

NORTH PENN SCHOOL DISTRICT
School Board Policy

4271(a)

PERSONNEL

Support Staff

Reference: Administrative Regulation #4271 and
Board Policy # 4314

Drug and Alcohol Testing – Transportation Department

The purpose of this policy is to establish programs and procedures which comply with the Omnibus Transportation Employee Testing Act of 1991, as amended (hereinafter “Act”), and the United States Department of Transportation regulations contained in 49 CFR 40.1 et seq., as amended, and 49 CFR 382.101 et seq., as amended (hereinafter “DOT Regulations”). These programs are designed to help prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by drivers of district school buses and vehicles.

Misuse of alcohol or the use of controlled substances by drivers of district school buses and vehicles is strictly prohibited. This policy and the procedures established pursuant to this policy shall apply to every person who operates a school bus or school vehicle and is subject to commercial driver’s license requirements (the “Driver”).

Consequences for Drivers Engaging in Substance Use-Related Conduct

A driver with an alcohol concentration of greater than 0.02 but less than 0.04 shall be suspended without pay until the next scheduled duty period which is at least 24 hours after the administration of the test.

Any driver who is suspended without pay shall not be reinstated until after the following requirements have been met:

1. The driver has been advised of the resources available to the driver in evaluating and problems associated with the misuse of alcohol;
2. The driver has been evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse;
3. The driver has undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02;
4. If the driver has been identified as needing assistance in resolving problems associated with alcohol misuse, the driver shall be evaluated by a substance abuse professional to determine that the driver has properly followed any rehabilitation program prescribed; and,

5. The driver serves the length of the suspension and meets any other conditions of reinstatement that may have been imposed by the district.

A Driver shall be immediately terminated for any of the following reasons:

1. Reports for his or her duties or remains on duty while having an alcohol concentration of 0.04 or greater.
2. Reports for his or her duties or remains on duty while possessing alcohol.
3. Reports for his or her duties or remains on duty while using alcohol.
4. Reports for his or her duties or remains on duty within eight (8) hours after having used alcohol.
5. Reports for his or her duties or remains on duty when the driver has used, *or is using*, any controlled substance, except when the use is pursuant to the written instructions or prescription of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate the school bus or school van.
6. Tests positive for controlled substances or has adulterated or substituted a test specimen for controlled substances.
7. Refuses to submit to any of the following: a post-accident alcohol or controlled substances test; a random alcohol or controlled substances test; a reasonable suspicion alcohol or controlled substances test; or, a follow-up alcohol or controlled substances test.
8. Reports for his or her duties while possessing a controlled substance except when the possession is pursuant to the written instructions or prescription of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate the school bus or school van.

In addition to the aforementioned consequences, when an alcohol test shows a concentration of ~~0.10~~ 0.08 or greater after a driver has been driving, or a when a controlled substances test shows a positive result, and the driver has not, in accordance with this policy, advised the district of therapeutic drug use prescribed by a physician, the matter shall be turned over to the appropriate municipal police department.

The coordinator of transportation, under the supervision of the superintendent, shall establish procedures which carry out the mandate of this policy and comply with the Act and DOT Regulations.

Policy:

Adopted: August 19, 2004

Reviewed: October 23, 2008

Amended: April 18, 2013