

**MANDATORY DRUG AND ALCOHOL TESTING
- SCHOOL BUS DRIVERS AND CONTRACTED CARRIERS**

1. Statement of Policy

The School Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the vehicle.

This policy applies to two categories of drivers:

- a. school bus drivers (see RSA 189:13-b; 263:29 & 29-a);
- b. "contracted carriers": drivers of vehicles designed to transport 16 or more passengers, including the driver, which are contract carriers of passengers that have been contracted by the school (see RSA 376:2).

Each driver, as well as others who perform safety-sensitive functions with commercial vehicles that transport students, must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy related to the fitness for duty of transportation personnel.

The Superintendent/designee shall adopt and enact any procedures necessary or appropriate to assure compliance with applicable state and federal laws and regulations.

2. Medical Examination of School Bus Operators

In accordance with RSA 200:37, before employing any person as a school bus driver, directly or through a vendor, the District shall require that such persons submit a certificate signed by a licensed physician setting forth the physician's findings as a result of the examination to determine the physical condition of drivers in accordance with the requirements of 49 C.F.R. Part 391.41-391.49. Such certificate shall be submitted to the District prior to the commencement of such employment and the District shall retain a copy of such certification. Every 2 years thereafter, either prior to the commencement of the school year or prior to the reemployment of such persons as a school bus driver, the School District shall require submission of a like certificate, except that school bus operators attaining the age of 70 shall be required to undergo an annual examination and to submit a certificate annually. *This provision does not apply to contracted carriers.*

3. Certification

No person shall be employed as a school bus driver, directly or through a vendor, unless the person has received a School Bus Driver's Certificate from the NH Department of Motor Vehicles as required by RSA 263:29.

Contracted carriers shall comply with all applicable provisions of RSA 376:2, as well as have a valid commercial driver's license and operate a vehicle with a valid state inspection sticker.

4. Criminal Background Investigation

Before employing any person as a school bus driver, directly or through a vendor, or as a contracted carrier, the School District shall require a criminal background investigation as set forth in RSA 189:13-a and School District policy GBCD. For a school bus driver employed directly by or who volunteers for the District, then the employee will pay for the investigation. If the District contracts with a vendor to provide transportation services, either the vendor or the driver will pay for the investigation at the discretion of the vendor.

5. Mandatory Drug and Alcohol Testing

In compliance with the United States Department of Transportation's Title 49 Code of Federal Regulations, Part 391, all commercial driver's license holders and personnel performing safety-sensitive functions related

to the transportation of the students of this School District will be required to submit to drug and alcohol testing. Testing procedures and facilities used for the tests shall conform to the requirements of the 49 C.F.R. Part 40. The District and any transportation contractor transporting students on behalf of the District shall utilize the Drug and Alcohol Clearinghouse to comply with all requirements for drug and alcohol testing and reporting, in accordance with 49 C.F.R. Parts 382 and 391.

The term "CDL holder" means someone who is required as part of their job duties to hold a Commercial Driver's License. The term "safety-sensitive function" refers to all tasks associated with the operation and maintenance of commercial vehicles. A "commercial vehicle" is any vehicle capable of carrying 16 or more passengers including the driver.

If the School District employs the transportation personnel directly, the District will be responsible for ensuring compliance with the Mandatory Drug and Alcohol Testing requirements. If the School District contracts with a vendor to provide student transportation services, the vendor shall be the employer and provide assurance to the District on an annual basis that they are in compliance with the Mandatory Drug and Alcohol Testing requirements.

The Drug and Alcohol Testing will include pre-employment, random, reasonable suspicion and post-accident testing as defined by Department of Labor Regulations. The School District supports a zero tolerance policy related to substance abuse. Therefore any personnel who have a confirmed positive test for drugs or a confirmed alcohol concentration of 0.02 or greater will be terminated from employment.

Legal References:

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §5331
RSA 200:37, Medical Examination of School Bus Operators
RSA 263:29, School Bus Driver's Certificate
RSA 189:13-a, School Employee & Volunteer Background Investigations
RSA 376:2, VII, Motor Carriage of Passengers
49 C.F.R. § 40.1-40.13 (2001), Transportation Workplace Drug Testing Program
49 C.F.R. Part 382, Controlled Substances and Alcohol Use and Testing
49 C.F.R. Part 391, Qualifications of Drivers

~~In compliance with the United States Department of Transportation (49 CFR Part 40), school bus drivers are required to submit to drug and alcohol tests in accordance with the Rules and Regulations promulgated by that department.~~

~~The testing will be done by the Southern New Hampshire Regional Medical Center, at their Concord office on Pleasant Street; or by another equally qualified company selected by the District. The Center will review all mandatory drug testing including pre-employment, random, post-accident, reasonable suspicion, and return to duty. A laboratory certified by the Department of Health and Human Services will perform testing in compliance with the Department of Transportation regulations on the urine samples and delivered to them.~~

~~Random alcohol testing will be conducted at an annual rate of 10% of safety-sensitive positions and will be performed on National Highway Traffic Safety Administration (NHTSA) approved evidential breath testing device.~~

~~Random drug testing of employees will be done at an annual rate of 50% of the safety sensitive positions. Employee numbers will be drawn from a general pool to which the District belongs with a number of other statewide employers. Arrangements will be made with Southern New Hampshire Medical Center so that these employees will go directly for a urine test when their number is drawn. The test site facility will be informed of the names to be expected.~~

~~The employee will be required to submit to a reasonable suspicion drug and/or alcohol test if his/her supervisor suspects drug and/or alcohol use. Behaviors believed to be a result of drug and/or alcohol use must be observed directly by the supervisor.~~

~~A medical review officer (MRO) will review any employee test that is positive from the Center to determine if the test is confirmed positive. The MRO will refer all employees who have a confirmed positive test for drugs to a substance abuse professional (SAP). The breath alcohol technician (BAT) will refer any employee whose breath test is 0.04 or above to an SAP. Department of Transportation (DOT) regulations outline procedures dealing with employees who test 0.02 to 0.039. The employee must fulfill the SAP requirements and follow-up testing in order to continue in their safety sensitive position. The employee is responsible for these charges associated with SAP, drug/alcohol treatment, and follow-up testing.~~

~~Any employee who tests positive, meaning a concentration level of 0.02 or greater, will be subject to a second confirmation test. If the second test is also positive, the employee will be terminated from employment with the District.~~

~~The use, possession, sale, or transfer of illegal drugs, on or off the job, will be cause for termination. Refusal to participate in a drug screen or alcohol testing, whether selected randomly or for cause, will result in immediate termination.~~

~~All files on drug and alcohol testing are maintained by the Center. This information is strictly confidential. The District will be advised immediately if an employee fails the drug test or tests above 0.02 on breath alcohol measurement, and by mail for all negative tests.~~

~~I have received and understand the drug and alcohol testing policy of the District.~~

Bus Driver Signature: _____

Supervisor Signature: _____

Date: _____

CC: Personnel File

Statutory/Regulatory Reference:

49 C.F.R. 391.41-391.49

RSA 200:37

See Appendix: EEAEA-R

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