

TESTING REGULATIONS FOR ALCOHOL AND CONTROLLED SUBSTANCES

I. PURPOSE

The purpose of these regulations are to set forth the procedures for the Waynesboro Public Schools' alcohol and controlled substance testing program guided by Federal Law 49CFR Parts 382, et. al. The law was issued to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by drivers of commercial motor vehicles. The provisions of these regulations are in addition to the school's Drug and Alcohol Free Workplace Policy. These procedures are intended as a supervisory guide only and are in no way intended to alter the existing relationship between the school board and any individual.

II. CONTACT PERSON FOR ADDITIONAL INFORMATION

If an employee or applicant with a Commercial Driver's License (CDL) wishes to obtain additional information about policies or procedures, the person should contact the Coordinator of Administrative Services, Waynesboro Public Schools, 301 Pine Avenue, Waynesboro, Virginia, (540) 946-4600.

III. CATEGORIES OF EMPLOYEES SUBJECT TO TESTING

In compliance with federal regulations written by the United States Department of Transportation, all employees of the Waynesboro Public Schools who drive commercial motor vehicles (CMV) shall be subject to controlled substance and alcohol testing. These drivers include, but are not limited to, all school bus drivers. Additionally, as a condition of employment, job applicants for the position of CDL driver must agree to and successfully complete controlled substance and alcohol testing prior to being hired.

IV. PERIOD OF THE WORKDAY: FUNCTIONS COVERED BY THESE REGULATIONS

Policies and regulations prohibit the use of any controlled substances without a licensed doctor of medicine or osteopathy's written prescription. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a motor vehicle. Drivers must inform their supervisor of any therapeutic drug use.

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Drivers are prohibited from alcohol possession and/or use as follows: on the job, use during the four hours before performing safety-sensitive functions, having alcohol concentrations of 0.02 or greater in their systems while on duty or while performing safety-sensitive functions, exhibiting behavior/appearance characteristics of alcohol misuse, and use during eight hours following an accident or until after the driver undergoes a post-accident alcohol test, whichever occurs first.

Time periods for safety-sensitive functions include any period in which the driver is actually performing, ready to perform, or immediately after the performance of a safety-sensitive function.

V. CIRCUMSTANCES THAT TRIGGER TESTING

A. PRE-EMPLOYMENT

As a condition of employment, the CDL applicants will be required to submit and pass a urine controlled substance test and an evidential breath test for alcohol. Any CDL applicant who refuses to submit to, fails to satisfactorily complete, or has a confirmed positive for these tests will be automatically disqualified for consideration for employment.

Employment is contingent upon passing the Waynesboro School Board's medical review in addition to passing the controlled substance and alcohol tests. CDL applicants who have received firm job offers are cautioned against giving notice at their current job since employment offers will not be made until after medical clearance has been received.

Pre-employment testing of drivers will be performed each time a driver returns to work after a layoff period when the driver does not continue to be subject to random controlled substance testing or has been employed by another entity.

CDL applicants will be specifically notified of the controlled substance and alcohol test results provided the applicant submits a written request for such results within 60 days of being notified of the disposition of their application.

B. REASONABLE SUSPICION TESTING

A CDL employee will be tested for controlled substance use or alcohol misuse when the immediate supervisor has reasonable suspicion to believe that the employee has violated the prohibitions in these regulations or if the employee's behavior and/or appearance indicate alcohol misuse or controlled substance use.

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The administrative determination that testing is required will be based on specific, contemporaneous, and articulable observations by a trained supervisor concerning the appearance, behavior, speech, or body odors of the employee. A supervisor will not base his determination that testing is required on reports made by a third person.

Reasonable suspicion testing will only be conducted if the required observations are made during, just preceding or just after the period of the work day that a CDL employee is performing a Safety-sensitive function.

C. RANDOM TESTING

The Waynesboro School Board will conduct random controlled substance and alcohol testing for CDL employees. Controlled substance and alcohol testing may be combined.

Random alcohol testing is limited to the time period surrounding the performance of safety-related functions. Controlled substances testing may be performed anytime while the driver is at work for the Waynesboro Public Schools.

A division-wide or wider selection process which removes discretion in selection from any supervisory personnel will be utilized by the school board. Once a driver has been randomly chosen, the driver will be notified and must report immediately. If the driver is employed elsewhere, it is the employee's responsibility to notify their other employer that they may need to report late to work because of this mandatory testing.

D. POST-ACCIDENT TESTING

As soon as practical during the eight hours following an accident, drivers involved must be tested for alcohol and controlled substances if the accident involved a fatality, if the driver's performance cannot be discounted as a contributing cause of the accident.

The need for testing is presumed when there is an accident. Any decision not to test will be made and documented by the coordinator of administrative services.

A driver who is subject to post-accident testing must remain available **or that** employee may be considered to have refused to submit to testing.

Breath or blood tests for alcohol use and a urine test for the use of controlled substances conducted by law enforcement officials will be acceptable in lieu of post-accident testing by the school board.

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E. TESTING PROCEDURES AND SAFEGUARDS

All controlled substances and alcohol testing required by the school board will be conducted in accordance with the Department of Transportation regulations. A copy of these regulations can be obtained by contacting the coordinator of administrative services.

F. REFUSAL TO SUBMIT TO TESTING AND THE ATTENDANT CONSEQUENCES

Refusal to test is a violation of the school board's controlled substance and alcohol policies and regulations. The consequences for refusing to submit to testing will be the same as if the employee had tested positive on a controlled substance or alcohol test.

VI. REPORTING TEST RESULTS

The Medical Review Officer (MRO) for the company contracted to perform the testing is responsible for receiving laboratory results generated by the school board's controlled substance and alcohol testing program. If the laboratory reports a positive result to the MRO, the MRO contacts the employee and conducts an interview to determine if there is an alternative medical explanation for the positive test. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of the prohibited substance, the test result is reported as negative to the coordinator of administrative services.

VII. CONSEQUENCES OF VIOLATED POLICIES

Violation of the Waynesboro School Board's controlled substance and alcohol policies or regulations will result in immediate suspension and referral to the superintendent as per school board policy. File: GBEA.

VIII. TRAINING AND NOTIFICATION

Each driver shall receive educational materials that explain the requirements of federal law and regulations together with a copy of the division's policy and procedures for meeting these requirements. Each driver shall sign a statement certifying that the driver has received a copy of the above materials and the division shall maintain this signed copy.

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IX. RECORD RETENTION

The division shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, the division 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 controlled substances including information pertaining to alcohol or drug tests.

Records shall be made available to a subsequent employer upon receipt of a written request from a driver only as expressly authorized by the terms of the driver's request.