



Independent School District 152



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Transportation Drug Testing Procedures

Administrative Procedure: 416.1

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TRANSPORTATION DRUG TESTING PROCEDURES

These procedures cover all applicants (including rehires) and current employees (including temporary employees) who have been hired by the district, or hired by a company operating under contract to Moorhead Area Public Schools for the purpose of, driving a school bus to transport people for any school-related purpose.

TESTING PROGRAM

Moorhead Area Public Schools has established a testing program for drugs (including alcohol and controlled substances) for employees operating school buses to transport people for school-related activities. Testing will be conducted as follows:

1. Pre-employment - as a condition of employment
2. Random - during the course of employment
3. Post-accident
4. Reasonable Suspicion

Pre-employment Testing

The Moorhead Area Public Schools will test all applicants, whether new employees or rehires, as a condition of employment. The Moorhead Area Public Schools require that every newly hired and licensed school bus driver (CDL) be free of illegal drugs, controlled substances, or alcohol. Each offer of employment shall be conditioned upon the successful completion of a test for illegal drugs, controlled substances, and alcohol as prescribed by federal law. Any applicant who tests positive in the pre-employment drug/alcohol test shall be rejected and shall be ineligible for hire for 12 months unless the applicant adequately establishes a legal basis for the use of the drug, controlled substance, or alcohol with respect to which the applicant tested positive.

Random Testing

Employees who have been hired to drive a school-owned/operated or leased school bus shall be subject to random testing annually at a rate of 50 percent of the workforce for drugs and 10 percent of the workforce for alcohol.

Post-Accident

Any employee involved in an accident while driving a school-owned/operated or leased school bus will be required to participate in a post-accident drug test if:

1. The driver was performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life;
or.
2. The driver received a citation under state or local law for a moving traffic violation arising from the accident. (49 CFR 382.303)

No driver shall use alcohol for 8 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 (2) hours or if a drug is not administered within thirty-two (32) hours, then the employer shall prepare and maintain records explaining why the test was not conducted. Alcohol tests will not be given if not administered within eight (8) hours post-accident or thirty-two (32) hours for other drugs.

Return to Work

Any employee who has voluntarily terminated employment, been released from duties, or has participated in an employee benefit program as a result of a positive drug test will be required to take a drug test prior to returning to work at the Moorhead Area Public Schools.

Follow-up Testing

A driver who violates the district's drug or alcohol prohibition and is subsequently 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 the law. Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions. (49 Code of Federal Regulations 382.311)

Reasonable Suspicion Testing

Whenever the Moorhead Area Public Schools Transportation Safety Director or his/her designee, or other school district official has reasonable suspicion that an employee has used illegal drugs or alcohol, prior to performing, while performing, or immediately after performing any job-related task, Moorhead Area Public Schools may require testing, as prescribed by the Moorhead Area Public Schools, and law.

Reasonable suspicion must be based upon specific, articulate observations of appearance, behavior, speech, or body odors. The observations may include indications of the chronic withdrawal effect of controlled substances. The determination of reasonable suspicion must be made by a district official with training in accordance with law that the driver/employee has violated the district's alcohol or drug prohibitions.

Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and release only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to their use of drugs or alcohol, including any records pertaining to their use of drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver. (49 Code of Federal Regulations 382.405)

Notification

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

1. The person designated by the district to answer driver questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;

6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing process, safeguard the validity of the test results, and ensure that test results are attributed to the correct driver;
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and
11. Information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); 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 management. (49 Code of Federal Regulations 382.601)

TESTING PROCEDURES

1. Prior to testing, the Moorhead Area Public Schools will afford applicants and employees (subject to testing) the opportunity to list all prescription and non-prescription drugs and controlled substances they have used and to explain the circumstances surrounding the use of such drugs and controlled substances. Failure of any employee to adequately establish a legal basis for the use of any drug or controlled substance with respect to which the employee tests positive shall constitute a violation of this policy.
2. Applicants and employees subject to testing must, prior to testing, sign an approval form agreeing to the testing, authorizing the release of test results to the Moorhead Area Public Schools Transportation Safety Director, and authorizing the disclosure of the results by the Transportation Department to a personnel representative. The Transportation Department will obtain the results of the analyses and communicate or disclose such results to a personnel representative in accordance with Moorhead Area Public Schools policies. School officers, employees, agents, and representatives may use such information in connection with school business and disclose it when required to

Government agencies and to others upon valid legal requests, legal proceedings, and other situations to protect the interests of the otherwise in accordance with policies on employee data privacy.

3. The Moorhead Area Public Schools, prior to taking any action, will give all employees who test positive the opportunity to explain in writing the test results. Failure of any employee to establish adequately a legal basis for the use of any drug, alcohol, or controlled substance with respect to which the employee tests positive shall constitute a violation of this policy. Additionally, any employee who tests positive on the initial screening shall have the opportunity to re-test at their expense.

4. The Moorhead Area Public Schools will establish and maintain any and all additional testing programs and requirements that may be necessary or appropriate to comply with applicable rules and regulations of all government agencies.

ATTACHMENTS TO DRUG AND ALCOHOL TESTING POLICY

Attachments A through D are to be used in conjunction with the drug and alcohol testing of bus drivers and driver applicants.

* Attachment A is a "Driver Acknowledgment -- Drug and Alcohol Testing Policy Materials" form which should be used to document receipt of the policy and other materials by drivers and driver applicants. It is referred to in Article III, Section C, paragraph 4 of the policy.

* Attachment B is a "Bus Driver or Driver Applicant -- Authorization to Release Information" form. It is referred to in Article III, Section H, paragraph 1 of the policy.

* Attachment C is a "Bus Driver or Driver Applicant -- Refusal to Submit to Testing" form. It is referred to in Article III, Section H, paragraph 8 of the policy.

Attachments D through H are to be used in conjunction with drug and alcohol testing of non-bus drivers and applicants.

* Attachment D is a "Pretest Notice" that must be provided to non-school bus driver employees or job applicants before requesting that the employee or job applicant undergo drug or alcohol testing. It is referred to in Article IV, Section E, paragraph 1 of the policy.

* Attachment E is a "Notice of Test Results and Various Rights" which should be used by the district when notifying non-school bus driver employees or job applicants of test

results and other rights. It is referred to in Article IV, Section E, paragraph 6 of the policy.

* Attachment F is an "Explanation of a Positive Test Result" which is used by the district when an applicant has a positive test result. It is referred to in Article IV, Section E, paragraph 4. of the policy.

* Attachment G is entitled "Acknowledgment -- Drug and Alcohol Testing Policy" which is used to document the written notice of the policy that was given to all affected employees. It is referred to in Article IV, Section J of the policy.

* Attachment H is entitled "Behavioral Observation Checklist--Reasonable Suspicion," which is used by a trained observer who has a reasonable suspicion to believe an employee has used or is under the influence of alcohol and/or controlled substances while on duty.

Attachments are included.