

MANDATORY DRUG AND ALCOHOL TESTING

The School Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the vehicle.

This policy applies to two categories of drivers:

- a. school bus drivers (see RSA 189:13-b; 263:29 & 29-a);
- b. "contracted carriers": means a person providing motor vehicle transportation of students for compensation under continuing agreements with the District (see RSA 376:2).

Each driver, as well as others who perform safety-sensitive functions with commercial vehicles that transport students, must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy related to the fitness for duty of transportation personnel.

The Superintendent/designee shall adopt and enact any procedures necessary or appropriate to assure compliance with applicable state and federal laws and regulations.

In compliance with the United States Department of Transportation (49 CFR Part 40), employees of the District performing a safety sensitive job or holding a CDL license will be required to submit to drug and alcohol tests in accordance with the Rules and Regulations promulgated by that department.

The term "CDL holder" means someone who is required as part of their job duties to hold a Commercial Driver's License. The term "safety-sensitive function" refers to all tasks associated with the operation and maintenance of commercial vehicles. A "commercial vehicle" is any vehicle capable of carrying 16 or more passengers including the driver.

The testing will be done by a qualified company selected by the District. The agency will review all mandatory drug testing including pre-employment, random, post accident, reasonable suspicion and return-to-duty. A laboratory certified by the Department of Health and Human Services will perform testing in compliance with the Department of Transportation regulations on the urine samples hand delivered to them.

Random alcohol testing will be conducted at an annual rate of 25% of safety sensitive positions and will be performed on National Highway Traffic Safety Administration (NHTSA) approved evidential breath testing devices.

Random drug testing of employees will be done at an annual rate of 50% of the safety sensitive positions. Employee numbers will be drawn from a general pool to which the District belongs with a number of other statewide employers. Arrangements will be made with the selected agency so that these employees will go directly for a urine test when their number is drawn. The test site facility will be informed of the names to be expected.

The employee will be required to submit to a reasonable suspicion drug and/or alcohol test if their supervisor suspects drug and/or alcohol use. Behaviors believed to be a result of drug and/or alcohol use must be observed directly by the supervisor.

A medical review officer (MRO) will review any employee test that is positive from the Center to determine if the test is confirmed positive. The MRO will refer all employees who have a confirmed positive test for drugs to a substance abuse professional (SAP). The breath alcohol technician (BAT) will refer any employee to a SAP whose breath test is 0.04 or above. Department of Transportation (DOT) regulations outline procedures dealing with employees who test 0.02 to .039. The employee must fulfill the SAP requirements and follow up testing in

order to continue in their safety sensitive position. The employee is responsible for these charges associated with SAP, drug/alcohol treatment and follow up testing.

Any employee who tests positive, meaning a concentration level of 0.02 or greater, will be subject to a second confirmation test. If the second test is also positive, the employee will be terminated from employment with the District.

The use, possession, sale or transfer of illegal drugs, on or off the job, will be cause for termination. Refusal to participate in a drug screen or alcohol testing, whether selected randomly or for cause, will result in immediate termination.

All files on drug and alcohol testing are maintained by the Center. This information is strictly confidential. The District will be advised immediately if an employee fails the drug or tests above 0.02 on breath alcohol measurement and by mail for all negative tests.

A copy of this policy will be provided annually with the transportation company, school bus drivers, and all contracted carriers.

~~I have received and understand the drug and alcohol testing policy of the District.~~

Employee Signature: _____

Supervisor Signature: _____

Date: _____

CC: Personnel file

Legal References:

49 C.F.R. § 40.1-40.13 (2001), Transportation Workplace Drug Testing Program

49 C.F.R. § 392.1-392.5 (1995), Driving Commercial Motor Vehicles

RSA [200](#):37, Medical Examination of School Bus Operators

New policy: November 1999 (reviewed April 2004 / revised May 2006)

Reviewed and Revised: August 11, 2010

1st Reading: June 1, 2016 (Amended)

2nd Reading: July 18, 2016

3rd Reading: July 18, 2016 (Waived)

Adopted: July 18, 2016

1st Reading: December 1, 2021