

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: DRUG/ALCOHOL TESTING-
COVERED DRIVERS

ADOPTED: August 19, 2002

REVISED: December 15, 2008

810.1. DRUG/ALCOHOL TESTING - COVERED DRIVERS	
1. Purpose	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 an employee impaired by drugs or alcohol who operates district vehicles or transports students poses significant risks to the safety of students and others.
2. Definition	A covered driver shall include any school district employee who drives, operates or is in the actual physical control or movement of a school bus, school vehicle, or a commercial vehicle owned, leased or operated by the school district. The term includes drivers and mechanics who operate such vehicles, including full-time, regularly employed individuals; leased drivers; and independent owner-operator contractors who are directly employed by or under lease to the district or who operate a bus owned or leased by the district.
3. Authority Title 67 Sec. 71.3 49 CFR Sec. 382.305	The Board prohibits a covered driver from consuming alcohol or a controlled substance while operating a school bus or school vehicle or otherwise on duty.
75 Pa. C.S.A. Sec. 3802	The Board prohibits a covered driver from reporting for duty, driving, operating or being in the actual physical control of the movement of a school bus or school vehicle under the following circumstances: <ol style="list-style-type: none"> 1. 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.
Title 67 Sec. 71.3 49 CFR Sec. 3802.207 75 Pa. C.S.A. Sec. 3802 49 CFR Sec. 382.201	After consuming alcohol or a controlled substance within the previous eight (8) hours. <ol style="list-style-type: none"> 2. While having an alcohol concentration of 0.04 or greater OR after imbibing a sufficient amount of alcohol such that the individual's alcohol concentration is 0.02 or greater within two (2) hours after operating or being in actual physical control of a school bus or school vehicle.

75 Pa. C.S.A.
Sec. 3802

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3. After imbibing 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.
4. While using any drugs or testing positive for hemp. An exception shall be made for an employee who submits a physician's written statement that the prescribed substance will not adversely affect the employee's ability to safely operate a school bus or school vehicle.

The Board establishes that all contracted transportation providers shall provide a program of drug and alcohol testing for covered drivers. A statement ensuring such program shall be included in the contracted agreement.

4. Guidelines

Staff shall be required to undergo testing for drugs and alcohol, as required by law. In addition, the district shall may require covered drivers to submit to any of the following tests: pre-employment, when reasonable suspicion exists, at random, post-accident following any work-related motor vehicle accident crash, reasonable suspicion, upon return-to-work duty and as a follow-up measure after engaging in prohibited conduct that resulted in a positive drug or alcohol test result.

5. Delegation of Responsibility

Consistent with contractual and legal requirements, a determination shall be made as to the appropriate disciplinary action for a covered driver who violates Board policy or administrative regulations. Nothing in this policy shall limit the Board's authority to impose discipline, including discharge.

The Superintendent or designee shall develop administrative regulations to implement this policy and the requirements of law, which may include the following components:

Contracts with a qualified medical review officer and substance abuse professional and a certified laboratory.

Establishment of procedures for required testing of covered drivers.

Maintenance of the confidentiality of all aspects of the testing process.

Delegation of responsibility for monitoring employee compliance with the provisions of Board policy and administrative regulations.

Designation of an employee responsible for receiving and handling results of drug and alcohol tests.

Implementation of procedures for the preparation, maintenance, retention and

disclosure of records, as required by law.

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Distribution to affected employees of information and materials relevant to Board policies and administrative regulations regarding drug and alcohol testing.

References:

School Code – 24 P.S. Sec. 510

Department of Transportation Regulations – 67 PA Code Sec. 71.3

Driving Under the Influence – 75 Pa. C.S.A. Sec. 3802

Controlled Substance and Alcohol Testing, Title 49, Code of Federal Regulations – 49 CFR Part 382