

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

Policy Code: **7241**

1 The purposes of this policy are to help ensure the safe operation of school vehicles and to
2 comply with federal law and regulations by establishing a comprehensive program for the drug
3 and alcohol testing of school bus drivers and all other commercial motor vehicle operators
4 employed by the [Transylvania County Board of Education](#) (the “board”).
5

6 **A. APPLICABILITY**
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8 Persons subject to this policy include any employee, volunteer, or independent contractor
9 who operates a commercial motor vehicle in the course of his or her duties for the board
10 of education, including anyone who regularly or intermittently drives a school bus,
11 activity bus, or other vehicle designed to transport 16 or more people, including the
12 driver.
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14 **B. PROHIBITED ACTS**
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16 Commercial motor vehicle operators employed by the board must not be impaired by
17 alcohol or by a prescription or nonprescription drug while on duty or while operating any
18 motor vehicle. For the purposes of this policy, an employee is considered impaired by
19 alcohol in all cases in which testing reveals a blood alcohol content of higher than 0.02.
20 Further, no driver will be permitted to perform safety-sensitive functions if evidence
21 exists of his or her alcohol consumption. In addition, commercial motor vehicle
22 operators, and anyone who supervises commercial motor vehicle operators, must not
23 commit any act prohibited by federal law, including “Controlled Substances and Alcohol
24 Use and Testing” (49 C.F.R. pt. 382, hereinafter referred to as Part 382), by this policy,
25 or by policy 7240, Drug-Free and Alcohol-Free Workplace. No driver may operate any
26 school bus or school activity bus while consuming alcohol or while alcohol remains in
27 the driver’s body in violation of G.S. 20-138.2B.
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29 **C. TESTING**
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31 The human resources office shall carry out pre-employment, post-accident, random,
32 reasonable suspicion, return-to-duty, and follow-up testing for drugs and alcohol as
33 required by Part 382. School bus drivers and others employed by the board for the
34 primary purpose of operating a commercial motor vehicle must undergo pre-employment
35 testing. Employees whose duties include occasional driving will not be subject to pre-
36 employment testing but must undergo all other testing required by Part 382.
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38 All employees must undergo drug and alcohol testing before driving a commercial motor
39 vehicle for the board of education.
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41 **D. PRE-EMPLOYMENT INQUIRY**
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43 All applicants who would be subject to this policy if employed by the board must consent
44 in writing to the release of any information gathered pursuant to Part 382 by any of the
45 applicant's previous employers.
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47 Before employing any applicant subject to this policy or Part 382, the administration shall
48 obtain, pursuant to the applicant's written consent, all records maintained by the
49 applicant's previous employer of prohibited acts committed by the applicant in the two
50 years prior to the inquiry date.
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52 **E. TRAINING AND EDUCATION**
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54 Each commercial motor vehicle operator and supervisory employee, including principals
55 and assistant principals, must be provided with educational materials that inform the
56 employees of drug testing procedures, prohibited acts, consequences, and other aspects of
57 Part 382, this policy, and any accompanying administrative procedures. The information
58 also will identify a school system employee who is responsible for providing information
59 on substance abuse. Each employee must sign a statement certifying his or her receipt of
60 these materials.
61

62 Each supervisor who is responsible for overseeing the performance of commercial motor
63 vehicle operators, including principals and assistant principals, must undergo at least one
64 hour of training concerning alcohol misuse and one additional hour of training
65 concerning drug abuse.
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67 **F. REFERRALS**
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69 Each motor vehicle operator who commits acts prohibited by Part 382 or G.S. 20-138.2B,
70 other than provisions governing pre-employment testing, will be provided with
71 information concerning resources available for evaluating and resolving drug or alcohol
72 misuse. This information will include the names, addresses, and telephone numbers of
73 substance abuse professionals and counseling and treatment programs. Before any motor
74 vehicle operator who has committed a prohibited act under Part 382 or G.S. 20-138.2B
75 will be allowed to drive again, he or she must be evaluated by a substance abuse
76 professional and must satisfactorily complete any appropriate treatment that the substance
77 abuse professional designates.
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79 **G. PENALTIES**
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81 Employees who have committed a prohibited act, refused any test required by this policy,
82 or otherwise violated this policy, G.S. 20-138.2B, or Part 382 will be subject to
83 disciplinary action, up to and including dismissal.
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85 **H. PROCEDURES**

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86
87 All procedures for collection and testing provided in the Federal Highway
88 Administration’s “Procedures for Transportation Workplace Drug and Alcohol Testing
89 Programs” (49 C.F.R. pt. 40) and all requirements in Part 382, including testing,
90 reporting, record retention, training, and confidentiality, will be followed. Copies of
91 these federal regulations will be readily available. The superintendent shall develop any
92 other procedures necessary to carry out these regulations.
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94 Legal References: 49 U.S.C. 31306; 49 C.F.R. pts. 40, 382; G.S. 20-138.2B
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96 Cross References: Drug-Free and Alcohol-Free Workplace (policy 7240)
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98 Adopted:
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