

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

*Policy Code:* **7241**

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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 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. This includes anyone who  
11 regularly or intermittently drives a school bus, activity bus, a vehicle designed to  
12 transport 16 or more people (including the driver), or any other vehicle that meets the  
13 definition of commercial motor vehicle under 49 C.F.R. 382.107. Employees who  
14 operate vehicles for inspection, service, or maintenance purposes are included in this  
15 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;  
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- 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 **within eight hours** following an accident while operating a  
29 commercial motor vehicle **or until undergoing a post-accident alcohol test,**  
30 **whichever occurs first;**  
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- 32 5. report for or remain on duty requiring the performance of safety-sensitive  
33 functions when the driver uses any Schedule I drug or substance; or  
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- 35 6. report for or remain on duty requiring the performance of safety-sensitive  
36 functions when the driver uses any non-Schedule I drug or substance that is  
37 identified in the other federal schedules of controlled drugs, unless such use is  
38 pursuant to the instructions of a licensed medical practitioner who is familiar with  
39 the driver’s medical history and has advised the driver that use of the substance  
40 will not adversely affect the driver’s ability to safely operate a commercial motor  
41 vehicle.  
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43            Safety-sensitive functions include, but are not limited to, inspecting, servicing, or  
44            conditioning any commercial motor vehicle; operating any commercial motor vehicle;  
45            participating in or supervising the loading or unloading of a commercial motor vehicle;  
46            and repairing, obtaining assistance for, or remaining in attendance upon a disabled  
47            vehicle.

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

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54    **C.     TESTING**

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56            The human resources office will carry out pre-employment, post-accident, random,  
57            reasonable suspicion, return-to-duty, and follow-up testing for drugs and alcohol as  
58            required by Part 382.

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60            Federal regulations prohibit a driver who is tested under the provisions of this section and  
61            found to have an alcohol concentration of at least .02 from performing safety-sensitive  
62            functions for at least 24 hours following administration of the test. Drivers who are  
63            tested under the provisions of this section and found to have any alcohol in their system  
64            are subject to additional discipline under this policy, including dismissal.

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66    **D.     EMPLOYEE AND APPLICANT INQUIRIES**

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

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75            1.     Pre-Employment Inquiry

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

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

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90                    2.      Annual Query

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

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100                    **E.      TRAINING AND EDUCATION**

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

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

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113                    **F.      REFERRALS**

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115                    Each driver who commits acts prohibited by Part 382 or G.S. 20-138.2B, other than  
116                    provisions governing pre-employment testing, will be provided with information  
117                    concerning resources available for evaluating and resolving drug or alcohol misuse. This  
118                    information will include the names, addresses, and telephone numbers of substance abuse  
119                    professionals and counseling and treatment programs.

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121                    **G.      CONSEQUENCES**

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

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

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136 **H. PROCEDURES**

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

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

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

148  
149 Adopted: January 19, 2016

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151 Revised: November 21, 2016; December 16, 2019; [DATE]