

## ALCOHOL AND DRUG TESTING OF BUS DRIVERS

The Board of Education recognizes the dangers inherent in alcohol and other substance use, especially by those in safety-sensitive positions. To ensure the safety of its students and to comply with federal regulations, the Board requires alcohol and other substance testing of certain “drivers,” operators of “other school buses,” and any other District employee or contracted operator of commercial motor vehicles who are subject to such testing, in accordance with and as set forth in the applicable federal and state requirements. The Board shall require any company contracting with the District to provide transportation to District students to conduct alcohol and drug testing as required under federal law and regulations.

### Definitions

1. “Alcohol and other substance(s)” shall refer to the use of all controlled substances and other drugs, whether or not specifically illegal, including, but not limited to, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes, and any synthetic version thereof (whether or not specifically illegal or labeled for human consumption), commonly referred to as “designer drugs.” Designer drugs are those substances, which have been designed and synthesized to mimic the intended effects and usages of, and which are chemically substantially similar to, substances controlled by federal and/or state law as exemplified above. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.
2. “Driver(s)” shall include any person who operates a commercial motor vehicle including, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers, contracted operators of commercial motor vehicles; and/or, independent owner-operator contractors who are either directly employed or under lease to an employer or who operate a commercial motor vehicle at the direction or with the consent of the District.
3. “Other school buses” shall include those covered by applicable federal regulations including, but not limited to, vehicles designed to transport sixteen (16) or more passengers, including the driver, and those whose manufacturer’s rating is 26,001 lbs. or more. It shall also include any other motor vehicle owned either by the District or by a private company, operated to transport students, children of students, teachers, and other supervisory persons to or from school or school activities.

### Testing Responsibilities

Consistent with federal regulations, the District shall directly, by contract, or through a consortium, implement and conduct a program to provide alcohol and other substance testing of Drivers who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to hold a commercial driver’s license. Such individuals shall include, but not be limited to, the following :

1. drivers of vehicles designed to transport sixteen (16) or more passengers, including the driver;
2. drivers of commercial motor vehicles whose manufacturer’s rating is 26,001 lbs. or more; and/or

3. any other individual who may drive or service a vehicle (e.g. a mechanic who performs test drives, repairs, inspects, or loads or unloads a vehicle listed in 1 or 2 above).

Alcohol and other substance testing will be conducted for operators of all "other school buses" consistent with the procedures applicable to the implementation of federal regulations. Volunteers who drive a bus with passengers fewer than thirty (30) days per year are not subject to such testing. Generally, the required testing will be conducted at or prior to the time of employment and randomly throughout the school year. However, Drivers are subject to additional testing under federal regulations when a supervisor has a reasonable suspicion that an individual has engaged in alcohol or other substance use; after certain accidents; prior to return to duty when the individual has been found to violate District policy and federal regulations; and after the individual's return to duty after more than two days away from work for any other reason.

#### Driving Prohibitions

In accordance with federal and state law, Drivers are prohibited from driving a commercial motor vehicle or "other school bus" and/or performing other safety-sensitive duties if the individual:

1. possesses, consumes, or is reasonably believed to possess or have consumed alcohol or any other substance, while on duty;
2. uses or is under the influence of alcohol or any other substance within six (6) hours or less before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for any other substance; or
4. refuses to take a required alcohol test or a required test for any other substance.

Also, no Driver shall use alcohol or any other substance after being involved in an accident in which there was a fatality or in which the Driver was cited for a moving violation and a vehicle was towed from the scene or an injury was treated away from the scene until the Driver has been tested or eight (8) hours have passed, whichever occurs first.

#### Enforcement of Driving Prohibitions

The District will not require or permit Drivers of vehicles, to be on duty or operate a vehicle if it appears they have consumed alcohol or any other substance (except those lawfully prescribed) within the preceding eight (8) hours. This shall be based on the person's general appearance, conduct, or other substantiating evidence. Those who maintain, repair, or garage vehicles that involve incidental driving without passengers, are exempt from this requirement, but are still prohibited from consuming alcohol or any other substances within six (6) hours of going on duty.

#### Response to Positive Testing Results

Any Driver who is tested and found to have an alcohol concentration of at least 0.02, but less than 0.04, or a positive drug test shall be removed from the position until the individual's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test. Any covered individual found to have violated this requirement may be disciplined in accordance with the provisions of the applicable collective bargaining agreement, District policy, and/or law. Operators of "other school buses" subject to random testing pursuant to New York

Law will be subject to the same consequences based upon an alcohol concentration of at least 0.02 but less than 0.04 or a positive drug test, as Drivers listed above.

If a Driver has an alcohol concentration of 0.04 or greater or has engaged in prohibited alcohol or other substance use, the individual will be removed from driving duties, and referred to an alcohol and/or substance abuse professional. The individual may be required to complete a treatment program and/or be disciplined pursuant to District policy and/or collective bargaining agreement. No Driver who has used/abused alcohol and/or any other substance may return to duty unless the individual has successfully passed a required return to duty test. Thereafter, the Driver will be subject to follow-up testing. Operators of “other school buses” subject to random testing pursuant to New York Law will be subject to the same consequences based upon an alcohol concentration of 0.04 or greater or a positive drug test as Drivers listed above.

#### Re-testing

Should the District receive a dilute test result in which the creatinine concentration is greater than 5mg/dL in the case of any pre-employment, return-to-duty, follow-up, reasonable suspicion, or random test, it is the policy of the District that the individual shall be re-tested and that re-test will become the test of record.

#### Policy Dissemination

The Superintendent of Schools shall ensure that a copy of this policy, the District’s policies on use/abuse of alcohol and other substance(s), information on alcohol and drug abuse and treatment resources, and any other information prescribed by federal regulations is provided to all Drivers and other appropriate personnel, prior to the initiation of the testing program. Such information shall also be provided to each Driver subsequently hired or transferred to a position subject to testing.

Cross-Ref: 9320, Drug-Free Workplace  
9610, Staff Substance Abuse

Ref: Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§31136; 31306  
49 U.S.C. §521(b)  
49 CFR Part 391  
49 CFR Part 382  
49 CFR Part 40  
49 CFR §395.2  
Vehicle and Traffic Law, §§509; 1192; 1193

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