

Drug and Alcohol Testing for Bus Drivers

In accordance with federal law and regulations, the district shall be responsible for implementing a drug and alcohol testing program for school bus drivers. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by bus drivers.

Prohibited conduct

Drivers shall be prohibited from any alcohol misuse that could affect performance on the job including use on the job, use during the four hours before driving, having prohibited concentrations of alcohol in their systems while driving and use during eight hours following an accident.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect his or her ability to safely operate a motor vehicle.

Required testing

Drivers shall be subject to pre-employment/pre-duty drug testing and to reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. These procedures use an evidential breath testing device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services shall be required.

Pre-employment drug testing shall be administered to an applicant offered a position in the district prior to the first time the driver performs any safety-sensitive function for the district.

Random alcohol testing shall be limited to the time period surrounding the performance of safety-related functions which includes just before or just after the employee performs the safety-related function. Controlled substances testing may be performed at anytime while the driver is at work.

An employee covered by the federal regulations may not refuse to take a required test.

Consequences if testing indicates drug or alcohol misuse

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions in accordance with the federal regulations. Before a driver is reinstated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified test results.

A driver who is prohibited from performing safety-sensitive functions may be assigned to non-safety-sensitive functions until such time as the driver complies with the requirements for returning to duty.

The Board retains the authority consistent with state and federal law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affect the employee's qualifications for and performance of his or her job.

The district is not required under federal law requiring drug and alcohol testing to provide rehabilitation, pay for substance abuse treatment or to reinstate the employee. All employment decisions involving reinstatement, termination or dismissal shall be made in accordance with applicable district policies *[optional language]* and negotiated agreements.

Record retention

The district shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, the district may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A driver shall be entitled upon written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

Records shall be made available to a subsequent employer upon receipt of a written request from a driver only as expressly authorized by the terms of the driver's request.

Other provisions

The district shall take steps to ensure that supervisors receive proper training to administer the drug and alcohol testing program and that employees receive the notifications required by federal regulations.

Adoption date

LEGAL REFS.: 49 U.S.C. §2717 *et seq.* (*Omnibus Transportation Employee Testing Act of 1991*)
49 C.F.R. Part 40 (*procedures for transportation workplace drug and alcohol testing programs*)
49 C.F.R. Part 382 (*controlled substance and alcohol use and testing*)
49 C.F.R. Part 391 (*qualification of drivers*)
C.R.S. 25-1.5-106(12)(b) (*possession or use of medical marijuana in or on school grounds or in a school bus is prohibited*)
C.R.S. 42-2-401 *et seq.* (*Commercial Driver's License Act*)

CROSS REFS.: EEAEA, School Transportation Vehicle Operator Requirements and Training
GBEC, Alcohol and Drug-Free Workplace
GDQD, Discipline, Suspension and Dismissal of Support Staff

[Reviewed February 2009/Revised legal ref. January 2012]

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