

# CENTENNIAL SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: DRUG AND ALCOHOL  
TESTING – COVERED  
DRIVERS

ADOPTED: April 12, 2016

REVISED:

<p>1. Authority 49 CFR Sec. 382.601 Pol. 351</p> <p>2. Definitions 49 CFR Sec. 382.107</p> <p>49 CFR Sec. 40.85, 382.107</p>	<p style="text-align: center;">810.1. DRUG AND ALCOHOL TESTING – COVERED DRIVERS</p> <p><b>The Board recognizes</b> that the use and misuse of controlled substances and alcohol is a serious problem that may be present in the workplace. The Board also recognizes that an employee impaired by controlled substances or alcohol who operates a District school bus, school vehicle or commercial motor vehicle poses significant risks to the safety of students and others.</p> <p><b>Commercial motor vehicle</b> means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:</p> <ol style="list-style-type: none"> <li>1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;</li> <li>2. Has a gross vehicle weight rating of 26,001 or more pounds;</li> <li>3. Is designed to transport sixteen (16) or more passengers, including the driver;</li> <li>4. Is of any size and is used in the transportation of materials found to be hazardous under law and require the motor vehicle to be placarded.</li> </ol> <p>The term controlled substance is defined under both federal regulations and state law.</p> <p><b>Controlled substance</b> is defined under federal regulations as the controlled substances or classes/categories of controlled substances that are allowed to be tested for under the District’s testing program, which are:</p> <ol style="list-style-type: none"> <li>1. Marijuana metabolites/THC;</li> <li>2. Cocaine metabolites;</li> <li>3. Amphetamines, methamphetamine, and Methylenedioxymethamphetamine (MDMA);</li> </ol>
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<p>75 Pa. C.S.A. Sec. 3802</p>	<p>4. Opiate metabolites, codeine, morphine, and heroin; and</p> <p>5. Phencyclidine (PCP).</p> <p><b>Controlled substances</b> is defined under state law as any:</p>
<p>49 CFR Sec. 382.107</p>	<p>1. Schedule I, controlled substance as defined in the Controlled Substance, Drug, Device and Cosmetic Act;</p> <p>2. Schedule II or III controlled substance as defined in the Controlled Substance, Drug, Device and Cosmetic Act that has not been medically prescribed for the individual; or</p> <p>3. Metabolite of any substance listed above.</p>
<p>49 CFR Sec. 382.107</p>	<p><b>Covered driver</b> means <b>any</b> District employee <b>who operates a commercial motor vehicle</b>. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.</p>
<p>49 CFR Sec. 382.107</p>	<p><b>Licensed medical practitioner</b> means a person who is licensed, certified, and/or registered, in accordance with applicable federal, state, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.</p>
<p>49 CFR Sec. 382.107</p>	<p><b>Performing a safety sensitive function</b> means that a covered driver is considered to be performing a safety sensitive function during any period in which s/he is actually performing, ready to perform, or immediately available to perform any safety sensitive functions.</p>
<p>49 CFR Sec. 382.107</p>	<p><b>A refusal to submit</b> means that <b>a driver:</b></p> <p>1. Fails to appear for any test, except a pre-employment test, within a reasonable time, as determined by the District, consistent with applicable regulations, after being directed to do so.</p> <p>2. Fails to remain at the testing site until the testing process is complete.</p> <p>3. Fails to provide a urine specimen for any controlled substance test.</p> <p>4. In the case of a directly observed or monitored collection in a controlled substance test, fails to permit the observation or monitoring of the driver's provision of a specimen.</p>



<p>75 Pa. C.S.A. Sec. 102</p>	<p><b>School vehicle</b> means a motor vehicle, except a motorcycle, designed for carrying no more than ten (10) passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to the school District. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children.</p>
<p>3. Guidelines</p>	<p><u>Prohibited Conduct</u></p>
<p>Title 67 Sec. 71.3 49 CFR Sec. 382.205</p>	<p>A school bus, school vehicle, or covered driver shall not consume <b>alcohol while</b> operating a school bus, school vehicle, or performing a safety sensitive function.</p>
<p>75 Pa. C.S.A. Sec. 1612</p>	<p>A District employee shall not drive, operate, or be in physical control of a school vehicle, school bus or commercial motor vehicle while having any alcohol in his/her system.</p>
<p>75 Pa. C.S.A. Sec. 3802</p>	<p>A District employee shall not drive, operate or be in physical control of the movement of a school bus or school vehicle while under the influence of a controlled substance or combination of controlled substances, or the combined influence of alcohol and a controlled substance or substances.</p>
<p>Title 67 Sec. 71.3</p>	<p>A school bus or school vehicle driver shall not consume <b>alcohol</b> or a controlled substance <b>within eight (8) hours</b> in advance of driving a school bus or school vehicle.</p>
<p>49 CFR Sec. 382.207</p>	<p>A covered driver shall not perform safety sensitive functions within four (4) hours after consuming alcohol.</p>
<p>49 CFR Sec. 382.213</p>	<p>A <b>covered driver shall not report for duty or remain on duty</b> requiring the performance of safety sensitive functions:</p> <ol style="list-style-type: none"> <li>1. <b>When the driver uses or any controlled substance, except when the use is pursuant to the written instructions or prescription of a licensed medical practitioner, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate</b> a commercial motor vehicle.</li> </ol>
<p>49 CFR Sec. 382.215</p>	<ol style="list-style-type: none"> <li>2. When the driver <b>tests positive for any controlled</b> substance or has adulterated or substituted a test specimen for controlled substances.</li> </ol>
<p>49 CFR Sec. 382.201</p>	<ol style="list-style-type: none"> <li>3. <b>While having an alcohol concentration of 0.04 or greater.</b></li> </ol>

<p>49 CFR Sec. 382.209</p>	<p><b>A covered driver required to take a post-accident alcohol test</b> under this policy <b>shall not use alcohol for eight (8) hours following the accident, or until s/he undergoes a post-accident alcohol test, whichever occurs first.</b></p>
<p>49 CFR Sec. 382.211</p>	<p>A <b>covered driver shall not refuse to submit to</b> the following required tests:</p> <ol style="list-style-type: none"> <li>1. <b>Post-accident alcohol or controlled substances test.</b></li> <li>2. <b>Random alcohol or controlled substances test.</b></li> <li>3. <b>Reasonable suspicion alcohol or controlled substances test.</b></li> <li>4. <b>Follow-up alcohol or controlled substances test.</b></li> </ol>
<p>49 CFR Sec. 382.201- 382.215, 382.501</p>	<p>The District shall not permit a District employee to drive or operate a school bus, school vehicle, or commercial motor vehicle or perform or continue to perform a safety sensitive function if the District determines or has actual knowledge that a driver has violated any of the above prohibitions.</p>
<p>49 CFR Sec. 382.111 Pol. 317</p>	<p><b>Consistent with contractual and legal requirements, a determination shall be made as to the appropriate disciplinary action, if any, to be imposed upon any school bus, school vehicle, or covered driver who violates this policy. Nothing in this policy shall be construed to limit the authority of the School District to impose discipline, including discharge, as it shall determine so long as the minimums set forth in this policy are satisfied.</b></p>
<p>49 CFR Sec. 382.501, 382.505</p>	<p><b>Any covered driver tested under this policy that is found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended without pay at least until the start of the covered driver’s next regularly scheduled duty period that is at least twenty-four (24) hours following administration of test.</b></p>
<p>49 CFR Sec. 382.501</p>	<p>Consistent with federal regulations, <b>any covered driver who:</b></p> <ol style="list-style-type: none"> <li>1. <b>Reports or remains on duty while having an alcohol concentration of 0.04 or greater;</b></li> <li>2. Uses alcohol while performing a safety sensitive function;</li> <li>3. Used alcohol within four (4) hours of performing a safety sensitive function;</li> <li>4. Uses <b>alcohol in contravention of a post-accident alcohol test</b> requirements;</li> </ol>

<p>75 Pa. C.S.A. Sec. 1612, 3802</p> <p>49 CFR Sec. 382.601</p> <p>49 CFR Sec. 382.301 Pol. 304, 810</p> <p>49 CFR Sec. 382.303</p>	<p>5. <b>Reports for or remains on duty when the driver uses or has used any controlled substance, except when the use is pursuant to the written instructions or prescription of a licensed medical practitioner in accordance with this policy;</b></p> <p>6. Tests positive for controlled substances; or</p> <p>7. Refuses <b>to submit to any controlled substance or alcohol test required under this policy;</b></p> <p>and who is not to be discharged, may <b>be suspended without pay with intent to terminate his/her employment with the District.</b></p> <p><b>Where alcohol testing shows an alcohol concentration after the driver has driven, operated or been in actual physical control of the movement of school bus or a school vehicle or controlled substances testing shows a positive result and the driver has not advised the District of prescription medication use prescribed by a licensed medical practitioner in accordance with this policy, the matter shall be turned over to the police.</b></p> <p><u>Controlled Substance And Alcohol Testing</u></p> <p>The District’s controlled substance and alcohol testing program shall apply only to those employees meeting the definition of covered driver and shall comply with federal testing requirements. The District’s controlled substance and alcohol testing program shall consist of the following tests:</p> <p>1. <b>Pre-employment testing</b> - A candidate for employment <b>shall undergo testing for alcohol and controlled substances prior to any recommendation to the Board that s/he be hired as a driver, unless s/he qualifies for an exception to this requirement</b> set forth by federal regulations. <b>No candidate shall be allowed to perform a safety-sensitive function for the first time unless the District has received a verified negative controlled substance test result and a test result indicating an alcohol concentration of 0.02 or less for that candidate.</b></p> <p>2. <b>Post-accident testing</b> – The District shall ensure that a <b>covered driver</b> undergoes required alcohol and/or <b>controlled substances testing as soon as practicable following a commercial vehicle accident</b> on a public road when:</p> <p>a. The accident involves the <b>loss of human life, or</b> for which;</p> <p>b. <b>The driver receives a citation under state or local law for a moving traffic violation</b> within eight (8) hours of the accident to test for alcohol; and when the driver receives a citation within thirty-two (32) hours of the</p>
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<p>49 CFR Sec. 382.305</p>	<p>accident to test for controlled substances; if the accident involves bodily injury to any person who immediately receives medical treatment away from the scene of the accident; or one (1) or more motor vehicles incur disabling damage requiring the vehicle to be towed away from the scene.</p> <p><b>If a post-accident alcohol test is not administered within two (2) hours following the accident, the District shall prepare and maintain a record stating the reasons the test was not promptly administered. If the test is not administered within eight (8) hours following the accident, attempts to administer the alcohol test shall cease and the District shall prepare and maintain the same record.</b></p> <p><b>If a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, attempts to administer the test shall cease and the District shall prepare and maintain a record stating the reasons why the test was not administered within the required time.</b></p> <p><b>A driver subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing. This requirement shall not be construed to require the delay of necessary medical attention following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.</b></p> <p><b>A breath or blood test for the use of alcohol or a urine test for the use of controlled substances conducted by federal, state or local officials or police having authority to conduct such testing shall be considered to meet the requirements of this policy if the results of the test will be turned over to the District.</b></p> <p><b>3. Random testing - Random alcohol and controlled substances testing shall be conducted on the percentage of covered drivers mandated by federal regulations. The selection of covered drivers for random testing shall be by a scientifically valid method so that each covered driver shall have an equal chance of being tested each time selections are made. These tests shall be unannounced and spread reasonably throughout the year.</b></p> <p><b>Each covered driver who is notified of selection for random testing shall immediately proceed to the test site.</b></p> <p><b>Random alcohol testing may be conducted only just before the covered driver is to begin driving or engaging in other safety sensitive functions, or just after the driver has finished driving or engaging in other safety sensitive functions.</b></p>
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<p>49 CFR Sec. 382.307</p> <p>49 CFR Sec. 382.603</p>	<p>4. <b>Reasonable suspicion testing</b> – The District may require a <b>covered driver to submit to an alcohol and/or controlled substances test when there is reasonable suspicion that the covered driver is using or has used alcohol or controlled substances in violation of the prohibitions of this policy.</b></p> <p><b>The determination that reasonable suspicion exists to require a covered driver to undergo testing must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.</b></p> <p>The required observations for alcohol and/or controlled substances <b>reasonable suspicion testing</b> shall be made by a supervisor or District official who is trained in <b>the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. The person who makes the determination that reasonable suspicion</b> exists to conduct an alcohol test shall not conduct the alcohol test of the driver.</p> <p><b>Reasonable suspicion as to alcohol use may be based only on observations made while the covered driver is driving or performing other safety sensitive functions, just before the driver begins driving or performing other safety sensitive functions, or just after the driver has ceased driving or performing other safety sensitive functions.</b></p> <p><b>If a reasonable suspicion alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the District shall prepare and maintain a record stating the reasons the test was not promptly administered. If the test is not administered within eight (8) hours following the determination of reasonable suspicion, attempts to administer the alcohol test shall cease and the District shall prepare and maintain the same record.</b></p> <p><b>A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test. Such record shall be made and signed by the supervisor or District official who made the observations within twenty-four (24) hours of the observed behavior or before the result of the tests are released, whichever is earlier.</b></p>
<p>49 CFR Sec. 40.305, 382.309</p>	<p>5. <b>Return-to-duty testing</b> – A <b>covered driver</b> permitted to <b>return to work after engaging in conduct prohibited by this policy</b> shall not return to the performance of safety sensitive functions <b>until</b> the driver has successfully complied with the education/treatment prescribed by a substance abuse professional and has taken a return-to-duty test showing a <b>negative result for controlled substances</b> and/or an alcohol test with an <b>alcohol concentration of less than 0.02.</b></p>



<p>49 CFR Sec. 40.309, 382.311</p>	<p><b>6. Follow-up testing – Any covered driver identified as being in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, who is not discharged, shall be subject to unannounced follow-up testing as directed by a SAP on return to work.</b></p>
<p>49 CFR Sec. 40.321, 382.405</p>	<p>The District and its employees shall strictly adhere to the standards of confidentiality regarding test results and/or medical information and assure all covered drivers that testing records and results will be released only to those authorized to receive such information.</p>
<p>4. Delegation of Responsibility 49 CFR Sec. 382.601 Pol. 324, 800</p>	<p><b>Covered drivers shall be required to sign a statement certifying that s/he has received a copy of this policy, administrative regulations and related material(s). The District shall maintain the certification as a District record.</b></p>
<p>49 CFR Sec. 382.213</p>	<p><b>Covered drivers are required to notify the Supervisor of Transportation if they are taking any prescription medications and shall supply a written certification on a form provided by the District from the physician prescribing the medication that the substance(s) will not adversely affect the driver’s ability to safely operate a bus or motor vehicle.</b></p>
<p>49 CFR Sec. 40.261, 382.601</p>	<p><b>Covered drivers shall promptly report to and cooperate fully with all required testing as a condition of their employment.</b></p>
<p>49 CFR Sec. 382.601</p>	<p><b>The Supervisor of Transportation shall be responsible to:</b></p> <ol style="list-style-type: none"> <li>1. Distribute to covered drivers a copy of this policy, administrative regulations, and related material(s) that explain the requirements of the controlled substance and alcohol prohibitions and testing requirements. These materials shall be distributed to each driver prior to the start of the School District’s testing under this policy and to each driver subsequently hired or transferred into a covered driving position.</li> </ol>
<p>49 CFR Sec. 382.601</p>	<ol style="list-style-type: none"> <li>2. Answer questions from covered drivers about this policy, administrative regulations, related material(s), and the District’s testing program.</li> <li>3. Make available to covered drivers information concerning the effects of alcohol and controlled substances use on an individual’s health, work and personal life. Such information shall include signs and symptoms of an alcohol or controlled substances problem, available methods of seeking assistance or referring a co-worker suspected of having a problem.</li> <li>4. Coordinate the District’s alcohol and controlled substance testing program.</li> </ol>

<p>49 CFR Part 40, Part 382</p>	<p><b>5. Be the District's representative for purposes of receiving and handling alcohol and controlled substance test results. Test results shall be handled in a confidential manner in accordance with applicable federal, state and local law and regulations.</b></p>
<p>49 CFR Sec. 40.23, 382.411</p>	<p><b>6. Advise a covered driver of the results of random, reasonable suspicion and post-accident tests if the test results show an alcohol concentration in excess of 0.02 or are verified as positive in the case of controlled substances. The driver shall be advised which controlled substance or substances were verified as positive.</b></p>
<p>49 CFR Sec. 382.601</p>	<p>The Superintendent shall develop and disseminate administrative regulations and procedures to implement this policy which shall include, but not be limited to:</p> <ol style="list-style-type: none"> <li>1. Procedures the District will use to test for alcohol and controlled substances; including procedures to protect the covered driver and integrity of the testing processes; safeguard the validity of the test results; and ensure that the results are attributed to the correct driver.</li> <li>2. Procedures for the preparation, maintenance, retention and disclosure of records as required by Applicable Law and regulations.</li> </ol>
<p>49 CFR Part 382 Pol. 800</p>	<p>References:</p> <p>School Code – 24 P.S. Sec. 510</p> <p>Department of Transportation Regulations – 67 PA Code Sec. 71.3</p> <p>Pennsylvania Vehicle Code – 75 Pa. C.S.A. Sec. 102</p> <p>Commercial Driver Requirements – 75 Pa. C.S.A. Sec. 1611, 1612</p> <p>Driving Under the Influence – 75 Pa. C.S.A. Sec. 3802</p> <p>Motor Carrier Penalties – 49 U.S.C. Sec. 521</p> <p>Alcohol and Controlled Substance Testing – 49 U.S.C. Sec. 31306</p> <p>Alcohol and Controlled Substance Testing, Title 49, Code of Federal Regulations – 49 CFR Part 40, Part 382</p> <p>Board Policy – 304, 317, 324, 351, 800, 810</p>