

**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. 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;
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 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;
31
- 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
34
- 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.

48
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.

53
54 **C. TESTING**

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

59
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”) **and, where**
74 **applicable, must consent in writing to the release of any information that the school**
75 **system is required to obtain from any previous employers under Part 382.**

76
77 1. Pre-Employment Inquiry

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

86 testing program under the requirements of a U.S. Department of Transportation
87 (DOT) agency other than the Federal Motor Carrier Safety Administration within
88 the previous three years, school officials shall also obtain, pursuant to the
89 applicant’s written consent, all records maintained by those DOT-regulated
90 employers that the school system is required to obtain under Part 382.

91
92 If school officials obtain information from the applicant’s previous employer or
93 from the Clearinghouse that the applicant committed a violation of Part 382 and
94 has not subsequently completed the return-to-duty process required under federal
95 law, the applicant may be disqualified from employment.

96
97 2. Annual Query

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

106
107 **E. TRAINING AND EDUCATION**

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

115
116 Each supervisor who is responsible for overseeing the performance of drivers, including
117 principals and assistant principals, must undergo at least one hour of training concerning
118 alcohol misuse and one additional hour of training concerning drug abuse.

119
120 **F. REFERRALS**

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

127
128 **G. CONSEQUENCES**

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129
130 Employees who have committed a prohibited act, refused any test required by this policy,
131 or otherwise violated this policy, G.S. 20-138.2B, or Part 382 will be subject to
132 disciplinary action, up to and including dismissal.
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134 Any employee who has committed a violation of Part 382 will not be allowed to perform
135 any safety-sensitive functions until the employee has completed the return-to-duty
136 process, including an evaluation by a substance abuse professional, completion of any
137 appropriate treatment designated by the substance abuse professional, and achievement of
138 a negative return-to-duty test. Moreover, if the employee’s violation of Part 382 has been
139 reported to the Clearinghouse, the employee may not resume safety-sensitive functions
140 until a query of the Clearinghouse demonstrates that the employee completed the return-
141 to-duty process.
142

143 **H. PROCEDURES**

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145 All procedures for collection and testing provided in the Federal Highway
146 Administration’s “Procedures for Transportation Workplace Drug and Alcohol Testing
147 Programs” (49 C.F.R. pt. 40) and all requirements in Part 382, including testing,
148 reporting, record retention, training, and confidentiality, will be followed. Copies of
149 these federal regulations will be readily available. The superintendent shall develop any
150 other procedures necessary to carry out these regulations.
151

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

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

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156 Adopted: January 19, 2016

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158 Revised: November 21, 2016; December 16, 2019; September 21, 2020; [DATE]