

HAZLETON AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: CONTROLLED SUBSTANCE/
ALCOHOL REQUIREMENTS
FOR COVERED DRIVERS

ADOPTED: August 18, 2011

REVISED:

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| <p>1. Purpose Pol. 351</p> <p>2. Definitions 49 CFR Sec. 382.107</p> <p>49 CFR Sec. 382.107</p> <p>49 CFR Sec. 382.107</p> | <p style="text-align: center;">810.1. CONTROLLED SUBSTANCE/ALCOHOL REQUIREMENTS FOR COVERED DRIVERS</p> <p>The Board recognizes that the use and abuse of drugs and alcohol is a serious problem that may be present in the workplace. The Board also recognizes that a covered driver impaired by drugs or alcohol who operates school buses or vehicles or transports students poses significant risks to the safety of students and others.</p> <p>Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:</p> <ol style="list-style-type: none"> 1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds. 2. Has a gross vehicle weight rating of 26,001 or more pounds. 3. Is designed to transport sixteen (16) or more passengers, including the driver. 4. Is of any size and is used in the transportation of materials found to be hazardous under law and require the motor vehicle to be placarded. <p>Covered driver means any district employee who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.</p> <p>Performing a safety sensitive function means a covered driver is considered to be performing a safety sensitive function during any period in which s/he is actually performing, ready to perform, or immediately available to perform any safety sensitive functions.</p> |
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| <p>49 CFR Sec. 382.107</p> | <p>Safety sensitive function means all time from the time a covered driver begins to work or is required to be in readiness to work until the time s/he is relieved from work and all responsibility for performing work. Safety sensitive functions shall include all time spent:</p> <ol style="list-style-type: none"> 1. At an employer terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer. 2. Inspecting equipment, servicing, or conditioning any commercial motor vehicle at any time. 3. At the driving controls of a commercial motor vehicle in operation. 4. Loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded. 5. Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. |
| <p>75 Pa. C.S.A. Sec. 102</p> | <p>School bus means a motor vehicle that is designed to carry eleven (11) passengers or more, including the driver and used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.</p> |
| <p>75 Pa. C.S.A. Sec. 102</p> | <p>School vehicle means a motor vehicle, except a motorcycle, designed for carrying no more than ten (10) passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to the school district. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children.</p> |
| <p>3. Authority 49 CFR Part 40, Part 382</p> | <p>The Board establishes that the district shall provide a program of drug and alcohol testing for covered drivers employed by the district that complies with federal regulations, Board policy, administrative regulations, and applicable collective bargaining agreement(s). The district's testing program shall include, at a minimum, the following tests:</p> |
| <p>49 CFR Sec. 382.301</p> | <ol style="list-style-type: none"> 1. Pre-employment testing. |

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| <p>49 CFR Sec. 382.303</p> | <p>2. Post-accident testing.</p> |
| <p>49 CFR Sec. 382.305</p> | <p>3. Random testing.</p> |
| <p>49 CFR Sec. 382.307</p> | <p>4. Reasonable suspicion testing.</p> |
| <p>49 CFR Sec. 40.305, 382.309</p> | <p>5. Return-to-duty testing.</p> |
| <p>49 CFR Sec. 382.311</p> | <p>6. Follow-up testing.</p> |
| <p>49 CFR Part 40, Part 382 Pol. 818</p> | <p>The Board establishes that all contracted transportation providers shall provide a program of drug and alcohol testing for covered drivers that complies with federal regulations. A statement ensuring such program shall be included in the contracted agreement.</p> |
| <p>4. Delegation of Responsibility</p> | <p>The Director of Transportation or designee shall be responsible for implementing this policy and coordinating the district's alcohol and controlled substance testing program.</p> <p>The Superintendent or designee shall develop administrative regulations necessary to implement this policy.</p> |
| <p>49 CFR Sec. 382.601</p> | <p>The Superintendent or designee shall develop and provide educational materials that explain the requirements of law, regulations, Board policy and administrative regulations with respect to controlled substance and alcohol prohibitions and testing requirements. These materials shall be distributed to each driver prior to the start of the school district's testing under this policy and to each driver subsequently hired or transferred into a covered driving position.</p> |
| <p>49 CFR Sec. 382.601</p> | <p>Covered drivers shall be required to sign a statement certifying that s/he has received a copy of this policy and related material(s). The district shall maintain the certification as a district record.</p> |

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| <p>5. Guidelines</p> <p>Title 67 Sec. 71.3 49 CFR Sec. 382.205, 382.213 Pol. 351</p> <p>49 CFR Sec. 382.207</p> <p>Title 67 Sec. 71.3</p> <p>49 CFR Sec. 382.213 382.215</p> <p>49 CFR Sec. 382.201</p> <p>75 Pa. C.S.A. Sec. 3802</p> | <p><u>Employee Prohibitions</u></p> <p>A school bus driver, school vehicle driver, or covered driver shall not consume alcohol or a controlled substance while operating a school bus, school vehicle, performing a safety sensitive function, or otherwise during the course and scope of employment.</p> <p>A covered driver shall not perform safety sensitive functions within four (4) hours after consuming alcohol.</p> <p>A school bus or school vehicle driver shall not consume alcohol or a controlled substance within eight (8) hours in advance of driving a school bus or school vehicle.</p> <p>A covered driver shall not report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses or tests positive for any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. A covered driver shall provide the district with written certification from the prescribing physician that the substance(s) will not adversely affect the driver's ability to safely operate a bus or motor vehicle.</p> <p>A covered driver shall not report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.04 or greater.</p> <p>A district employee may not drive, operate or be in actual physical control of the movement of a school bus or school vehicle under any of the following circumstances:</p> <ol style="list-style-type: none"> 1. After consuming a sufficient amount of alcohol such that the individual's alcohol concentration is 0.02 or greater within two (2) hours after the individual has driven, operated or been in actual physical control of a school bus or school vehicle. 2. After consuming a sufficient amount of alcohol such that the individual is rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle. |
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| <p>49 CFR Sec. 382.209</p> | <p>3. While under the influence of a controlled substance or combination of controlled substances, or the combined influence of alcohol and a controlled substance or substances.</p> <p>A covered driver required to take a post-accident alcohol test under this policy shall not use alcohol for eight (8) hours following the accident, or until s/he undergoes a post-accident alcohol test, whichever occurs first.</p> |
| <p>49 CFR Sec. 40.261, 382.211</p> | <p>A covered driver shall promptly report to and cooperate fully with all required testing and shall not refuse to submit to the following required tests:</p> <ol style="list-style-type: none"> 1. Post-accident alcohol or controlled substances test. 2. Random alcohol or controlled substances test. 3. Reasonable suspicion alcohol or controlled substances test. 4. Follow-up alcohol or controlled substances test. |
| <p>49 CFR Part 382</p> | <p>The district shall not permit a district employee to drive or operate a school bus, school vehicle, or commercial motor vehicle or perform or continue to perform a safety sensitive function if the district determines or has actual knowledge that a driver has violated any of the above prohibitions.</p> |
| <p>49 CFR Sec. 382.501, 382.503, 382.505 Pol. 317</p> | <p style="text-align: center;"><u>Consequences For Drivers Engaging In Prohibited Conduct</u></p> <p>Consistent with contractual and legal requirements, a determination shall be made as to the appropriate disciplinary action, if any, to be imposed upon any school bus driver, school vehicle driver, or covered driver who violates this policy. Nothing in this policy shall be construed to limit the authority of the school district to impose discipline, including discharge.</p> |
| <p>Pol. 304.3, 810</p> | <p style="text-align: center;"><u>Employment Of Covered Drivers</u></p> <p>In addition to other district employment requirements, no individual shall be hired as a covered driver or transferred into a covered driver position unless:</p> |
| <p>49 CFR Sec. 382.301</p> | <ol style="list-style-type: none"> 1. The candidate has undergone and passed pre-employment testing for alcohol and controlled substances. |

