# Draft 3/4/19

# TRANSPORTATION AA06.221

Bus Drivers' Use of Tobacco and Other Substances

Drug/Alcohol Testing Program

The District shall administer a controlled substance and alcohol use and testing program in accordance with 702 KAR 5:030 and other applicable laws and regulations.

The controlled substances and alcohol testing program shall be administered in accordance with the policy and the program procedures which are incorporated by reference.

Use of Tobacco Prohibited

Tobacco use, including alternative nicotine products and vapor products as defined by KRS 438.305, is prohibited twenty-four (24) hours a day, seven (7) days a week, inside Board-owned buildings or vehicles, on school owned property, and during school-related student trips.

Definitions

The following definitions apply for purposes of drug and alcohol testing required by federal and state law:

"Drugs" refers to controlled substances as prohibited by the Omnibus Act, including but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

"Alcohol" refers to the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including but not limited to, methyl and isopropyl. Alcohol use includes the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

Required Reports

* Drivers taking medication either by prescription or without prescription shall report to the immediate supervisor and shall not drive if that medication may affect the driver's ability to safely drive a school bus or perform other driver responsibilities.2
* Drivers shall immediately report to the Superintendent or designee any traffic violation specified in Kentucky Administration Regulation.2

Testing

Drivers found under the influence of alcohol or any illegal drugs while on duty or with remaining driving responsibilities that same day shall be dismissed from employment in accordance with Kentucky Administrative Regulation and Board policy and shall not be eligible for reemployment for five (5) years.

Applicants who refuse drug testing shall not be considered for employment. Current employees including bus drivers, substitute drivers, school bus mechanics or anyone performing safety-sensitive pupil transportation duties who test positive for controlled substances or who test 0.02 percent or higher on the confirmation alcohol test immediately before, during or immediately following the performance of these duties shall be relieved of these duties immediately after all mitigating factors are eliminated. Current employees who refuse to comply with testing requirements will be regarded as insubordinate and shall be subject to disciplinary action, up to and including dismissal.

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Testing (continued)

Refusal to submit to an alcohol or controlled substance test means that the individual demonstrated noncompliance, including but not limited to the following actions:

* Failed to appear for any test within a reasonable period of time as determined by the employer and consistent with applicable Department of Transportation agency regulation;
* Failed to remain at the testing site until the testing process was completed;
* Failed to provide a sample specimen for any required test;
* Failed to provide a sample in an amount sufficient for testing without an adequate medical reason for the failure;
* Failed to undergo a medical examination as directed by the Medical Review Officer as part of the verification process for the previous listed reason;
* Failed or declined to submit to a second test that the employer or collector has directed the driver to take;
* Failed to cooperate with any of the testing process; and/or
* Adulterated or substituted a test result as reported by the Medical Review Officer.

Testing Costs

All controlled substance and alcohol testing costs shall be paid for by the school district.

Notification

Employees occupying safety sensitive positions shall immediately report to the superintendent or designee any revocation of their driver's license or conviction for driving under the influence of alcohol or controlled substances or reckless driving.

Materials to be Provided

The Superintendent/designee shall distribute educational materials to explain state and federal legal requirements for alcohol and controlled substance testing of CDL drivers and the District’s policies and procedures to implement it and answer questions about the materials.

Materials shall meet content requirements of state and federal regulations and shall be distributed to each driver prior to the start of alcohol and controlled substances testing each year and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle. Each employee is required to sign a statement certifying that s/he has received a copy of these materials. If the District recognizes an organization to represent bus drivers, the District shall provide written notice to representatives of the organization of the availability of this information.1

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References:

149 C.F.R. Part 382

2702 KAR 5:080

KRS 438.050; KRS 438.305

Omnibus Employee Testing Act of 1991, Public Law 102-143, Title V

Related Policies:

03.11, 03.13251, 03.17, 03.21, 03.23251, 03.27