



EEAEAA - DRUG AND ALCOHOL USE BY AND TESTING FOR DRIVERS WITH A COMMERCIAL DRIVER'S LICENSE (CDL)

APPLICABILITY

In accordance with federal law and regulations, all bus operators and other District drivers who operate a motor vehicle requiring a commercial driver's license (CDL) are subject to a controlled substance and alcohol testing program. The purpose of the testing program is to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by drivers.

This policy reflects several requirements of the federal drug testing regulations, but is not intended in any way to modify or limit the procedures for drug and alcohol testing specifically addressed in federal regulation. District personnel shall adhere to the detailed provisions of federal regulations in administering the District's drug and alcohol program under this policy.

DEFINITIONS

1. Tests. References to "tests" include both drug and alcohol tests unless the context specifies otherwise.
2. Drug/Controlled Substance. The terms "drug" and "controlled substance" are interchangeable and have the same meaning. "Drugs" refer to marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamines).
3. On the job. For purposes of this policy, (1) a nonexempt employee is on the job while he or she is being paid by the District; (2) an exempt employee is on the job while he or she is under the control or supervision of the District and is performing tasks, functions or duties at the request of or for the benefit of the District.

PROHIBITED CONDUCT

1. No driver shall have prohibited concentrations of alcohol (0.02 or greater) in his or her body while on the job.
2. No driver shall have any detectable quantities of controlled substances in his or her body while on the job, except as stated below.
3. No driver shall possess or consume alcohol or possess or use any controlled substance (except as stated below) on the job, or on call, on school premises or

No driver involved in an accident may use alcohol for the eight hours after the accident or until after he or she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two hours, or if a drug test is not administered within 32 hours after the accident, the District shall prepare and maintain records explaining why the test was not conducted.

Tests conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the District. Breath tests may validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Before any driver operates a commercial motor vehicle, the District shall provide him or her with post-accident testing requirements.

RANDOM TESTS

Tests shall be conducted on a random basis at unannounced times throughout the year. Random tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive functions. Random tests for drugs do not have to be conducted in immediate time proximity to performing safety-sensitive functions. Once notified of selection for drug testing, a driver must proceed to a collection site to provide a urine specimen.

Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made. The number of bus drivers selected for random testing shall be in accordance with federal regulations.

REASONABLE SUSPICION TESTS

Tests shall be conducted when a properly trained supervisor or District official has reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, breath and/or body odors. The observations may include indications of chronic and withdrawal effects of controlled substances.

Alcohol tests shall be authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the work day when the driver must comply with alcohol prohibitions. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours.

An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

A supervisor or District official who makes a finding of reasonable suspicion also must make a written record of his or her observations leading to a reasonable suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

RETURN TO DUTY

Before a driver is reinstated, if at all, the driver shall undergo a drug or alcohol test.

Employees whose conduct involved misuse of drugs may not return to duty in a safety-sensitive function, if at all, until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol may not return to duty in a safety-sensitive function, if at all, until the return-to-duty alcohol test produces a verified result that meets federal and District standards.

FOLLOW-UP TESTS

A driver who violates the District's drug or alcohol prohibition and who subsequently is identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law.

All employment decisions involving reinstatement, termination or dismissal shall be made in accordance with applicable District policies and negotiated agreements.

1. Failure to provide adequate breath for alcohol testing without a valid medical explanation and after the employee has received notice of the requirement of a breath test in accordance with this policy.
2. Failure to provide adequate urine for a controlled substance test without a valid medical explanation after the employee has received notification of the requirement for urine testing in accordance with this policy; or
3. Engaging in conduct that clearly obstructs the testing process.

ENFORCEMENT

Any driver who refuses to submit to post-accident, random, reasonable suspension, return-to-duty or follow-up tests will not be allowed to perform or continue to perform safety-sensitive funcando32dl As.

OTHER PROVISIONS

The District shall take steps to ensure that supervisors receive proper training to administer the controlled substance and alcohol testing program and that employees receive the notifications required by federal regulations.

The director of transportation services, with the approval of the District's risk manager and in conjunction with the executive director of human resources, shall establish the