

CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR COMMERCIAL MOTOR VEHICLE (CMV) DRIVERS

Reference:49 CFR 382.101 et. seq.

Purpose

The Board of Directors believes that the safety of students, while being transported to and from school or Academy activities, is of utmost importance and is the primary responsibility of the driver of the Academy vehicle. To fulfill such a responsibility, each driver (and any others who perform safety-sensitive functions with Academy vehicles) must be mentally and physically alert at all times while on duty.

To that end, the Board has established this policy, which includes an alcohol and controlled substances testing program. The Board expects all Drivers to comply with Board Policy 3122.01 on Drug Free Workplace which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times.

Further, the Board concurs with the Federal requirement that all Drivers should be free of any influence of alcohol or controlled substance while on duty. Therefore, participation in the alcohol and controlled substances testing program is a condition of employment for all Drivers.

Covered Employees

This policy covers all commercial driver's license (CDL) holders and regular and substitute bus drivers as well as other staff who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL.

This policy also covers other staff members who drive students in or inspect, service, and condition non-CMV District vehicles.

Definitions

For purposes of this policy and the guidelines associated with this policy, the following definitions shall apply:

- A. The term *alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol. This term is a volume breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test as described herein.
- B. The term *controlled substance* includes any illegal drug, the possession or use of which is unlawful pursuant to Federal, State and local laws and regulations, and any drug being used illegally (such as a prescription drug illegally obtained or used for unintended purposes or in a quantity not prescribed. The term does not include any legally obtained prescription drug used for its intended purpose and in its prescribed quantity unless such use impairs the individual's ability to safely perform safety-sensitive functions. This term includes, but is not limited to, marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, phencyclidine (PCP).

- C. The term *controlled substance abuse* includes excessive use of alcohol and/or prescribed drugs not used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
- D. The term *safety-sensitive functions* includes waiting to be dispatched, inspecting equipment, servicing, driving, loading or unloading Academy vehicles, as well as repairing, obtaining assistance, or remaining in attendance upon a disabled Academy vehicle. This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.
- E. The term *CDL license holder* means all *Driver* CDL holders and regular and substitute bus drivers who operate a commercial motor vehicle while on duty, as well as other staff members who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL.

This policy also covers other staff members who drive students in or inspect, service, and condition non-CMV Academy vehicles.

- F. The term *while on duty* means all time from the time the Driver begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

Procedures

The **Principal or Principal Designee** shall establish a drug and alcohol testing program whereby each Driver is tested for the presence of alcohol in his or her system and for the presence of the following controlled substances:

- A. marijuana;
- B. cocaine;
- C. opiates;
- D. amphetamines; and/or
- E. phencyclidine (PCP).

The alcohol and controlled substances tests are to be conducted in accordance with Federal and State regulations:

- a.) prior to employment (controlled substances only)
- b.) reasonable suspicion
- c.) upon return to duty after any alcohol or drug rehabilitation
- d.) after any accident,
- e.) on a random basis
- f.) on a follow-up basis.

Any staff member who tests positive as defined in the guidelines shall be:

- immediately prohibited from driving any Academy vehicle or conducting a safety sensitive function
- evaluated by a substance abuse professional
- provided information regarding drug/alcohol counseling; or referred to the Academy's Employee Assistance Program
- subject to discipline, up to and including discharge, in accordance with Academy guidelines

No staff member who has tested positive for alcohol or a controlled substance may be returned to a safety sensitive position without having been evaluated by a qualified substance abuse professional (SAP), completed any required treatment program, and passed a retest. Return to a safety sensitive position is solely at the Academy's discretion.

Prior to the beginning of the testing program, the **Principal or Principal Designee** shall provide training for all employees, including Drivers and their supervisors about:

- A. the dangers of illegal drug use and controlled substance and alcohol abuse;
- B. indicators of probable alcohol misuse and controlled substance abuse;
- C. Board Policy 3122.01 Drug-Free Workplace, Policy 3161 Involuntary Leaves of Absence, and Policy 3170 Substance Abuse;
- D. the sanctions that may be imposed for violations of Policy 3122.01.

Principal or Principal Designee shall arrange for periodic retraining of supervisors and staff members as necessary. The **Principal or Principal Designee** shall provide a copy of this policy and testing guidelines to all Drivers and will include available resources to assist employees with problems related to the use of alcohol and controlled substances.

The **Principal or Principal Designee** shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

- A. tests of all first and second test urine samples;
- B. clear and consistent communication with the School Leader's Medical Review Officer (MRO);
- C. methodology and procedures for conducting random tests for controlled substances and alcohol; and
- D. preparation and submission of all required reports to the School Leader's MRO, and to Federal and State governments.

The **Principal or Principal Designee** shall also select the agency or persons to conduct the alcohol breathalyzer tests, MRO, and the drug collection site(s), in accordance with the requirements of the law.