

POLICY D 4R

BURLINGTON SCHOOL DISTRICT

D 4R: MANDATORY DRUG & ALCOHOL PROHIBITION AND TESTING POLICY: TRANSPORTATION EMPLOYEES

Former Policy GBECA

The School District will comply with the federal law, Vehicle and Driver Programs, Alcohol and Controlled Substance Testing ("Testing Act"). The superintendent or his designee will implement procedures to conduct alcohol and drug tests for all safety sensitive transportation employees as required by the Testing Act and maintain appropriate records thereof.

Specific Categories of Employees Subject to Testing

This Policy applies to safety sensitive transportation employees ("Transportation Employees"). Transportation Employees are those employees holding commercial drivers' licenses who operate vehicles which may only be operated by holders of commercial drivers' licenses, or those who perform other safety sensitive functions as defined in federal regulations, "Safety sensitive functions" include, but are not limited to, driving vehicles, loading vehicles, inspecting vehicles, being present in vehicles, repairing vehicles, or obtaining repairs for vehicles.

Prohibition of Drug Use and Alcohol Use And/Or Possession.

Alcohol

No Transportation Employee shall use alcohol¹ within four (4) hours prior to performing safety-sensitive functions, nor will the District permit Transportation Employees to perform safety-sensitive functions if the District knows of the alcohol use.

A Transportation Employee shall not perform driving functions within 24 hours of a test showing the alcohol concentrations above 0.

No Transportation Employee shall report for duty or remain on duty if he/she has an alcohol concentration in his or her blood greater than zero (0). If the District has knowledge that the Transportation Employee has an alcohol concentration greater than zero (0), then the District shall not knowingly permit the Transportation Employee to perform safety-sensitive functions.

¹ Federal regulations presently prohibit the performance of safety sensitive functions while having an alcohol concentration of 0.04 or greater as indicated by an alcohol breath test, while using alcohol, or within four hours after using alcohol. The performance of driving functions is prohibited within 24 hours of a test showing the alcohol concentrations between 0.02 and 0.04. above 0. The District prohibits all alcohol use.

A Transportation Employee shall not possess alcohol or use alcohol while on duty, nor will the District knowingly permit a Transportation Employee to perform safety-sensitive functions while he or she has alcohol in his or her possession or is using alcohol.

A Transportation Employee who is involved in a driving accident shall not consume alcohol for eight (8) hours following the accident or before the Employee undergoes a post-accident alcohol test, whichever occurs first.

Controlled Substances

Transportation Employees must inform their supervisor of any therapeutic use of controlled substances.

No Transportation Employee shall report for duty or remain on duty which requires the performance of safety-sensitive functions if the Employee is using any controlled substance, except if the use of the controlled substance is pursuant to the instructions of a physician who has advised the Transportation Employee that the substance will not adversely effect the Employee's ability to safely operate a motor vehicle. If the District knows that the Transportation Employee is using an unauthorized controlled substance, the District shall not permit the driver to perform or continue to perform safety-sensitive functions.

Definitions: For the purposes of this Policy, the following definitions will be applicable:

Alcohol - means the intoxicating beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol use - means the consumption of any beverage, mixture or preparation including any medication including alcohol.

Controlled substance - marijuana, cocaine, opiates, amphetamines, and phencyclidine.

Medical Review Officer (MRO) - licensed physician responsible for receiving laboratory results generated by the District's testing program, and appropriately trained regarding substance abuse tests and disorders.

Where to Go for More Information About the Program

Information about the District's drug and controlled substance alcohol testing programs may be obtained by contacting the superintendent's office, whose address is 150 Colchester Avenue and whose phone number is 802-864-8474.

Why an Employee Will Be Tested

Pursuant to the Testing Act, Transportation Employees must be tested for the use of controlled substances and alcohol which is in violation of this Policy.

When an Employee Will Be Tested

Employees will be tested as follows:

1. Pre-employment Tests: Prior to actually performing safety sensitive functions for the first time, Transportation Employees shall undergo and test negative for alcohol and controlled substances. Employees will also be tested prior to transferring from a non-safety-sensitive position to a safety-sensitive position.
2. Post-accident Tests: Transportation Employees driving a commercial vehicle involved in an accident shall be tested for alcohol and controlled substances as soon as reasonably possible after the accident. Said employees shall make themselves available for such tests.
3. Reasonable Suspicion Tests: Tests for alcohol and/or controlled substances will be conducted when a trained supervisor makes specific, articulate and contemporaneous observations of behavior or appearance that creates a reasonable suspicion that the employee is using alcohol or a controlled substance.
4. Random Tests: Tests for alcohol and controlled substances will be conducted on an unannounced basis just before, during or just after performance of safety-sensitive functions throughout the year. Upon selection for random testing, the Transportation Employee shall proceed to the test site immediately.
5. Return to duty and follow-up tests: A Transportation Employee who has violated this Policy must test negative for alcohol and controlled substances before he/she is permitted to return to performing safety-sensitive duties. Follow-up tests will be unannounced and at least 6 tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

Refusal to Take Tests

Refusal to submit to testing as required by this Policy, including failure to be available for testing, will constitute a verified controlled substance or positive alcohol test result. An employee who refuses a required test will be subject to the same sanctions as an employee who tests positively for controlled substance or alcohol use.

Test Results

If the MRO determines that the verified result of a controlled substance test of Transportation Employee's random, reasonable suspicion or post-accident test is positive, the Officer shall notify said employee of the result, state the controlled substance found and determine if its use was authorized prior to contacting the District. If the MRO cannot make contact with that employee, the MRO shall contact the District and the District shall make reasonable efforts to contact the employee and inform him to contact the MRO as soon as possible to discuss the test results.

Once the District is informed of a verified positive test result, the District must inform the Transportation Employee of the positive result and the identified controlled substance.

If a test result for alcohol use is positive, the Medical Review Officer must inform the District immediately.

Consequences of Positive Alcohol Test Results

Transportation Employees who test positively for alcohol use in violation of this Policy will, at a minimum, be immediately removed from safety-sensitive functions. Such employees will not be returned to safety-sensitive duties until they have been evaluated by a substance abuse professional designated by the District and have complied with any treatment recommendations to assist them with an alcohol problem. In addition, Transportation Employees who engage in prohibited alcohol conduct may be subject to further disciplinary action, up to and including dismissal as permitted by law.

Consequences of Positive Controlled Substance Test Results

If a Transportation Employee tests positive for controlled substance use, an MRO will interview the employee to determine whether the positive test resulted from the authorized use of a controlled substance. If the positive test result is caused by the authorized use of a controlled substance, the employee will not be removed from the safety-sensitive position, if the MRO determines that the substance will not adversely affect the employee's ability to perform safety sensitive functions. If the use of the controlled substance was not authorized, the MRO shall report the result to the District and the employee shall be immediately removed from safety-sensitive duties until he/she has been evaluated by a substance abuse professional designated by the district or a MRO, has complied with rehabilitation recommendations, and has a negative result on a return to duty test.

If such employee refuses to participate and/or satisfactorily completes in a rehabilitation program, or completes a rehabilitation program, returns to work and subsequently tests positive again, he or she may be terminated. An employee may be suspended for up to 3 months while participating in a rehabilitation program.

Follow up testing will be conducted to monitor the returned employee's continued abstinence from controlled substance use. In addition, employees who engaged in the unauthorized use of controlled substances may be subject to disciplinary action, up to and including dismissal.

Employee Education Programs

The superintendent or his designee will provide information and educational materials to Transportation Employees and their supervisors on the consequences of drug and alcohol abuse and treatment resources in accord with the requirements of the Testing Act. At a minimum, supervisors of Transportation Employees will annually be required to attend at least one hour of training on the signs and symptoms of controlled substance use and an additional hour on the signs and symptoms of alcohol abuse.

Rehabilitation and Treatment Programs

Under the parameters of the District offered health plan, the District will pay for the rehabilitation and treatment of an employee who has tested positive for drug or alcohol use as treatment is made a precondition of that employee's continued employment or return to a safety-sensitive position.

Cost of Testing

The District will pay for tests required by the Testing Act or this Policy.

Dissemination of Policy and Procedures

Each employee covered by this Policy, and a representative of the recognized, local employee organization representing each employee, will be provided with written notice of the District's anti-drug and anti-alcohol policies and procedures. Transportation Employees shall be required to sign a certificate of receipt indicating they received this Policy and related materials.

Date Policy Considered: April 9, 1996 and May 14, 1996

Date Policy Adopted: May 14, 1996

Legal Authority:

49 U.S.C. § 31306, Alcohol and Controlled Substance Testing

49 C.F.R. Part §§ 40, 382 (10-1-94), Controlled Substance and Alcohol Use Testing.

21 V.S.A. Subchapter 11, Drug Testing.