

POLICY

No. 4705

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ALCOHOL AND DRUG TESTING OF BUS DRIVERS

The BOCES recognizes the dangers inherent in alcohol and controlled substance use by employees, especially those in safety-sensitive positions. To ensure the safety of its students, and in compliance with federal regulations, the BOCES requires alcohol and controlled substance testing of school bus drivers and other covered employees.

The districts shall directly, by contract, or through a consortium, implement and conduct a program to provide alcohol and controlled substance testing of employees who are employed in a safety-sensitive position. This includes:

1. drivers of buses designed to transport 15 or more passengers;
2. drivers of commercial motor vehicles whose manufacturer's rating is 26,001 lbs. or more.

Controlled substance and alcohol tests will be conducted at the time of employment and randomly throughout the school year. In addition, testing will be conducted when a trained administrator and his/her supervisor have a "reasonable suspicion" that an employee has engaged in prohibited alcohol or controlled substance use; after certain accidents; prior to return to duty when the employee has been found to violate BOCES policy and federal regulations; and after the employee's return to duty.

In accordance with federal and state law, a bus driver will not be permitted to drive if he or she:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;

Adopted: May 20, 1996

Ratified: June 17, 1996

Amended:

2. uses or is under the influence of alcohol or a controlled substance within six hours or less before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for a controlled substance;
4. refuses to take a required alcohol or controlled substance test.

Also, no driver shall use alcohol after being involved in an accident in which there was a fatality or in which the bus driver was cited for a moving violation and a vehicle was towed from the scene, or an injury was treated away from the scene, until he/she has been tested or 8 hours have passed, whichever occurs first.

Any employee who is tested to have an alcohol concentration of at least 0.02, but less than 0.04, shall be removed from the position until his or her next regularly scheduled duty period, but not less than 24 hours following administration of the test. Such an employee will not be subject to discipline or any other penalties.

If a driver has engaged in prohibited alcohol or controlled substance use, he or she will be removed from driving duties, and referred to a Substance Abuse Professional. The employee may be required to complete a treatment program and/or be disciplined pursuant to policy, law and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may return to duty unless he/she has successfully passed a required return to duty test. Thereafter, the driver will be subject to follow-up testing. Violation of this policy shall constitute just cause for discipline including discharge.

The District Superintendent of Schools shall ensure that a copy of this policy is provided to all school bus drivers and other appropriate personnel prior to the initiation of the testing program and to each driver subsequently hired or transferred to a position subject to testing.

The Driver Alcohol and Drug Testing Program is administered by the Supervisor of Operations and Maintenance. This person is designated by the District Superintendent to answer questions concerning materials and other information provided to drivers about this program.