

## SCHOOL BUS DRIVERS

### Eligibility for Employment

Any applicant for employment operating a school bus transporting pupils must

- a. have a physical examination of a scope prescribed by the Board of Education and furnish a form prescribed by the Board of Education showing the results of such examination
- b. furnish a statement or copy of records from the Department of Motor Vehicles showing that the applicant, within the preceding five years, has not been convicted of a charge of driving under the influence of alcohol or drugs, convicted of a charge of refusing to take a blood or breath test, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to Va. Code § 18.2-271.1 or, within the preceding 12 months, has not been convicted of two or more moving traffic violations or required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to Va. Code § 46.2-498
- c. furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character
- d. exhibit a license showing the person has successfully undertaken the examination prescribed by Va. Code § 46.2-339
- e. have reached the age of 18 on the first day of the school year
- f. submit to testing for alcohol and controlled substances as required by state and federal law and regulation

Persons for whom registration with the Sex Offender and Crimes Against Minors Registry is required are not eligible for employment as a school bus driver.

Persons hired as school bus drivers must annually furnish the documents listed in (a) and (b) above prior to the anniversary date of their employment as a condition of continued employment as a school bus operator.

The Tazewell County School Board requires proof of current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator as a condition of employment to operate a school bus transporting pupils.

### Drug and Alcohol Testing

The school division has a drug and alcohol testing program for school bus drivers and other employees who are required to hold a commercial driver's license (CDL) by U.S. Department of Transportation Regulations who perform safety-sensitive functions as required by federal and state law and regulations.

## Prohibited conduct

Drivers are prohibited from alcohol possession and/or use on the job, use during the four hours before performing safety-sensitive functions, having prohibited concentrations of alcohol in their systems while on duty or performing safety-sensitive functions, and use during eight hours following an accident or until after undergoing a post-accident alcohol test, whichever occurs first.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances except when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance does not adversely affect his ability to safely operate a commercial motor vehicle.

## Required testing

Drivers are subject to pre-employment/pre-duty drug testing, reasonable suspicion alcohol and drug testing, random alcohol and drug testing, post-accident alcohol and drug testing, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Any employee who refuses to submit to a test shall not perform or continue to perform safety-sensitive functions.

## Notification

Each driver receives educational materials that explain the requirements of federal law and regulations together with a copy of the division's policy and procedures for meeting these requirements. Each driver must sign a statement certifying that he/she has received a copy of the above materials and the division maintains this signed copy.

Before performing each alcohol or controlled substances test, the division will notify the driver that the test is required by federal law or regulation.

## Consequences if testing indicates drug or alcohol misuse

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-sensitive functions in accordance with the federal regulations. All drivers shall be advised of resources available and before a driver is re-instated, 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 negative urine sample.

## Record retention

The division maintains records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, the division may obtain any of the

information concerning drug and alcohol testing from the driver's previous employer. A driver is entitled upon written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

#### Test procedure

The division administers alcohol and controlled substance tests in accordance with federal laws.

Adopted: May 14, 2018

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Legal Refs.: 49 U.S.C. § 31136.

49 C.F.R. §§ 382.105, 382.113, 382.201, 382.205, 382.207, 382.213, 382.217, 382.301, 382.303, 382.401, 382.405, 382.601, 382.605.

Code of Virginia, 1950, as amended, §§ 22.1-178, 46.2-339, 46.2-340.

Cross Ref.: GBEA                      Unlawful Manufacture, Distribution, Dispensing,  
Possession or Use of a Controlled Substance

## PERSONNEL

CDL Drug and Alcohol Testing

Beginning on January 1 of 1995, all of Tazewell County Public School Employees who are required to have a Commercial Driver's License (CDL) including, but not limited to: drivers of school buses and activity buses, mechanics, maintenance, substitute bus drivers, coaches and sponsors, who operate a commercial class vehicle must be tested for drugs and alcohol on the following bases:

A. Pre-employment

1. Before a driver operates a vehicle for the Tazewell County School Board for the first time, he or she must undergo drug and alcohol testing. The results must show an alcohol concentration of less than .04 percent and a negative drug test result.
2. The Tazewell County School Board will obtain the driver's consent to obtain test results from previous employers who require drug testing within two weeks of beginning employment and will obtain such results, if applicable, before the driver operates a vehicle for the School Board.
3. New employees will receive a copy of the "CDL Drug and Alcohol Testing Policy" at the time that they are hired and will be asked to sign a statement indicating receipt of this policy.

B. Post-accident

1. All CDL drivers involved in accidents in which they were operating a school board vehicle will be tested for both alcohol and drugs.
2. Alcohol tests will be administered within two hours of the accident, if possible, and no later than eight hours after the accident.
3. Drug tests will be performed within 32 hours of the accident.
4. If the tests are not performed, the Tazewell County School Board will maintain a record of the reasons the tests were not promptly performed.
5. Involved drivers must remain available for testing or otherwise be deemed to have refused to submit to testing. Injured drivers will be tested at the hospital to which they are taken.

C. Random Testing

1. All employees requiring a CDL license and operating school board vehicles will be subject to unannounced random alcohol and drug tests on dates spread through the calendar year.
2. Fifty percent or more of the affected employees will be tested each year for drugs.

3. Twenty-five percent or more of the affected employees will be tested each year for alcohol.

D. Reasonable Suspicion Testing

1. Drivers will be tested when there is a reasonable suspicion of drug or alcohol use. Reasonable suspicion will be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. These observations will be made by a supervisor of school board employee who has received two hours of training on the indicators of alcohol misuse and indicators of drug use.
2. Principals and supervisors will receive two hours of training in physical, behavioral, speech, and performance indicators of alcohol misuse and indicators of drug use.

E. Return-to-duty Testing

Before a driver who has violated this policy can return to duty, he or she must undergo alcohol or drug testing, obtaining a negative result in the drug test and alcohol concentration of less than .02 percent in the alcohol test. The Return-To-Duty Test must be conducted at the employee's expense.

F. Follow-up Testing

A driver who has been determined under the rule to be in need of help in resolving problems associated with alcohol or drug abuse and has entered into or completed a treatment program is subject to unannounced follow-up testing as directed by a certified substance abuse professional.

G. Testing

1. A split specimen urinalysis will be conducted for drug detection. Forty-five ml of urine will be used. It will be split with 30 ml being used for the primary specimen and 15 ml for the split specimen. The split specimen will be made available if the employee wants to request a second test, at his or her own expense, after being informed of a verified positive test. Test will be performed for marijuana, cocaine, opiates, Phencyclidine (PCP), and amphetamines.
2. An Evidential Breath Test using an EBT device operated by a trained Breath Alcohol Technician will be used to test for alcohol.
3. The results of controlled substance testing will be reviewed by a Medical Review Officer, who is a licensed physician with a knowledge of substance abuse disorders. This Medical Review Officer will not be employed by, nor be a part of the laboratory performing the tests. The Medical Review Officer will contact the employee about positive or suspicious negative results to find out if there are prescription drugs

involved. If the Medical Review Officer cannot contact the employee, he or she will contact the Director of Transportation and he will instruct the employee that he or she must contact the Medical Review Officer before returning to duty. The employee cannot continue to drive a Tazewell County School Board vehicle unless an investigation by the Medical Review Officer has proven the test result to be caused by legitimate medical treatment. The final results of the test will be reported to the Tazewell County School Board.

H. Unacceptable Test Results

1. A positive test for drugs described herein.
2. An alcohol level of .04 percent or greater.
3. An alcohol level of .02 percent or greater on a Return-to-Work-Test.

Consequences

1. CDL employees who test positive must be evaluated by a Substance Abuse Professional certified by the National Association of Alcoholism and Drug Abuse Counselors and complete the program of treatment recommended by this professional.
2. CDL employees testing positive for drugs; testing at or greater than .04 percent alcohol level; exhibiting reasonably suspicious behavior of using alcohol within four hours before driving a school board vehicle, using alcohol on the job, or using alcohol during the 8-hour period immediately following an accident; or refusing to submit to testing will be prohibited from operating any school board vehicle until such time that the employee has been evaluated by a Certified Substance Abuse Professional and has enrolled in or completed the recommended program of treatment for alcohol or controlled substance abuse problems.
3. CDL employees testing between .02 and .04 percent alcohol level will not be allowed to operate a school board vehicle for eight hours after the test.
4. CDL employees who have tested positive and completed recommended treatment programs for alcohol abuse must have an alcohol level of below .02 before they can return to work. All Return-To-Duty Follow-Up tests will be at the expense of the employee.
5. CDL employees who have tested positive for drugs and have completed recommended treatment programs for drug abuse must have a negative drug test before they can return to work.
6. CDL employees possessing alcohol or illegal drugs on the job; having an alcohol concentration of .04 percent or greater or a positive drug test; having been proven to be using alcohol or illegal controlled substances while driving a school

board vehicle; having been proven to have used alcohol within four hours before driving a school board vehicle; having been proven to have used alcohol within two hours after an accident or illegal controlled substances within eight hours after an accident; or refusing to participate in recommended treatment may be placed on probation, be suspended without pay, or be terminated.

I. Employee Assistance Program (EAP)

The School Board Employee Assistance Program shall include:

- a) education and training for employees regarding drugs and alcohol;
- b) education and training for supervisors regarding drugs and alcohol, including:
  - 1) effects and consequences of substance use on personal health, safety and work
  - 2) manifestations and behavioral causes that may indicated substance use, and
  - 3) documentation of training provided

J. Documentation

1. Observations of behavior that constitutes reasonable suspicion will be recorded in writing within twenty-four hours of the occurrence. The documentation will be dated and signed by the observer.
2. The Tazewell County School Board will maintain a summary of annual testing results and other information, including monthly positive and negative reports with substances detected, and all chain-of-custody forms, which will be made available to the Federal Highway Administration upon request.
3. The signed statements of all CDL employees indicating their receipt of the CDL Drug and Alcohol Testing Policy will be placed in their personnel files.
4. A record will be kept of training in recognizing signs of drug and alcohol abuse that is provided for supervisors and principals, and for training that is provided for CDL employees.

K. Training

1. Training on how drugs and alcohol might affect them and the work environment will be provided for all CDL employees. Copies of the CDL Drug and Alcohol Testing Policy will be distributed to them and they will be asked to sign a form indicating that they have received this policy.
2. Training on how to recognize signs of alcohol and drug abuse and how to recognize behavioral changes in employees who might be abusing drugs or alcohol will be provided for all supervisors and principals.

PERSONNEL

CDL Drug and Alcohol Testing

TAZEWELL COUNTY SCHOOL BOARD

Policy Consent / Release Form

I have read the Tazewell County School Board's CDL Drug and Alcohol Testing Policy (GDQ-R) and agree to abide by the School Board's drug and alcohol rules. I agree to submit to drug and alcohol tests at any time as a condition for my initial or continued employment. I authorize any laboratory or medical provider to release test results to Tazewell County School Board and its Medical Review Officer.

I expressly authorize Tazewell County School Board or its MRO to release any test-related information, including positive results, to the Virginia Employment Commission and/or other government agency investigating my employment or the termination thereof.

I understand that this agreement in no way limits my right to terminate my employment or be terminated in accordance with federal and state laws.

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Employee

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Date

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Manager of Transportation  
Tazewell County Public Schools

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Date