

DRUG AND ALCOHOL TESTING FOR BUS DRIVERS

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The Aurora Public Schools has a responsibility to its employees, students and patrons to provide a workplace and transportation system that is safe and efficient. Drug and alcohol abuse can jeopardize the safety of employees, students and community members and can seriously affect employee productivity and job performance. In recognition of these risks and to deter the use of drugs and the abuse of alcohol, federal law requires that all public school employees (including part-time temporary and substitute employees) who are required to hold a Commercial Driver's License (CDL) and who drive vehicles which meet the definition of "commercial motor vehicle" under the law (or who may in the course of their duties drive such vehicles) are subject to testing for controlled substances and alcohol, beginning January 1995. This policy shall also apply to all applicants for employment in such positions and to current employees seeking to transfer into such positions.

Drug and alcohol testing is required by law for holders of CDLs who drive commercial motor vehicles in six situations: (1) prior to employment in a position subject to drug testing; (2) after certain accidents involving district personnel; (3) on a random basis to the extent required by law; (4) upon a determination by trained personnel that a "reasonable suspicion" to believe the legal requirements concerning drug or alcohol use have been violated; (5) prior to an employee returning to duty after a violation; and (6) where an employee has been allowed to return to duty after a violation and a substance-abuse professional determines that unannounced follow-up testing is appropriate. Except where necessary in post-accident situations, any drug or alcohol testing shall be performed during or immediately after the regular work period of current employees. Time spent on testing or related travel shall be considered work time for compensation and benefit purposes. Supervisors shall have the right to require employees to submit to, or continue the testing process after the regular work day. An employee who is required to remain on duty past the usual time because s/he is waiting to be tested or being tested, shall receive pay for such time. The district will pay the costs of drug testing, except where an employee asks for a second test in a case of a confirmed positive drug test result, in which case the employee shall be responsible for any charges.

Based upon its authority under Colorado law (and not because these penalties are required by federal law), the Board of Education believes persons who violate this policy jeopardize the safety of others and directs the following penalties be imposed for the offenses specified.

- Any driver with respect to whom the district receives a confirmed positive test result indicating the use of drugs or alcohol in violation of the law, who refuses to be tested,

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- who obstructs or attempts to obstruct the testing process, who possesses illegal drugs, or who uses illegal drugs or alcohol while on duty, shall be recommended for termination for the first offense;
- Any driver who is on duty or operates a commercial motor vehicle while the driver possesses alcohol, shall be suspended without pay for five work days for the first offense and shall be recommended for termination for the second offense;
 - Any driver who performs safety-sensitive functions within four hours after using alcohol, where the use is off-duty, shall be suspended without pay for five work days for the first offense and shall be recommended for termination for the second offense.

While it believes these penalties are appropriate, the Board also recognizes the need to encourage employees to seek assistance for substance-abuse problems. Consequently, if prior to being directed to submit to a drug or alcohol test an employee (1) voluntarily refers him/herself to treatment in a supervised rehabilitation program (or asks to be referred); (2) is not a current user of illegal drugs or a user of alcohol in violation of district policy or the law; and (3) is currently in, or has successfully completed a supervised rehabilitation program (or has otherwise been successfully rehabilitated), then such an employee shall not be subjected to adverse employment consequences solely on the basis of disclosing the need for assistance. However, the employee will be removed from performing safety-sensitive functions immediately, and will not be allowed to return to a safety-sensitive function until the employee has been evaluated, has complied with any treatment plan, and a determination has been made that the employee may return to the safety-sensitive position. Employees who refer themselves for treatment shall be subject to return to duty and follow-up testing. The district shall pay for the costs of any treatment plan to the extent the costs are covered by district insurance.

The Board of Education directs the Superintendent to provide employees subject to this policy with information concerning (1) the effects of alcohol and controlled substances use on one's health, work and personal life; (2) available methods of intervening when an alcohol or controlled substance problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management; (3) the availability of district insurance coverage for expenses for substance- or alcohol-abuse treatment; and (4) the advantages of self-referral for drug and alcohol problems prior to a violation being discovered.

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The Board of Education directs the Superintendent of Schools to develop a drug testing program that will meet the requirements of federal law, enhance the safety of the district's program for the transportation of school children, and at the same time, treat employees fairly. All drug and alcohol testing shall be conducted according to federal law which provides for appropriate chain-of custody of testing specimens, confidentiality of testing information, and reliability of test results through the use of scientifically valid procedures.

This policy and its accompanying regulation shall be distributed to all employees who will be subject to testing prior to the beginning of testing.

LEGAL REFS: Department of Transportation, Federal Highway Administration
Controlled Substance and Alcohol Use and Testing Rule, 49 C.F.R. Parts
382, et. al.
Omnibus Transportation Employee Testing Act of 1991, Public Law 102-
143, October 28, 1991
49 C.F.R. Subtitle A, Part 40 49 C.F.R. § 390.31
49 C.F.R. §§ 392.40, 392.41 49 C.F.R. § 395.2
49 U.S.C. § 521

CROSS REFS: EEBA, School-Owned Vehicles
GBEC, Drug and Alcohol Free Workplace
GBGC, Employee Assistance/Wellness Programs
GDQD, Discipline, Suspension and Dismissal of Classified Employees