

ALCOHOL AND DRUG TESTING OF BUS DRIVERS

It is the objective of the Plattsburgh City School District to maintain standards of behavior, performance and discipline necessary for the safe transportation of school children and the safe and reasonable operation of all school vehicles. Any illicit or improper use of drugs and/or alcohol by school district personnel licensed to transport school children is unacceptable and will be considered to be a serious failure to meet these standards of the District.

In compliance with regulations implementing the Omnibus Transportation Employee Testing Act of 1991, employees in safety-sensitive positions as defined in the regulations, are subject to random testing for alcohol and controlled substances including: marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). The District shall adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for such employees in safety-sensitive positions.

A safety-sensitive function is defined by law as:

1. drivers of buses designed to transport 15 or more passengers;
2. drivers of commercial motor vehicles whose manufacturer's rating is 26,001 lbs. or more;
3. drivers of vehicles that haul hazardous materials; and
4. a mechanic who works on a commercial motor vehicle who will test drive the covered vehicle. If no test-driving is required, the mechanic is not subject to the regulation.

The District shall provide alcohol and drug testing of employees in safety-sensitive positions through establishing and managing its own program, by contract, or through a consortium.

The District recognizes that alcohol and drug use can negatively impact an employee's health, work performance, employment position and personal life. Consistent with the district's commitment to education and deterrence as preferable means of fulfilling the purpose of this policy, the District shall provide employees with materials detailing the effects of alcohol and drug use, the signs and symptoms of alcohol and drug use, the available methods of intervention when a suspected alcohol or drug use problem is presented, the District's policy with respect to alcohol and/or drug abuse, and the assistance and referral programs offered by the District, or available in the local area.

The District's administrators are responsible for initiating disciplinary action(s) against those personnel who use or promote illegal or improper use of drugs and/or alcohol.

There are several circumstances under which an individual will be subject to drug/alcohol screening tests:

- Pre-employment/Pre-duty: Drug testing will be conducted after an offer of employment but before an employee actually performs safety-sensitive functions for the first time. Such pre-employment testing will also be required when an employee transfers to a safety-sensitive position.
- Reasonable Suspicion: In addition, testing will be ordered if a trained supervisor has a “reasonable suspicion” that an employee has engaged in prohibited use of drugs and/or alcohol.
- Random Selection: Safety-sensitive employees are subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions.
- Post Accident: After an accident there will be post accident testing conducted on any employee subject to testing whose performance could have contributed to the accident.
- Return-To-Duty & Follow-up: Return-to-duty and follow-up testing will be conducted when an employee who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties/functions. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

In any given year, the largest number of employees to be impacted by random drug/alcohol testing will likely be those who are functioning in the District’s Transportation Department. In accordance with the Omnibus Transportation Employee Act of 1991, at least one-half of the District’s transportation-related employees, including safety-sensitive positions, will be tested randomly by a non-district operated testing service.

All employee drug and alcohol testing records will be kept confidential and shall only be revealed, where appropriate, without the driver’s consent to the employer, substance abuse professional, drug testing laboratory, medical review officer or other individual designated by law.

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration’s drug use and alcohol misuse rules for drivers of commercial motor vehicles:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- b) Being on duty or operating a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing

- alcohol (prescription and/or over-the-counter), unless the packaging seal is unbroken.
- c) Using alcohol while performing safety-sensitive functions.
 - d) Using alcohol 4 hours or less before duty.
 - e) When required to take a post-accident alcohol test, using alcohol within 8 hours following an accident or prior to undergoing a post-accident alcohol test, whichever comes first.
 - f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
 - g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver (employee) uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the driver (employee) that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
 - h) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the driver (employee) tests positive for controlled substance(s).

Employees who engage in prohibited behavior with regard to alcohol misuse or use of controlled substance(s) are subject to disciplinary action, and penalties pursuant to applicable law, District policy and collective bargaining agreements.

Any employee who tests positive for alcohol and/or controlled substance use or who refuses to take a required test must be immediately removed from driving a school bus and performing any other safety-related duty and any driver testing positive for alcohol and/or a controlled substance or who refuses to take a required test must be immediately removed from driving a school bus and performing any other safety-related duty and may be disciplined in accordance with the appropriate provisions of law and/or collective bargaining agreements, up to and including termination. The District may require rehabilitation instead of, or in addition to, discipline.

In addition, because even a small amount of alcohol in an employee's system is inconsistent with safety, an employee who tests 0.02 or greater but less than 0.04 will be removed from driving and other safety-sensitive duties until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

The Superintendent of Schools shall ensure that each bus driver and safety-sensitive employee receives a copy of the District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or his/her designee shall ensure that a copy of these materials is distributed to each driver and applicable employee, who

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shall sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as the beginning of each school year or at the time of hire for any safety-sensitive employee. Representatives of applicable collective bargaining units shall be notified of the availability of this information.

Supervisors and other personnel designated to determine whether an employee will undergo reasonable suspicion testing will receive at least one hour of training on alcohol misuse and at least one additional hour training, on controlled substance use.

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