

Pennsbury School District

School Board Policy

Effective Date	Supersedes Index No.	Index No.
8/25/11	4633 of 1/1/95	810.2

Title: Drug Testing of Transportation Employees

Purpose: This policy is adopted to comply with federal regulations requiring implementation of programs and practices, including drug and alcohol testing, to help prevent accidents and injuries resulting from the misuse of alcohol or controlled substances by transportation employees. For purposes of this policy, the term “transportation employee” shall mean any employee who possesses a “Commercial Driver’s License” and whose primary function is to transport students in a school bus, or any employee whose primary function is to transport students in a school van regardless of the classification of his or her driver’s license, or any school bus mechanic.

This document, Index No. 810.2, replaces the previous Index No. 4633 of 1/1/95 titled *Employee Drug and Alcohol Testing*.

Reference: Administrative Procedure 810.2, *Drug Testing of Transportation Employees*

Authority: The authority granted to boards by the PA Public School Code of 1949, as amended, permits the School Board to adopt reasonable rules and regulations regarding the management of School District affairs and the conduct and department of employees during the time they are engaged in the performance of their duties.

Policy: It is the policy of the Pennsbury School District to recognize that the use and abuse of alcohol and other drugs in today’s society is a very serious problem that has also found its way into the workplace. The School District also recognizes the significant threat that an alcohol and/or drug impaired transportation employee can pose to the safety of his or her co-

workers and the general public. In order to address the safety threat presented by the problem of substance abuse in the transportation industry, the Federal Department of Transportation has established extensive regulations requiring testing for alcohol and other drugs under 49 CFR, Part 40. These regulations prohibit alcohol and drug misuse that could affect performance of a safety-related function.

All transportation employees covered under this policy shall be subject to:

- a. Pre-employment testing. Prior to recommending to the School Board that any individual be hired as a transportation employee, the candidate shall undergo testing for controlled substances. No individual shall be recommended to the School Board to be hired as a transportation employee who has not undergone such testing, or who has been administered such tests with a result indicating a positive controlled substances result.
- b. Post-accident testing. As soon as practicable following a school bus or van accident involving loss of human life, or where medical treatment is rendered at the accident scene and a citation is issued to the Transportation employee, and/or when one or both vehicles are towed from the scene and the Transportation employee is issued a citation, the employee shall be tested for alcohol and controlled substances. A driver who is subject to post-accident testing under this policy shall remain readily available for such testing. If the employee does not remain readily available, he or she may be deemed by the School District to have refused to submit to testing.
- c. Reasonable suspicion testing. A transportation employee shall be required to submit to an alcohol and/or controlled substances test when the Business Administrator or his or her designee(s) has reasonable suspicion that the employee is using or has used alcohol or controlled substances in violation of the prohibitions or mandates of this policy.
- d. Random testing. Random alcohol and controlled substances testing shall be conducted on a percentage of transportation employees as mandated to occur from time to time by the federal government. The selection of drivers for random testing shall be by a scientifically valid method so that each driver shall have an equal chance of being tested each time selections are made. These tests shall be unannounced and the tests shall be spread reasonably throughout the year.

In addition to alcohol, the controlled substances that will be tested for as part of this policy include marijuana, cocaine, amphetamines, phencyclidine (PCP), opiates, heroin, and methylenedioxy-methamphetamine (Ecstasy).

Consistent with contractual, legal and constitutional requirements, a determination shall be made as to the appropriate disciplinary action to be imposed upon any transportation employee who violates any of the prohibitions or mandates set forth in this policy. Nothing in this policy shall be construed to limit the authority of the School District to impose discipline, including discharge, as it shall determine, so long as the minimums set forth in the federal regulations are satisfied.

The Business Administrator shall be the School District's representative for purposes of receiving and handling alcohol and drug test results. Those results shall be handled in a confidential manner in accordance with applicable federal, state and local law and regulations.

The Business Administrator shall develop and implement procedures for the preparation, maintenance, retention and disclosure of records as required by law.

The Business Administrator shall recommend the actions necessary to insure that the School District can perform the testing described in this policy and has the services of a qualified medical review officer, a qualified substance abuse professional, and a certified laboratory.

The Business Administrator shall ensure that access is provided to all School District facilities utilized in complying with the requirements of the Federal Highway Administration, the Secretary of Transportation, any Department of Transportation agency, or any state or local official with regulatory authority over the School District or any of its drivers.

Calendar Year Summary

The administration shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed during the previous calendar year, as required by federal regulations when requested by the Secretary of Transportation, a Department of Transportation agency, or a state or local agency with regulatory authority over the School District or any of its drivers.

If the School District is notified during the month of January of a request by the Federal Highway Administration (FHA) to report the School District's annual calendar year summary information, the administration shall prepare and submit the report to the FHA by March 15 of that year.

Confidentiality

Records maintained pursuant to this policy and any implementing procedures will be maintained in a secured location with controlled access. No driver information contained in these records shall be released, except as expressly authorized or required by law.

Contracts with laboratories and/or other entities to which the School District may subcontract any of its responsibilities under this policy shall require those entities to maintain the confidentiality of records, as required by law.

**Responsible
Administrator:** Business Administrator