

 Tucson, Arizona GOVERNING BOARD POLICY	POLICY TITLE: Drug and Alcohol Testing For Commercially Licensed Drivers
	POLICY CODE: EEAEAA

The District is committed to the establishment of a drug and alcohol misuse prevention program that meets or exceeds all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (Omnibus Act). All statements in this document will be interpreted so as to conform to the Department of Transportation rules.

Each employee of the district who is required to have a commercial driver’s license (CDL) for performance of job functions shall be prohibited from:

- Reporting for duty or remaining on duty to perform safety sensitive functions as defined in 49 CFR 382.107 while having an alcohol concentration of 0.04 or greater. [49 CFR 382.201][Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.]
- Being on duty or operating a commercial motor vehicle (school bus) while the driver possesses alcohol. This includes the possession of medicines containing alcohol (prescription or over-the-counter) unless the packaging seal is unbroken. [49 CFR 382.204]
- Using alcohol while performing safety sensitive functions[49 CFR 382.205]
- Performing safety sensitive functions within 8 hours after using alcohol. [49 CFR 382.207 and R17-9-102]
- Using alcohol within eight (8) hours following an accident or prior to undergoing a post accident, alcohol test whichever comes first. [49 CFR 382.299]
- Refusing to submit to an alcohol or controlled substance test as required under post accident, random, reasonable suspicion or follow-up testing requirements in DOT rules. [49 CFR 382.211]
- Reporting for duty or remaining on duty, requiring the performance of safety sensitive functions, when the driver uses any controlled substance except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver’s ability to safely operate a commercial motor vehicle. [49 CFR 382.301 *et seq.*]

- Reporting for duty, remaining on duty, or performing a safety-sensitive function if the driver tests positive for controlled substances. [49 CFR 382.215]

A driver will inform the supervising administrator of any therapeutic drug use. [49 CFR 382.215]

“Drugs” as used in this policy refers to controlled substances as covered by the Omnibus Act and to drugs circumscribed by the Arizona Revised Statutes, Title 13, Chapter 34.

All drivers shall be subject to preemployment/preduty drug and alcohol testing. All offers of employment shall be contingent upon the results of the preemployment testing. An applicant testing positive for alcohol or controlled substances will not be employed. [49 CFR 392.505]

Once employed, all drivers shall be subject to random, reasonable suspicion and post accident testing in accord with the Omnibus Act. If applicable, return to duty and follow up testing shall be required in accord with regulation of the Omnibus Act. [49 CFR 382.301 *et seq.*]

A CDL driver who refuses to submit to drug and alcohol testing or whose test results are positive may be disciplined in accordance with District policy up to and including being terminated from employment.

Each driver who engages in the conduct prohibited herein shall:

- Be advised of resources available to the driver evaluation and resolving problems associated with drug or alcohol use, including the names, addresses and telephone numbers of substance abuse professional and counseling and treatment programs.
- Be evaluated by a substance abuse professional, who shall determine what assistance, if any, the employee needs to resolve drug or alcohol problems.
- Before return to duty in a safety-sensitive position, undergo a return-to-duty alcohol test with a result indicating less than 0.02 or a substance test with a verified negative result.
- If identified as needing assistance by a substance abuse professional, be evaluated by a substance abuse professional to determine if that driver has properly followed any rehabilitation program prescribed, and be subject to unannounced follow-up test following return to duty in accord with federal regulations. [49 CFR 382.605]

The District shall assume the cost for the initial evaluation by a substance abuse professional to determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use. Evaluation and rehabilitation of the employee, if the employee is allowed to return to work in any position, shall be in accordance with 49 CFR 382.605 and by a substance abuse professional paid by the employee.

The School District shall assume the cost of drug and alcohol testing of CDL drivers. If the results of the test are positive, the School District may charge the cost of the test to the tested employee. The cost charged to the employee is limited to the actual costs incurred as a result of testing. If the results are negative, the School District shall not charge the costs of testing to the tested employee. [A.R.S. 15-513]

The Superintendent is responsible for supervision of the District Drug and Alcohol misuse prevention program. The Superintendent will develop procedures for the implementation of the program in compliance with the applicable provisions and regulations of the Omnibus Act and Arizona Revised Statutes.

Adopted: October 2, 2012

Reviewed:

Revised:

LEGAL REF: A.R.S. 15-513, 13-3402
49 U.S.C. 31306, (Omnibus Transportation Employee Testing Act
of 1991)
49 C.F.R. Part 40
49 C.F.R. Part 382
49 C.F.R. Part 395

CROSS REF: