

## Federal Motor Carrier Safety Administration Mandated Drug and Alcohol Testing Program

The superintendent/designee will establish programs and procedures as mandated by the Federal Motor Carrier Safety Administration (FMCSA) controlled substances, including marijuana (cannabis), and alcohol testing rules.

### Prohibited Alcohol And Controlled Substance-Related Conduct

The following alcohol and controlled substance-related activities are prohibited by the district for drivers required to possess a commercial driver's license (CDL) as part of their job responsibilities:

- A. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration in excess of the standard set by the FMCSA.
- B. Being on duty or operating a vehicle while the driver possesses alcohol or controlled substances in any amount.
- C. Using alcohol while performing safety-sensitive functions.
- D. When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- E. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements.
- F. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a prescribing authority who has advised the driver and the district in writing that the substance does not adversely affect the driver's ability to safely operate a vehicle. Drivers are required to inform the district of any therapeutic drug use upon it being prescribed, although the specific medication that has been prescribed does not have to be provided. The use of any medication that could affect a driver's safe job performance is prohibited while working.
- G. Reporting for duty, remaining on duty or driving if the driver tests positive or would test positive for controlled substances.

No supervisor having actual knowledge of the above violations will permit a driver to perform or continue to perform safety-sensitive functions.

Violations of this policy will result in appropriate corrective action ranging from removal from the performance of safety-sensitive functions up to and including discharge.

Cross References:	Board Policy 5201 Board Policy 5281	Drug-Free Schools, Community and Workplace Disciplinary Action and Discharge
Legal Reference:	49 CFR § 40 49 CFR §§ 382	Procedures for transportation workplace drug and alcohol testing programs Controlled substances and alcohol use and testing

Management Resources:

2015 – October Issue

*Policy News*, April 2012

*Policy News*, December 2001

*Policy News*, February 1999

Federal Motor Carrier Safety

Administration mandated drug and  
alcohol testing program

Federal Government Amends Bus Driver  
Drug Testing Rules

Bus drivers still tested for marijuana

**Adoption Date: 11.14.95**

**Washougal School District**

**Revised: 05.12.98; 02.26.02; 03.27.12; 05.28.13; 04.26.16**

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### Testing Requirements

The superintendent/designee is responsible for the development and implementation of procedures for conducting the tests and administering the exemptions consistent with federal rules. The following identify the occasions on which a driver will be subject to alcohol or controlled substances testing.

- A. **Pre-employment testing:** Prior to the first time a driver performs a safety-sensitive function for the district, the driver will undergo testing for controlled substances. This testing requirement may be waived under FMCSA rules for CDL drivers recently employed elsewhere for whom testing records are available from their previous employers.
- B. **Post-accident testing:** Each surviving driver of an accident, as defined by the FMCSA, will be tested for alcohol and controlled substances.
- C. **Random testing:** Annually the district will arrange for the unannounced random alcohol and controlled substances testing of its drivers. Fifty percent (50%) of the district's drivers must be randomly selected for controlled substances testing each year, and ten percent (10%) of its drivers for alcohol testing (or whatever level of testing is required in a given year by the FMCSA). Alcohol testing under this program will take place just prior to, during or immediately after the driver engages in a safety-sensitive function for the district.
- D. **Reasonable suspicion testing:** A driver must submit to alcohol or controlled substance testing whenever a trained supervisor has a reasonable suspicion of alcohol misuse or controlled substance use based on specific, contemporaneous and articulable observations concerning the appearance, behavior, speech or bodily odors of the driver. Observations related to using alcohol must be made just prior to, during or immediately after the driver engages in a safety-sensitive function for the district, and the alcohol test must be given within eight hours following the determination of reasonable suspicion.
- E. **Return-to-duty testing:** If a driver is to be returned to performing safety-sensitive functions for the district after violating this policy or the federal regulations, the driver will be evaluated by a substance abuse professional (SAP) who will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and use of controlled substances. SAPs must require education and/or treatment in all such cases. If a driver is to be returned to performing safety-sensitive functions for the district following a violation of this policy or the federal regulations, the driver will first be evaluated by a SAP to determine that the driver has properly followed any rehabilitation proscribed. Before a driver could be returned to performing safety-sensitive functions for the district following a violation of this policy and/or the federal regulations, the driver will undergo a return-to-duty alcohol and/or controlled substances test resulting in an alcohol concentration below 0.02 alcohol concentration and/or a negative controlled substances test. The District retains the right to solely determine whether an employee who has violated this policy will be returned to performing safety sensitive functions.
- F. **Follow-up testing:** Any driver who continues performing safety-sensitive functions for the district, following a determination of the alcohol or controlled substances prohibited conduct, will be subject to a follow-up testing.

### **Record Retention And Reporting**

Records collected under this policy will be secured and retained with controlled access and for the time periods established by the federal regulations. The data collected under this policy will be reported as required by the federal regulations.

### **Education, Training And Referral Services**

Educational materials that explain the requirements of this policy and the federal program will be distributed to each driver prior to the start of the testing program and to each driver subsequently hired or transferred into a position covered by this policy. Each driver, after receiving a copy of the materials, will sign a certificate of receipt and the district will maintain the original of the receipt. The collective bargaining representative of the drivers, if any, will be notified of the availability of this information. The educational materials will include:

- A. A copy of this procedure and the accompanying policy;
- B. The name of the person designated to answer questions about the materials;
- C. The categories of employees covered by the policy;
- D. A description of safety-sensitive functions, so that drivers will know which part of their tasks will be covered by this policy;
- E. A specific description of conduct prohibited by this policy and the federal program;
- F. The circumstances under which a driver is subject to testing;
- G. The procedures used in the testing program, especially those that protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver;
- H. The requirement that drivers must submit to testing required by this policy and the federal program, and a description of what constitutes refusal to submit to required testing and the consequences of refusal;
- I. The consequences for drivers who violate this policy and the federal program, including immediate removal from conducting safety-sensitive functions;
- J. The consequences for drivers found to have alcohol concentrations between 0.02 and 0.04; and
- K. Information about the effects of alcohol and controlled substances on an individual's health, work and personal life and methods of intervening when a problem with alcohol or a controlled substance is suspected, including confrontation, referral to the staff assistance program and referral to management.

Supervisors designated to determine if reasonable suspicion exists that a driver is under the influence of alcohol or controlled substances must have at least sixty minutes of training on alcohol misuse and at least sixty minutes of training on use of controlled substances. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

The employed driver who violates this policy or the federal regulations will be informed of resources available for evaluation and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of SAPs and counseling and treatment programs. Costs incurred by the driver for evaluation and/or rehabilitation are the driver's responsibility.

**Date: 04.16**

**Washougal School District**