

EAST MILLINOCKET SCHOOL BOARD POLICY
DRUG AND ALCOHOL TESTING OF SCHOOL BUS
DRIVERS - PROCEDURES

NEPN/NSBA CODE: EEAEAA-R

The purpose of this rule is to provide guidance to supervisors and notice to drivers concerning the implementation of alcohol and controlled substance testing required by federal regulations. It does not attempt to provide a complete overview of or to limit or modify federal regulations, which should be referred to for more detailed information concerning testing procedures and consequences.

Program Administrator

The Superintendent of Schools has been designated as the Alcohol/Drug Testing Program Administrator. Questions concerning the testing program should be directed to the Program Administrator.

Substances Tested For

References to tests in this rule include both drug and alcohol tests unless the context specifies otherwise. The term drug and controlled substances are interchangeable and have the same meaning. Drugs refer to marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamines).

Drivers Subject to Testing

All drivers who must have a Commercial Drivers License to perform their duties will be subject to the alcohol and/or drug testing as outlined in this rule and required by 49 C.F.R. Part 382.

Driver Compliance with Rule and Regulations

All employees must comply with this rule and federal regulations during any portion of the work day that they perform any duties relating to driving, including, but not limited to: 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.

Prohibited Conduct

Drivers will not:

1. Report to and/or remain on duty with an alcohol concentration of 0.02 or greater;
2. Possess any alcohol while on duty;
3. Use any alcohol while on duty;
4. Use any alcohol within four hours before going on duty;
5. Use any alcohol for eight hours after an accident which will require the driver to be tested for alcohol, or until tested after such an accident, whichever occurs first;
6. Refuse to submit to a required alcohol and/or controlled substances test;
7. Report to or remain on duty when using any controlled substance, except when used under a physician's orders and the physician has informed the driver that the use will not affect the safe operation of a vehicle.
8. Report to or remain on duty if he/she has tested positive for controlled substance.

Test Required

All drivers who are subject to testing will be tested under the following circumstances:

1. **Pre-Employment.** Tests will be administered before a driver performs any safety-sensitive functions for the District.

The tests will be required of an applicant only after he/she has been offered the position. Employment is conditional upon the applicant receiving negative alcohol and drug test results.

2. **Random.** Tests will be conducted on a random basis at unannounced times throughout the year. Tests for alcohol will be conducted just before, during or just after the performance of safety-sensitive functions. The number of random alcohol tests annually will equal 25% of the average number of driver positions. The number of random drug tests annually will equal 50% of the average number of driver positions. Drivers will be selected by a scientifically valid random process and each driver will have an equal chance of being tested each time selections are made.

The School Department has entered into a consortium including drivers from other school districts and the 25 and 50 percent levels will apply to the entire pool of drivers.

3. **Post-accident.** Drivers will be tested as soon as possible after any accident: (a) involving a fatality, or (b) if the driver receives a summons for a moving traffic violation as a result of the accident.
4. **Reasonable suspicion.** Tests will be conducted when a supervisor trained in accordance with the law has reasonable suspicion that the driver has violated the alcohol or drug prohibitions. This reasonable suspicion will be based on specific 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.
5. **Return to duty.** A drug or alcohol test will be conducted, when a driver who has violated the school departments drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

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 the school departments standards.

6. **Follow-up.** A driver who violates one of the prohibitions listed in Section V above and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem will be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing will be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions. A driver who previously tested positive and has returned to duty must submit to at least six (6) alcohol and/or controlled substance tests during the first year after returning to work. Follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to work.

Testing Procedures

The School Department will arrange to have testing performed by persons and at facilities having adequate expertise to ensure that testing will be performed in a manner to 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.

All testing for alcohol misuse will be conducted by trained Breath Alcohol Technicians (BATS). All testing to determine alcohol use or misuse will utilize measurement of expired breath with an Evidential Breath Test Device (EBT).

Requirement that Drivers Must Submit to Tests

All drivers who are required by federal regulations to be subjected to tests must fulfill that requirement when so directed by the Program Administrator. Once a driver has been directed to submit to a test, s/he will proceed directly to the testing area. Drivers must comply with the lawful requests of the technician performing the test. Failure to comply with the regulations of this rule will be ground for disciplinary action up to and including dismissal.

Refusal to Test

The following circumstances will be construed as refusing to submit to a test:

1. Failure to report to the designated testing area within thirty (30) minutes of being notified to submit to a required test; or
2. Failure to provide a sufficient sample to be tested, either breath or urine as the case may be, unless medically determined impossible to do so.

Records

Employee drug and alcohol test results and records will be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver will 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 will be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Use of Prescription Drugs

Drivers will inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a vehicle.

Enforcement

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1. General rule. Any driver who violates either the Federal Motor Carrier Safety Regulations or this rule may be subject to disciplinary action up to and including dismissal.
2. Removal from duty. Any driver who tests positive for alcohol concentration of .02 or above or drug use will immediately be relieved from duty, without pay, for a minimum of 24 hours. No such driver will be returned to duty, if at all, until the provisions of this section have been satisfied.
3. Disciplinary action. An employee receiving a test indicating a blood alcohol concentration of .04 or above or a positive test for controlled substances will be dismissed from employment unless the employee must first be allowed treatment under 26. MRSA, Section 685 or other law, or if the superintendent determines that compelling mitigating circumstances exist. A test indicating a blood alcohol concentration of .02 but less than .04 will be grounds for discipline, up to and including dismissal, except as limited by law.
4. Referral. A driver who violates the school department's prohibitions listed in Section V above will be given the names, addresses and telephone numbers of substance abuse professionals and counseling programs available to evaluate and resolve drug and alcohol-related problems. The driver will be evaluated by a substance abuse professional who will determine what assistance, if any, the employee needs in resolving problems associated with drug use or alcohol misuse.
5. Conditions of reinstatement. Before a driver is returned to safety-sensitive duties, if at all, the driver must:
 - a) Have been evaluated by a substance abuse professional.
 - b) Have complied with any recommended treatment.
 - c) Have taken a return-to-duty test with a result indicating an alcohol concentration level of less than 0.02 and/or a verified negative test for controlled substances.

Information

The Program Administrator will provide each driver subject to the Federal Motor Carrier Safety Regulations with a copy of this rule. In addition, the Program Administrator will provide printed material which describes the effects of alcohol and/or controlled substance use or abuse on the individual's health, work, and personal life, as well as information on the signs and symptoms of an alcohol or controlled substances problem.

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Any driver who wishes to seek personal and confidential advise on an alcohol and/or controlled substance problem may contact the Superintendent of Schools.

Adopted Date: 10-10-95

ACKNOWLEDGEMENT

I certify that I have received a copy of the East Millinocket School Department's Administrative Rule on Alcohol and Drug Use and Testing and other printed material explaining the effects of an alcohol and/or controlled substance problem.

Date

Driver's Signature