasonably spread out throughout the school year. A minimum of fifty percent of the drivers will be selected for drug testing during the school year. A minimum of twenty-five percent of the drivers will be selected for alcohol testing during the school year. Due to the nature of random selection it is possible for some individuals to be selected more than once during the year, or it is possible for some drivers not to be selected during a school year. The superintendent will notify the drivers as they are selected for testing. The individual notified to be tested must present himself or herself for testing with twenty-four hours. Failure to submit oneself for testing shall be considered a refusal to be tested. Such refusal may, at the discretion of the superintendent of schools, result in loss of employment with the school district.

POST-ACCIDENT TESTS.

A driver of any vehicle owned, leased or rented by the school district must submit to drug and alcohol testing any time he or she is involved in an accident when:

