

**MANDATORY DRUG AND ALCOHOL TESTING
TRANSPORTATION EMPLOYEES**

In order to comply with the Omnibus Transportation Employee Testing Act of 1991, the Board of School Directors of the Orwell Town School District establishes the following policy regarding drug and alcohol use and tests for all safety sensitive transportation employees.

The Superintendent or his designee shall implement all procedures necessary to carry out this policy as required by the Act.

This policy applies to the following safety sensitive employees of the District:

1. All employees who hold commercial drivers licenses;
2. All employees who operate vehicles which, by law or local rule, must be operated only by persons who hold a commercial drivers license.

PROHIBITED CONDUCT:

1. No covered employee may report for duty or remain on duty requiring the performance of a safety sensitive function when the individual uses any controlled substance unless such use is at the direction of a physician who has advised the employee that such use will not adversely affect his or her ability to operate a commercial motor vehicle. The employee shall provide a written verification of such permitted use to the School District.

2. No covered employee shall use alcohol on the job or within the four hours prior to the performance of a safety sensitive function, or have prohibited concentrations of alcohol in her or his system while performing a safety sensitive function, or use alcohol following an accident.

Engaging in any of the prohibited activity will result, at the discretion of the Board of School Directors, in sanctions including suspension without pay and discharge from employment.

TESTING:

Tests will be performed for the following prohibited drugs: marijuana, cocaine, opiates, amphetamines, phencyclidine, and such other substances as may, from time to time be added by Federal or State law or regulation.

Tests will also be performed for specific prohibited alcohol related conduct while performing in safety sensitive functions.

Federal regulations presently prohibit performing safety sensitive functions while using alcohol or within four hours after using alcohol. Driving is prohibited within 24 hours of a test showing alcohol concentrations between 0.02 and 0.04. Safety sensitive functions may not be performed while having an alcohol concentration of 0.04 or greater as determined by an alcohol breath test.

Drug and alcohol tests will be performed:

1. Drug tests will be performed as part of the hiring process of all safety sensitive personnel. No person will be hired who has tested positive for any controlled substance.

2. Alcohol tests will be performed after employment has been commenced during the employee's probationary period.

3. As soon as practicable following an accident occurring during the performance of a safety sensitive function which resulted in the loss of life or the receipt by the employee of a citation for a moving traffic violation arising out of the accident.

4. Randomly during the year at unannounced times and in a manner that assures the random selection of employees so that during any given year the number of employees selected for controlled substance testing is equal to an annual rate of not less than 50 percent of the average number of driver positions and, for alcohol, equal to 25 percent of the average number of driver positions.

5. At any time that a reasonable suspicion exists that the employee has violated any rule related to alcohol or drug use. Said determination will be made by a supervisor trained in detecting the symptoms of alcohol and/or drug abuse and will be based on specific contemporaneous observations concerning the appearance, speech, behavior, and body odor of the employee. The testing must be performed by a person other than the reporting supervisor.

6. Prior to the return to duty of any employee who violated the rules concerning alcohol and controlled substances.

7. On any employee identified by a substance abuse professional as needing assistance in resolving problems with alcohol or controlled substances as unannounced follow-up tests during the first 12 months following the return to duty. The number of tests to be performed will be determined by the substance abuse professional.

RETENTION OF RECORDS:

The School District will maintain records of its alcohol and substance misuse prevention program in a secure location with controlled access as follows:

1. Records of any employee testing results which indicate verified positive controlled substance tests or alcohol concentrations of 0.02 or greater, documentation of refusals to take any required tests, equipment calibration documentation, and documentation of covered employee evaluations and referrals shall all be retained for five years.

2. Records related to the collection process and training shall be retained for two years.

3. Records of negative test results shall be retained for one year.

The School District shall advise all covered employees who engage in prohibited conduct of the existence of evaluation and treatment programs for alcohol and substance abuse problems including the names and addresses of substance abuse professionals, counseling and treatment programs. The School District will not be responsible for any of the costs associated with providing any such services to a covered employee.

All safety sensitive employees will receive a copy of this policy and related materials prepared by the Superintendent.

ADOPTED: December 19, 1995

Orwell Town School Board

**BUS DRIVER TESTING PERMISSION FORM
AND AGREEMENT**

I, _____, have applied for the position of School Bus Driver with the Orwell Town School District. I have read and understand the School District's policy regarding drugs and alcohol and further understand that Federal law requires that I submit to drug and alcohol testing as set forth in said policy, a copy of which has been provided to me.

I hereby give permission to the School District, through its duly authorized agents, to conduct all required drug and alcohol testing which the School District, in its sole discretion deems necessary. I also agree that if at any time while in the employment of the School District I retract my agreement to undergo testing, the Board of School Directors may in its discretion suspend me without pay for a period of time determined by the Board or immediately discharge me from my job.

I further understand and agree that if I violate that policy by using drugs or alcohol in a manner that results in positive test results for a controlled substance or for alcohol in impermissible concentrations, the School Board may, in its discretion, suspend me without pay for a period of time determined by the Board or immediately discharge me from my job.

I understand and agree that the foregoing conditions and agreements by me are necessary to protect the safety and well being of the children placed in my charge as bus driver.

Dated at _____ this _____ day of _____,

19____.

Witness

Employee/Applicant