

POLICY EEAEAA-R

DRUG AND ALCOHOL TESTING FOR SCHOOL TRANSPORTATION OPERATORS-REGULATION

School bus drivers who operate a motor vehicle requiring a commercial driver's license are subject to a drug and alcohol testing program that fulfills the requirements of federal regulations.

These Windsor Charter Academy's regulations reflect several requirements of the federal drug testing regulations but are not intended in any way to modify or limit the procedures for drug and alcohol testing specifically addressed in federal regulation. Windsor Charter Academy's personnel will adhere to the detailed provisions of federal regulation when administering its drug and alcohol program.

References to tests in these regulations include both drug and alcohol tests unless the context specifies otherwise. The terms drugs and controlled substances are interchangeable and have the same meaning and the terms refer to marijuana (THC), cocaine, opioids, phencyclidine (PCP), and amphetamines (including methamphetamines). The term "opioids" includes hydrocodone, hydromorphone, oxycodone, oxymorphone, opium, opiate, or an opium derivative such as morphine, codeine, or heroin.

Pre-Employment Drug Tests

Drug tests will be administered before a driver performs any safety-sensitive functions for Windsor Charter Academy.

The tests will be required of an applicant only after the position has been offered. Employment with Windsor Charter Academy is conditional upon the applicant receiving a negative drug test result.

An employee may be exempt from the pre-employment drug test if the employee has participated in a drug testing program within 30 days prior to the application for employment and while participating in that program either was tested for drugs within the last six months (from the date of application) or participated in a random drug testing program in the previous 12 months, provided that Windsor Charter Academy has been able to make all verifications required by law.

Post-Accident Tests

Alcohol and controlled substance tests will be conducted as soon after an accident as practicable on any driver who:

1. Was performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life.
2. Where any person involved in the accident required immediate medical attention away from the scene and the driver received a citation under state or local law for a moving traffic violation arising from the accident.
3. Where the vehicle required towing from the scene and the driver received a citation for a moving violation.
4. Where the circumstances of the accident give rise to reasonable concern by Windsor Charter Academy that the use of alcohol or controlled substances may have contributed to the accident.

No driver involved in an accident may use alcohol for eight hours after the accident or until after undergoing 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, Windsor Charter Academy will 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 Windsor Charter Academy. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Before any driver operates a commercial motor vehicle, Windsor Charter Academy will provide post-accident procedures that will make it possible to comply with post-accident testing requirements.

Random Tests

Tests will be conducted on a random basis at unannounced times throughout the year. Random tests for alcohol will 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 will be selected by a scientifically valid random process, and each driver will have an equal chance of being tested each time selections are made. The number of bus drivers selected for random testing will be in accordance with federal regulations.

Reasonable Suspicion Tests

Tests must be conducted when the Director of Facilities Management has reasonable suspicion that the driver has violated the Windsor Charter Academy's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The observations may include indications of chronic and withdrawal effects of controlled substances.

Alcohol tests will 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, Windsor Charter Academy will prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests will 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 school official who makes a finding of reasonable suspicion also must make a written record of his 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 Tests

A drug or alcohol test will be conducted when a driver who has violated Windsor Charter Academy's drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involves the misuse of drugs may not return to duty in a safety-sensitive function 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 until the return-to-duty alcohol test produces a verified result that meets federal and Windsor Charter Academy's standards.

Follow-Up Tests

A driver who violates Windsor Charter Academy's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem will be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with the law. Follow-up alcohol testing will be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

Records

Employee drug and alcohol test results and records will be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver will receive copies of any records pertaining to the driver's use of drugs or alcohol, including any records pertaining to personal drug or alcohol tests. Records will be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Notifications

Each driver will receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of Windsor Charter Academy's policy and regulations for meeting these requirements. Representatives of employee organizations will be notified of the availability of this information. The information will identify:

1. The person designated by Windsor Charter Academy to answer driver questions about the materials.
2. Categories of drivers who are subject to the drug and alcohol testing requirements.
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear for what period of the workday driver compliance is required.
4. Specific information concerning driver conduct that is prohibited.
5. Circumstances under which a driver will be tested for drugs and/or alcohol.
6. Procedures that will be used to test for the presence of drugs and alcohol, protect the driver and integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver.
7. The requirement that a driver submits to drug and alcohol tests administered in accordance with federal regulations.

8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences.
9. Consequences for drivers found to have violated the drug and alcohol prohibitions include the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment.
10. Consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
11. Information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; external and internal signs and symptoms of a drug or alcohol problem, and available methods of intervening when a drug or alcohol problem is suspected including confrontation, referral to an employee assistance program and/or referral to administrative officials.

Each driver must sign a statement certifying receipt of a copy of the above materials.

Windsor Charter Academy will inform drivers before drug and alcohol tests are performed.

Windsor Charter Academy School will notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of the employment application.

Windsor Charter Academy will notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. Windsor Charter Academy also will tell the driver which controlled substances were verified as positive.

Drivers will inform their supervisors if at any time they are using a controlled substance that their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect the ability to safely operate a commercial motor vehicle.

Enforcement

Any driver who refuses to submit to post-accident, random, reasonable suspicion, or follow-up tests will not be allowed to perform or continue to perform safety-sensitive functions.

A driver who in any other way violates Windsor Charter Academy prohibitions related to drugs and alcohol will receive from Windsor Charter Academy the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee will be evaluated by a substance abuse professional who will determine what help, if any, the driver needs in resolving such a problem.

Any substance abuse professional who determines that a driver needs assistance will not refer the driver to a private practice, person, or organization in which the professional has a financial interest except under the circumstances allowed by law.

Before the driver is returned to safety-sensitive duties if at all, Windsor Charter Academy must ensure that the employee:

1. Has been evaluated by a substance abuse professional.

2. Has complied with any recommended treatment.
 3. Has taken a return-to-duty drug and alcohol test with a result indicating an alcohol concentration level of less than 0.02.
 4. Is subject to unannounced follow-up drug and alcohol tests. The number and frequency of such follow-up testing will be as directed by the substance abuse professional and consist of at least six tests in the first 12 months following the driver's return to duty.
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Windsor Charter Academy Executive Board

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