



**DRUG AND ALCOHOL TESTING GUIDELINES FOR DRIVERS**

Drivers who operate a motor vehicle requiring a commercial driver's license are subject to a drug and alcohol testing program that fulfills the requirements of the federal regulations.

These District guidelines reflect several requirements of the federal regulations but are not intended in any way to modify or limit the procedures for drug and alcohol testing specifically addressed in the federal regulations. District personnel will adhere to the detailed provisions of federal regulations in administering the District's drug and alcohol testing program.

References to "tests" in these regulations include both drug and alcohol tests unless the context specifies otherwise.

A. Types of Testing

1. Pre-Employment Tests

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. The tests will be required of an applicant only after he/she has been offered the position. Employment with the District is conditional upon the applicant receiving a negative drug testing result.

2. Post-Accident Tests

Tests will be conducted as soon after an accident as practicable on any driver who:

- a. Was performing a safety-sensitive function with respect to the vehicle and the accident involved loss of human life, one or more persons requiring medical treatment and/or one of the vehicles being towed from the scene.
- b. Received a citation under state or local law for a moving traffic violation arising from the accident.

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No driver involved in an accident may use alcohol for (six) 6 hours after the accident or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within (two) 2 hours, or if a drug test is not administered within 32 hours after the accident, the District will prepare and maintain records explaining why the test was not conducted.

Tests conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill drug testing obligations.

**3. Random Tests**

The District will conduct tests on a random basis at unannounced times throughout the year. Random alcohol testing shall be limited to the time period surrounding the performance of safety-sensitive functions which includes just before or just after the employee performs the safety-sensitive functions. Random tests for drugs do not have to be conducted in the immediate time proximity to performing safety-sensitive functions. Once notified of selection for testing, a driver must proceed immediately to a designated collection site to provide a urine and/or breath specimen.

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 number of bus drivers selected for random testing will be in accordance with federal regulations.

**4. Reasonable Suspicion Tests**

Tests must be conducted when a supervisor or administrator who has been trained to recognize signs or symptoms of drug or alcohol use has reasonable suspicion that the driver has violated the District's alcohol or drug use prohibitions. This reasonable suspicion must be based on specific

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contemporaneous observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of chronic and withdrawal effects of drugs.

Alcohol tests will be authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the work day when the driver must comply with alcohol prohibitions. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the District will prepare and maintain a record explaining why this isn't done. Attempts to conduct alcohol tests will terminate after eight hours. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

A supervisor or District official who makes a finding of reasonable suspicion also must make a written record of his/her observations leading to a reasonable suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

**5. Return-to-Duty Tests**

A test will be conducted when a bus driver who has violated the District's drug or alcohol use prohibition returns to performing safety-sensitive duties.

Bus drivers whose conduct involved misuse of drugs may not return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Bus drivers whose conduct involved misuse of alcohol may not return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified negative result that meets federal and District standards.

**6. Follow-Up Tests**

A bus driver who violates the District's drug or alcohol use prohibition 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

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professional in accordance with the law. Follow-up alcohol testing will be conducted just before, during or just after the time when the driver is performing safety-sensitive functions.

**B. Record Keeping**

Upon receiving the bus driver's required consent, the District will 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 drugs, including information pertaining to alcohol or drug tests.

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

**C. Notifications**

The District shall take steps to ensure that employees receive the notifications required by federal regulations.

**1. Driver Notification of Requirements**

Each bus driver will receive materials that explain the federal alcohol and drug testing requirements (49 C.F.R. Part 382), together with a copy of the District's policy and regulations for meeting these requirements. The District will inform drivers of this information before drug and alcohol tests are performed. Each driver must sign a statement certifying that he/she has received a copy of the District's policy and regulations.

**2. Driver Notification of Test Results**

The District will notify a bus driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application.

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The District will notify a bus driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The District also will inform the driver which drugs were verified as positive.

3. Transportation Supervisor Notification of Prescription Drug Use

A bus driver will inform the transportation supervisor if at any time he/she is using a drug which his/her physician has prescribed for therapeutic purposes. Such a drug may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

D. Enforcement

Any bus driver who refuses to submit to post-accident, random, reasonable suspicion or follow-up tests will not be allowed to perform or continue to perform safety sensitive functions. A driver who in any other way violates District prohibitions related to drug or alcohol use will receive from the District the names, addresses and telephone numbers of substance abuse professional and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee will be evaluated by a substance abuse professional who will determine what help, if any, the driver needs in resolving such a problem.

Any substance abuse professional who determines that a bus driver needs assistance will not refer the driver to a private practice, person or organization in which he/she has a financial interest except under circumstances allowed by law.

Before a driver is returned to safety-sensitive functions, if at all, the District must ensure that the employee:

1. Has been evaluated by a substance abuse professional;
2. Has complied with any recommended treatment;
3. Has taken a return-to-duty test (alcohol tests must indicate an alcohol concentration level of less than 0.02); and

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4. Is subject to unannounced follow-up tests. The number and frequency of such follow-up testing will be as directed by the substance abuse professional and consist of at least six tests in the first twelve (12) months following the bus driver's return to duty.

**E. Staff Training**

The District shall take steps to ensure that supervisors receive proper training to administer the bus driver drug and alcohol testing program. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.

Adopted: December 1995

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