

405.4 DRUG AND ALCOHOL TESTING PROGRAM

Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate the school vehicle and the school vehicle weighs twenty-six thousand one pounds or more, or the school vehicle transports sixteen or more persons including the driver. For purposes of the drug and alcohol testing program, the term "employees" includes applicants who have been offered a position to operate a school vehicle.

The employees operating a school vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion, and post-accident drug, and alcohol testing. Employees operating school vehicles shall not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy shall be subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol testing program may contact the district contact person, the Director of Human Resources.

Employees who violate the terms of this policy may be subject to discipline up to and including discharge. The district is required to keep a record of all drug or alcohol violations by employees for a minimum of five years. Employees are put on notice that information related to drug or alcohol violations will be reported to the Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse. Additionally, the district will conduct FMCSA Clearinghouse queries for employees annually. Employees must provide written consent for the district to conduct FMCSA Clearinghouse queries; however, employees who choose to withhold consent will be prohibited from performing any safety sensitive functions.

Employees who violate this policy may be required to successfully participate in a substance abuse evaluation and, if recommended, a substance abuse treatment program. Employees required to participate in, and who fail to or refuse to successfully participate in, a substance evaluation or a recommended substance abuse treatment program may be subject to progressive discipline up to and including discharge. A second violation of this policy will result in termination.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy in compliance with the law. Applicants will be informed of the requirement for drug and alcohol testing in notices or advertisements.

The superintendent shall be responsible for publication and dissemination of this policy and its supporting administrative regulations to employees operating school vehicles. The superintendent shall also oversee a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment resources and programs.

LEGAL REF: American Trucking Association, Inc., v. Federal Highway Administration, 51 Fed. 3rd 405 Cir. (4th 1995). 49 U.S.C. §§ 5331 et seq. 42 U.S.C. §§ 12101. 41 U.S.C. §§ 81. 49 C.F.R. Pt. 40; 382; 391. 34 C.F.R. Pt. 85. Local 301, Internat'l Assoc. of Fire Fighters, AFL-CIO, and City of Burlington, PERB No. 3876 (3-26-91). Iowa Code §§ 124; 279.8; 321.375(2); 730.5.