

**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 This policy applies to any driver, which, for purposes of this policy, is defined as any
9 employee, volunteer, or independent contractor whose duties for the board of education
10 require a commercial driver’s license under federal law. ~~who operates a commercial~~
11 ~~motor vehicle in the course of his or her duties for the board of education, including~~ This
12 includes anyone who regularly or intermittently drives a school bus, activity bus, a
13 vehicle designed to transport 16 or more people (including the driver), or any other
14 vehicle that meets the definition of commercial motor vehicle under 49 C.F.R. 382.107
15 federal law or regulation. Employees who operate vehicles for inspection, service, or
16 maintenance purposes are included in this definition.
17

18 **B. PROHIBITED ACTS**
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20 No driver may:

- 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
- 24 2. use alcohol while performing safety-sensitive functions;
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- 26 3. perform safety-sensitive functions within four hours after using alcohol;
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- 28 4. use alcohol following an accident while operating a commercial motor vehicle;
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- 30 5. report for or remain on duty requiring the performance of safety-sensitive
31 functions when the driver uses any Schedule I drug or substance; or
32
- 33 6. report for or remain on duty requiring the performance of safety-sensitive
34 functions when the driver uses any non-Schedule I drug or substance that is
35 identified in the other federal schedules of controlled drugs, unless such use is
36 pursuant to the instructions of a licensed medical practitioner who is familiar with
37 the driver’s medical history and has advised the driver that use of the substance
38 will not adversely affect the driver’s ability to safely operate a commercial motor
39 vehicle.
40

41 Safety-sensitive functions include, but are not limited to, inspecting, servicing, or
42 conditioning any commercial motor vehicle; operating any commercial motor vehicle;
43

44 participating in or supervising the loading or unloading of a commercial motor vehicle;
45 and repairing, obtaining assistance for, or remaining in attendance upon a disabled
46 vehicle.
47

48 In addition, drivers and anyone who supervises drivers must not commit any act
49 prohibited by federal law, including **the federal regulation entitled** “Controlled
50 Substances and Alcohol Use and Testing” (49 C.F.R. pt. 382, hereinafter referred to as
51 Part 382), or by policy 7240, Drug-Free and Alcohol-Free Workplace.
52

53 **C. TESTING**

54
55 The human resources office will carry out pre-employment, post-accident, random,
56 reasonable suspicion, return-to-duty, and follow-up testing for drugs and alcohol as
57 required by Part 382.
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59 Federal regulations prohibit a driver who is tested under the provisions of this section and
60 found to have an alcohol concentration of at least .02 from performing safety-sensitive
61 functions for at least 24 hours following administration of the test. Drivers who are
62 tested under the provisions of this section and found to have any alcohol in their system
63 are subject to additional discipline under this policy, including dismissal.
64

65 **D. ~~PRE-EMPLOYMENT INQUIRY~~ **EMPLOYEE AND APPLICANT INQUIRIES****

66
67 All **employees subject to this policy, all employees who would become subject to this**
68 **policy by virtue of a change or expansion of duties, and all** applicants who would be
69 subject to this policy if employed by the board must consent in writing to the release of
70 any information gathered pursuant to Part 382 by ~~any of the applicant’s previous~~
71 ~~employers~~ **and must give written or electronic consent to any query by school officials of**
72 **the federal Commercial Driver’s License Drug and Alcohol Clearinghouse**
73 **(“Clearinghouse”).**
74

75 **1. Pre-Employment Inquiry**

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77 Before employing any applicant subject to this policy, ~~or Part 382, the~~
78 ~~administration~~ **school officials** shall obtain, pursuant to the applicant’s written
79 consent, all records maintained by the applicant’s previous employer **regarding**
80 **violations of Part 382 in the three years prior to the inquiry date** ~~of prohibited acts~~
81 ~~committed by the applicant in the two years prior to the inquiry date.~~ **School**
82 **officials shall also conduct a query of the Clearinghouse, pursuant to the**
83 **applicant’s electronic consent submitted through the Clearinghouse, to obtain any**
84 **information regarding the applicant’s violations of Part 382.**
85

86 If school officials obtain information from the applicant’s previous employer or
87 from the Clearinghouse that the applicant committed a violation of Part 382 and
88 has not subsequently completed the return-to-duty process required under federal
89 law, the applicant may be disqualified from employment.

90
91 **2. Annual Query**

92
93 School officials shall conduct a limited query of the Clearinghouse at least once
94 per year for each employee subject to this policy, pursuant to the employee’s
95 written or electronic consent, to determine whether information exists about the
96 employee regarding violations of Part 382. If information exists about the
97 employee, school officials shall obtain the information in the Clearinghouse
98 within 24 hours of conducting the limited query, subject to the employee’s
99 electronic consent submitted through the Clearinghouse.

100
101 **E. TRAINING AND EDUCATION**

102
103 Each driver and supervisory employee, including principals and assistant principals, must
104 be provided with educational materials that inform the employees of drug testing
105 procedures, prohibited acts, consequences, and other aspects of Part 382, this policy, and
106 any accompanying administrative procedures. The information also will identify a school
107 system employee who is responsible for providing information on substance abuse. Each
108 employee must sign a statement certifying his or her receipt of these materials.

109
110 Each supervisor who is responsible for overseeing the performance of drivers, including
111 principals and assistant principals, must undergo at least one hour of training concerning
112 alcohol misuse and one additional hour of training concerning drug abuse.

113
114 **F. REFERRALS**

115
116 Each driver who commits acts prohibited by Part 382 or G.S. 20-138.2B, other than
117 provisions governing pre-employment testing, will be provided with information
118 concerning resources available for evaluating and resolving drug or alcohol misuse. This
119 information will include the names, addresses, and telephone numbers of substance abuse
120 professionals and counseling and treatment programs. ~~Before any driver who has~~
121 ~~committed a prohibited act under Part 382 or G.S. 20-138.2B will be allowed to drive~~
122 ~~again, he or she must be evaluated by a substance abuse professional and must~~
123 ~~satisfactorily complete any appropriate treatment that the substance abuse professional~~
124 ~~designates.~~

125
126 **G. PENALTIES CONSEQUENCES**

128 Employees who have committed a prohibited act, refused any test required by this policy,
129 or otherwise violated this policy, G.S. 20-138.2B, or Part 382 will be subject to
130 disciplinary action, up to and including dismissal.

131
132 *Any employee who has committed a violation of Part 382 will not be allowed to perform*
133 *any safety-sensitive functions until the employee has completed the return-to-duty*
134 *process, including an evaluation by a substance abuse professional, completion of any*
135 *appropriate treatment designated by the substance abuse professional, and achievement of*
136 *a negative return-to-duty test. Moreover, if the employee’s violation of Part 382 has been*
137 *reported to the Clearinghouse, the employee may not resume safety-sensitive functions*
138 *until a query of the Clearinghouse demonstrates that the employee completed the return-*
139 *to-duty process.*

140
141 **H. PROCEDURES**

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143 All procedures for collection and testing provided in the Federal Highway
144 Administration’s “Procedures for Transportation Workplace Drug and Alcohol Testing
145 Programs” (49 C.F.R. pt. 40) and all requirements in Part 382, including testing,
146 reporting, record retention, training, and confidentiality, will be followed. Copies of
147 these federal regulations will be readily available. The superintendent shall develop any
148 other procedures necessary to carry out these regulations.

149
150 Legal References: 49 U.S.C. 31306; 49 C.F.R. pts. 40, 382; G.S. 20-138.2B

151
152 Cross References: Drug-Free and Alcohol-Free Workplace (policy 7240)

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154 Adopted: January 19, 2016

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156 Revised: November 21, 2016; [DATE]