

**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”).
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6 **A. APPLICABILITY**
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8 This policy applies to any driver which, for purposes of this policy, ~~Persons subject to~~
9 ~~this policy include~~ is defined as any employee, volunteer, or independent contractor who
10 operates a commercial motor vehicle in the course of his or her duties for the board of
11 education, including anyone who regularly or intermittently drives a school bus, activity
12 bus, ~~or other~~ a vehicle designed to transport 16 or more people, (including the driver), or
13 any other vehicle that meets the definition of commercial motor vehicle under federal law
14 or regulation. Employees who operate vehicles for inspection, service, or maintenance
15 purposes are included in this definition.
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17 **B. PROHIBITED ACTS**
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19 No driver may:
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- 21 1. operate any school bus or school activity bus while consuming alcohol or while
22 alcohol remains in the driver’s body, in violation of G.S. 20-138.2B;
- 23 2. use alcohol while performing safety-sensitive functions;
- 24 3. perform safety-sensitive functions within four hours after using alcohol;
- 25 4. report for or remain on duty requiring the performance of safety-sensitive
26 functions when the driver uses any Schedule I drug or substance; or
27 5. report for or remain on duty requiring the performance of safety-sensitive
28 functions when the driver uses any non-Schedule I drug or substance, unless such
29 use is pursuant to the instructions of a licensed medical practitioner who is
30 familiar with the driver’s medical history and has advised the driver that use of
31 the substance will not adversely affect the driver’s ability to safely operate a
32 commercial motor vehicle.
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34 Safety-sensitive functions include, but are not limited to, inspecting, servicing, or
35 conditioning any commercial motor vehicle; operating any commercial motor vehicle;
36 participating in or supervising the loading or unloading of a commercial motor vehicle;
37 and repairing, obtaining assistance for, or remaining in attendance upon a disabled
38 vehicle.
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44 ~~Commercial motor vehicle operators employed by the board must not be impaired by~~
45 ~~alcohol or by a prescription or nonprescription drug while on duty or while operating any~~
46 ~~motor vehicle. For the purposes of this policy, an employee is considered impaired by~~
47 ~~alcohol in all cases in which testing reveals a blood alcohol content of higher than 0.02.~~
48 ~~Further, no driver will be permitted to perform safety-sensitive functions if evidence~~
49 ~~exists of his or her alcohol consumption. In addition, commercial motor vehicle~~
50 ~~operators, drivers and anyone who supervises commercial motor vehicle operators,~~
51 ~~drivers must not commit any act prohibited by federal law, including “Controlled~~
52 ~~Substances and Alcohol Use and Testing” (49 C.F.R. pt. 382, hereinafter referred to as~~
53 ~~Part 382), by this policy, or by policy 7240, Drug-Free and Alcohol-Free Workplace. No~~
54 ~~driver may operate any school bus or school activity bus while consuming alcohol or~~
55 ~~while alcohol remains in the driver’s body in violation of G.S. 20-138.2B.~~

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57 **C. TESTING**

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59 The human resources office ~~shall~~ **will** carry out pre-employment, post-accident, random,
60 reasonable suspicion, return-to-duty, and follow-up testing for drugs and alcohol as
61 required by Part 382. ~~School bus drivers and others employed by the board for the~~
62 ~~primary purpose of operating a commercial motor vehicle must undergo pre-employment~~
63 ~~testing. Employees whose duties include occasional driving will not be subject to pre-~~
64 ~~employment testing but must undergo all other testing required by Part 382.~~

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66 **Federal regulations prohibit a driver who is tested under the provisions of this section and**
67 **found to have an alcohol concentration of at least .02 from performing safety-sensitive**
68 **functions for at least 24 hours following administration of the test. Drivers who are**
69 **tested under the provisions of this section and found to have any alcohol in their system**
70 **are subject to additional discipline under this policy, including dismissal. All employees**
71 **must undergo drug and alcohol testing before driving a commercial motor vehicle for the**
72 **board of education.**

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74 **D. PRE-EMPLOYMENT INQUIRY**

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76 All applicants who would be subject to this policy if employed by the board must consent
77 in writing to the release of any information gathered pursuant to Part 382 by any of the
78 applicant’s previous employers.

79
80 Before employing any applicant subject to this policy or Part 382, the administration shall
81 obtain, pursuant to the applicant’s written consent, all records maintained by the
82 applicant’s previous employer of prohibited acts committed by the applicant in the two
83 years prior to the inquiry date.

84
85 **E. TRAINING AND EDUCATION**

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87 Each ~~commercial motor vehicle operator~~ **driver** and supervisory employee, including
88 principals and assistant principals, must be provided with educational materials that
89 inform the employees of drug testing procedures, prohibited acts, consequences, and
90 other aspects of Part 382, this policy, and any accompanying administrative procedures.
91 The information also will identify a school system employee who is responsible for
92 providing information on substance abuse. Each employee must sign a statement
93 certifying his or her receipt of these materials.

94
95 Each supervisor who is responsible for overseeing the performance of ~~commercial motor~~
96 ~~vehicle operators~~ **drivers**, including principals and assistant principals, must undergo at
97 least one hour of training concerning alcohol misuse and one additional hour of training
98 concerning drug abuse.
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100 **F. REFERRALS**

101
102 Each ~~motor vehicle operator~~ **driver** who commits acts prohibited by Part 382 or G.S. 20-
103 138.2B, other than provisions governing pre-employment testing, will be provided with
104 information concerning resources available for evaluating and resolving drug or alcohol
105 misuse. This information will include the names, addresses, and telephone numbers of
106 substance abuse professionals and counseling and treatment programs. Before any ~~motor~~
107 ~~vehicle operator~~ **driver** who has committed a prohibited act under Part 382 or G.S. 20-
108 138.2B will be allowed to drive again, he or she must be evaluated by a substance abuse
109 professional and must satisfactorily complete any appropriate treatment that the substance
110 abuse professional designates.

111
112 **G. PENALTIES**

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114 Employees who have committed a prohibited act, refused any test required by this policy,
115 or otherwise violated this policy, G.S. 20-138.2B, or Part 382 will be subject to
116 disciplinary action, up to and including dismissal.
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118 **H. PROCEDURES**

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120 All procedures for collection and testing provided in the Federal Highway
121 Administration’s “Procedures for Transportation Workplace Drug and Alcohol Testing
122 Programs” (49 C.F.R. pt. 40) and all requirements in Part 382, including testing,
123 reporting, record retention, training, and confidentiality, will be followed. Copies of
124 these federal regulations will be readily available. The superintendent shall develop any
125 other procedures necessary to carry out these regulations.
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127 Legal References: 49 U.S.C. 31306; 49 C.F.R. pts. 40, 382; G.S. 20-138.2B

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129 Cross References: Drug-Free and Alcohol-Free Workplace (policy 7240)

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