



Book	Policy Manual
Section	4000 PERSONNEL
Title	Drug and Alcohol Testing of School District Commercial Driver Licensed Employees
Code	BP 4021
Status	Active
Cross References	BP 3515 - School Safety and Security BP 4020 - Drug and Alcohol-Free Workplace BP 4158 - Employee Security BP 4358 - Employee Security BP 5144.1 - Suspension and Expulsion AR 4021 - Drug and Alcohol Testing of School District Commercial Driver Licensed Employees
Adopted	February 7, 2005

Purpose

The Superintendent or designee will establish and implement a drug and alcohol testing program for all School District personnel whose duties require them to hold a Commercial Driver's License (CDL). For the purposes of this policy, these drivers will hereafter be referred to as "driver."

The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of drugs and alcohol by drivers with CDLs. This program shall test drivers for improper use of drugs and alcohol, and shall include pre-employment, random, post-accident and return-to-duty testing. Improper use of drugs and alcohol consists of use that constitutes a criminal offense, or otherwise violates the regulations of the Department of Education.

Prohibited Conduct

No personnel employed by the School District as drivers of motorized vehicles shall report for, or remain on duty, when the driver has used any controlled substance, or has a prohibited concentration of alcohol in the driver's system. The only exception is when a driver has used a controlled substance pursuant to the instructions of a qualified physician who has advised the driver, in writing, that the substance does not adversely affect the driver's ability to safely operate a motorized vehicle for the transportation of students. The driver shall provide a copy of the physician's written advice to the driver's supervisor and the School District Human Resources Department prior to operating any motor vehicle for the School District.

Required Testing

Drivers shall be subject to pre-employment, pre-duty, reasonable suspicion, random, post-accident, return-to-duty, and follow-up alcohol and drug testing. Random alcohol testing shall be limited to the time period surrounding the performance of safety-related functions, which include just before or just after the employee performs the safety-related function for the District. Controlled substance testing may be performed at any time the driver is at work. An employee subject to this testing may not refuse to take a test when required.

Consequences for Failing or Refusing to Take a Required Test

A refusal to take a required test shall be considered in violation of the employee's contractual obligations to the District, and will constitute grounds for the employee's termination from employment with the District. If testing confirms presence of alcohol concentration above 0.01, or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions in accordance with law. The District may reassign the employee to non-safety-related functions until such time as the driver complies with the requirements for returning to duty.

The Board retains the authority, consistent with state and federal law, to discipline or discharge any driver who is alcohol or chemically dependent, and whose current use of alcohol or drugs impairs the employee's job qualifications or performance. Before a driver may be reinstated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation, and undergo a return-to-duty test with verified results.

Except as required by law or collective bargaining agreement, the District is not required to provide rehabilitation, pay for substance abuse treatment, nor to reinstate a driver who has failed a required drug or alcohol test. All employment decisions involving reassignment, reinstatement, termination or dismissal from employment shall be made in accordance with applicable District policies and procedures.

Records

The District shall keep and maintain testing records, and shall maintain the confidentiality of those records, in accordance with law. Testing records shall not be released without the written consent of the employee. The District shall not retain records of false positive test results in the employee's employment records.

Training

The District shall take steps to ensure that supervisors receive appropriate training to administer the District's drug and alcohol testing program, and employees receive the notifications required by law.

Legal Reference:

ALASKA STATUTES

AS 14.09.025 (Drug Testing for School Bus Drivers)

AS 17.38.120 Employers, driving, minors and control of property

FEDERAL LAW

Omnibus Transportation Employee Testing Act of 1991

The Drug-Free Workplace Act of 1989

The Drug-Free Schools and Communities Act of 1986, as amended

International Brotherhood of Teamsters v. Dept. of Transportation, 932 F.2d 1292 (1991).