

# **Bus Driver Requirements, Training & Responsibilities**

**EEAEA-R**

## TRANSPORTATION PERSONNEL MANDATORY DRUG and ALCOHOL TESTING

### Section 1. Background

The CCSD#1 Board of Trustees has established the following policy to comply with The Omnibus Transportation Employee Testing Act of 1991. This Act requires all operators of commercial motor vehicles (CMV's) subject to the commercial driver's license (CDL) requirements to be tested for controlled substances and alcohol. This policy has been revised to comply with 49 CFR 382 Subpart G; federal regulations published in 2016 requiring public school districts to check the CDL Drug and Alcohol Clearinghouse ("Clearinghouse") for violations before hiring and annually for all CDL drivers.

### Section 2. Policy Overview

The purpose of this policy is to establish guidelines for mandatory drug and alcohol testing requirements established through The Omnibus Transportation Employee Testing Act of 1991 for all school district employees/drivers required to have a commercial driver's license (CDL). This policy also establishes guidelines for districts to follow under 49 CFR 382 Subpart G regarding compliance checks through the Clearinghouse.

The CCSD#1 Board of Trustees recognizes that the influence and/or use of drugs, including alcohol, is capable of threatening the safety, welfare and well-being of both students and other employees and will not be tolerated.

The possession, use, transfer and/or sale of alcohol and/or any illegal drug or controlled substances while on duty or on school district property is strictly prohibited. Being under the influence of alcohol and/or any illegal drugs or controlled substances while on duty or otherwise contrary to the policies established herein is also strictly prohibited.

### Section 3. CCSD#1 Obligations to Check Clearinghouse

The CDL Drug and Alcohol Clearinghouse creates a central report of violations of the U.S. Department of Transportation's controlled substance and alcohol testing program for holders of CDLs. Public school districts are required to comply with Clearinghouse federal regulations under 49 CFR 382 Subpart G.

The school district has the responsibility of checking the Clearinghouse for violations before hiring a prospective CDL driver. Only prospective and current employers can access information from the Clearinghouse and individuals whose records are being accessed must consent to the check. Pre-employment checks require a full query which can only be completed once the applicant CDL driver creates an account with the Clearinghouse and grants electronic consent through the Clearinghouse. The school district has the responsibility to check the Clearinghouse annually for violations by all currently employed CDL drivers. The annual check requires a limited query preceded by a signed, written, time-frame specific consent from the CDL driver.

The school district may outsource both pre-employment and annual Clearinghouse inquiries. However, the Federal Motor Carrier Safety Administration makes clear that final responsibility for compliance rests with the employer and cannot be outsourced to a contractor. The school district will remain liable for compliance with Clearinghouse regulations even if a vendor performs these functions on the district's behalf. Contractors that provide services relative to the Clearinghouse also have independent liability under federal regulations for their conduct. The district should not sign any contract with a contractor that assigns contractor liability to the school.

#### Section 4. Alcohol Testing: An Overview

Alcohol tests are required as follows: pre-employment screening, post-accident testing, for reasonable suspicion, on a random basis, and upon return to duty/follow-up. The specific alcohol-related conduct which prohibits performance of the subject employee's functions include having a breath alcohol concentration of 0.02% or greater, using alcohol while in the performance of the subject employee's duties, performance of the subject employee's duties or function within four (4) hours after using alcohol, and refusing to submit to an alcohol test and using alcohol within eight (8) hours after an accident or until tested.

#### Section 5. Drug Testing: An Overview

The drug testing rules cover the same employees as the alcohol testing rules and the types of tests required are: pre-employment, reasonable suspicion, post-accident, random, return-to-duty/follow-up. All drug test results are reviewed and interpreted by a medical review officer (MRO), before they are reported to school district officials. Any unauthorized use of the drugs and controlled substances set forth herein are prohibited. The illicit use of drugs by safety sensitive employees/drivers is prohibited on or off duty.

#### Section 6. Required Testing

The following test(s) shall be required by the school district of all employees subject to testing pursuant to this policy:

- a. **Pre-Employment/Job Applicant Testing**  
All applicants for positions with CCSD#1 requiring a CDL and/or otherwise covered by this policy will be required to undergo drug screening prior to their employment.
- b. **Random Employee Testing**  
To maintain the CCSD#1's policy of assuring the safety, health and well-being of students, employees and the traveling public, CCSD#1 retains the right to randomly test for alcohol and/or illegal drugs all employees who are covered by and/or subject to this policy.
- c. **Reasonable Suspicion Test**  
Any supervisor of an employee subject to this policy who has reasonable suspicion that an employee under his/her supervision is guilty of abuse and/or untimely use of alcohol and/or controlled substances or drugs may require the employee to undergo a drug and/or alcohol test.
- d. **Employee Post-Accident Testing**  
CCSD#1 shall require an employee to undergo drug and/or alcohol testing after an accident in which the employee was operating a vehicle owned, leased or rented by CCSD#1 when (1) the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation), and/or (2) for all fatal accidents even if the driver is not cited for a moving traffic violation.

e. **Return to Duty/Follow-Up Testing**

Any employee who is allowed to return to duty either under this policy, or any other CCSD#1 policy, after engaging in conduct prohibited by this policy (i.e., following the abuse and/or untimely use of alcohol and/or controlled substances or drugs) shall undergo either a return-to-duty alcohol test, with a result indicating an alcohol concentration of less than 0.02%; and/or shall undergo a return-to-duty controlled substances test with a result indicating a verified result for illegal drugs/controlled substance use.

Section 7. Alcohol Testing Procedures

All alcohol breath tests shall be conducted on an approved evidential breath testing device (EBT) by a trained breath alcohol technician (BAT).

Section 8. Drug Testing Policy Notice

All employees and job applicants will be advised of CCSD#1's drug testing program. Notice of the program will be posted on employee bulletin boards and copies of the program will be available for job applicants and employees to review. Any employee may appeal his termination or other disciplinary action taken under this policy to the extent and in the manner any such appeal is authorized by Board policy and/or appropriate state law.

Effective: June 15, 2021