

**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF EDUCATION SERVICES  
Policies and Procedures**

**DRUG AND ALCOHOL TESTING OF SCHOOL MOTOR VEHICLE OPERATORS**

**Effective Date:** October 17, 2003  
**Original Effective Date:** October 17, 2003  
**Reference:** 49 U.S.C. App. 2717 49 C.F.R. parts 40 and 382; and American Trucking Association, Inc. v.FHWA, 51 F.3d 405 (4<sup>th</sup> Cir. 1995)

**Purpose:**

To help ensure safe operation of school vehicles and to comply with federal law and regulations by establishing a comprehensive program of drug and alcohol testing for school bus drivers and all other commercial motor vehicle operators who volunteer or are employed by the Office of Education Services (OES).

**Policy:**

**Applicability:** Persons subject to this policy include any employee, volunteer, or independent contractor who operates a commercial motor vehicle in the course of duties for OES, including anyone who regularly or intermittently drives a school bus, activity bus, or other vehicle designed to transport sixteen or more people, including the driver.

**Prohibited Acts:** Commercial motor vehicle operators, either volunteers or those employed by OES, shall not be impaired by alcohol or by prescription or nonprescription drugs while on duty or while operating any motor vehicle. For the purposes of this policy, a driver will be considered impaired by alcohol in all cases when testing reveals a blood alcohol content of .02 or higher. Further, no driver will be permitted to perform safety sensitive functions if evidence exists of alcohol consumption. In addition, commercial motor vehicle operators, and anyone who supervises commercial motor vehicle operators, shall not commit any act prohibited by Controlled Substance and Alcohol Use Testing (49 C.F.R. part 382) or by this policy.

**Testing:** OES shall carry out pre-employment testing for drugs, and post-accident, random, reasonable suspicion, return-to-duty- and follow-up testing for drugs and alcohol as required by 49 C.F.R. part 382. School bus drivers and others employed by OES for the primary purpose of operating a commercial motor vehicle shall undergo pre-employment testing. Employees whose duties include occasional driving will not be subject to pre-employment testing but must undergo all other testing required by 49 C.F.R. part 382. Volunteer drivers who are not employees will be initially tested prior to operating a school or activity bus and tested on a random basis thereafter.

Refusal of any test required pursuant to this policy or 49 C.F.R. part 382 shall be cause for dismissal.

**Pre-employment Inquiry:** All applicants who would be subject to this policy if employed shall consent in writing to the release of any information gathered pursuant to 49 C.F.R. part 382 by any of the applicant's previous employers.

Before employing any applicant covered by this policy or part 382, OES shall obtain, pursuant to written consent, all records maintained by the applicant's previous employer of prohibited acts by the applicant that have taken place in the two years prior to the inquiry date.

**Training and Education:** Each commercial motor vehicle operator and supervisory employee, including principals and assistant principals, shall be provided with educational materials that inform the employees of drug testing procedures, prohibited acts, consequences, and other aspects of 49 C.F.R. part 382, this policy, and any attached regulations. The information also shall identify an OES employee who will be responsible for providing information on substance abuse. Each employee shall sign a statement certifying receipt of these materials.

Each supervisor responsible for overseeing the performance of commercial motor vehicle operators, including principals and assistant principals, shall undergo at least one hour of training concerning alcohol misuse and an additional hour of training concerning drug abuse.

**Referrals:** Each motor vehicle operator who violates acts prohibited by 49 C.F.R. part 382, other than provisions governing pre-employment testing, shall be provided with information concerning resources available for evaluating and resolving drug or alcohol misuse. This information shall include names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

**Procedures:** The Superintendent shall implement appropriate regulations and procedures to ensure compliance with the collection and testing procedures outlined in the Federal Highway Administration's "Procedures for Transportation Workplace Drug Testing Programs" (49 C.F.R. part 40), and to ensure compliance with testing

**Penalties:** Employees who violate this policy or applicable laws or regulations will be disciplined and may be dismissed.

Non-employees who refuse to be tested or who test positive will be prohibited from driving students in the future.